

San Bernardino Municipal Code

TABLE OF CONTENTS

CHARTER:

THE CHARTER of the
CITY OF SAN BERNARDINO, CALIFORNIA

INDEX FOR CHARTER

TITLES:

Title 1	GENERAL PROVISIONS
Title 2	ADMINISTRATION AND PERSONNEL
Title 3	REVENUE AND FINANCE
Title 5	BUSINESS REGISTRATION AND REGULATIONS
Title 6	ANIMALS
Title 8	HEALTH AND SAFETY
Title 9	PUBLIC PEACE, MORALS AND WELFARE
Title 10	VEHICLES AND TRAFFIC
Title 12	STREETS, SIDEWALKS AND PUBLIC PLACES
Title 13	PUBLIC UTILITIES

Title 14	FRANCHISES
Title 15	BUILDINGS AND CONSTRUCTION
Title 16	SIGNS
Title 17	ENVIRONMENTAL PROTECTION
Title 19	LAND USE/SUBDIVISION REGULATIONS
	INDEX

**The Charter of the
City of San Bernardino, California**



Approved at Special Municipal Election on November 8, 2016

Adopted by the Mayor and City Council on December 19, 2016

Table of Contents

PREAMBLE

ARTICLE I: NAME, BOUNDARIES, POWERS, RIGHTS AND SUCCESSION, INTERGOVERNMENTAL RELATIONS

Section 100	Name and Boundaries
Section 101	Powers of the City
Section 102	Interpretation of Powers
Section 103	Rights and Succession
Section 104	Intergovernmental Relations

ARTICLE II: FORM OF GOVERNMENT

Section 200	Form of Government
-------------	--------------------

ARTICLE III: CITY COUNCIL AND MAYOR

Section 300	General Powers and Duties
Section 301	Composition, Eligibility, and Terms
Section 302	Powers and Duties of the Council
Section 303	Powers and Duties of the Mayor
Section 304	Manners of Action
Section 305	Compensation; Expenses
Section 306	Prohibitions
Section 307	Vacancies; Filling of Vacancies
Section 308	Judge of Qualifications
Section 309	Council Organization, Meetings and Rules of Order

ARTICLE IV: CITY MANAGER

Section 400	City Manager Appointment, Qualifications and Compensation
Section 401	Powers and Duties

[\[Return to Municipal Code Contents\]](#)

ARTICLE V: DEPARTMENTS, SERVICES, OFFICERS AND EMPLOYEES

Section 501	General Provisions
Section 502	Direction by City Manager
Section 503	Continuation of Departments
Section 504	City Attorney
Section 505	City Clerk
Section 506	Departmental Administrators; Appointive Powers
Section 507	Services
Section 508	Personnel System
Section 509	Official Bonds

ARTICLE VI: BOARDS, COMMISSIONS AND COMMITTEES

Section 600	General Provisions
Section 601	Appointment, Removal, Terms of Office and Procedural Rules
Section 602	Library
Section 603	Water and Wastewater
Section 604	Personnel Commission

ARTICLE VII: FINANCIAL MANAGEMENT

Section 700	Fiscal Year
Section 701	Submission of Budget and Budget Message
Section 702	Budget and Capital Improvement Program
Section 703	Council Action on the Budget and Capital Improvement Plan
Section 704	Independent Audit

ARTICLE VIII: ELECTIONS

Section 800	City Elections
Section 801	Elective Officers; Terms
Section 802	Number of Wards

[\[Return to Municipal Code Contents\]](#)

[\[Return to Charter Contents\]](#)

ARTICLE IX: INITIATIVE, CITIZEN REFERENDUM AND RECALL

Section 900 Initiative, Citizen Referendum and Recall

ARTICLE X: CHARTER AMENDMENTS

Section 1000 Charter Amendments

Section 1001 Periodic Review of Charter

ARTICLE XI: SEVERABILITY

Section 1100 Severability

**CHARTER
of the
CITY OF SAN BERNARDINO
STATE OF CALIFORNIA**

PREAMBLE

We, the people of the City of San Bernardino, in order to secure the benefits of home rule and a council-manager form of government, hereby adopt this Charter.

**ARTICLE 1:
NAME, BOUNDARIES, POWERS, RIGHTS AND SUCCESSION,
INTERGOVERNMENTAL RELATIONS**

Section 100. Name and Boundaries

The City of San Bernardino, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of San Bernardino." The boundaries of the City shall be as now established until changed in the manner authorized by law.

Section 101. Powers of the City

The City shall have all powers possible for a city to have under the constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter.

Section 102. Interpretation of Powers

The powers of the City under this Charter shall be construed in favor of the City, and the specific mention of particular powers in the Charter shall not be interpreted as limiting in any way the general power granted in this article.

Section 103. Rights and Succession

The City shall continue to own, possess and control all rights and property of every kind and nature, owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all of its debts, obligations and liabilities.

All ordinances, codes, resolutions, rules, regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent with this Charter, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided by this Charter.

[Return to Municipal Code Contents]

Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as provided in this Charter.

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

Section 104. Intergovernmental Relations

The City may participate by contract or otherwise with any governmental entity of this state or any other state or states in the United States in the performance of any activity, which one or more of such entities has the authority to undertake, to the maximum extent permitted by applicable law.

ARTICLE II: FORM OF GOVERNMENT

Section 200. Form of Government

The municipal government established by this Charter is the council-manager form of government.

ARTICLE III: CITY COUNCIL AND MAYOR

Section 300. General Powers and Duties

All powers of the City shall be vested in the City Council ("Council"), and to the extent provided in this Charter, the Mayor. The Council shall provide for the exercise and performance of all duties and obligations imposed on the City by State and Federal laws.

Except as otherwise required by law, the role of the Council is legislative, which includes the power to set policy, approve contracts and agreements, and undertake other obligations consistent with this Charter and the City's Municipal Code, while deferring to the discretion of management to choose the appropriate means to achieve the Council's goals.

Section 301. Composition, Eligibility, and Terms

- (a) **Composition.** The Council shall be composed of seven (7) Council members. The term "Council," "legislative body," or other similar terms as used in this Charter or any other provisions of law shall be deemed to refer to the collective body composed of the Council members.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Charter Contents\]](#)

- (b) Eligibility. Only registered voters of the City shall be eligible to hold the office of Council member or Mayor. Those elected shall have been qualified electors and residents of their respective wards for a period of at least thirty (30) consecutive days immediately preceding the date of filing their nomination papers for the office.

Section 302. Powers and Duties of the Council

The Council, in collaboration with the Mayor, shall ensure fundamental municipal services are provided to protect and promote public health, safety, and welfare. The Council and Mayor shall operate together to serve the best interests of the City.

The Council, in collaboration with the Mayor, will develop and implement a Code of Conduct to guide and direct their interactions and duties, including measures to hold one another accountable for deviations from the goals and principles set forth in this Charter and the City Code of Conduct.

The Council, in collaboration with the Mayor, shall create and implement a plan to maintain the City's fiscal integrity.

Each Council member shall be entitled to vote on all matters coming before the Council. The Council shall have the power to override any veto of the Mayor by a vote of five (5) or more Council members.

The Council shall select a Mayor Pro Tempore from one of its own members. In the event of a temporary absence from the City, illness, or any other cause that makes the Mayor temporarily unable to perform the duties of his or her office, the Mayor Pro Tempore shall have all powers and authority that the Mayor would have possessed if present to perform his or her duties.

However, the Mayor Pro Tempore may not cast an additional vote in the event of a tie or exercise veto powers over Council action, but may continue to exercise his or her vote as a Council member.

Section 303. Powers and Duties of the Mayor

The Mayor shall have the following powers and perform the following duties, in addition to others as specified in this Charter:

- (a) Attend and preside at meetings of the Council and may participate fully in all discussions, but shall not be entitled to vote except in the event of a tie, to veto a matter, and as otherwise provided in this Charter;
- (b) Have the authority to veto any Council action approved by fewer than five (5) members of the Council;

- (c) Shall participate in the vote (1) to appoint or remove the City Manager, City Attorney and City Clerk and fix their compensation and (2) to appoint or remove members of boards, commissions or committees, except committees made up wholly of less than a majority of City Council members;
- (d) Appoint the members and officers of Council committees (committees made up wholly of less than a majority of City Council members), and perform other duties as specified by the Council;
- (e) Be recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law;
- (f) Be the chief spokesperson for the City; and
- (g) Represent the City in intergovernmental relations and establish and maintain partnerships and regional leadership roles to advance the City's interest; and may delegate such roles to other members of the Council; and
- (h) Execute all ordinances, resolutions and contracts approved by the City Council except as otherwise authorized by the City Council.

The Mayor shall have no administrative, appointment or removal powers except as otherwise provided in this Charter.

The office of Mayor shall be a full-time position and the incumbent shall not engage in any business, professional or occupational activities that interfere with the discharge of the duties of the office.

Section 304. Manners of Action

Actions of the Council require a simple majority vote of the quorum present for approval unless:

- (a) Otherwise required for charter cities under State or Federal law; or
- (b) Required by this Charter to be approved by at least five affirmative votes of the Mayor and members of the Council.

Section 305. Compensation; Expenses

Compensation for the Mayor and Council members shall be established by ordinance following a public hearing, giving due consideration to the recommendations of an advisory commission charged with the periodic review of compensation for City-elected officials. Compensation for the Mayor shall be commensurate with that for a full-time position.

[Return to Municipal Code Contents]

[Return to Charter Contents]

No ordinance increasing such salaries shall become effective until the date of commencement of the terms of Council members elected at the next regular election. The Mayor and Council members shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties of office.

Section 306. Prohibitions

- (a) **Holding Other Office.** No Mayor or Council member shall hold any other City office or City employment during the term for which he or she was elected. No former Mayor or Council member shall hold any compensated appointive office or employment with the City until one (1) year after the expiration of the term for which he or she was elected.
- (b) **Conflict of Interest.** Elected and appointed officials shall adhere to conflict of interest codes as established by State law and/or City ordinance.
- (c) **Appointments and Removals.** Neither the Mayor nor any Council member shall, in any manner, control or demand the appointment or removal of any City administrative officer or employee whom the City Manager is empowered to appoint. This does not preclude the Mayor or members of the Council from expressing their views and fully and freely discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees.
- (d) **Interference with Administration.** Neither the Mayor nor any Council member shall interfere with the discretion of the City Manager in the exercise or performance of his or her powers or duties. The Mayor and Council members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and shall not give orders to or attempt to direct the work of such officers and employees either publicly or privately. Inquiries may be made directly to officers and employees under the supervision of the City Manager with the knowledge and consent of the City Manager.

Section 307. Vacancies; Filling of Vacancies

- (a) **Vacancies.** If the Council determines any of the events enumerated in provisions of the Government Code or California Constitution pertaining to vacancies in public offices have occurred, the Council shall declare a vacancy for the office of Council member or for the office of Mayor.
- (b) **Filling of Vacancies.** The method of filling vacancies shall be as prescribed by ordinance.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Charter Contents\]](#)

Section 308. Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and whether grounds exist for forfeiture of their office.

Section 309. Council Organization, Meetings and Rules of Order

The Council shall establish by ordinance the time, place and the method of calling meetings, the rules of order for the conduct of proceedings by the Council, and the order of succession in the event of a vacancy in the office of Mayor.

ARTICLE IV: CITY MANAGER

Section 400. City Manager Appointment, Qualifications and Compensation

The Mayor and Council, by a vote of the Mayor and entire Council, shall appoint a City Manager and fix the City Manager's compensation, as provided in section 304(b) of this Charter. The City Manager may be removed by the Mayor and entire Council in the same manner. The City Manager shall be appointed on the basis of education and experience in the accepted competencies and practices of local government management. The Mayor and Council shall establish and communicate clear expectations for the City Manager. An evaluation of the City Manager's performance shall be conducted at least annually.

Section 401. Powers and Duties

The City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager will be the sole authority for managing City operations and appointing and directing City staff, except as otherwise provided in this Charter.

The City Manager shall:

- (a) Appoint and suspend or remove all City employees and appoint administrative officers, except as otherwise provided by law, this Charter, or established personnel rules. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Charter Contents\]](#)

- (c) Attend all Council meetings. The City Manager shall have the right to take part in the discussion but shall not vote;
- (d) Ensure the Mayor and Council are informed on all aspects of important emerging issues, including the City's financial condition and future needs, and as part of that responsibility, brief the Mayor and Council at their meetings on the business matters before them;
- (e) See that all laws, provisions of this Charter, and acts of the Council are faithfully executed;
- (f) Prepare and submit the annual budget and capital improvement program to the Mayor and Council and implement the final budget approved by the Council to achieve the goals of the City;
- (g) Submit to the Mayor and Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (h) Make such other reports as the Mayor or Council may request regarding operations;
- (i) Make recommendations to the Mayor and Council concerning the affairs of the City and facilitate the work of the Council in developing policy;
- (j) Provide staff support services for the Mayor and Council members;
- (k) Assist the Mayor and Council in developing long-term goals for the City and strategies to implement these goals;
- (l) Be accountable for the implementation of Council goals and policies and the overall performance of the City;
- (m) Encourage and provide staff support for regional and intergovernmental cooperation;
- (n) Promote partnerships among the Mayor, Council, staff, and citizens in developing public policy and building a sense of community;
- (o) Make business and policy recommendations based solely on his or her independent professional judgment and best practices in the interests of the City; and
- (p) Perform other such duties as are specified in this Charter, by ordinance, or as may be requested by the Council.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Charter Contents\]](#)

ARTICLE V: DEPARTMENTS, SERVICES, OFFICERS AND EMPLOYEES

Section 501. General Provisions

The City Manager may establish City departments, offices, or agencies in addition to those created by this Charter, subject to approval of the City Council, and may prescribe the functions of all departments, offices and agencies to meet the needs of the community in the most effective and efficient manner.

Section 502. Direction by City Manager

Each City department, office and agency shall be administered by an executive appointed by and subject to the direction and supervision of the City Manager, except the Offices of the Council, Mayor, City Attorney and City Clerk, the Library Board of Trustees, and the Water Board, which shall be administered by their respective executive officers as provided for elsewhere in this Charter but which shall in all other respects be governed by the policies applicable to all other departments, offices and agencies.

With the consent of the Council, the City Manager may serve as the executive of one or more such departments, offices or agencies.

The City Manager may appoint one person to serve as the executive of two or more departments.

Section 503. Continuation of Departments

All departments, agencies, offices, and services in existence at the time this Charter is adopted shall continue in the same manner as before the adoption of this Charter, unless and until changed by ordinance or other action approved by the City Council.

Section 504. City Attorney

A duly qualified City Attorney shall be hired by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. The City Attorney may be removed by the Mayor and entire Council in the same manner. The City Attorney shall serve as chief legal advisor to the Council, the City Manager and all City departments, offices and agencies; shall represent the City in all legal proceedings; and shall perform any other duties prescribed by State law, this Charter or by ordinance.

Section 505. City Clerk

A duly qualified City Clerk shall be hired by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. The City Clerk may be removed by the Mayor and entire Council in the same manner. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, and shall perform any other duties prescribed by State law, this Charter or by ordinance.

[Return to Municipal Code Contents]

Section 506. Departmental Administrators; Appointive Powers

Each departmental executive shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates and employees as are provided for the department, subject to the approval of the City Manager and subject to the provisions of the personnel rules and regulations adopted by the Council.

Section 507. Services

The City shall provide for a municipal police department. The City also shall provide for community development, finance, fire and emergency medical services, information technology, library, parks and recreation, personnel, public works, water and wastewater, and such other services as the Council deems appropriate for the public's health, safety and welfare.

Section 508. Personnel System

All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence. The administration of employee matters shall be delegated to a personnel or human resources department.

Consistent with all applicable Federal and State laws, the Council shall provide for the establishment, regulation and maintenance of a merit system and governing personnel rules and regulations necessary for the effective administration of the employees of the City's departments, offices and agencies. Such personnel rules and regulations may include but are not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Section 509. Official Bonds

The Council shall fix by resolution the amounts and terms of the official bonds of all officers or employees who are required by the Council to acquire such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of his or her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VI: BOARDS, COMMISSIONS AND COMMITTEES

Section 600. General Provisions

Each board, commission and committee established prior to the adoption of this Charter shall continue to exist, exercise the powers and perform the duties assigned to it upon adoption of this Charter. However, the Council may alter the structure, membership, powers and duties of boards, commissions and committees. The Council also may abolish or create particular boards, commissions and committees, provided that the Council may not abolish the Commissions or Boards specifically provided for in this Charter. The Council may grant powers and duties to boards, commissions and committees that are consistent with the provisions of this Charter.

Section 601. Appointment, Removal, Terms of Office and Procedural Rules

Except as provided elsewhere in this Charter, the appointment, removal, and terms of office of boards, commissions, committees and their members and the rules and regulations pertaining to the conduct of board, commission or committee business shall be as prescribed by a vote of the Mayor and entire Council, as provided in section 304(b) of this Charter. Members of boards, commissions and committees shall be residents of the City, unless exempted by ordinance or State law.

Section 602. Library

A Library Board of Trustees consisting of five (5) members shall be appointed by a vote of the Mayor and entire Council, as provided in section 304(b) to serve without compensation. The Mayor and entire Council may remove Trustees in the same manner. The Board shall:

- a. Be responsible for providing adequate library services;
- b. Appoint a Library Director;
- c. Administer the Library budget allocated by the Council;
- d. Make and enforce all rules and regulations applicable to library services; and
- e. Administer such additional matters as may be determined by ordinance.

Section 603. Water and Wastewater

A Water Board of five (5) Commissioners shall be appointed by a vote of the Mayor and entire Council, as provided in section 304(b). Commissioners shall serve terms of six (6) years each, staggered in the same manner as at the time of the adoption of this Charter. Any one or more of these Commissioners may be removed by a vote of the Mayor and entire Council. The Board shall have the following powers and responsibilities:

- a. Be responsible to oversee and manage the City's water supply, recycled water, wastewater collection and treatment ("Water and Wastewater Systems") functions in accordance with State law.
- b. Employ such persons, including a general manager, as may be needed for proper administration of the City's Water and Wastewater Systems.
- c. Set and collect all rates, fees and charges for operation of the Water and Wastewater Systems.
- d. Allocate all receipts and expenditures to separate, independent, Water and Sewer Funds in accordance with State law.
- e. Provide for an annual, independent audit of all water and wastewater accounts, and may provide for more frequent audits as it deems necessary. Copies of all auditors' reports shall be filed with the City Clerk and Council.
- f. Compensate members of the Water Board in accordance with actions of the Water Board following public hearing.
- g. Collaborate with the Council, Mayor and City Manager concerning the City's Water and Wastewater Systems. In this regard, the Council shall take such actions as may be appropriate to enforce rules and regulations of the Board.
- h. Establish and periodically review and revise such rules and regulations as may be appropriate for managing the City's Water and Wastewater Systems.

Section 604. Personnel Commission

A Personnel Commission consisting of five (5) members shall be appointed by a vote of the Mayor and entire Council, as provided for in section 304(b) of this Charter, to serve without compensation. The Mayor and entire Council may remove Commissioners in the same manner. The Commission's sole responsibility shall be to hear appeals of disciplinary action by City employees, subject to the provisions of adopted labor agreements. Decisions of the Commission shall be final without further review within the City.

[Return to Municipal Code Contents]

[Return to Charter Contents]

ARTICLE VII: FINANCIAL MANAGEMENT

Section 700. Fiscal Year

The fiscal year of the City shall begin on the first day of July of each year and end on the last day of June of the following year. The Council may change the fiscal year by ordinance.

Section 701. Submission of Budget and Budget Message

At least sixty (60) days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the Mayor and Council the proposed budget and an accompanying message. The City Manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes. It shall summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include other such material as the City Manager deems desirable.

Section 702. Budget and Capital Improvement Program

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council or Mayor may request for effective management and understanding of the relationship between the budget and the City's strategic goals. In addition, the City Manager shall prepare and submit a multi-year capital improvement plan (CIP). The CIP shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

The City's budget and CIP should strive to achieve the best practice standards set by the Government Finance Officers Association (GFOA) for distinguished budget presentation.

Section 703. Council Action on the Budget and Capital Improvement Plan

The Council shall publish a general summary of the budget and CIP and hold one (1) or more public hearings. After the public hearing(s), the Budget and CIP shall be adopted, as they may be amended, by the Council before the beginning of each fiscal year.

Section 704. Independent Audit

The Council shall provide for an annual independent audit of all City accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits, which should be performed in accordance with General Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS). Using competitive bidding, the Council shall designate such accountant or firm for a period not to exceed five (5) years.

As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the Mayor, each member of the Council, the City Manager, Finance Director and City Attorney. Three (3) additional copies shall be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public, and the audit and report shall be published on the City's website.

ARTICLE VIII: ELECTIONS

Section 800. City Elections

Beginning in 2018, primary and general election shall be held in said City in consolidation with the State Primary Election and the State General Election and every two (2) years thereafter. City elections shall follow the provisions and procedures of the State Elections Code as applicable to general law cities. The Mayor and Council members shall be sworn in and begin their term of service upon certification of the election results, and shall serve until their successors qualify.

To facilitate the transition of elections from odd to even numbered years, consistent with the timing of elections for state and federal offices, the terms of the Mayor and each Council member in office at the time of the adoption of this Charter shall be extended for one (1) year.

Section 801. Elective Officers; Terms

The elective officers of the City shall consist of a Mayor and seven Council members. Council members shall continue to be elected for terms of four (4) years, with such terms staggered between the wards as established by ordinance. Each Council member shall be elected by ward by the voters within that ward. The Mayor shall continue to be elected at large for a term of four years.

Section 802. Number of Wards

There shall be seven (7) wards.

Section 803. Adjustment of Ward Boundaries

Periodic adjustments to ward boundaries shall be made to maintain each in compact form and as nearly equal in population as possible, consistent with applicable State and Federal laws.

ARTICLE IX: INITIATIVE, CITIZEN REFERENDUM AND RECALL

Section 900. Initiative, Citizen Referendum and Recall

Initiatives, citizen referenda, and recalls shall follow the procedures of the State Elections Code, as applicable to general law cities.

ARTICLE X: CHARTER AMENDMENTS

Section 1000. Charter Amendments

Amendments to this Charter shall be made in accordance with the procedures of the State Elections Code, as applicable to charter cities.

Section 1001. Periodic Review of Charter

By December 2017, the Council shall establish a process to ensure the periodic review of this Charter to identify potential amendments that enhance clarity, efficiency, and the principles of the council-manager form of government.

ARTICLE XI: SEVERABILITY

Section 1100. Severability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any persons or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

CHARTER INDEX

(See also Municipal Code Index)

-A-

APPOINTMENT, REMOVAL, TERMS OF OFFICE AND PROCEDURAL RULES (FOR BOARDS, COMMISSIONS AND COMMITTEES)
§601

-B-

BOARDS, COMMISSIONS AND COMMITTEES
Art. VI
Appointment, Removal, Terms of Office and Procedural Rules - §601
BUDGET AND CAPITAL IMPROVEMENT PROGRAM
§702
BUDGET MESSAGE, SUBMISSION OF BUDGET AND
§701

-C-

CAPITAL IMPROVEMENT PLAN, COUNCIL ACTION ON THE BUDGET AND
§703
CHARTER AMENDMENTS
Art. X
CHARTER AMENDMENTS
§1000
CITY ATTORNEY
§504
CITY CLERK
§505
CITY COUNCIL AND MAYOR
Art. III
CITY ELECTIONS
§800
CITY MANAGER
Art. IV
CITY MANAGER
Appointment, Qualifications and Compensation - §400

Direction by -§502

Powers and Duties of - §401

COMMITTEES, BOARDS, COMMISSIONS AND
Art. VI

COMPENSATION; EXPENSES

§305

COMPOSITION, ELIGIBILITY, AND TERMS

§301

CONTINUATION OF DEPARTMENTS

§503

COUNCIL ACTION ON THE BUDGET AND CAPITAL IMPROVEMENT PLAN

§703

COUNCIL ORGANIZATION, MEETINGS AND RULES OF ORDER

§309

-D-

DEPARTMENTAL ADMINISTRATORS

Appointive Powers - §506

DEPARTMENTS, SERVICES, OFFICERS AND EMPLOYEES

Art. V

DIRECTION BY CITY MANAGER

§502

-E-

ELECTIONS

Art. VIII

ELECTIVE OFFICERS

Terms - §801

-F-

FINANCIAL MANAGEMENT

Art. VII

FISCAL YEAR

§700

FORM OF GOVERNMENT

Art. II; §200

[Return to Municipal Code Contents]

-G-

GENERAL POWERS AND DUTIES

Mayor and Common Council - §300

GENERAL PROVISIONS

Departments, Services, Officers and Employees - §501

Boards, Commissions and Committees - §600

-H-

-I-

INDEPENDENT AUDIT §704

INITIATIVE, CITIZEN REFERENDUM AND RECALL

Art. IX; §900

INTERGOVERNMENTAL RELATIONS - §104

INTERPRETATION OF POWERS - §102

-J-

JUDGE OF QUALIFICATIONS

City Council and Mayor - §308

-K-

-L-

LIBRARY - §602

-M-

MAYOR

Manners of Action - §304

Powers and Duties of the - §303

-N-

NAME, BOUNDARIES, POWERS, RIGHTS AND SUCCESSION, INTERGOVERNMENTAL RELATIONS

Art. I; §100

WARDS

Number of - §802

-O-

OFFICIAL BONDS

Departments, services, officers and employees -§509

-P-

PERIODIC REVIEW OF CHARTER - §1001

PERSONNEL COMMISSION - §604

PERSONNEL SYSTEM

§508

POWERS AND DUTIES OF

City Manager - §401

Council - §302

Mayor - §303

POWERS OF

City - §101

PROHIBITIONS - §306

-Q-

-R-

RIGHTS AND SUCCESSION

§103

-S-

SERVICES - §507

SEVERABILITY

Art. XI; §1100

SUBMISSION OF BUDGET AND BUDGET MESSAGE

§701

-T-U-

-V-

VACANCIES

Filling of Vacancies - §307

-W-

WATER AND WASTEWATER

§603

-X-

-Y-

-Z-

Title 1
GENERAL PROVISIONS

Chapters

1.01	Code Adoption
1.04	General Provisions
1.08	Resolutions and Ordinances
1.12	General Penalty
1.16	Boundaries of Wards
1.20	Working of Probationers on Public Property
1.24	Designation of Old City
1.26	Time Limitations for Administrative Mandamus Proceedings
1.28	Administrative and Legislative Interpretation And Practice -Charter

Chapter 1.01
CODE ADOPTION¹

Sections:

1.01.010	Adoption
1.01.020	Title - Citation - Reference
1.01.030	Codification authority
1.01.040	Ordinances passed prior to adoption of the Code
1.01.050	Reference applies to all amendments
1.01.060	Title, chapter and section headings
1.01.070	Reference to specific ordinances
1.01.080	Effect of Code on past actions and obligations
1.01.090	Effective date
1.01.100	Constitutionality

1.01.010 Adoption

Pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code, there is adopted the "San Bernardino Municipal Code" as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the "San Bernardino Municipal Code."

(Ord. 3981, 10-29-80)

¹ For statutory provisions authorizing cities to codify their ordinances see Gov. Code §§50022.1-50022.8 and 50022.10.

[Return to Municipal Code Contents]

1.01.020 Title - Citation - Reference

This Code shall be known as the "San Bernardino Municipal Code" and it shall be sufficient to refer to said Code as the "San Bernardino Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to correction or repeal of the "San Bernardino Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "San Bernardino Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.

(Ord. 3981, 10-29-80)

1.01.030 Codification Authority

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of San Bernardino, California, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code.

(Ord. 3981, 10-29-80)

1.01.040 Ordinances Passed Prior to Adoption of the Code

The last ordinance included in this Code at the time of its adoption was Ordinance No. 3848, passed July 9, 1979. The following ordinances, passed subsequent to Ordinance 3848, but prior to adoption of this Code, are made a part of this Code: Ordinances 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3860, 3861, 3862, 3863, 3864, 3865, 3866, 3867, 3868, 3869, 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880, 3881, 3882, 3883, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3971, 3974, 3976, and 3977

Ord. MC-36, 3-25-81; Ord. 3981, 10-29-80)

1.01.050 Reference Applies to All Amendments

Whenever a reference is made to this Code as the "San Bernardino Municipal Code" or to any portion thereof, or to any ordinance of the City of San Bernardino, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 3981, 10-29-80)

1.01.060 Title, chapter and section headings

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 3981, 10-29-80)

1.01.070 Reference to specific ordinances

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Ord. 3981, 10-29-80)

1.01.080 Effect of Code on past actions and obligations

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City of San Bernardino shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 3981, 10-29-80)

1.01.090 Effective date

This Code shall become effective on the date the ordinance adopting this Code as the "San Bernardino Municipal Code" shall become effective.

(Ord. 3981, 10-29-80)

[\[Return to Municipal Code Contents\]](#)

1.01.100 Constitutionality

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Mayor and Common Council hereby declare that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

(Ord. 3981, 10-29-80)

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	Repeal shall not revive any ordinances
1.04.100	Rewards

1.04.010 Definitions

The following words and phrases, whenever used in the ordinances of San Bernardino, California, 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:

- A. "City" means the City of San Bernardino, California, or the area within the territorial limits of the City of San Bernardino, California, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the common council of the City of San Bernardino. "All its members" or "all councilmen" means the total number of councilmen holding office.

[\[Return to Municipal Code Contents\]](#)

- C. "County" means the County of San Bernardino.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the City of San Bernardino, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month
- G. "Must" and "shall" are each mandatory.
- H. "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" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "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
- J. "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.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalks" means that portion of a street intended for the use of pedestrians.
- P. "State" means the state of California.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city of San Bernardino, 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.
- R. "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.

[\[Return to Municipal Code Contents\]](#)

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

T. "Year" means a calendar year.

(Ord. 3843, 7-11-79)

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 of San Bernardino.

(Ord. 3843, 7-11-79)

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. 3843, 7-11-79)

1.04.040 Grammatical interpretation

The following grammatical rules shall apply to the ordinances and resolutions of the City of San Bernardino unless it is apparent from the content that a different construction is intended:

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

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. 3843, 7-11-79)

1.04.050 Acts by agents

When an act is required by an ordinance or resolution, 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. 3843, 7-11-79)

[\[Return to Municipal Code Contents\]](#)

1.04.060 Prohibited acts include causing and permitting

Whenever in the ordinances of the City of San Bernardino any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Ord. 3843, 7-11-79)

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. 3843, 7-11-79)

1.04.080 Construction

The provisions of the ordinances of the City of San Bernardino, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.

(Ord. 3843, 7-11-79)

1.04.090 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. 3843, 7-11-79)

1.04.100 Rewards

- A. The Mayor and Common Council may, by resolution, establish a reward of not to exceed \$1, 000 for anyone providing information leading to the arrest and conviction of any person for the commission of a misdemeanor or infraction within the City limits of the City of San Bernardino.
- B. If the reward is payable to two or more persons, it shall be divided equally between such persons.
- C. Any person convicted for a violation of such misdemeanor or infraction shall be liable for the amount of any reward paid pursuant to this section and any resolution adopted pursuant hereto, and if he or she is an unemancipated minor, his parent or guardian shall be liable for the amount.

[Return to Municipal Code Contents]

- D. Nothing in this Section shall limit the authority of the Mayor and Council to offer any other reward under general law.

(Ord. MC-683, 11-20-89)

Chapter 1.08 RESOLUTIONS AND ORDINANCES²

Sections:

- 1.08.010 Purpose**
- 1.08.020 Presentation to Mayor**
- 1.08.030 Action by Mayor**
- 1.08.040 Readoption**
- 1.08.050 Effective dates -Readoption**
- 1.08.060 Charter Amendments**
- 1.08.070 Time is not of essence**
- 1.08.080 Validity presumed**
- 1.08.090 Effective dates**

1.08.010 Purpose

The procedures set forth in this chapter are established to implement the provisions of City Charter Section 304 which provides that resolutions and ordinances shall be adopted by a simple majority vote of the quorum of the City Council present, unless a specific different affirmative vote level is required by the City Charter or for Charter Cities under State or Federal law. All resolutions and ordinances must be approved by the Mayor, or alternatively, vetoed by the Mayor with written reasons therefore endorsed on such resolutions or ordinances within five days after the City Clerk presents the resolutions and ordinances to the Mayor, pursuant to the requirement of Section 1.08.030 (Action by Mayor) herein.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

1.08.020 Presentation to Mayor

Each resolution and ordinance adopted by the Common Council shall be presented by the City Clerk to the Mayor for his approval or disapproval within forty-eight hours after the adjournment of the meeting at which the resolution or ordinance was adopted. The Mayor shall designate an employee in his office to receive the resolution or ordinance. In the event the Mayor is absent or unavailable during the forty -eight hour period, the City Clerk shall present the resolution or ordinance to any employee in the office of the Mayor who has been designated by the Mayor as his agent to

² For charter provisions on ordinances and resolutions, see Charter §§30 -33.

[Return to Municipal Code Contents]

receive such resolution or ordinance, or in the absence of the Mayor during the forty-eight -hour period, to the Mayor pro tempore.

(Ord. 3751, 8-25-78)

1.08.030 Action by Mayor

Within five days, excluding Saturdays, Sundays and holidays, after the City Clerk has presented the resolution or ordinance to the Mayor or the City employee designated by the Mayor, the Mayor shall approve, or if the resolution or ordinance was approved by fewer than five (5) votes of the City Council, may veto, the resolution or ordinance stating the reason or reasons for the veto of the resolution or ordinance on a document physically attached thereto. Approval or veto is a duty and there shall be no right to fail to either approve or veto within the five-day period. In the event the Mayor is absent or otherwise unable to approve or veto the resolution or ordinance during the five-day period, the Mayor Pro Tempore, as empowered pursuant to Charter Section 302, shall approve, but may not veto, the resolution or ordinance in like manner as the Mayor would have been empowered and required to do. In the event the Mayor approves or fails to approve or veto the resolution or ordinance within the five-day period, or in the event the Mayor Pro Tempore acting in the place of the Mayor approves or fails to approve the resolution or ordinance, the resolution or ordinance shall be deemed to be validly enacted on the date of its adoption and conclusively presumed to have been approved, provided it was adopted by the requisite number of votes required pursuant to Section 1.08.010 herein and the City's Charter.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

1.08.040 Readoption

The approved or vetoed resolution or ordinance shall be forthwith returned to the City Clerk. The City Clerk shall place any vetoed resolution or ordinance which was adopted by fewer than five affirmative votes as the first business item on the agenda for the next meeting of the Mayor and City Council to be considered by the City Council for readoption after the resolution or ordinance is reintroduced and the reason or reasons for the veto are read by the City Clerk. In the event there are less than seven council members present, or for any other reason, the resolution or ordinance may be continued from time to time. A motion to readopt the resolution or ordinance shall be considered and voted upon by the City Council. Five or more affirmative votes shall be necessary to validly readopt the resolution or ordinance.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

[Return to Municipal Code Contents]

1.08.050 Effective dates -Readoption

The resolution or ordinance which was disapproved, or neither approved nor disapproved, within the five-day period, and which has been validly readopted and enacted, shall take effect as if approved by the Mayor. Such resolution shall take effect upon the date of its readoption and enactment.

(Ord. 3751, 8-25-78)

1.08.060 Charter amendments

Amendments to the Charter shall be made in accordance with the procedures of the State Elections Code, as applicable to charter cities.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

1.08.070 Time is not of essence

The failure of the City Clerk, Mayor or Mayor Pro Tempore to comply with any of the ministerial acts provided for in this Chapter or the periods of time for (1) presenting the resolution or ordinance to the Mayor, (2) approving or vetoing the resolution or ordinance, and (3) readopting a vetoed resolution or ordinance at the next meeting of the City Council shall not invalidate a resolution or ordinance which has been otherwise validly adopted, readopted or enacted pursuant to this Chapter and Charter Section 304.5

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

1.08.080 Validity presumed

Any ordinance or resolution heretofore adopted by the City Council, which is vetoed or not approved by the Mayor in a manner other than as provided in this chapter, or which is heretofore adopted and enacted pursuant to the provisions of Charter Section 304 as interpreted by administrative and legislative practices, shall be conclusively presumed to be valid and enforceable.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

1.08.090 Effective dates

Each ordinance of the Mayor and City Council of the City shall take effect thirty days from and after the date of its adoption by the City Council if approved by the Mayor. Each resolution shall take effect on the date of its adoption by City Council if approved by the Mayor. This section shall not be applicable to:

- A. Ordinances and resolutions adopted by fewer than five affirmative votes and which are vetoed by the Mayor of the City within the five-day period; and

[Return to Municipal Code Contents]

- B. Ordinances which contain urgency or emergency clauses providing for immediate effective dates;
- C. An ordinance or resolution which contains express language providing for an effective date for such ordinance or resolution; and
- D. Ordinances and resolutions adopted by five or more affirmative votes of the City Council which are not approved within the five-day period by the Mayor, which shall be deemed to take effect upon adoption by the City Council; and
- E. Ordinances and resolutions relating to Charter Amendments as provided in Section 1.08.060.

(Ord. MC-1439, 4-03-17; Ord. 3751, 8-25-78)

Chapter 1.12 GENERAL PENALTY³

Sections:

- 1.12.010 Designated**
- 1.12.020 Separate offense**

1.12.010 Designated

- A. The punishment for any offense declared to be a misdemeanor or declared to be unlawful with no designation as to the nature of the offense by the Charter or an ordinance, except in cases where a different offense or a different punishment is prescribed by ordinance or any applicable law of this state, is imprisonment in the county jail not exceeding six months, or a fine not exceeding one thousand dollars, or both such imprisonment and fine.
- B. The punishment for any offense declared to be an infraction by the Charter or an ordinance, excepting places where a different offense or a different punishment is prescribed by ordinance or any applicable law of this state, is a fine not exceeding one hundred dollars for a first violation; a fine not exceeding two hundred dollars for a second violation thereof within one year; and a fine not exceeding five hundred dollars for each additional violation thereof within one year. Upon conviction of a fourth violation thereof within one year, the violator is guilty of a misdemeanor, which upon conviction thereof is punishable as in subsection A.

³For charter provisions authorizing the City Council to impose penalties for ordinance violations of not to exceed \$500.00 or six months, or both, see Charter §40(r).

[Return to Municipal Code Contents]

- C. Payment of any fine or service of a jail sentence herein provided shall not relieve a person firm, partnership, corporation, or other entity from the responsibility of correcting any condition, resulting from the violation. In addition to the above penalties the Court may order that the guilty party reimburse the City for all of its costs of investigating, analyzing, and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of such reimbursement upon submission of proof of such costs by the City.

(Ord. MC-1125, 6-03-02; Ord. MC-609, 9-21-87; Ord. MC-455, 5-13-85; Ord. 2673, 6-27-65)

1.12.020 Separate offense

Every person continuing or committing the violation of any provisions of an ordinance declaring any act or omission to be unlawful is guilty of a separate offense for each and every day or portion of any day which any violation of any provision of such ordinance is committed.

(Ord. MC-455, 5-13-85; Ord. 2673, 6-27-65)

Chapter 1.16 BOUNDARIES OF WARDS

Sections:

1.16.010	Purpose
1.16.020	First Ward
1.16.030	Second Ward
1.16.040	Third Ward
1.16.050	Fourth Ward
1.16.060	Fifth Ward
1.16.070	Sixth Ward
1.16.080	Seventh Ward

1.16.010 Purpose

The ordinance codified in this Chapter is adopted in order to divide the area of the City into seven wards pursuant to Article VIII of the City Charter.

(Ord. MC-1567, 12-15-21; Ord. 3222, 1-04-72)

[\[Return to Municipal Code Contents\]](#)

1.16.020 First Ward

The region bounded and described as follows: Beginning at the point of intersection of Perris Hill Rd and Unnamed 144656262 (TLID:144359581), and proceeding southerly along Perris Hill Rd to E Base Line St, and proceeding easterly along E Base Line St to Tippecanoe St, and proceeding northerly along Tippecanoe St to Unnamed 647112540 (TLID:144359678), and proceeding easterly along Unnamed 647112540 (TLID:144359678) to Unnamed 647989649 (TLID:144365740), and proceeding easterly along Unnamed 647989649 (TLID:144365740) to Conejo Dr, and proceeding southerly along Conejo Dr to Unnamed 647112470 (TLID:144365730), and proceeding southerly along Unnamed 647112470 (TLID:144365730) to E Base Line St, and proceeding easterly along E Base Line St to Glasgow Ave, and proceeding northerly along Glasgow Ave to Unnamed 647130210 (TLID:144366358), and proceeding easterly along Unnamed 647130210 (TLID:144366358) to Unnamed 647130210 (TLID:144366307), and proceeding southerly along Unnamed 647130210 (TLID:144366307) to E Base Line St, and proceeding easterly along E Base Line St to Base Line St, and proceeding easterly along Base Line St to Alamo St, and proceeding southerly along Alamo St to Unnamed 651417898 (TLID:144368115), and proceeding southerly along Unnamed 651417898 (TLID:144368115) to Unnamed 651421919 (TLID:144368109), and proceeding southerly along Unnamed 651421919 (TLID:144368109) to Unnamed 651421921 (TLID:144368454), and proceeding easterly along Unnamed 651421921 (TLID:144368454) to Unnamed 651641533 (TLID:144368097), and proceeding southerly along Unnamed 651641533 (TLID:144368097) to Unnamed 145224544 (TLID:144368083), and proceeding westerly along Unnamed 145224544 (TLID:144368083) to Warm Crk, and proceeding westerly along Warm Crk to Unnamed 647991105 (TLID:144367999), and proceeding westerly along Unnamed 647991105 (TLID:144367999) to Warm Crk, and proceeding westerly along Warm Crk to Unnamed 651712831 (TLID:144367816), and proceeding westerly along Unnamed 651712831 (TLID:144367816) to Unnamed 145220231 (TLID:144365651), and proceeding southerly along Unnamed 145220231 (TLID:144365651) to E 9th St, and proceeding easterly along E 9th St to Unnamed 144656448 (TLID:144366947), and proceeding southerly along Unnamed 144656448 (TLID:144366947) to Elmwood Rd, and proceeding southerly along Elmwood Rd to Unnamed 615019970 (TLID:144355392), and proceeding southerly along Unnamed 615019970 (TLID:144355392) to E 6th St, and proceeding westerly along E 6th St to Unnamed 651417064 (TLID:144353868), and proceeding northerly along Unnamed 651417064 (TLID:144353868) to Fairfax Ln, and proceeding northerly along Fairfax Ln to Unnamed 651416891 (TLID:144365106), and proceeding easterly along Unnamed 651416891 (TLID:144365106) to Unnamed 651416893 (TLID:144365151), and proceeding northerly along Unnamed 651416893 (TLID:144365151) to E 9th St, and proceeding westerly along E 9th St to N Tippecanoe Ave, and proceeding southerly along N Tippecanoe Ave to Unnamed 647112735 (TLID:144358716), and proceeding westerly along Unnamed 647112735 (TLID:144358716) to Unnamed 647112736 (TLID:144358210), and proceeding westerly along Unnamed

[Return to Municipal Code Contents]

647112736 (TLID:144358210) to Pedley Rd, and proceeding southerly along Pedley Rd to E 6th St, and proceeding westerly along E 6th St to Unnamed 647112894 {TLID:144349640}, and proceeding southerly along Unnamed 647112894 {TLID:144349640} to Unnamed 647112893 {TLID:144349597}, and proceeding southerly along Unnamed 647112893 {TLID:144349597} to 5th St, and proceeding easterly along 5th St to Pedley Rd, and proceeding southerly along Pedley Rd to E Monterey Ave, and proceeding westerly along E Monterey Ave to Unnamed 144734669 (TLID:144348166), and proceeding northerly along Unnamed 144734669 {TLID:144348166} to 5th St, and proceeding westerly along 5th St to Unnamed 647113095 (TLID:144347488), and proceeding northerly along Unnamed 647113095 (TLID:144347488) to E 6th St, and proceeding easterly along E 6th St to Unnamed 647113056 (TLID:144348251), and proceeding northerly along Unnamed 647113056 {TLID:144348251} to Unnamed 647113053 (TLID:144348203), and proceeding westerly along Unnamed 647113053 {TLID:144348203} to E 6th St, and proceeding westerly along E 6th St to N Waterman Ave, and proceeding southerly along N Waterman Ave to Ward St, and proceeding easterly along Ward St to Unnamed 646972504 {TLID:144316438}, and proceeding southerly along Unnamed 646972504 {TLID:144316438} to Unnamed 646972505 (TLID:144316432), and proceeding southerly along Unnamed 646972505 (TLID:144316432) to 5th St, and proceeding westerly along 5th St to N Waterman Ave, and proceeding southerly along N Waterman Ave to Unnamed 144655672 (TLID:144316369), and proceeding easterly along Unnamed 144655672 (TLID:144316369) to E Monterey Ave, and proceeding easterly along E Monterey Ave to Unnamed 144655684 {TLID:144316211}, and proceeding southerly along Unnamed 144655684 {TLID:144316211} to Unnamed 144655684 {TLID:144316196}, and proceeding westerly along Unnamed 144655684 (TLID:144316196) to N Waterman Ave, and proceeding southerly along N Waterman Ave to E 3rd St, and proceeding easterly along E 3rd St to Unnamed 651426282 (TLID:144355286), and proceeding northerly along Unnamed 651426282 {TLID:144355286} to Unnamed 651426263 {TLID:144355468}, and proceeding northerly along Unnamed 651426263 (TLID:144355468) to 5th St, and proceeding easterly along 5th St to Unnamed 651715800 {TLID:144356054}, and proceeding easterly along Unnamed 651715800 {TLID:144356054} to Sterling Ave, and proceeding northerly along Sterling Ave to Unnamed 644393416 (TLID:144441553), and proceeding easterly along Unnamed 644393416 {TLID:144441553} to Unnamed 144733344 {TLID:144442117}, and proceeding easterly along Unnamed 144733344 {TLID:144442117} to Cypress St, and proceeding easterly along Cypress St to Unnamed 633185440 {TLID:144442135}, and proceeding southerly along Unnamed 633185440 (TLID:144442135) to Unnamed 633185439 (TLID:144437027), and proceeding southerly along Unnamed 633185439 (TLID:144437027) to Unnamed 144661367 {TLID:144437000}, and proceeding southerly along Unnamed 144661367 {TLID:144437000} to 5th St, and proceeding easterly along 5th St to Unnamed 651711059 {TLID:144437481}, and proceeding easterly along Unnamed 651711059 {TLID:144437481} to Leslie Ln, and proceeding southerly along Leslie Ln to 5th St, and proceeding easterly along 5th St to Unnamed 144661446 (TLID:144437596), and proceeding easterly along Unnamed 144661446 {TLID:144437596} to Roberts St, and proceeding northerly along

[\[Return to Municipal Code Contents\]](#)

Roberts St to E 6th St, and proceeding easterly along E 6th St to Victoria Ave, and proceeding southerly along Victoria Ave to 5th St, and proceeding easterly along 5th St to Unnamed 651693784 {TLID:144439262}, and proceeding westerly along Unnamed 651693784 {TLID:144439262} to Victoria Ave, and proceeding southerly along Victoria Ave to E 3rd St, and proceeding easterly along E 3rd St to Alabama St, and proceeding southerly along Alabama St to Unnamed 653203528 {TLID:144440600}, and proceeding westerly along Unnamed 653203528 {TLID:144440600} to Unnamed 144663103 {TLID:144440550}, and proceeding westerly along Unnamed 144663103 (TLID:144440550) to Unnamed 650799998 (TLID:144440520), and proceeding southerly along Unnamed 650799998 (TLID:144440520) to Unnamed 650799995 (TLID:144438711), and proceeding westerly along Unnamed 650799995 (TLID:144438711) to Unnamed 145001430 (TLID:144438471), and proceeding westerly along Unnamed 145001430 (TLID:144438471) to Unnamed 145001427 (TLID:144438464), and proceeding southerly along Unnamed 145001427 (TLID:144438464) to Unnamed 650412522 (TLID:144438453), and proceeding southerly along Unnamed 650412522 (TLID:144438453) to Unnamed 653206701 (TLID:144436795), and proceeding westerly along Unnamed 653206701 (TLID:144436795) to Unnamed 651112994 (TLID:144436765), and proceeding westerly along Unnamed 651112994 (TLID:144436765) to Unnamed 651112993 (TLID:144436747), and proceeding westerly along Unnamed 651112993 (TLID:144436747) to Unnamed 144695857 (TLID:144436620), and proceeding westerly along Unnamed 144695857 (TLID:144436620) to Unnamed 144662806 (TLID:144436586), and proceeding westerly along Unnamed 144662806 (TLID:144436586) to Unnamed 629788827 (TLID:144436264), and proceeding westerly along Unnamed 629788827 (TLID:144436264) to Mountain View Ave, and proceeding southerly along Mountain View Ave to Unnamed 616550910 (TLID:144352127), and proceeding westerly along Unnamed 616550910 (TLID:144352127) to Unnamed 651716836 (TLID:144350825), and proceeding westerly along Unnamed 651716836 (TLID:144350825) to S Tippecanoe Ave, and proceeding northerly along S Tippecanoe Ave to Unnamed 644217699 (TLID:144350916), and proceeding northerly along Unnamed 644217699 (TLID:144350916) to E Mill St, and proceeding westerly along E Mill St to Unnamed 144659164 (TLID:144344770), and proceeding westerly along Unnamed 144659164 (TLID:144344770) to E Mill St, and proceeding westerly along E Mill St to S Allen St, and proceeding northerly along S Allen St to E Rialto Ave, and proceeding westerly along E Rialto Ave to W Rialto Ave, and proceeding westerly along W Rialto Ave to N Mount Vernon Ave, and proceeding northerly along N Mount Vernon Ave to Burlington Northern Santa Fe Rlwy, and proceeding northerly along Burlington Northern Santa Fe Rlwy to N Mount Vernon Ave, and proceeding northerly along N Mount Vernon Ave to W 4th St, and proceeding westerly along W 4th St to W Foothill Blvd, and proceeding easterly along W Foothill Blvd to Unnamed 614872079 (TLID:144113946), and proceeding westerly along Unnamed 614872079 (TLID:144113946) to Unnamed 614872080 (TLID:144127520), and proceeding northerly along Unnamed 614872080 (TLID:144127520) to W 9th St, and proceeding easterly along W 9th St to N Mount Vernon Ave, and proceeding northerly along N Mount Vernon Ave to W Base Line St, and proceeding easterly along W Base Line St to W Baseline St, and proceeding

[Return to Municipal Code Contents]

easterly along W Baseline St to W Baseline Rd, and proceeding easterly along W Baseline Rd to W Base Line St, and proceeding easterly along W Base Line St to E Base Line St, and proceeding easterly along E Base Line St to N Wall Ave, and proceeding easterly along N Wall Ave to E Base Line St, and proceeding easterly along E Base Line St to Windsor Dr, and proceeding easterly along Windsor Dr to E Base Line St, and proceeding easterly along E Base Line St to East Twin Crk, and proceeding northerly along East Twin Crk to Twin Creek Dr, and proceeding northerly along Twin Creek Dr to Unnamed 144656241 (TLID:144359290), and proceeding easterly along Unnamed 144656241 (TLID:144359290) to Barton St, and proceeding northerly along Barton St to Unnamed 144656262 (TLID:144359581), and proceeding easterly along Unnamed 144656262 (TLID:144359581) to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

1.16.030 Second Ward

The region bounded and described as follows: Beginning at the point of intersection of N Muscupiabe Dr and Foothill Fwy, and proceeding southerly along N Muscupiabe Dr to W Colima Rd, and proceeding westerly along W Colima Rd to N Muscupiabe Dr, and proceeding southerly along N Muscupiabe Dr to W Highland Ave, and proceeding easterly along W Highland Ave to N D St, and proceeding easterly along N D St to W Highland Ave, and proceeding easterly along W Highland Ave to E Highland Ave, and proceeding easterly along E Highland Ave to N del Rosa Ave, and proceeding northerly along N del Rosa Ave to Foothill Fwy, and proceeding easterly along Foothill Fwy to Unnamed 647110791 (TLID:144375148), and proceeding southerly along Unnamed 647110791 (TLID:144375148) to Unnamed 647110790 (TLID:144375139), and proceeding southerly along Unnamed 647110790 (TLID:144375139) to Date Pl, and proceeding westerly along Date Pl to Unnamed 647110823 (TLID:144375101), and proceeding westerly along Unnamed 647110823 (TLID:144375101) to Chiquita Ln, and proceeding northerly along Chiquita Ln to Unnamed 647110810 (TLID:144374483), and proceeding westerly along Unnamed 647110810 (TLID:144374483) to Unnamed 647110806 (TLID:144374419), and proceeding southerly along Unnamed 647110806 (TLID:144374419) to Ulysses Ct, and proceeding westerly along Ulysses Ct to Taylor Rd, and proceeding southerly along Taylor Rd to Pumalo St, and proceeding easterly along Pumalo St to Unnamed 647128735 (TLID:144375376), and proceeding easterly along Unnamed 647128735 (TLID:144375376) to Unnamed 647128734 (TLID:144447689), and proceeding easterly along Unnamed 647128734 (TLID:144447689) to Unnamed 647128731 (TLID:144447734), and proceeding easterly along Unnamed 647128731 (TLID:144447734) to Unnamed 647128727 (TLID:144447803), and proceeding easterly along Unnamed 647128727 (TLID:144447803) to Unnamed 647128724 (TLID:144447863), and proceeding easterly along Unnamed 647128724 (TLID:144447863) to E Pumalo St, and proceeding easterly along E Pumalo St to Unnamed 144993083 (TLID:144448559), and proceeding northerly along Unnamed 144993083 (TLID:144448559) to Date St E, and proceeding easterly along Date St E to Arden Ave, and proceeding southerly along Arden

[Return to Municipal Code Contents]

Ave to Unnamed 644155234 (TLID:144451369), and proceeding southerly along Unnamed 644155234 (TLID:144451369) to E Pumalo St, and proceeding easterly along E Pumalo St to Arden Ave, and proceeding southerly along Arden Ave to Unnamed 144661137 (TLID:144451420), and proceeding easterly along Unnamed 144661137 (TLID:144451420) to Unnamed 647991082 (TLID:144452495), and proceeding northerly along Unnamed 647991082 (TLID:144452495) to Unnamed 647128521 (TLID:144452579), and proceeding northerly along Unnamed 647128521 (TLID:144452579) to Date St E, and proceeding easterly along Date St E to Sand Crk, and proceeding southerly along Sand Crk to Unnamed 651698318 (TLID:144452726), and proceeding southerly along Unnamed 651698318 (TLID:144452726) to Unnamed 651422988 (TLID:144451243), and proceeding southerly along Unnamed 651422988 (TLID:144451243) to Unnamed 651422897 (TLID:144451223), and proceeding southerly along Unnamed 651422897 (TLID:144451223) to Unnamed 651422887 (TLID:144451170), and proceeding westerly along Unnamed 651422887 (TLID:144451170) to Unnamed 651422887 (TLID:144451161), and proceeding westerly along Unnamed 651422887 (TLID:144451161) to E 20th St, and proceeding westerly along E 20th St to Valaria Dr, and proceeding southerly along Valaria Dr to Unnamed 651422761 {TLID:144450691}, and proceeding westerly along Unnamed 651422761 (TLID:144450691) to Unnamed 651422693 (TLID:144450642), and proceeding southerly along Unnamed 651422693 (TLID:144450642) to Unnamed 651422689 (TLID:144450561), and proceeding southerly along Unnamed 651422689 (TLID:144450561) to Unnamed 651707125 (TLID:144450498), and proceeding southerly along Unnamed 651707125 (TLID:144450498) to E 17th St, and proceeding easterly along E 17th St to Unnamed 651422451 (TLID:144450038), and proceeding easterly along Unnamed 651422451 (TLID:144450038) to Unnamed 651422454 (TLID:144450397), and proceeding easterly along Unnamed 651422454 {TLID:144450397} to Rockford Ave, and proceeding southerly along Rockford Ave to Unnamed 651422390 {TLID:144450023}, and proceeding southerly along Unnamed 651422390 (TLID:144450023) to Unnamed 651422392 (TLID:144450017), and proceeding southerly along Unnamed 651422392 {TLID:144450017} to Pacific St, and proceeding easterly along Pacific St to Unnamed 648189523 (TLID:144455368), and proceeding southerly along Unnamed 648189523 (TLID:144455368) to Unnamed 648189524 {TLID:144454925}, and proceeding southerly along Unnamed 648189524 (TLID:144454925) to Baseline St, and proceeding westerly along Baseline St to Unnamed 632474365 (TLID:144445499), and proceeding northerly along Unnamed 632474365 (TLID:144445499) to Unnamed 632474368 {TLID:144445557}, and proceeding northerly along Unnamed 632474368 (TLID:144445557) to Unnamed 648189539 (TLID:144445544), and proceeding westerly along Unnamed 648189539 {TLID:144445544} to Unnamed 651422309 (TLID:144445516), and proceeding westerly along Unnamed 651422309 (TLID:144445516) to Unnamed 651422310 (TLID:144445478), and proceeding northerly along Unnamed 651422310 (TLID:144445478) to Warm Crk, and proceeding westerly along Warm Crk: to Unnamed 651422160 (TLID:144443737), and proceeding northerly along Unnamed 651422160

[Return to Municipal Code Contents]

{TLID:144443737} to Unnamed 651422159 (TLID:144442954), and proceeding westerly along Unnamed 651422159 {TLID:144442954} to Unnamed 651422157 (TLID:144442923), and proceeding northerly along Unnamed 651422157 {TLID:144442923} to Unnamed 651644128 {TLID:144443128}, and proceeding northerly along Unnamed 651644128 {TLID:144443128} to Unnamed 651422023 (TLID:144443619), and proceeding northerly along Unnamed 651422023 (TLID:144443619) to Pacific St, and proceeding westerly along Pacific St to N Sterling Ave, and proceeding northerly along N Sterling Ave to E Highland Ave, and proceeding westerly along E Highland Ave to Unnamed 624343032 (TLID:144372895), and proceeding southerly along Unnamed 624343032 (TLID:144372895) to Unnamed 624343033 (TLID:144372881), and proceeding southerly along Unnamed 624343033 (TLID:144372881) to E 19th St, and proceeding westerly along E 19th St to Unnamed 144965024 {TLID:144372759}, and proceeding southerly along Unnamed 144965024 {TLID:144372759} to Suzanne Ln, and proceeding northerly along Suzanne Ln to Unnamed 647111743 {TLID:144372795}, and proceeding northerly along Unnamed 647111743 (TLID:144372795) to Unnamed 647111739 (TLID:144372821), and proceeding northerly along Unnamed 647111739 (TLID:144372821) to Unnamed 644210904 (TLID:144372688), and proceeding westerly along Unnamed 644210904 {TLID:144372688} to Elmwood Rd, and proceeding southerly along Elmwood Rd to Unnamed 614533436 {TLID:144372580}, and proceeding westerly along Unnamed 614533436 {TLID:144372580} to del Rosa Ave, and proceeding westerly along del Rosa Ave to del Rosa Dr, and proceeding northerly along del Rosa Dr to N del Rosa Ave, and proceeding northerly along N del Rosa Ave to Unnamed 647111847 {TLID:144370953}, and proceeding westerly along Unnamed 647111847 {TLID:144370953} to Unnamed 647111848 {TLID:144370283}, and proceeding northerly along Unnamed 647111848 (TLID:144370283) to Unnamed 647111844 (TLID:144370238), and proceeding westerly along Unnamed 647111844 {TLID:144370238} to Monte Vista Dr, and proceeding southerly along Monte Vista Dr to Unnamed 629791001 {TLID:144369711}, and proceeding southerly along Unnamed 629791001 {TLID:144369711} to Unnamed 647989650 {TLID:144369652}, and proceeding southerly along Unnamed 647989650 {TLID:144369652} to 17th St, and proceeding easterly along 17th St to Unnamed 647112270 (TLID:144370328), and proceeding southerly along Unnamed 647112270 (TLID:144370328) to Pacific St, and proceeding easterly along Pacific St to Dwight Way, and proceeding southerly along Dwight Way to Unnamed 144656144 (TLID:144369607), and proceeding northerly along Unnamed 144656144 (TLID:144369607) to Pacific St, and proceeding westerly along Pacific St to Unnamed 647130057 (TLID:144369589), and proceeding northerly along Unnamed 647130057 (TLID:144369589) to Unnamed 647130058 (TLID:144369453), and proceeding westerly along Unnamed 647130058 (TLID:144369453) to Conejo Dr, and proceeding southerly along Conejo Dr to Pacific St, and proceeding westerly along Pacific St to Perris Hill Park Rd, and proceeding southerly along Perris Hill Park Rd to East Twin Crk, and proceeding southerly along East Twin Crk to Twin Creek Dr, and proceeding southerly along Twin Creek Dr to East Twin Crk, and proceeding southerly along East Twin Crk to E Base Line St, and proceeding westerly along E Base Line St to N Myrtle Dr, and proceeding westerly

[Return to Municipal Code Contents]

along N Myrtle Dr to E Base Line St, and proceeding westerly along E Base Line St to N Wall Ave, and proceeding westerly along N Wall Ave to E Base Line St, and proceeding westerly along E Base Line St to W Base Line St, and proceeding westerly along W Base Line St to W Baseline Rd, and proceeding westerly along W Baseline Rd to W Baseline St, and proceeding westerly along W Baseline St to W Base Line St, and proceeding westerly along W Base Line St to I- 215, and proceeding northerly along I-215 to Unnamed 619660624 (TLID:144147518), and proceeding northerly along Unnamed 619660624 (TLID:144147518) to I- 215, and proceeding northerly along I- 215 to Foothill Fwy, and proceeding easterly along Foothill Fwy to Unnamed 614800425 (TLID: 144179487), and proceeding easterly along Unnamed 614800425 (TLID:144179487) to Foothill Fwy, and proceeding easterly along Foothill Fwy to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

1.16.040 Third Ward

The region bounded and described as follows: 1. Beginning at the point of intersection of N Mount Vernon Ave and W 4th St, and proceeding southerly along N Mount Vernon Ave to Burlington Northern Santa Fe Rlwy, and proceeding southerly along Burlington Northern Santa Fe Rlwy to N Mount Vernon Ave, and proceeding southerly along N Mount Vernon Ave to W Rialto Ave, and proceeding easterly along W Rialto Ave to E Rialto Ave, and proceeding easterly along E Rialto Ave to S Allen St, and proceeding southerly along S Allen St to E Mill St, and proceeding easterly along E Mill St to Unnamed 144659622 (TLID:144344799), and proceeding easterly along Unnamed 144659622 (TLID: 144344799) to E Mill St, and proceeding easterly along E Mill St to E Mill Oh, and proceeding easterly along E Mill Oh to E Mill St, and proceeding easterly along E Mill St to S Tippecanoe Ave, and proceeding southerly along S Tippecanoe Ave to Unnamed 651716836 (TLID:144350825), and proceeding easterly along Unnamed 651716836 (TLID:144350825) to Unnamed 616550910 (TLID:144352127), and proceeding easterly along Unnamed 616550910 (TLID:144352127) to Burlington Northern Santa Fe Rlwy, and proceeding northerly along Burlington Northern Santa Fe Rlwy to Mountain View Ave, and proceeding southerly along Mountain View Ave to San Bernardino Ave, and proceeding easterly along San Bernardino Ave to Mountain View Ave, and proceeding southerly along Mountain View Ave to W Lugonia Ave, and proceeding southerly along W Lugonia Ave to Mountain View Ave, and proceeding southerly along Mountain View Ave to Unnamed 647992142 (TLID:142805890), and proceeding southerly along Unnamed 647992142 (TLID:142805890) to I- 10, and proceeding westerly along I- 10 to Gage Cnl, and proceeding southerly along Gage Cnl to Unnamed 144724571 {TLID:142738286}, and proceeding westerly along Unnamed 144724571 {TLID:142738286} to Gage Cnl, and proceeding westerly along Gage Cnl to Barton Rd N, and proceeding westerly along Barton Rd N to Unnamed 644158897 {TLID:142721177}, and proceeding westerly along Unnamed 644158897 {TLID:142721177} to Unnamed 632542621 {TLID:142721133}, and proceeding westerly along Unnamed 632542621 {TLID:142721133} to Unnamed 144702102 {TLID:142720673}, and proceeding westerly along Unnamed 144702102

[Return to Municipal Code Contents]

(TLID:142720673) to S Waterman Ave, and proceeding westerly along S Waterman Ave to E Washington St N, and proceeding westerly along E Washington St N to Unnamed 652335447 {TLID:142717619}, and proceeding easterly along Unnamed 652335447 {TLID:142717619} to Unnamed 652335450 {TLID:142717593}, and proceeding westerly along Unnamed 652335450 {TLID:142717593} to Unnamed 652335449 {TLID:142717077}, and proceeding easterly along Unnamed 652335449 {TLID:142717077} to E Washington St N, and proceeding westerly along E Washington St N to S Hunts Ln, and proceeding westerly along S Hunts Ln to Unnamed 614813576 (TLID:142723653), and proceeding westerly along Unnamed 614813576 {TLID:142723653} to Unnamed 635923807 {TLID:142723109}, and proceeding westerly along Unnamed 635923807 (TLID:142723109) to Unnamed 635923808 {TLID:142723132}, and proceeding westerly along Unnamed 635923808 {TLID:142723132} to Unnamed 650412308 {TLID:142713350}, and proceeding northerly along Unnamed 650412308 (TLID:142713350) to Unnamed 650412307 {TLID:142712889}, and proceeding northerly along Unnamed 650412307 (TLID:142712889) to Unnamed 644366987 (TLID:142713486), and proceeding northerly along Unnamed 644366987 {TLID:142713486} to Unnamed 145227331 (TLID:142713634), and proceeding northerly along Unnamed 145227331 {TLID:142713634} to Unnamed 144659235 {TLID:142713687}, and proceeding northerly along Unnamed 144659235 {TLID:142713687} to E Fairway Dr, and proceeding westerly along E Fairway Dr to S Auto Plaza Dr, and proceeding northerly along S Auto Plaza Dr to Unnamed 647988155 {TLID:142710928}, and proceeding westerly along Unnamed 647988155 {TLID:142710928} to Unnamed 644424929 {TLID:142710849}, and proceeding northerly along Unnamed 644424929 {TLID:142710849} to Unnamed 616550868 {TLID:142710856}, and proceeding northerly along Unnamed 616550868 {TLID:142710856} to Unnamed 616550867 {TLID:142710881}, and proceeding northerly along Unnamed 616550867 {TLID:142710881} to Unnamed 629797992 {TLID:142710887}, and proceeding northerly along Unnamed 629797992 {TLID:142710887} to Unnamed 632550573 (TLID:142710893), and proceeding northerly along Unnamed 632550573 {TLID:142710893} to Unnamed 632550575 {TLID:142710056}, and proceeding westerly along Unnamed 632550575 (TLID:142710056) to Unnamed 632550575 {TLID:142709984}, and proceeding easterly along Unnamed 632550575 (TLID:142709984) to E Scenic Dr, and proceeding easterly along E Scenic Dr to Unnamed 651415882 {TLID:142711353}, and proceeding westerly along Unnamed 651415882 (TLID:142711353) to Unnamed 651415879 (TLID:142711343), and proceeding northerly along Unnamed 651415879 {TLID:142711343} to Unnamed 651415876 {TLID:142711377}, and proceeding northerly along Unnamed 651415876 {TLID:142711377} to Unnamed 651415873 {TLID:142711405}, and proceeding northerly along Unnamed 651415873 (TLID:142711405) to Unnamed 651415835 {TLID:142711420}, and proceeding northerly along Unnamed 651415835 {TLID:142711420} to Unnamed 651415836 {TLID:142711536}, and proceeding northerly along Unnamed 651415836 {TLID:142711536} to Unnamed 650412358 {TLID:142711545}, and proceeding westerly along Unnamed 650412358 {TLID:142711545} to Unnamed 651643445 {TLID:142711487}, and proceeding northerly along Unnamed 651643445

[\[Return to Municipal Code Contents\]](#)

(TLID: 1427 11487) to Unnamed 144724517 {TLID:142711497}, and proceeding northerly along Unnamed 144724517 (TLID:142711497) to Unnamed 650412403 (TLID:142710833), and proceeding northerly along Unnamed 650412403 (TLID:142710833) to Unnamed 650412404 (TLID:144295833), and proceeding northerly along Unnamed 650412404 (TLID:144295833) to Inland Center Dr, and proceeding northerly along Inland Center Dr to Unnamed 650412437 (TLID:144295827), and proceeding northerly along Unnamed 650412437 (TLID:144295827) to Unnamed 632542871 (TLID:144295390), and proceeding northerly along Unnamed 632542871 (TLID:144295390) to Unnamed 644362615 (TLID:144295371), and proceeding westerly along Unnamed 644362615 (TLID:144295371) to Unnamed 644362615 (TLID:144295923), and proceeding northerly along Unnamed 644362615 (TLID:144295923) to E Grant Ave, and proceeding westerly along E Grant Ave to N Mount Vernon Ave, and proceeding northerly along N Mount Vernon Ave to E Johnston St, and proceeding westerly along E Johnston St to Bordwell Ave, and proceeding northerly along Bordwell Ave to Unnamed 145226507 (TLID:144117025), and proceeding northerly along Unnamed 145226507 (TLID:144117025) to Unnamed 632556003 (TLID:144117031), and proceeding northerly along Unnamed 632556003 (TLID:144117031) to Unnamed 632556013 (TLID:144117105), and proceeding westerly along Unnamed 632556013 (TLID:144117105) to Unnamed 642197022 (TLID:144117019), and proceeding westerly along Unnamed 642197022 (TLID:144117019) to Unnamed 642197021 (TLID: 144117123), and proceeding northerly along Unnamed 642197021 (TLID:144117123) to Unnamed 632555787 (TLID:144117144), and proceeding westerly along Unnamed 632555787 {TLID:144117144} to Unnamed 632555446 (TLID:144116923), and proceeding southerly along Unnamed 632555446 (TLID:144116923) to Unnamed 632555497 (TLID:144116911), and proceeding southerly along Unnamed 632555497 (TLID:144116911) to Unnamed 632555529 {TLID:144116904}, and proceeding westerly along Unnamed 632555529 {TLID:144116904} to Unnamed 632556815 (TLID: 144116600), and proceeding westerly along Unnamed 632556815 (TLID:144116600) to Unnamed 632556814 (TLID:144116295), and proceeding westerly along Unnamed 632556814 (TLID:144116295) to Unnamed 632556811 {TLID:144116289}, and proceeding westerly along Unnamed 632556811 {TLID:144116289} to Unnamed 632556808 {TLID:144116282}, and proceeding westerly along Unnamed 632556808 (TLID: 144116282) to Unnamed 632556805 (TLID:144116205), and proceeding westerly along Unnamed 632556805 {TLID:144116205} to Unnamed 644218551 (TLID:144116181), and proceeding westerly along Unnamed 644218551 (TLID:144116181) to Unnamed 632556799 (TLID:144115747), and proceeding westerly along Unnamed 632556799 {TLID:144115747} to W Mill St, and proceeding westerly along W Mill St to Unnamed 651415756 (TLID:144115570), and proceeding northerly along Unnamed 651415756 (TLID:144115570) to Unnamed 651415755 {TLID:144115577}, and proceeding northerly along Unnamed 651415755 (TLID:144115577) to Unnamed 653243684 (TLID: 144115802), and proceeding northerly along Unnamed 653243684 (TLID:144115802) to Unnamed 651415728 (TLID:144120233), and proceeding westerly along Unnamed 651415728 {TLID:144120233} to Unnamed 650412669 (TLID:144112121), and

[Return to Municipal Code Contents]

proceeding westerly along Unnamed 650412669 (TLID:144112121) to Unnamed 650412668 (TLID:144107838), and proceeding southerly along Unnamed 650412668 (TLID:144107838) to Unnamed 651415628 (TLID:144107488), and proceeding southerly along Unnamed 651415628 (TLID:144107488) to Unnamed 651415631 (TLID:144107423), and proceeding westerly along Unnamed 651415631 (TLID:144107423) to Unnamed 651415634 (TLID:144107390), and proceeding westerly along Unnamed 651415634 (TLID:144107390) to Unnamed 652335297 (TLID:144106654), and proceeding westerly along Unnamed 652335297 (TLID:144106654) to Unnamed 652335299 (TLID:144106521), and proceeding westerly along Unnamed 652335299 (TLID:144106521) to Unnamed 651415686 (TLID:144110384), and proceeding northerly along Unnamed 651415686 (TLID:144110384) to Unnamed 651415685 (TLID:144110354), and proceeding westerly along Unnamed 651415685 (TLID:144110354) to N Rancho Ave, and proceeding southerly along N Rancho Ave to Unnamed 651415388 (TLID:144104856), and proceeding westerly along Unnamed 651415388 (TLID:144104856) to Unnamed 651415370 (TLID:144104397), and proceeding westerly along Unnamed 651415370 (TLID:144104397) to W Mill St, and proceeding westerly along W Mill St to Unnamed 651416191 (TLID:144103581), and proceeding southerly along Unnamed 651416191 (TLID:144103581) to Unnamed 651416192 (TLID:144103482), and proceeding westerly along Unnamed 651416192 (TLID:144103482) to Unnamed 651416228 (TLID:144103435), and proceeding southerly along Unnamed 651416228 (TLID:144103435) to Unnamed 632562865 (TLID:144103402), and proceeding southerly along Unnamed 632562865 (TLID:144103402) to Unnamed 632562862 (TLID:144102833), and proceeding southerly along Unnamed 632562862 (TLID:144102833) to Unnamed 650412498 (TLID:144070047), and proceeding westerly along Unnamed 650412498 (TLID:144070047) to Unnamed 650714955 (TLID:144069669), and proceeding westerly along Unnamed 650714955 (TLID:144069669) to Burlington Northern Santa Fe Rlwy, and proceeding southerly along Burlington Northern Santa Fe Rlwy to Unnamed 650412489 (TLID:144069564), and proceeding westerly along Unnamed 650412489 (TLID:144069564) to Unnamed 650412490 (TLID:144069458), and proceeding westerly along Unnamed 650412490 (TLID:144069458) to Unnamed 144988708 (TLID:144069380), and proceeding westerly along Unnamed 144988708 (TLID:144069380) to Unnamed 144988707 (TLID:144068621), and proceeding westerly along Unnamed 144988707 (TLID:144068621) to Unnamed 614892559 (TLID:144068188), and proceeding northerly along Unnamed 614892559 (TLID:144068188) to W Randall Ave, and proceeding westerly along W Randall Ave to Unnamed 651069439 (TLID:144055532), and proceeding westerly along Unnamed 651069439 (TLID:144055532) to Unnamed 145000991 (TLID:144056846), and proceeding northerly along Unnamed 145000991 (TLID:144056846) to Unnamed 145220050 (TLID:144057000), and proceeding easterly along Unnamed 145220050 (TLID:144057000) to Unnamed 145000995 (TLID:144066595), and proceeding easterly along Unnamed 145000995 (TLID:144066595) to S Eucalyptus Ave, and proceeding northerly along S Eucalyptus Ave to E Rialto Ave, and proceeding easterly along E Rialto Ave to W Rialto Ave, and proceeding easterly along W Rialto Ave to Burlington Northern Santa Fe Rlwy, and

[\[Return to Municipal Code Contents\]](#)

proceeding northerly along Burlington Northern Santa Fe Rlwy to Lytle Creek Chnnl, and proceeding northerly along Lytle Creek Chnnl to W Foothill Blvd, and proceeding easterly along W Foothill Blvd to W 4th St, and proceeding easterly along W 4th St to the point of beginning. 2. Except for beginning at the point of intersection of Unnamed 651661360 (TLID:142759027) and E Cooley Ave, and proceeding easterly along Unnamed 651661360 (TLID:142759027) to E Cooley Ave, and proceeding westerly along E Cooley Ave to the point of beginning. 3. Except for beginning at the point of intersection of Unnamed 650801061 (TLID:142758124) and Unnamed 650801053 (TLID:142758144), and proceeding southerly along Unnamed 650801061 (TLID:142758124) to Davidson St, and proceeding easterly along Davidson St to Curtis St, and proceeding northerly along Curtis St to Unnamed 650801053 (TLID:142758144), and proceeding northerly along Unnamed 650801053 (TLID:142758144) to the point of beginning. 4. Except for beginning at the point of intersection of S Richardson St and E Cooley Ave, and proceeding southerly along S Richardson St to Unnamed 144688763 (TLID:142758975), and proceeding easterly along Unnamed 144688763 (TLID:142758975) to E Cooley Ave, and proceeding westerly along E Cooley Ave to the point of beginning. 5. Except for beginning at the point of intersection of E Cooley Ave and Unnamed 651426691 (TLID:142759340), and proceeding westerly along E Cooley Ave to Unnamed 651426749 (TLID:142759302), and proceeding southerly along Unnamed 651426749 {TLID:142759302} to Unnamed 651426691 (TLID:142759327), and proceeding northerly along Unnamed 651426691 {TLID:142759327} to Unnamed 651426691 (TLID:142759340), and proceeding westerly along Unnamed 651426691 {TLID:142759340} to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

1.16.050 Fourth Ward

The region bounded and described as follows: Beginning at the point of intersection of Unnamed 636041398 (TLID:144528427) and Unnamed 636041611 (TLID:144528417), and proceeding southerly along Unnamed 636041398 (TLID:144528427) to Unnamed 647153502 (TLID:144410016), and proceeding southerly along Unnamed 647153502 (TLID:144410016) to Unnamed 647153503 (TLID:144410010), and proceeding southerly along Unnamed 647153503 (TLID:144410010) to Unnamed 647153499 (TLID:144410049), and proceeding easterly along Unnamed 647153499 {TLID:144410049} to Unnamed 629791069 {TLID:144410890}, and proceeding easterly along Unnamed 629791069 (TLID:144410890) to Unnamed 647153581 {TLID:144410919}, and proceeding easterly along Unnamed 647153581 {TLID:144410919} to Unnamed 647153582 (TLID:144410943), and proceeding southerly along Unnamed 647153582 (TLID:144410943) to Old Waterman Canyon Rd, and proceeding southerly along Old Waterman Canyon Rd to Unnamed 647153613 (TLID:144410967), and proceeding southerly along Unnamed 647153613 (TLID:144410967) to Unnamed 647153614 (TLID:144434140), and proceeding southerly along Unnamed 647153614 (TLID:144434140) to Unnamed 647153812 {TLID:144434172}, and proceeding easterly

[Return to Municipal Code Contents]

along Unnamed 647153812 {TLID:144434172} to Unnamed 647153808 (TLID: 144434647), and proceeding easterly along Unnamed 647153808 (TLID:144434647) to Unnamed 647992326 (TLID:144435120), and proceeding easterly along Unnamed 647992326 (TLID:144435120) to Unnamed 636041635 (TLID:144435134), and proceeding southerly along Unnamed 636041635 {TLID:144435134} to Unnamed 636041638 (TLID:144435496), and proceeding easterly along Unnamed 636041638 {TLID:144435496} to Unnamed 647990263 {TLID:144514947}, and proceeding easterly along Unnamed 647990263 {TLID:144514947} to Unnamed 648096410 (TLID: 144515523), and proceeding easterly along Unnamed 648096410 (TLID:144515523) to Unnamed 647154727 (TLID:144516195), and proceeding southerly along Unnamed 647154727 (TLID:144516195) to Unnamed 648096392 {TLID:144516174}, and proceeding southerly along Unnamed 648096392 {TLID:144516174} to Unnamed 647154723 (TLID:144514990), and proceeding westerly along Unnamed 647154723 (TLID:144514990) to Unnamed 647154720 (TLID:144514669), and proceeding westerly along Unnamed 647154720 {TLID:144514669} to Daley Canyon Trk Tri, and proceeding westerly along Daley Canyon Trk Tri to Unnamed 647154713 (TLID:144433880), and proceeding southerly along Unnamed 647154713 (TLID:144433880) to Unnamed 647989318 (TLID:144433861), and proceeding westerly along Unnamed 647989318 (TLID:144433861) to Unnamed 647155158 (TLID:144433743), and proceeding southerly along Unnamed 647155158 {TLID:144433743} to Unnamed 647990959 {TLID: 144433841}, and proceeding easterly along Unnamed 647990959 {TLID:144433841} to Unnamed 647155301 {TLID:144419732}, and proceeding southerly along Unnamed 647155301 (TLID:144419732) to Unnamed 648352983 {TLID:144419667}, and proceeding southerly along Unnamed 648352983 (TLID:144419667) to Unnamed 648352982 (TLID:144418708), and proceeding southerly along Unnamed 648352982 (TLID:144418708) to Unnamed 647155554 (TLID:144418727), and proceeding easterly along Unnamed 647155554 (TLID:144418727) to Harrison Canyon Rd, and proceeding southerly along Harrison Canyon Rd to E 40th St, and proceeding easterly along E 40th St to Unnamed 647155910 (TLID:144428554), and proceeding northerly along Unnamed 647155910 . (TLID:144428554) to Unnamed 144654375 (TLID:144429014), and proceeding easterly along Unnamed 144654375 (TLID:144429014) to Unnamed 144660396 (TLID:144430659), and proceeding easterly along Unnamed 144660396 (TLID:144430659) to Unnamed 647990957 (TLID:144431102), and proceeding easterly along Unnamed 647990957 (TLID:144431102) to Unnamed 647156455 (TLID: 144432490), and proceeding easterly along Unnamed 647156455 (TLID:144432490) to Unnamed 647156454 (TLID:144432512), and proceeding easterly along Unnamed 647156454 (TLID:144432512) to Unnamed 647156117 ('ILID:144432895), and proceeding easterly along Unnamed 647156117 (TLID:144432895) to Unnamed 647156121 (TLID:144506807), and proceeding southerly along Unnamed 647156121 (TLID:144506807) to Sand Canyon Truck Tri, and proceeding southerly along Sand Canyon Truck Tri to N Sand Canyon Truck Tri, and proceeding southerly along N Sand Canyon Truck Tri to Daley Canyon Rd, and proceeding southerly along Daley Canyon Rd to Unnamed 647156131 (TLID:144506727), and proceeding easterly along Unnamed

[Return to Municipal Code Contents]

647156131 (TLID:144506727) to Unnamed 647156129 (TLID:144506917), and proceeding easterly along Unnamed 647156129 (TLID:144506917) to Unnamed 614822709 (TLID:144507472), and proceeding easterly along Unnamed 614822709 (TLID:144507472) to Unnamed 614822670 (TLID:144507483), and proceeding easterly along Unnamed 614822670 (TLID:144507483) to Unnamed 614822669 (TLID:144514146), and proceeding easterly along Unnamed 614822669 (TLID:144514146) to Unnamed 144660551 (TLID:144514117), and proceeding southerly along Unnamed 144660551 (TLID:144514117) to Unnamed 144981042 (TLID:144510801), and proceeding southerly along Unnamed 144981042 (TLID:144510801) to Unnamed 629790979 (TLID:144510795), and proceeding southerly along Unnamed 629790979 (TLID:144510795) to Unnamed 629790978 (TLID:144510762), and proceeding southerly along Unnamed 629790978 (TLID:144510762) to Unnamed 144963697 (TLID:144509250), and proceeding southerly along Unnamed 144963697 (TLID:144509250) to N Victoria Ave, and proceeding southerly along N Victoria Ave to Unnamed 614877102 (TLID:144509200), and proceeding southerly along Unnamed 614877102 (TLID:144509200) to Unnamed 640664213 (TLID:144509176), and proceeding southerly along Unnamed 640664213 (TLID:144509176) to Unnamed 640664214 (TLID:144508565), and proceeding easterly along Unnamed 640664214 (TLID:144508565) to Unnamed 640664257 (TLID:144509278), and proceeding northerly along Unnamed 640664257 (TLID:144509278) to Unnamed 640664436 (TLID:144509973), and proceeding easterly along Unnamed 640664436 (TLID:144509973) to Unnamed 640664438 (TLID:144510052), and proceeding northerly along Unnamed 640664438 (TLID:144510052) to Unnamed 647127662 (TLID:144510137), and proceeding northerly along Unnamed 647127662 (TLID:144510137) to Unnamed 653061598 (TLID:144510524), and proceeding northerly along Unnamed 653061598 (TLID:144510524) to Unnamed 647990949 (TLID:144510598), and proceeding easterly along Unnamed 647990949 (TLID:144510598) to Unnamed 640664269 (TLID:144512162), and proceeding easterly along Unnamed 640664269 (TLID:144512162) to Unnamed 640664268 (TLID:144512362), and proceeding easterly along Unnamed 640664268 (TLID:144512362) to Unnamed 623916055 (TLID:144512690), and proceeding easterly along Unnamed 623916055 (TLID:144512690) to Unnamed 623916054 (TLID:144513879), and proceeding easterly along Unnamed 623916054 (TLID:144513879) to Unnamed 144984702 (TLID:144518342), and proceeding easterly along Unnamed 144984702 (TLID:144518342) to Unnamed 144963690 (TLID:144518353), and proceeding easterly along Unnamed 144963690 (TLID:144518353) to Unnamed 642072281 (TLID:144518672), and proceeding northerly along Unnamed 642072281 (TLID:144518672) to Unnamed 642072282 (TLID:144518937), and proceeding northerly along Unnamed 642072282 (TLID:144518937) to Unnamed 614872263 (TLID:144518974), and proceeding easterly along Unnamed 614872263 (TLID:144518974) to Unnamed 614872262 (TLID:144519028), and proceeding southerly along Unnamed 614872262 (TLID:144519028) to Unnamed 144963688 (TLID:144519062), and proceeding southerly along Unnamed 144963688 (TLID:144519062) to Unnamed 144963687 (TLID:144519050), and proceeding easterly along Unnamed 144963687

[\[Return to Municipal Code Contents\]](#)

(TLID:144519050) to Unnamed 144963686 (TLID:144519196), and proceeding easterly along Unnamed 144963686 (TLID:144519196) to Unnamed 653171362 (TLID:144520004), and proceeding easterly along Unnamed 653171362 (TLID:144520004) to Unnamed 145191878 (TLID:144520166), and proceeding easterly along Unnamed 145191878 (TLID:144520166) to Unnamed 145199453 (TLID:144520224), and proceeding easterly along Unnamed 145199453 (TLID:144520224) to Unnamed 145199452 (TLID:144520239), and proceeding easterly along Unnamed 145199452 (TLID:144520239) to Unnamed 650413311 (TLID:145489601), and proceeding southerly along Unnamed 650413311 (TLID:145489601) to Unnamed 650413310 (TLID:145474137), and proceeding southerly along Unnamed 650413310 (TLID:145474137) to Unnamed 614822552 (TLID:145474143), and proceeding easterly along Unnamed 614822552 (TLID:145474143) to Unnamed 647989145 (TLID:145475629), and proceeding easterly along Unnamed 647989145 (TLID:145475629) to Unnamed 145226750 (TLID:145475672), and proceeding westerly along Unnamed 145226750 (TLID:145475672) to Unnamed 651424018 (TLID:145475588), and proceeding westerly along Unnamed 651424018 (TLID:145475588) to Unnamed 651424021 (TLID:145474114), and proceeding southerly along Unnamed 651424021 (TLID:145474114) to Emmerton Ln, and proceeding southerly along Emmerton Ln to Unnamed 651424037 (TLID:145473604), and proceeding westerly along Unnamed 651424037 (TLID:145473604) to Unnamed 651424033 (TLID:145473579), and proceeding westerly along Unnamed 651424033 (TLID:145473579) to Unnamed 651706971 (TLID:145473551), and proceeding westerly along Unnamed 651706971 (TLID:145473551) to Unnamed 651425173 (TLID:145472554), and proceeding southerly along Unnamed 651425173 (TLID:145472554) to Unnamed 651425248 (TLID:145472498), and proceeding westerly along Unnamed 651425248 (TLID:145472498) to Arroyo Vista Dr, and proceeding westerly along Arroyo Vista Dr to N Orchard Rd, and proceeding southerly along N Orchard Rd to Terrace Dr, and proceeding easterly along Terrace Dr to Unnamed 145000981 (TLID:144498256), and proceeding southerly along Unnamed 145000981 (TLID:144498256) to Fairway Ln, and proceeding westerly along Fairway Ln to Unnamed 145226648 (TLID:144498200), and proceeding westerly along Unnamed 145226648 (TLID:144498200) to Unnamed 145226648 (TLID:144497877), and proceeding westerly along Unnamed 145226648 (TLID:144497877) to Highland Ave, and proceeding westerly along Highland Ave to Unnamed 144718236 (TLID:144497467), and proceeding northerly along Unnamed 144718236 (TLID:144497467) to Highland Ave, and proceeding westerly along Highland Ave to Unnamed 614877255 (TLID:144494253), and proceeding westerly along Unnamed 614877255 (TLID:144494253) to Highland Ave, and proceeding westerly along Highland Ave to Unnamed 651423907 (TLID:144484088), and proceeding southerly along Unnamed 651423907 (TLID:144484088) to Atlantic Ave, and proceeding easterly along Atlantic Ave to Unnamed 636146884 (TLID:144484989), and proceeding easterly along Unnamed 636146884 (TLID:144484989) to Unnamed 636146885 (TLID:144485030), and proceeding easterly along Unnamed 636146885 (TLID:144485030) to Unnamed 644267012 (TLID:144485513), and proceeding easterly along Unnamed 644267012 (TLID:144485513) to N Boulder Ave, and proceeding southerly along N Boulder Ave to

[Return to Municipal Code Contents]

Pacific St, and proceeding westerly along Pacific St to la Praix St, and proceeding southerly along la Praix St to Unnamed 644362282 {TLID:144478488}, and proceeding westerly along Unnamed 644362282 (TLID:144478488) to Unnamed 144984979 (TLID:144483271), and proceeding westerly along Unnamed 144984979 {TLID:144483271} to Unnamed 144984978 {TLID:144483259}, and proceeding westerly along Unnamed 144984978 {TLID:144483259} to Unnamed 614885221 {TLID:144481002}, and proceeding westerly along Unnamed 614885221 {TLID:144481002} to Unnamed 614885220 (TLID:144480971), and proceeding westerly along Unnamed 614885220 {TLID:144480971} to Unnamed 614882869 {TLID:144480962}, and proceeding westerly along Unnamed 614882869 (TLID:144480962) to State Hwy 30 S, and proceeding westerly along State Hwy 30 S to Pacific St, and proceeding westerly along Pacific St to Unnamed 651636760 {TLID:144479750}, and proceeding northerly along Unnamed 651636760 (TLID:144479750) to N Palm Ave, and proceeding northerly along N Palm Ave to E Atlantic Ave, and proceeding westerly along E Atlantic Ave to Unnamed 614882678 (TLID:144462805), and proceeding southerly along Unnamed 614882678 (TLID:144462805) to Orange St, and proceeding southerly along Orange St to Unnamed 653186793 (TLID:144462255), and proceeding southerly along Unnamed 653186793 (TLID:144462255) to Orange St, and proceeding southerly along Orange St to E Clifton Ave, and proceeding easterly along E Clifton Ave to Unnamed 651423771 (TLID:144459818), and proceeding easterly along Unnamed 651423771 {TLID:144459818} to Unnamed 651666821 (TLID:144459797), and proceeding easterly along Unnamed 651666821 (TLID:144459797) to Unnamed 145000408 {TLID:144474290}, and proceeding easterly along Unnamed 145000408 {TLID:144474290} to Unnamed 145000405 (TLID:144474366), and proceeding easterly along Unnamed 145000405 (TLID:144474366) to Palm Ave, and proceeding southerly along Palm Ave to Unnamed 651679172 (TLID:144474403), and proceeding southerly along Unnamed 651679172 (TLID:144474403) to Palm Ave, and proceeding southerly along Palm Ave to Unnamed 651703677 (TLID:144474105), and proceeding westerly along Unnamed 651703677 {TLID:144474105} to Unnamed 650713852 {TLID:144459100}, and proceeding westerly along Unnamed 650713852 (TLID:144459100) to Cole Ave, and proceeding northerly along Cole Ave to 14th St, and proceeding westerly along 14th St to Unnamed 651707140 (TLID:144459286), and proceeding northerly along Unnamed 651707140 (TLID:144459286) to Unnamed 651423561 (TLID:144459376), and proceeding northerly along Unnamed 651423561 (TLID:144459376) to Fisher St, and proceeding westerly along Fisher St to Orange St, and proceeding northerly along Orange St to Unnamed 145000416 (TLID:144458553), and proceeding westerly along Unnamed 145000416 (TLID:144458553) to Central Ave, and proceeding northerly along Central Ave to Mansfield St, and proceeding westerly along Mansfield St to Unnamed 144689058 (TLID:144461600), and proceeding northerly along Unnamed 144689058 (TLID:144461600) to Pacific St, and proceeding westerly along Pacific St to Unnamed 651423212 (TLID:144460577), and proceeding northerly along Unnamed 651423212 {TLID:144460577} to Unnamed 651423187 (TLID:144460610), and proceeding northerly along Unnamed 651423187 {TLID:144460610} to Unnamed 651423182 {TLID:

[Return to Municipal Code Contents]

144460781), and proceeding northerly along Unnamed 651423182 (TLID:144460781) to Highland Ave, and proceeding westerly along Highland Ave to N Victoria Ave, and proceeding northerly along N Victoria Ave to Unnamed 144733354 (TLID:144460864), and proceeding westerly along Unnamed 144733354 (TLID:144460864) to Sand Crk, and proceeding northerly along Sand Crk to Date St E, and proceeding westerly along Date St E to Unnamed 144661044 (TLID:144453147), and proceeding northerly along Unnamed 144661044 (TLID:144453147) to Unnamed 644392798 (TLID:144453247), and proceeding northerly along Unnamed 644392798 (TLID:144453247) to Unnamed 144661011 (TLID:144453315), and proceeding northerly along Unnamed 144661011 (TLID:144453315) to Unnamed 144661000 (TLID:144504692), and proceeding northerly along Unnamed 144661000 (TLID:144504692) to Unnamed 144661000 (TLID:144504781), and proceeding westerly along Unnamed 144661000 (TLID:144504781) to E Lynwood Dr, and proceeding westerly along E Lynwood Dr to Unnamed 144660962 (TLID:144503552), and proceeding northerly along Unnamed 144660962 (TLID:144503552) to Arden Ave, and proceeding southerly along Arden Ave to E Lynwood Dr, and proceeding westerly along E Lynwood Dr to Unnamed 647128114 (TLID:144500977), and proceeding northerly along Unnamed 647128114 (TLID:144500977) to Unnamed 647128111 (TLID:144500942), and proceeding westerly along Unnamed 647128111 (TLID:144500942) to Unnamed 647128108 (TLID:144500860), and proceeding westerly along Unnamed 647128108 (TLID:144500860) to Unnamed 647128105 (TLID:144500841), and proceeding westerly along Unnamed 647128105 (TLID:144500841) to Unnamed 647128101 (TLID:144500822), and proceeding southerly along Unnamed 647128101 (TLID:144500822) to E Lynwood Dr, and proceeding westerly along E Lynwood Dr to Unnamed 647990540 (TLID:144425723), and proceeding northerly along Unnamed 647990540 (TLID:144425723) to Marshall Blvd E, and proceeding westerly along Marshall Blvd E to E Marshall Blvd, and proceeding westerly along E Marshall Blvd to Unnamed 647110406 (TLID:144425555), and proceeding northerly along Unnamed 647110406 (TLID:144425555) to Unnamed 647110471 (TLID:144426116), and proceeding easterly along Unnamed 647110471 (TLID:144426116) to Bonnie St, and proceeding southerly along Bonnie St to Edgemont Dr, and proceeding easterly along Edgemont Dr to Unnamed 144660617 (TLID:144426143), and proceeding southerly along Unnamed 144660617 (TLID:144426143) to Marshall Blvd E, and proceeding easterly along Marshall Blvd E to Unnamed 144660987 (TLID:144505428), and proceeding northerly along Unnamed 144660987 (TLID:144505428) to Unnamed 144660592 (TLID:144505475), and proceeding northerly along Unnamed 144660592 (TLID:144505475) to Unnamed 144660589 (TLID:144505525), and proceeding northerly along Unnamed 144660589 (TLID:144505525) to Piedmont Dr, and proceeding westerly along Piedmont Dr to E Piedmont Dr, and proceeding westerly along E Piedmont Dr to Piedmont Dr, and proceeding westerly along Piedmont Dr to Arden Ave, and proceeding southerly along Arden Ave to Unnamed 647127951 (TLID:144504047), and proceeding westerly along Unnamed 647127951 (TLID:144504047) to Unnamed 647127947 (TLID:144501700), and proceeding westerly along Unnamed 647127947 (TLID:144501700) to Unnamed 144660544 (TLID:144501657), and

[\[Return to Municipal Code Contents\]](#)

proceeding westerly along Unnamed 144660544 (TLID:144501657) to Unnamed 647127883 (TLID:144501612), and proceeding westerly along Unnamed 647127883 (TLID:144501612) to Unnamed 647127884 (TLID:144501468), and proceeding westerly along Unnamed 647127884 (TLID:144501468) to Unnamed 647127881 (TLID:144503031), and proceeding northerly along Unnamed 647127881 (TLID:144503031) to Foothill Dr, and proceeding westerly along Foothill Dr to N del Rosa Ave, and proceeding southerly along N del Rosa Ave to Eureka St, and proceeding easterly along Eureka St to Unnamed 647110375 (TLID:144425106), and proceeding southerly along Unnamed 647110375 (TLID:144425106) to Unnamed 647110379 (TLID:144425059), and proceeding southerly along Unnamed 647110379 (TLID:144425059) to E Marshall Blvd, and proceeding westerly along E Marshall Blvd to N del Rosa Ave, and proceeding southerly along N del Rosa Ave to E Lynwood Dr, and proceeding westerly along E Lynwood Dr to N Mountain Ave, and proceeding northerly along N Mountain Ave to Mountain Ave N, and proceeding northerly along Mountain Ave N to Unnamed 145000973 (TLID:144420900), and proceeding westerly along Unnamed 145000973 (TLID:144420900) to N Fairfax Dr, and proceeding northerly along N Fairfax Dr to Unnamed 144654540 (TLID:144420912), and proceeding easterly along Unnamed 144654540 (TLID:144420912) to Mountain Ave N, and proceeding northerly along Mountain Ave N to Unnamed 144733464 (TLID:144420979), and proceeding westerly along Unnamed 144733464 (TLID:144420979) to Unnamed 144654535 (TLID:144420924), and proceeding westerly along Unnamed 144654535 (TLID:144420924) to Unnamed 144654501 (TLID:144420479), and proceeding westerly along Unnamed 144654501 (TLID:144420479) to Unnamed 144654492 (TLID:144421872), and proceeding northerly along Unnamed 144654492 (TLID:144421872) to E 35th St, and proceeding westerly along E 35th St to Modesto Dr, and proceeding northerly along Modesto Dr to Unnamed 647109840 (TLID:144422294), and proceeding easterly along Unnamed 647109840 (TLID:144422294) to Conejo Dr, and proceeding easterly along Conejo Dr to Ferndale Ave, and proceeding northerly along Ferndale Ave to Unnamed 647109930 (TLID:144422517), and proceeding easterly along Unnamed 647109930 (TLID:144422517) to Mountain Ave N, and proceeding northerly along Mountain Ave N to Unnamed 647109745 (TLID:144423316), and proceeding westerly along Unnamed 647109745 (TLID:144423316) to Unnamed 647109746 (TLID:144423297), and proceeding westerly along Unnamed 647109746 (TLID:144423297) to Ferndale Ave, and proceeding northerly along Ferndale Ave to E Echo Dr, and proceeding westerly along E Echo Dr to Unnamed 144654435 (TLID:144428216), and proceeding northerly along Unnamed 144654435 (TLID:144428216) to E 39th St, and proceeding westerly along E 39th St to Unnamed 144654425 (TLID:144416370), and proceeding southerly along Unnamed 144654425 (TLID:144416370) to Unnamed 144654438 (TLID:144416273), and proceeding southerly along Unnamed 144654438 (TLID:144416273) to Unnamed 647110171 (TLID:144415556), and proceeding southerly along Unnamed 647110171 (TLID:144415556) to Unnamed 647110170 (TLID:144415459), and proceeding southerly along Unnamed 647110170 (TLID:144415459) to Unnamed 647110166 (TLID:144415423), and proceeding westerly along Unnamed 647110166 (TLID:144415423) to

[\[Return to Municipal Code Contents\]](#)

Unnamed 144654333 (TLID:144414934), and proceeding westerly along Unnamed 144654333 (TLID:144414934) to Unnamed 144654333 {TLID:144414827}, and proceeding northerly along Unnamed 144654333 (TLID:144414827) to Harrison St N, and proceeding northerly along Harrison St N to E 40th St, and proceeding westerly along E 40th St to W 40th St, and proceeding westerly along W 40th St to N Electric Ave, and proceeding southerly along N Electric Ave to N Mountain View Ave, and proceeding southerly along N Mountain View Ave to W Thompson Pl, and proceeding westerly along W Thompson Pl to N Arrowhead Ave, and proceeding westerly along N Arrowhead Ave to W Kendall Dr, and proceeding westerly along W Kendall Dr to W 40th St, and proceeding easterly along W 40th St to Unnamed 144653650 (TLID:144386947), and proceeding northerly along Unnamed 144653650 {TLID:144386947} to Johnson St, and proceeding southerly along Johnson St to Unnamed 144653715 (TLID:144386967), and proceeding easterly along Unnamed 144653715 {TLID:144386967} to Unnamed 144653723 (TLID:144396685), and proceeding easterly along Unnamed 144653723 (TLID:144396685) to Unnamed 647987739 (TLID:144396771), and proceeding easterly along Unnamed 647987739 (TLID:144396771) to Unnamed 144978728 (TLID:144396794), and proceeding easterly along Unnamed 144978728 (TLID:144396794) to N Electric Ave, and proceeding northerly along N Electric Ave to Unnamed 144978731 (TLID:144396912), and proceeding westerly along Unnamed 144978731 (TLID:144396912) to Unnamed 145220160 (TLID:144396857), and proceeding northerly along Unnamed 145220160 (TLID:144396857) to W 41st St, and proceeding westerly along W 41st St to NF St, and proceeding northerly along N F St to W 48th St, and proceeding westerly along W 48th St to N E St, and proceeding southerly along NE St to Unnamed 145230656 (TLID:144387323), and proceeding westerly along Unnamed 145230656 (TLID:144387323) to Unnamed 144651481 (TLID:144387354), and proceeding easterly along Unnamed 144651481 (TLID:144387354) to NH St, and proceeding northerly along N H St to Unnamed 144651474 (TLID:144387432), and proceeding northerly along Unnamed 144651474 (TLID:144387432) to NH St, and proceeding northerly along N H St to W Hill Dr, and proceeding westerly along W Hill Dr to Unnamed 636817303 (TLID:144386191), and proceeding southerly along Unnamed 636817303 (TLID:144386191) to Unnamed 636817301 (TLID:144386131), and proceeding westerly along Unnamed 636817301 (TLID:144386131) to N 3rd Ave, and proceeding southerly along N 3rd Ave to Unnamed 144651464 (TLID:144385803), and proceeding northerly along Unnamed 144651464 (TLID:144385803) to W Hill Dr, and proceeding westerly along W Hill Dr to Campus Cir, and proceeding northerly along Campus Cir to Unnamed 144555374 (TLID:144405241), and proceeding easterly along Unnamed 144555374 (TLID:144405241) to Unnamed 627217834 (TLID:144405689), and proceeding easterly along Unnamed 627217834 (TLID:144405689) to Unnamed 627217833 (TLID:144405985), and proceeding easterly along Unnamed 627217833 (TLID:144405985) to Unnamed 652038818 (TLID:144406422), and proceeding easterly along Unnamed 652038818 (TLID:144406422) to Unnamed 652038817 (TLID:144408178), and

[Return to Municipal Code Contents]

proceeding easterly along Unnamed 652038817 (TLID:144408178) to Unnamed 647153354 (TLID:144409221), and proceeding northerly along Unnamed 647153354 (TLID:144409221) to Unnamed 644251622 (TLID:144410480), and proceeding northerly along Unnamed 644251622 (TLID:144410480) to Cloudland Truck Tri, and proceeding northerly along Cloudland Truck Tri to Unnamed 636041604 (TLID:144409550), and proceeding northerly along Unnamed 636041604 (TLID:144409550) to Unnamed 636041601 (TLID:144409696), and proceeding northerly along Unnamed 636041601 (TLID:144409696) to Unnamed 636041547 (TLID:144409702), and proceeding northerly along Unnamed 636041547 (TLID:144409702) to Unnamed 636041544 (TLID:144409715), and proceeding northerly along Unnamed 636041544 (TLID:144409715) to Unnamed 636041611 (TLID:144528417), and proceeding easterly along Unnamed 636041611 (TLID:144528417) to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

1.16.060 Fifth Ward

The region bounded and described as follows: Beginning at the point of intersection of Unnamed 647149986 (TLID:144253679) and Unnamed 650414396 (TLID:144245559), and proceeding easterly along Unnamed 647149986 (TLID:144253679) to Unnamed 647149929 (TLID:144253597), and proceeding easterly along Unnamed 647149929 (TLID:144253597) to Unnamed 650414315 (TLID:144254092), and proceeding southerly along Unnamed 650414315 (TLID:144254092) to Unnamed 647150611 (TLID:144254020), and proceeding westerly along Unnamed 647150611 (TLID:144254020) to Unnamed 647150610 (TLID:144252754), and proceeding southerly along Unnamed 647150610 (TLID:144252754) to Unnamed 627217840 (TLID:144252676), and proceeding southerly along Unnamed 627217840 (TLID:144252676) to Unnamed 647151185 (TLID:144252498), and proceeding southerly along Unnamed 647151185 (TLID:144252498) to Unnamed 647151186 (TLID:144193248), and proceeding southerly along Unnamed 647151186 (TLID:144193248) to Unnamed 647150880 (TLID:144192549), and proceeding southerly along Unnamed 647150880 (TLID:144192549) to Unnamed 647989280 (TLID:144192688), and proceeding southerly along Unnamed 647989280 (TLID:144192688) to W Frontline Rd, and proceeding southerly along W Frontline Rd to Unnamed 647151679 (TLID:144194747), and proceeding northerly along Unnamed 647151679 (TLID:144194747) to Unnamed 144736409 (TLID:144195245), and proceeding easterly along Unnamed 144736409 (TLID:144195245) to Unnamed 648098719 (TLID:144195657), and proceeding southerly along Unnamed 648098719 (TLID:144195657) to Unnamed 647152267 (TLID:144194664), and proceeding southerly along Unnamed 647152267 (TLID:144194664) to Unnamed 647987233 (TLID:144405294), and proceeding easterly along Unnamed 647987233 (TLID:144405294) to Sycamore Canyon Rd, and proceeding easterly along Sycamore Canyon Rd to Unnamed 144555374 (TLID:144405241), and proceeding westerly along Unnamed 144555374 (TLID:144405241) to N Magnolia Dr, and proceeding southerly along N Magnolia Dr to Unnamed 649794939 (TLID:144189095), and

[Return to Municipal Code Contents]

proceeding westerly along Unnamed 649794939 (TLID:144189095) to N Magnolia Dr, and proceeding southerly along N Magnolia Dr to Unnamed 648099337 (TLID: 144189055), and proceeding southerly along Unnamed 648099337 (TLID:144189055) to N 4th Ave, and proceeding southerly along N 4th Ave to Unnamed 144651454 (TLID:144384052), and proceeding easterly along Unnamed 144651454 (TLID: 144384052) to Unnamed 144651459 (TLID:144384431), and proceeding easterly along Unnamed 144651459 (TLID:144384431) to Unnamed 144651492 (TLID:144385176), and proceeding easterly along Unnamed 144651492 (TLID:144385176) to N 3rd Ave, and proceeding northerly along N 3rd Ave to Unnamed 647147014 (TLID:144385217), and proceeding easterly along Unnamed 647147014 (TLID:144385217) to Unnamed 614811990 (TLID:144385238), and proceeding southerly along Unnamed 614811990 (TLID:144385238) to W 40th St, and proceeding westerly along W 40th St to W Kendall Dr, and proceeding easterly along W Kendall Dr to N E St, and proceeding southerly along N E St to W 34th St, and proceeding westerly along W 34th St to W Edgehill Rd, and proceeding westerly along W Edgehill Rd to N H St, and proceeding southerly along N H St to Foothill Fwy, and proceeding westerly along Foothill Fwy to Unnamed 614800425 (TLID:144179487), and proceeding westerly along Unnamed 614800425 (TLID:144179487) to Foothill Fwy, and proceeding westerly along Foothill Fwy to I-215, and proceeding northerly along I- 215 to Unnamed 616137078 (TLID:144164517), and proceeding easterly along Unnamed 616137078 (TLID:144164517) to I- 215, and proceeding northerly along I- 215 to Palm Ave, and proceeding southerly along Palm Ave to I- 215, and proceeding westerly along I- 215 to Unnamed 646966385 (TLID: 144211107), and proceeding westerly along Unnamed 646966385 (TLID:144211107) to Unnamed 646966386 (TLID:144210138), and proceeding northerly along Unnamed 646966386 (TLID:144210138) to Unnamed 646966380 (TLID:144210147), and proceeding northerly along Unnamed 646966380 (TLID:144210147) to Unnamed 648084678 (TLID:144210157), and proceeding northerly along Unnamed 648084678 (TLID:144210157) to Unnamed 646966374 (TLID:144210202), and proceeding northerly along Unnamed 646966374 (TLID:144210202) to Unnamed 144972074 (TLID: 144211182), and proceeding northerly along Unnamed 144972074 (TLID:144211182) to Unnamed 144972073 (TLID:144211195), and proceeding northerly along Unnamed 144972073 (TLID:144211195) to Unnamed 649804343 (TLID:144211435), and proceeding easterly along Unnamed 649804343 (TLID:144211435) to Unnamed 648353013 (TLID:144214280), and proceeding easterly along Unnamed 648353013 (TLID:144214280) to Unnamed 649117253 (TLID:144214286), and proceeding easterly along Unnamed 649117253 (TLID:144214286) to Unnamed 649117254 (TLID: 144214298), and proceeding southerly along Unnamed 649117254 (TLID:144214298) to Unnamed 646966781 (TLID:144214292), and proceeding southerly along Unnamed 646966781 (TLID:144214292) to Cable Canyon Rd, and proceeding westerly along Cable Canyon Rd to Unnamed 647147696 (TLID:144214259), and proceeding southerly along Unnamed 647147696 (TLID:144214259) to Unnamed 647147699 (TLID: 144213509), and proceeding southerly along Unnamed 647147699 (TLID:144213509) to Cable Canyon Rd, and proceeding southerly along Cable Canyon Rd to Unnamed

[\[Return to Municipal Code Contents\]](#)

647147705 (TLID:144213466), and proceeding southerly along Unnamed 647147705 (TLID:144213466) to Unnamed 651665584 (TLID:144213401), and proceeding southerly along Unnamed 651665584 (TLID:144213401) to Unnamed 647147783 (TLID:144213066), and proceeding northerly along Unnamed 647147783 (TLID:144213066) to Martin Ranch Rd, and proceeding easterly along Martin Ranch Rd to Unnamed 647147842 (TLID:144213951), and proceeding easterly along Unnamed 647147842 (TLID:144213951) to Martin Ranch Rd, and proceeding southerly along Martin Ranch Rd to Unnamed 647147836 (TLID:144213838), and proceeding southerly along Unnamed 647147836 (TLID:144213838) to W Meyers Rd, and proceeding easterly along W Meyers Rd to Unnamed 644214254 (TLID:144242394), and proceeding easterly along Unnamed 644214254 (TLID:144242394) to Unnamed 653159962 (TLID:144243336), and proceeding easterly along Unnamed 653159962 (TLID:144243336) to Unnamed 649117671 (TLID:144243626), and proceeding easterly along Unnamed 649117671 (TLID:144243626) to Unnamed 653159939 (TLID:144171637), and proceeding southerly along Unnamed 653159939 (TLID:144171637) to Unnamed 647149084 (TLID:144171650), and proceeding easterly along Unnamed 647149084 (TLID:144171650) to Unnamed 647149087 (TLID:144251197), and proceeding easterly along Unnamed 647149087 (TLID:144251197) to Unnamed 647149118 (TLID:144251307), and proceeding northerly along Unnamed 647149118 (TLID:144251307) to Unnamed 647149152 (TLID:144251437), and proceeding northerly along Unnamed 647149152 (TLID:144251437) to Unnamed 647149150 (TLID:144252255), and proceeding northerly along Unnamed 647149150 (TLID:144252255) to Unnamed 647149315 (TLID:144252209), and proceeding northerly along Unnamed 647149315 (TLID:144252209) to Unnamed 647149318 (TLID:144252184), and proceeding westerly along Unnamed 647149318 (TLID:144252184) to Unnamed 647149321 (TLID:144251875), and proceeding westerly along Unnamed 647149321 (TLID:144251875) to Unnamed 647149319 (TLID:144251717), and proceeding westerly along Unnamed 647149319 (TLID:144251717) to Unnamed 647149411 (TLID:144251578), and proceeding northerly along Unnamed 647149411 (TLID:144251578) to Unnamed 647149414 (TLID:144251614), and proceeding northerly along Unnamed 647149414 (TLID:144251614) to Unnamed 648084779 (TLID:144251620), and proceeding northerly along Unnamed 648084779 (TLID:144251620) to Unnamed 648084778 (TLID:144251761), and proceeding northerly along Unnamed 648084778 (TLID:144251761) to Unnamed 648084773 (TLID:144251859), and proceeding westerly along Unnamed 648084773 (TLID:144251859) to Unnamed 614806133 (TLID:144251853), and proceeding westerly along Unnamed 614806133 (TLID:144251853) to Unnamed 650414395 (TLID:144244684), and proceeding westerly along Unnamed 650414395 (TLID:144244684) to Unnamed 650414396 (TLID:144245559), and proceeding easterly along Unnamed 650414396 (TLID:144245559) to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

[\[Return to Municipal Code Contents\]](#)

1.16.070 Sixth Ward

The region bounded and described as follows: 1. Beginning at the point of intersection of Cajon Blvd and Unnamed 145000957 (TLID:144208699), and proceeding easterly along Cajon Blvd to Unnamed 646968126 (TLID:144050130), and proceeding southerly along Unnamed 646968126 (TLID:144050130) to Unnamed 646968130 {TLID:144050113}, and proceeding easterly along Unnamed 646968130 {TLID:144050113} to Cajon Blvd, and proceeding southerly along Cajon Blvd to Unnamed 145219882 {TLID:144050054}, and proceeding westerly along Unnamed 145219882 (TLID:144050054) to Unnamed 649804597 {TLID:144049544}, and proceeding westerly along Unnamed 649804597 (TLID:144049544) to Unnamed 653206407 {TLID:144049422}, and proceeding easterly along Unnamed 653206407 {TLID:144049422} to Unnamed 646969291 {TLID:144049477}, and proceeding easterly along Unnamed 646969291 {TLID:144049477} to Unnamed 646969290 {TLID:144049468}, and proceeding westerly along Unnamed 646969290 {TLID:144049468} to Unnamed 144734884 {TLID:144049450}, and proceeding easterly along Unnamed 144734884 {TLID:144049450} to Unnamed 646969956 (TLID:144049529), and proceeding northerly along Unnamed 646969956 {TLID:144049529} to Unnamed 646969958 {TLID:144049947}, and proceeding easterly along Unnamed 646969958 (TLID:144049947) to Unnamed 647988277 (TLID:144049938), and proceeding southerly along Unnamed 647988277 (TLID:144049938) to Unnamed 646970877 (TLID:144049916), and proceeding southerly along Unnamed 646970877 (TLID:144049916) to Unnamed 646970877 (TLID:144049910), and proceeding easterly along Unnamed 646970877 {TLID:144049910} to Unnamed 646970827 (TLID:144049980), and proceeding easterly along Unnamed 646970827 (TLID:144049980) to Unnamed 144734867 {TLID:144049990}, and proceeding easterly along Unnamed 144734867 {TLID:144049990} to Cajon Blvd, and proceeding easterly along Cajon Blvd to Unnamed 144734862 {TLID:144158079}, and proceeding southerly along Unnamed 144734862 (TLID:144158079) to Unnamed 144734859 {TLID:144050284}, and proceeding southerly along Unnamed 144734859 (TLID:144050284) to Unnamed 144734854 (TLID:144049342), and proceeding southerly along Unnamed 144734854 (TLID:144049342) to Unnamed 144734851 {TLID:144156540}, and proceeding southerly along Unnamed 144734851 (TLID:144156540) to Unnamed 144734848 {TLID:144156881}, and proceeding easterly along Unnamed 144734848 (TLID:144156881) to Unnamed 144689227 (TLID:144156904), and proceeding easterly along Unnamed 144689227 {TLID:144156904} to Cajon Blvd, and proceeding southerly along Cajon Blvd to Palm Ave, and proceeding easterly along Palm Ave to Unnamed 646967168 {TLID:144157232}, and proceeding northerly along Unnamed 646967168 (TLID:144157232) to Unnamed 647990358 (TLID:144157244), and proceeding northerly along Unnamed 647990358 {TLID:144157244} to Unnamed 616133408 (TLID:144157286), and proceeding northerly along Unnamed 616133408 (TLID:144157286) to Unnamed 616133408 (TLID:144157883), and proceeding easterly along Unnamed 616133408 {TLID:144157883} to Palm Ave, and proceeding northerly along Palm Ave to I- 215, and proceeding easterly along I- 215 to Unnamed 616137078

[\[Return to Municipal Code Contents\]](#)

{TLID:144164517), and proceeding westerly along Unnamed 616137078 (TLID: 144164517) to I- 215, and proceeding southerly along I- 215 to Foothill Fwy, and proceeding southerly along Foothill Fwy to I- 215, and proceeding southerly along 1-215 to Unnamed 619660624 {TLID:144147518), and proceeding southerly along Unnamed 619660624 (TLID:144147518) to I- 215, and proceeding southerly along I- 215 to W Base Line St, and proceeding westerly along W Base Line St to N Mount Vernon Ave, and proceeding southerly along N Mount Vernon Ave to W 10th St, and proceeding southerly along W 10th St to N Mount Vernon Ave, and proceeding southerly along N Mount Vernon Ave to W 9th St, and proceeding westerly along W 9th St to Unnamed 614872080 {TLID:144127520), and proceeding southerly along Unnamed 614872080 (TLID:144127520) to Unnamed 614872079 {TLID:144113946), and proceeding easterly along Unnamed 614872079 {TLID:144113946) to Unnamed 614872079 (TLID: 144113925), and proceeding westerly along Unnamed 614872079 (TLID:144113925) to W Foothill Blvd, and proceeding westerly along W Foothill Blvd to Lytle Creek Chnnl, and proceeding southerly along Lytle Creek Chnnl to Burlington 1"-lorthern Santa Fe Rlwy, and proceeding westerly along Burlington Northern Santa Fe Rlwy to W Rialto Ave, and proceeding westerly along W Rialto Ave to Unnamed 144645069 {TLID:144073187), and proceeding northerly along Unnamed 144645069 (TLID:144073187) to Burlington Northern Santa Fe Rlwy, and proceeding easterly along Burlington Northern Santa Fe Rlwy to N Pepper Ave, and proceeding northerly along N Pepper Ave to W Foothill Blvd, and proceeding easterly along W Foothill Blvd to Unnamed 633185396 (TLID: 144074790), and proceeding northerly along Unnamed 633185396 (TLID:144074790) to Unnamed 651715867 (TLID:144075319), and proceeding northerly along Unnamed 651715867 (TLID:144075319) to Unnamed 144645029 {TLID:144074652), and proceeding westerly along Unnamed 144645029 (TLID:144074652) to N Eucalyptus Ave, and proceeding northerly along N Eucalyptus Ave to Unnamed 644323406 {TLID:144074683), and proceeding easterly along Unnamed 644323406 (TLID: 144074683) to Unnamed 144965758 (TLID:144075208), and proceeding easterly along Unnamed 144965758 {TLID:144075208) to W 6th St, and proceeding easterly along W 6th St to N Pepper Ave, and proceeding northerly along N Pepper Ave to Unnamed 650715800 {TLID:144092594), and proceeding easterly along Unnamed 650715800 (TLID:144092594) to N Meridian Ave, and proceeding southerly along N Meridian Ave to Unnamed 651429062 (TLID:144096104), and proceeding easterly along Unnamed 651429062 {TLID:144096104) to Unnamed 651429065 (TLID:144096863), and proceeding easterly along Unnamed 651429065 {TLID:144096863) to Unnamed 651429068 (TLID:144096950), and proceeding easterly along Unnamed 651429068 {TLID:144096950) to N Terrace Rd, and proceeding northerly along N Terrace Rd to Unnamed 650716008 {TLID:144097579), and proceeding northerly along Unnamed 650716008 (TLID:144097579) to E Base Line Rd, and proceeding westerly along E Base Line Rd to Unnamed 651440519 (TLID:144097475), and proceeding northerly along Unnamed 651440519 (TLID:144097475) to Unnamed 651440462 {TLID:144097532), and proceeding northerly along Unnamed 651440462 (TLID:144097532) to N Martin Rd, and proceeding northerly along N Martin Rd to Unnamed 645279350 (TLID:

[\[Return to Municipal Code Contents\]](#)

144094964), and proceeding northerly along Unnamed 645279350 {TLID:144094964} to Unnamed 651718434 {TLID:144097702}, and proceeding northerly along Unnamed 651718434 {TLID:144097702} to Unnamed 651441595 (TLID:144099017), and proceeding northerly along Unnamed 651441595 {TLID:144099017} to Unnamed 145000959 {TLID:144099077}, and proceeding northerly along Unnamed 145000959 (TLID:144099077) to Unnamed 636142382 (TLID:144099105), and proceeding northerly along Unnamed 636142382 {TLID:144099105} to Unnamed 651441385 {TLID:144099120}, and proceeding northerly along Unnamed 651441385 {TLID:144099120} to Unnamed 651441356 {TLID:144099135}, and proceeding northerly along Unnamed 651441356 {TLID:144099135} to W Highland Ave, and proceeding easterly along W Highland Ave to Unnamed 647000892 (TLID:144099850), and proceeding northerly along Unnamed 647000892 (TLID:144099850) to Unnamed 647000885 (TLID:144100209), and proceeding northerly along Unnamed 647000885 (TLID:144100209) to Unnamed 647000824 (TLID:144100215), and proceeding northerly along Unnamed 647000824 {TLID:144100215} to Unnamed 647000821 {TLID:144100546}, and proceeding northerly along Unnamed 647000821 {TLID:144100546} to Unnamed 144684723 {TLID:144100621}, and proceeding northerly along Unnamed 144684723 {TLID:144100621} to Mallory St, and proceeding easterly along Mallory St to Unnamed 144651556 (TLID:144100648), and proceeding easterly along Unnamed 144651556 {TLID:144100648} to Unnamed 647003905 (TLID:144100710), and proceeding easterly along Unnamed 647003905 (TLID:144100710) to Jennifer Ln, and proceeding southerly along Jennifer Ln to Unnamed 647003915 (TLID:144130694), and proceeding southerly along Unnamed 647003915 (TLID:144130694) to Unnamed 144651583 (TLID:144130703), and proceeding easterly along Unnamed 144651583 (TLID:144130703) to N Macy St, and proceeding southerly along N Macy St to Adams St, and proceeding easterly along Adams St to Unnamed 144651697 (TLID:144131306), and proceeding easterly along Unnamed 144651697 (TLID:144131306) to N State St, and proceeding southerly along N State St to W Highland Ave, and proceeding easterly along W Highland Ave to N California St, and proceeding northerly along N California St to W Porter St, and proceeding westerly along W Porter St to Unnamed 144994461 (TLID:144134312), and proceeding northerly along Unnamed 144994461 (TLID:144134312) to Mallory St, and proceeding easterly along Mallory St to Unnamed 647991237 (TLID:144172485), and proceeding northerly along Unnamed 647991237 (TLID:144172485) to Unnamed 647004267 (TLID:144172524), and proceeding easterly along Unnamed 647004267 (TLID:144172524) to N California St, and proceeding northerly along N California St to Unnamed 144651243 (TLID:144173409), and proceeding northerly along Unnamed 144651243 (TLID:144173409) to Unnamed 648092548 (TLID:144173393), and proceeding northerly along Unnamed 648092548 (TLID:144173393) to Unnamed 653220056 (TLID:144174011), and proceeding northerly along Unnamed 653220056 (TLID:144174011) to Burlington Northern Santa Fe Rlwy, and proceeding northerly along Burlington Northern Santa Fe Rlwy to Unnamed 144649647 (TLID:144156178), and proceeding southerly along Unnamed 144649647 (TLID:144156178) to June St, and proceeding westerly along June St to June Pl, and proceeding westerly along June Pl to

[Return to Municipal Code Contents]

San Benito Ave, and proceeding northerly along San Benito Ave to Unnamed 646991146 (TLID:144154938), and proceeding westerly along Unnamed 646991146 (TLID:144154938) to Unnamed 647987575 (TLID:144154916), and proceeding westerly along Unnamed 647987575 (TLID:144154916) to Unnamed 144689372 (TLID:144153719), and proceeding westerly along Unnamed 144689372 (TLID:144153719) to Unnamed 144689371 (TLID:144153651), and proceeding westerly along Unnamed 144689371 (TLID:144153651) to Unnamed 647990352 (TLID:144153523), and proceeding southerly along Unnamed 647990352 (TLID:144153523) to Unnamed 647989661 (TLID:144152954), and proceeding westerly along Unnamed 647989661 (TLID:144152954) to Unnamed 646974591 (TLID:144152866), and proceeding westerly along Unnamed 646974591 (TLID:144152866) to Unnamed 647987625 (TLID:144153835), and proceeding northerly along Unnamed 647987625 (TLID:144153835) to Cajon Blvd, and proceeding northerly along Cajon Blvd to Unnamed 144688372 (TLID:144153983), and proceeding westerly along Unnamed 144688372 (TLID:144153983) to Unnamed 144979241 (TLID:144151590), and proceeding westerly along Unnamed 144979241 (TLID:144151590) to Unnamed 144979240 (TLID:144151523), and proceeding westerly along Unnamed 144979240 (TLID:144151523) to Burlington Northern Santa Fe Rlwy, and proceeding southerly along Burlington Northern Santa Fe Rlwy to Unnamed 646974346 (TLID:144151325), and proceeding westerly along Unnamed 646974346 (TLID:144151325) to Unnamed 647992210 (TLID:144151279), and proceeding southerly along Unnamed 647992210 (TLID:144151279) to Unnamed 653220049 (TLID:144150830), and proceeding northerly along Unnamed 653220049 (TLID:144150830) to Unnamed 646973742 (TLID:144150820), and proceeding northerly along Unnamed 646973742 (TLID:144150820) to Unnamed 646973648 (TLID:144150862), and proceeding northerly along Unnamed 646973648 (TLID:144150862) to Unnamed 646973642 (TLID:144150810), and proceeding westerly along Unnamed 646973642 (TLID:144150810) to Unnamed 144734920 (TLID:144150800), and proceeding westerly along Unnamed 144734920 (TLID:144150800) to Unnamed 646971797 (TLID:144046747), and proceeding westerly along Unnamed 646971797 (TLID:144046747) to Unnamed 653220036 (TLID:144049221), and proceeding northerly along Unnamed 653220036 (TLID:144049221) to Unnamed 649808942 (TLID:144049234), and proceeding northerly along Unnamed 649808942 (TLID:144049234) to Unnamed 646971092 (TLID:144049371), and proceeding northerly along Unnamed 646971092 (TLID:144049371) to Unnamed 646967946 (TLID:144048669), and proceeding northerly along Unnamed 646967946 (TLID:144048669) to Unnamed 646967810 (TLID:144048652), and proceeding northerly along Unnamed 646967810 (TLID:144048652) to Unnamed 646967807 (TLID:144208548), and proceeding northerly along Unnamed 646967807 (TLID:144208548) to Unnamed 646967628 (TLID:144208567), and proceeding northerly along Unnamed 646967628 (TLID:144208567) to Unnamed 646967629 (TLID:144208579), and proceeding northerly along Unnamed 646967629 (TLID:144208579) to Unnamed 646967626 (TLID:144208560), and proceeding northerly along Unnamed 646967626 (TLID:144208560) to Unnamed 646967623 (TLID:144208619), and proceeding northerly along Unnamed 646967623 (TLID:144208619) to

[\[Return to Municipal Code Contents\]](#)

Unnamed 644267485 (TLID:144208690), and proceeding northerly along Unnamed 644267485 (TLID:144208690) to Unnamed 145000957 (TLID:144208699), and proceeding northerly along Unnamed 145000957 (TLID:144208699) to the point of beginning. 2. As well as beginning at the point of intersection of Unnamed 653160124 (TLID:144198292) and Unnamed 646962861 (TLID:99474419), and proceeding southerly along Unnamed 653160124 (TLID:144198292) to Unnamed 647990945 (TLID:144198270), and proceeding westerly along Unnamed 647990945 (TLID:144198270) to Unnamed 646962906 (TLID:144198283), and proceeding northerly along Unnamed 646962906 (TLID:144198283) to Unnamed 646962861 (TLID:99474419), and proceeding northerly along Unnamed 646962861 (TLID:99474419) to the point of beginning. 3. As well as beginning at the point of intersection of Unnamed 646963192 (TLID:144202536) and Unnamed 646963189 (TLID:144198860), and proceeding southerly along Unnamed 646963192 (TLID:144202536) to Unnamed 646963190 (TLID:144202511), and proceeding westerly along Unnamed 646963190 (TLID:144202511) to Unnamed 650709814 (TLID:144202517), and proceeding westerly along Unnamed 650709814 (TLID:144202517) to Unnamed 650709810 (TLID:144198844), and proceeding westerly along Unnamed 650709810 (TLID:144198844) to Unnamed 650709798 (TLID:144198469), and proceeding northerly along Unnamed 650709798 (TLID:144198469) to Unnamed 646963189 (TLID:144198860), and proceeding northerly along Unnamed 646963189 (TLID:144198860) to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

1.16.080 Seventh Ward

Seventh District.

The region bounded and described as follows: Beginning at the point of intersection of Harrison St N and E 40th St, and proceeding southerly along Harrison St N to del Norte Dr, and proceeding easterly along del Norte Dr to Unnamed 647128853 (TLID:144413985), and proceeding westerly along Unnamed 647128853 (TLID:144413985) to Harrison StN, and proceeding southerly along Harrison St N to E Lynwood Dr, and proceeding easterly along E Lynwood Dr to N del Rosa Ave, and proceeding southerly along N del Rosa Ave to Unnamed 144656063 (TLID:144424746), and proceeding easterly along Unnamed 144656063 (TLID:144424746) to N Ironwood St, and proceeding northerly along N Ironwood St to E Lynwood Dr, and proceeding easterly along E Lynwood Dr to Merito Ave, and proceeding easterly along Merito Ave to E Lynwood Dr, and proceeding easterly along E Lynwood Dr to N Sterling Ave, and proceeding southerly along N Sterling Ave to E Citrus St, and proceeding easterly along E Citrus St to Unnamed 144992621 {TLID:144448323}, and proceeding southerly along Unnamed 144992621 {TLID:144448323} to N Sterling Ave, and proceeding southerly along N Sterling Ave to Date St E, and proceeding westerly along Date St E to Unnamed

[Return to Municipal Code Contents]

647110707 {TLID:144376007), and proceeding northerly along Unnamed 647110707 {TLID:144376007) to Unnamed 648269766 {TLID:144376070), and proceeding northerly along Unnamed 648269766 {TLID:144376070) to Unnamed 648269767 {TLID:144376037), and proceeding westerly along Unnamed 648269767 {TLID:144376037) to Unnamed 647110766 (TLID:144375225), and proceeding southerly along Unnamed 647110766 {TLID:144375225) to Unnamed 647110785 {TLID:144375169), and proceeding southerly along Unnamed 647110785 (TLID:144375169) to Foothill Fwy, and proceeding southerly along Foothill Fwy to N del Rosa Ave, and proceeding southerly along N del Rosa Ave to E Highland Ave, and proceeding westerly along E Highland Ave to Windsor Dr, and proceeding westerly along Windsor Dr to E Highland Ave, and proceeding westerly along E Highland Ave to W Highland Ave, and proceeding westerly along W Highland Ave to N D St, and proceeding westerly along ND St to W Highland Ave, and proceeding westerly along W Highland Ave to N Muscupiahe Dr, and proceeding northerly along N Muscupiahe Dr to W Colima Rd, and proceeding easterly along W Colima Rd to N Muscupiahe Dr, and proceeding northerly along N Muscupiahe Dr to Foothill Fwy, and proceeding easterly along Foothill Fwy to N H St, and proceeding northerly along N H St to W Edgehill Rd, and proceeding easterly along W Edgehill Rd to W 34th St, and proceeding easterly along W 34th St to N E St, and proceeding northerly along N E St to W Kendall Dr, and proceeding northerly along W Kendall Dr to N Arrowhead Ave, and proceeding easterly along N Arrowhead Ave to Unnamed 145230876 {TLID:144391132), and proceeding easterly along Unnamed 145230876 {TLID:144391132) to N Arrowhead Ave, and proceeding easterly along N Arrowhead Ave to W Thompson Pl, and proceeding easterly along W Thompson Pl to N Mountain View Ave, and proceeding easterly along N Mountain View Ave to N Electric Ave, and proceeding northerly along N Electric Ave to W 40th St, and proceeding easterly along W 40th St to E 40th St, and proceeding easterly along E 40th St to the point of beginning.

(Ord. MC-1567, 12-15-21; Ord. MC-1376, 9-04-12)

Chapter 1.20 WORKING OF PROBATIONERS ON PUBLIC PROPERTY

Sections:

- 1.20.010 Compulsion to perform labor when**
- 1.20.020 Probationer engaged under this chapter
not deemed City employee**

1.20.010 Compulsion to perform labor when

In accordance with the provisions of Penal Code Section 1203.1 and Government Code Section 25359, any or all persons granted summary probation may be compelled to

[\[Return to Municipal Code Contents\]](#)

perform labor under the direction of the director of the Parks and Recreation Department of the City, or such other person as the court may direct, on the public works or ways, public grounds, roads, streets, alleys, highways, firebreaks, fire roads, riding or hiking trails, public buildings, or in such other places in the City as deemed advisable for the benefit of the public; provided, however, that no probationer shall be compelled to perform labor who may be physically unable to do so or whose safekeeping may be endangered thereby.

(Ord. 3330, 2-16-73)

1.20.020 Probationer engaged under this chapter not deemed City employee

No probationer engaged in the performance of labor pursuant to the provisions of this chapter shall be considered an employee of or to be employed by the City or any department thereof. Furthermore, no such person shall come within any of the provisions of the Workmen's Compensation Insurance and Safety Act of 1970 (Divisions 4 and 5, Labor Code) or be entitled to any benefits thereunder whether on behalf of himself or any other person.

(Ord. 3330, 2-16-73)

Chapter 1.24 DESIGNATION OF OLD CITY

Sections:

1.24.010 Reference to Plat

1.24.010 Reference to Plat.

That portion of the City designated "City of San Bernardino" on the plat thereof, recorded in Book 7 of Maps, Page 1, of the records in the County Recorder's office of the County of San Bernardino, is designated as "Old City," and in all proceedings of the Mayor and Common Council of the City, in any or all documents made or executed by any officer of the City, such portion of the City may be designated as "Old City" and when designated, shall be deemed to mean that portion of the City shown on said map.

(Ord. 821, 8-09-1921)

Chapter 1.26
TIME LIMITATIONS FOR ADMINISTRATIVE
MANDAMUS PROCEEDINGS

Sections:

- 1.26.010 Adoption of time limits of Section 1094.6 of the Code of Civil Procedure**
- 1.26.020 Definition of "decision"**
- 1.26.030 Preparation and payment for record and reporter's transcript**
- 1.26.040 Notice of time limits.**

1.26.010 Adoption of time limits of Section 1094.6 of the Code of Civil Procedure

Any judicial action taken to review, set aside, annul or vacate any decision, finding, or action taken by the Mayor and Common Council or of any commission, board, officer or agent of the City of San Bernardino shall be filed within the time limits prescribed in California Code of Civil Procedure Section 1094. 6. For abatement of dangerous buildings pursuant to the provisions of Chapter 15.28 of this Code, a thirty-day time limitation within which a judicial action to review, set aside, annul or vacate any decision, finding, or action taken by the Mayor and Common Council is imposed, due to the urgency of relief required for the public health and safety.

If any sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this section.

(Ord. MC-410, 9-18-84; Ord. MC-216, 10-25-82; Ord. MC-85, 8-04-81)

1.26.020 Definition of "decision"

As used in this chapter, "decision" includes, but is not limited to, an adjudicatory administrative decision made after a hearing suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit or a license; or denying an application for any retirement benefit or allowance.

(Ord. MC-216, 10-25-82; Ord. MC-85, 8-04-81)

1.26.030 Preparation and payment for record and reporter's transcript

Upon the filing of a written request for the record of the proceedings or any portion thereof, an amount estimated to cover the actual cost of preparing the record shall be deposited in advance with the City official preparing the record. The record prepared by the City official shall include the transcript of the proceedings, other than a reporter's transcript; all pleadings, notices, orders, final decision, exhibits admitted or rejected, all

[Return to Municipal Code Contents]

written evidence, and any other papers in the case When a hearing has been reported by a court reporter and the petitioner desires a reporter's transcript, the petitioner shall arrange directly with the court reporter for the transcript, pay the reporter directly, and lodge the transcript with the court, serving notice of the lodging to the City Attorney.

(Ord. MC-216, 10-25-82)

1.26.040 Notice of time limits

Upon rendition of any adjudicatory administrative decision by the City, notice shall be provided to the parties that the time within which judicial review must be sought is governed by the provisions of Section 1094.6 of the Code of Civil Procedure.

(Ord. MC-216, 10-25-82)

Chapter 1.28 ADMINISTRATIVE AND LEGISLATIVE INTERPRETATION AND PRACTICE - CHARTER

Sections:

- 1.28.010 Administrative and legislative practice - Charter interpretation**
- 1.28.020 Police and fire salaries**
- 1.28.030 Setting of salaries and fringe benefits for public safety employees**

1.28.010 Administrative and legislative practice - Charter interpretation

The Mayor and Common Council find and determine that various provisions of the Charter of the City have been administratively and legislatively interpreted and implemented by practice over a period of time and that such provisions have acquired a meaning upon which the local government, the public, taxpayers and affected employees have relied. This Chapter is a declaration of existing law and practice and not an amendment or change therein.

(Ord. MC-338, 1-25-84)

1.28.020 Police and fire salaries

Charter Section 186 Second, Article X, since its amendment in 1976, by administrative and legislative practice has consistently been interpreted in a manner that the phrase the monthly salaries, paid or approved for payment to local safety members of like or most nearly comparable positions of the police and fire departments of ten cities of California, as used to determine the monthly salaries of local safety members

[\[Return to Municipal Code Contents\]](#)

of the San Bernardino Police and Fire Departments by arithmetic averaging, refers to those monthly salaries set by resolution or motion of the legislative bodies of such ten cities setting forth salary plans consisting of money to be paid at various ranges and steps within the ranges for each position and which amounts the cities report to the United States Internal Revenue Service and the California Franchise Tax Board as wages or income. Any other compensation or remuneration paid or approved for payment to local safety members in such cities, regardless of how calculated, when paid or in what form, or however denominated, have not been included within "monthly salaries" as that phrase is used in Charter Section 186 and are not "monthly salaries" within the meaning of Charter Section 186. All such other forms of compensation or remuneration are fringe benefits which have been negotiated in good faith meet and confer sessions.

(Ord. MC-338, 1-25-84)

1.28.030 Setting of salaries and fringe benefits for public safety employees

Salaries, as interpreted and defined in Section 1.28.020, of police and fire local safety employees are and shall be determined in accordance with the procedure set forth in Section 186 of the City Charter. Fringe benefits are not limited by or included within the scope of Section 186 and are and shall be determined in good faith negotiations pursuant to the employer-employee relations resolutions implementing the Meyers-Milias-Brown Act.

(Ord. MC-338, 1-25-84)

Title 2
ADMINISTRATION AND PERSONNEL

Chapters:

- 2.01 Mayor Pro-Tempore
- 2.02 City Manager
- 2.03 Vacancies
- 2.04 Department of Human Resources
- 2.06 Purchasing Agent
- 2.08 City Treasurer
- 2.10 Department of Finance
- 2.12 Fire Department
- 2.14 Department of Public Works
- 2.15 Department of Community Development
- 2.16 (Repealed By Ord. MC-1220, 3-20-06)
- 2.17 Boards, Bureaus and Commissions - General
- 2.18 Parks, Recreation and Community Services Department
(Repealed by Ord. MC-1458, 2-21-2018)
- 2.19 Elected Official Compensation Advisory Commission
(as added by Ord. MC-1463, 2-21-18)
- 2.20 Special Counsel Services
(Repealed by Ord. MC-1498, 7-05-18)
- 2.22 Planning Commission
- 2.23 Historical Preservation Commission
(Repealed by Ord. MC-1460, 2-21-18)
- 2.24 (Repealed By Ord. MC-1352, 6-21-11)
- 2.26 Animal Control Commission
(Repealed by Ord. MC-1468, 3-07-18)
- 2.27 Library Board (added by Ord. MC-1483, 4-18-18)
- 2.28 Board of Water Commissioners
- 2.30 Fine Arts Commission
(Repealed by Ord. MC-1458, 2-21-18)
- 2.31 Relocation Appeals Board
(Repealed by Ord. MC-1459, 2-21-18)
- 2.32 Board of Fire Commissioners
(Repealed by Ord. MC-1422, 5-16-16)
- 2.34 Board of Police Commissioners
(Repealed by Ord. MC-1471, 3-07-18)
- 2.36 Police Officer Standards and Training
- 2.38 Police Reserve

[\[Return to Municipal Code Contents\]](#)

- 2.39 Human Relations Commission
(Repealed by Ord. MC-1471, 3-07-18)
- 2.40 Community Development Commission
- 2.41 (Repealed by Ord. MC-1190, 11-02-04)
- 2.42 (Repealed By Ord. MC-1352, 6-21-11)
- 2.43 Bureau of Franchises (Repealed by Ord. MC-1480, 4-18-18)
- 2.44 (Repealed by Ord. MC-1190, 11-02-04)
- 2.45 Building Appeals Board
- 2.46 Disaster Council
- 2.47 (Repealed by Ord. MC-1190, 11-02-04)
- 2.48 State Employees' Retirement System
- 2.49 Senior Affairs Commission
(Repealed by Ord. MC-1458, 2-21-18)
- 2.50 Personnel Commission
- 2.52 City Hall
- 2.54 Holidays
- 2.55 Local Campaign Finance Regulations
- 2.56 Elections
- 2.57 Online or Electronic Filing of
Fair Political Practices Commission Forms
- 2.58 Meetings
- 2.60 (Repealed by Ord. MC-1220, 3-20-06)
- 2.62 Filing of Official Bonds
- 2.64 Appeals to Common Council
- 2.65 Sale of Real Property
- 2.66 Contract of Indemnity
- 2.68 Vacancies in Office
- 2.70 Sale of Unclaimed Property.
- 2.72 Demands Against City; Payments
- 2.73 Collection of Debts
- 2.74 Financial Interests of Appointed City Committee Members
- 2.75 Use of City's CATV Facilities
- 2.76 Council Committees
- 2.77 (Repealed by Ord. MC-1324, 6-08-10)
- 2.78 (Repealed by Ord. MC-1355, 8-06-11)
- 2.79 Information Technology Department
- 2.80 (Repealed by Ord. MC-1324, 6-08-10)
- 2.81 Police Department
- 2.82 Mayor and City Council Compensation

[\[Return to Municipal Code Contents\]](#)

Chapter 2.01 MAYOR PRO-TEMPORE

Section:

2.01.010 Mayor Pro-Tempore

2.01.010 Mayor Pro-Tempore

San Bernardino City Charter Section 302 identifies the position of Mayor Pro Tempore. At the first regularly scheduled meeting of the City Council following the effective date of this ordinance, the City Council shall elect a Council Member to serve as Mayor Pro Tempore. At the second regularly scheduled meeting of the City Council in December of each year, the City Council shall elect a Council Member to serve as Mayor Pro Tempore.

If the Mayor Pro Tempore is absent or otherwise unavailable to serve in such capacity, the Council Member present in the City with the most consecutive days of service as a member of the City Council of the City of San Bernardino shall serve as the Mayor Pro Tempore for that period of absence or unavailability only. "Consecutive days of service" shall be calculated by counting backward in time starting from the day on which the calculation is being made.

In the event that there are two or more Council Members with the exact same number of consecutive days of service as a member of the City Council of the City of San Bernardino, the temporary filling of the position of Mayor Pro Tempore shall be determined by lot, pursuant to the general procedure established in Section 15651 of the Elections Code of the State of California, specifically by flipping a coin in the case of two members with the exact same number of consecutive days of service as a member of the City Council of the City of San Bernardino, or the drawing of straws in the case of three or more members with the exact same number of consecutive days of service as a member of the City Council of the City of San Bernardino. The City Clerk shall be responsible for conducting the coin toss or conducting the drawing of straws whenever either event is required by this Section.

The Council Member holding the position of Mayor Pro Tempore shall continue to hold said position until his/her successor is elected by the City Council or until said Council Member is no longer a member of the City Council, whichever occurs first.

Pursuant to Charter Section 302, in the absence of the Mayor from any Council meeting, the Mayor Pro Tempore shall preside over that Council meeting.

In addition, at all other times that the Mayor is temporarily unable to perform the duties of his or her office, the Mayor Pro Tempore shall have all powers and authority that the Mayor would have possessed if present to perform his or her duties.

However, the Mayor Pro Tempore may not cast an additional vote in the event of a tie or exercise veto powers over City Council action, but may continue to exercise his or her vote as a Council member.

(Ord. MC-1441, 4-03-17; Ord. MC-1289, 11-04-08; Ord. MC-1267, 4-08-08)

Chapter 2.02 CITY MANAGER

Sections:

- 2.02.010 Position created**
- 2.02.020 Selection and Appointment**
- 2.02.030 Discharge**
- 2.02.040 Salary and benefits**
- 2.02.050 Assistants**
- 2.02.060 Duties of the City Manager**
- 2.02.070 Authority to file and prosecute small claims**
- 2.02.080 Mayor and Council's authority over the City Manager and other City employees**
- 2.02.090 Accountability and Expectations**
- 2.02.100 Repealed by Ord. MC-1440, 4-03-17**

2.02.010 Position created

There is created the position of City Manager as required by Article IV of the City Charter. Any and all references to the administrative officer or City Administrator in any ordinances, resolutions and documents of the City shall refer to and mean the City Manager.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2836, 8-15-67; Ord. 2397, 11-21-61)

2.02.020 Selection and Appointment

The City Manager shall have the qualifications and shall be chosen in accordance with Article IV, Section 400 of the City Charter by at least five affirmative votes of the Council and Mayor. The City Manager shall devote his or her entire time to the duties of his or her office and shall not engage in any other business or occupation.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2397, 11-21-61)

2.02.030 Discharge

The City Manager may be discharged by at least five affirmative votes of the Council and Mayor as provided in Article IV, Section 400 of the City Charter.

(Ord. MC-1440, 4-03-17; Ord. MC-1226, 6-07-06; Ord. MC-839, 6-11-92;
Ord. 3120, 11-10-70; Ord. 2397, 11-21-61)

2.02.040 Salary and benefits

The salary of the City Manager shall be fixed by the Mayor and City Council and it shall be paid in the same manner and at the same time as the salaries of other City employees. He or she is granted and is entitled to all of the benefits conferred upon City employees relating to sick leave, vacation leave, holidays, medical insurance, workers' compensation and travel expense, and by the Public Employees' Retirement System, and any other salary and/or benefits that may be provided by resolution or pursuant to an employment agreement between the City and the City Manager.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2397, 11-21-61)

2.02.050 Assistants

The Mayor and City Council shall create and maintain positions within the City's authorized classification and salary list for an Assistant City Manager and Department Heads for each of the City's authorized departments. In order to assist the City Manager in the performance of his or her duties, the City Manager may assign the performance of any of the duties prescribed in this chapter to his or her assistants or department heads. The City Manager may appoint an Assistant City Manager.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 3286, 8-24-72; Ord. 2397, 11-21-61)

2.02.060 Duties of the City Manager

The City Manager shall perform the duties set out in Article IV, Section 401 of the City Charter, and such other duties as may be assigned to him or her by duly adopted ordinance. In addition to the authority and duties outlined in Article IV, Section 401 of the City Charter, the City Manager shall:

- A. Determine the items and order of such items on the City Council's meeting agendas, subject to direction from the Mayor and City Council. The City Manager shall include any agenda item requested by the presiding officer of the City Council for discussion and further direction from a majority of the City Council; and
- B. Confer regularly with the City Attorney on legal issues; immediately notify the City Attorney if any important legal issues or difficulties that arise to obtain the legal advice of the City Attorney, and carefully consider such advice, understanding that

[Return to Municipal Code Contents]

recommendations of the City Attorney are advisory only. Neither the City Attorney, nor employees of the Office of the City Attorney, has the authority to issue orders to the City Manager or any of his/her subordinates; it is the responsibility of the City Manager to ensure that all Manager-directed departments and the employees of those departments perform all of their duties legally and that those departments and their employees are faithful in the observance, adherence, and enforcement of all pertinent laws, ordinances, and legal requirements in the performance of their duties and in their official conduct;

- C. Sign all contracts, deeds, and other documents on behalf of the City when authorized to do so by the Mayor and City Council; and
- D. See that all franchises, permits and privileges granted by the City, and the provisions of all contracts to which the City is a party, are faithfully observed; and
- E. Consolidate or combine duties, offices, positions, departments or units under his or her direction, after informing and seeking input from the Mayor and City Council within the limits established by the Charter, this Code, or the annual budget; provided, however, that nothing herein contained shall be construed to supersede the authority of the Personnel Commission in the matter of disciplinary appeals; and
- F. Control, order and give directions to all heads of departments and to subordinate officers and employees of the City under his or her jurisdiction through their department heads; and
- G. Investigate as necessary all complaints and other matters concerning the administration of the City government. However, as to any complaint or other matter concerning the administration of the City Manager's office, it shall be referred to outside independent legal counsel for investigation; and
- H. Close or restrict access to any and all public property owned or controlled by the City during the pendency of any construction, repair, remedial, maintenance or modification work on public property upon reasonable notice to the public posted at or near the site of the proposed work; and
- I. Exercise general supervision over all public buildings, public parks, and other public property which are under the control and jurisdiction of the City Council and not specifically delegated to a particular board or officer; and

- J. Designate City officers or employees of the City to exercise the powers authorized by Section 836.5(a) of the California Penal Code, including the issuance of citations for violations of the provisions of the San Bernardino Municipal Code pursuant to Sections 853.5 and 853.6 of the California Penal Code. He or she is also responsible for general policy supervision of the public safety functions and primary liaison between these departments and the City Council; and
- K. Ensure the preparation, posting, and publication of City Council meeting agendas and of other Commission and Committee agendas in compliance with the law, as well as maintenance of the books and records of the City; and
- L. Ensure that no expenditures shall be submitted or recommended to the City Council except on approval of the City Manager or his or her authorized representative. The City Manager or his authorized representative shall purchase or cause to be purchased all supplies for all departments of the city, consistent with the terms of the City's Purchasing System set forth in Chapter 3.04 of the San Bernardino Municipal Code, and within the spending limits imposed by the City Council by resolution or as authorized by the City Council; and
- M. Make such administrative rules and regulations as the City Manager deems necessary for the orderly administration of the various departments of the City.
- M. Ensure that no expenditures shall be submitted or recommended to the City Council except on approval of the City Manager or his or her authorized representative. The City Manager or his authorized representative shall purchase or cause to be purchased all supplies for all departments of the city, consistent with the terms of the City's Purchasing System set forth in Chapter 3.04 of the San Bernardino Municipal Code, and within the spending limits imposed by the City Council by resolution or as authorized by the City Council; and

(Ord. MC-1516, 5-01-19; Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2397, 11-21-61)

2.02.070 Authority to file and prosecute small claims

The City Manager or his or her designated representative is authorized to file and prosecute actions on behalf of the City in the small claims courts of the state. The City Manager or his or her designated representative is authorized to reduce the claim of the City by an amount not in excess of the jurisdictional maximum amount of a small claims court.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2397, 11-21-61)

2.02.080 Mayor and Council's authority over the City Manager and other City employees

In accordance with Section 306 (d) of the City Charter, neither the Mayor nor any Council member shall interfere with the discretion of the City Manager in the exercise or performance of his or her powers or duties. The Mayor and Council members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and shall not give orders to or attempt to direct the work of such officers and employees either publicly or privately. Inquiries may be made directly to officers and employees under the supervision of the City Manager with the knowledge and consent of the City Manager.

The City Manager shall not unreasonably restrict the ability of the Mayor or any Council member to make inquiries directly to officers and employees under the supervision of the City Manager. In accordance with Section 401 (d) of the City Charter, the City Manager shall ensure that the Mayor and Council members are fully informed on all aspects of important emerging issues, and shall provide timely and complete responses to inquiries from the Mayor or Council members. The City Manager shall not withhold relevant and material information from the Mayor or Council members.

((Ord. MC-1516, 5-01-19; Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 2397, 11-21-61)

2.02.090 Accountability and Expectations

In order to most effectively ensure that the Council-Manager form of government works properly, the Mayor and City Council will jointly develop clear expectations of the City Manager and hold him/her accountable by conducting performance evaluations at least once a year.

(Ord. MC-1440, 4-03-17; Ord. MC-839, 6-11-92; Ord. 3883, 11-20-79; Ord. 821, 8-09-1921)

Chapter 2.03 Vacancies

Sections:

2.03.010 Vacancies

2.03.010 Vacancies

A vacancy on the City Council, from whatever cause arising, shall be filled for the unexpired term thereof through the election of a successor Council Member by the qualified electors of the ward in which the vacancy has occurred. Such successor Council Member must be eligible to hold the office in accordance with Section 301 of the City Charter. The election shall be held at the time established by the Mayor and City Council and shall be conducted in the manner provided for by general law; provided that, the Mayor and City

[\[Return to Municipal Code Contents\]](#)

Council shall have power by ordinance to provide for the manner of holding such election and such ordinance shall prevail over the general law.

A vacancy in the office of Mayor, from whatever cause arising, shall be filled for the unexpired term thereof through the election of a successor Mayor by the qualified electors of the City. Such successor Mayor must be eligible to hold the office in accordance with Section 301 of the City Charter. The election shall be held at the time established by the Mayor and City Council and shall be conducted in the manner provided for by general law; provided that, the Mayor and City Council shall have the power by ordinance to provide for the manner of holding such election and such ordinance shall prevail over the general law. The successor elected shall hold the office for the unexpired term. Prior to filling the vacancy of the office of Mayor, and in the process of filling such vacancy, the Mayor Pro Tempore shall not have the authority to exercise any veto or vetoes.

Notwithstanding Elections Code sections 4000 and 4004 or any similar law, the City Council may, by resolution, order that any election to fill such vacancy be conducted wholly by all-mail ballot on any established mailed ballot election date provided under the Elections Code.

(Ord. MC-1512, 1-10-19; Ord. MC-1510, 12-19-18;
Ord. MC-1509, 11-21-18; Ord. MC-1508, 10-17-18)

Chapter 2.04
PERSONNEL SYSTEM
(As repealed and replaced by Ord. MC-1475, 3-07-18)

Sections:

- 2.04.010 Personnel System Established**
- 2.04.020 Classified Service**
- 2.04.030 Unclassified Service**

2.04.010 Personnel System Established

A personnel system is established for the selection, employment, advancement, discipline and compensation of all appointive officers and employees. This system shall be implemented under conditions of competitive merit, political neutrality and equal opportunity, pursuant to this code, rules adopted by Resolution of the City Council, and such subordinate rules as are not in conflict therewith which may be adopted by the appointing authority or its designee. Except as otherwise provided in the Charter or in this Municipal Code, the Personnel System shall be administered by the Department of Human Resources. The City Council shall have the power to establish classifications and pay ranges for all employees of the City, including those in the Water Department and the Library.

(Ord. MC-1475, 3-07-18; Ord. MC-1027, 9-09-98; Ord. MC-198, 8-11-82; Ord. 2481, 1-29-63)

[\[Return to Municipal Code Contents\]](#)

2.04.020 Classified Service

Classified service includes all regular full-time employees not specifically included in the unclassified service within the San Bernardino Municipal Code. All City employees in the Classified Service, including those in the Water Department and the Library shall be subject to the City's adopted personnel rules.

(Ord. MC-1475, 3-07-18; Ord. MC-666, 7-17-89)

2.04.030 Unclassified Service

Unclassified service includes those positions associated with part-time employment, temporary employment, seasonal employment and the following officers and employees:

1. Elected officials;
2. Any position appointed by the Mayor and City Council including the City Manager, City Clerk and City Attorney;
3. Any persons appointed as deputies or assistants of elected or appointed officers, regardless of job title or to whom they report;
4. Any persons appointed as Assistant City Manager, Deputies or other Assistants of the City Manager;
5. Any persons appointed as heads of departments or heads of department divisions;
6. One assistant for each department and one assistant for the City Manager;
7. Any persons appointed to a board or commission.

All employees not included in the classified service of the City under this chapter shall serve at the will and pleasure of the appointing authority. They may be appointed, controlled, ordered and directed by the appointing authority in any manner which is in compliance with applicable law, and may be disciplined or removed from city employment by the appointing authority without proof of cause or other justification and without the right of appeal. Elected officials and persons appointed by the City Council to City boards, commissions or committees shall serve in accordance with applicable state and local laws, including this code, and may only be removed from office in accordance with such laws. Part-time, seasonal and temporary employees shall be provided only those benefits mandated by applicable Federal, State and/or local laws, rules or regulations.

(Ord. MC-1475, 3-07-18; Ord. MC-1027, 9-09-98; Ord. MC-198, 8-11-82)

[Return to Municipal Code Contents]

2.04.040 (Repealed and replaced by Ord. MC-1475, 3-07-18)

2.04.050 (Repealed and replaced by Ord. MC-1475, 3-07-18)

Chapter 2.06 PURCHASING AGENT

Sections:

- 2.06.010 Position established**
- 2.06.020 Powers and duties**

2.06.010 Position established

A purchasing system is hereby established which shall be administered by a Purchasing Agent. The City Manager or his/her designee shall serve as the Purchasing Agent.

(Ord. 2398, 9-21-61)

2.06.020 Powers and Duties

The Purchasing Agent shall have charge of the purchasing of supplies, materials, equipment and contractual services required by any office, department or agency of the City, with the exception of the Municipal Water Department and Free Public Library, and shall have the power and the duty to:

- A. Establish a purchasing program providing for competitive bidding or open market purchasing so as to obtain for the City the greatest possible advantage;
- B. Establish and enforce specifications with respect to supplies, materials and equipment required by City government;
- C. Supervise the inspection of all deliveries of supplies, materials and equipment and determine their conformance with specifications;
- E. Transfer between offices, departments or agencies, or sell any surplus, obsolete or unused supplies, materials or equipment;
- F. Maintain and operate central duplicating printing and mail service;
- G. Prepare a manual setting forth procedure to be followed by all departments as to the purchase of materials and equipment .

[Return to Municipal Code Contents]

H. Perform such other duties as may be imposed by ordinance or resolution of the Common Council, or as the City Manager may direct.

(Ord. MC-1220, 3-20-06; Ord. MC-646, 12-07-88; Ord. MC-602, 6-02-87;
Ord. 3842, 7-11-79; Ord. 2398, 9-21-61)

Chapter 2.08
CITY TREASURER
(as repealed and replaced by Ord. MC-1476, 3-07-18)

Sections:

2.08.010 Treasurer Function

2.08.010 Treasurer Function

All duties of the City Treasurer are hereby transferred to the Department of Finance. Upon the completion of the term of office of the elected City Treasurer holding office upon adoption of this ordinance, the City Manager shall appoint the Director of Finance or other duly qualified person to carry out all functions of the City Treasurer.

(Ord. MC-1476, 3-07-18; Ord. 3472, 1-08-75)

Chapter 2.10
DEPARTMENT OF FINANCE¹

Sections:

- 2.10.010 Created**
- 2.10.020 Position established - Bond**
- 2.10.030 Powers and duties**
- 2.10.040 Divisions of department**

2.10.010 Created

A Department of Finance is created.

(Ord. 2855, 10-03-67)

¹ For statutory provisions authorizing the establishment of the office of Director of Finance and the transfer of the City Clerk's duties to such office, see Gov. Code §§37209 and 40805.5.

2.10.020 Position established - Bond

- A. The position of Director of Finance of the City is established. This position shall be in the unclassified service of the Civil Service.
- B. The Director of Finance shall be appointed by the City Manager.
- C. The Director of Finance shall execute and deposit a fidelity bond in the amount of ten thousand dollars prior to taking office.

(Ord. MC-1477, 3-07-18; Ord. 3426, 5-20-74; Ord. 2855, 10-03-67)

2.10.030 Powers and duties

The Director of Finance, under the supervision and direction of the City Manager, shall have charge of the administration of the financial affairs of the City, except for Municipal Water Department. The Director of Finance shall have the following powers and duties:

- A. To ensure deposit of all money received by and on behalf of the City in such depository or depositories as may be designated by the Mayor and City Council, in compliance with all the provisions of the State Constitution and laws of the State governing the handling, deposit and securing of public funds and the handling of trust funds in his possession
- B. To maintain custody of money deposited in the City treasury, to invest same pursuant to the City's adopted investment policy, and to transfer money from one fund into another fund by motion and a majority vote of the City Council or by its approval of the tentative and final budgets containing fund balances for each fiscal year.
- C. To maintain custody of all securities bought by the City government for the account of any fund and of any unsold bonds of the City, and to make investments and keep records of those investments on behalf of the City. In the event of the sale of any bonds by the City, as provided by law, to deliver the same, and receive from the purchaser the amount of money due from such sale, and credit the same to the proper bank account in the same manner as other deposits and report such action to the legislative body and the City Manager.
- D. To supervise all disbursements and expenditures to assure that payment has been legally authorized and appropriated, and that sufficient unencumbered appropriations exist for the payment of all claims and expenditures
- E. To develop, supervise and maintain the general accounting system for the City government

[\[Return to Municipal Code Contents\]](#)

- F. To procure materials, supplies and general services for the City and establish appropriate standards and specifications with respect to the purchase of supplies, materials and equipment.
- G. To regularly, at least quarterly, and at the end of each fiscal year prepare and submit to the City Manager, and the Mayor and City Council, a statement and report indicating the financial condition of the City, including, but not limited to, receipts, disbursements, appropriations and reserves.
- H. To establish, supervise, and maintain a system of data processing for the handling of accounting information and other reports and tabulations required by the City.
- I. He, or his designated representative, shall audit all purchase orders before they become effective, and audit and approve, before payment, all bills, invoices, payrolls, demands or charges against the City government, and determine the regularity, correctness, and, with the advice of the City Attorney, the legality of such claims, demands and charges; and he, or his designated representative, shall attach to the register of audited demands before submission to the Mayor and Common Council his affidavit certifying as to the accuracy of the demands and the availability of funds for payment thereof pursuant to Government Code Section 37202; and he, or his designated representative, in lieu of the City Clerk, shall certify or approve demands as conforming to a budget approved by resolution pursuant to Government Code Section 37208, provided that the provisions of Section 37208 shall in other particulars be applicable to the City.
- J. To compile the preliminary budget data, including capital and operating expenditure projections, and revenue projections for the City Manager.
- K. To prepare and maintain current inventory of all materials, supplies and equipment of the City.
- L. To audit or designate a representative to audit all purchase orders before they become effective, and audit and approve, before payment, all bills, invoices, payrolls, demands or charges against the City government, and determine the regularity, correctness, and, with the advice of the City Attorney, the legality of such claims, demands and charges; and to certify by attached affidavit the accuracy of the register of audited demands, and the availability of funds for payment thereof pursuant to Government Code Section 37202 before submission to the Mayor and City Council; and to certify or approve demands as conforming to a budget approved by resolution pursuant to Government Code Section 37208,
- M To prescribe the forms of receipts, vouchers, bills, or claims to be used by all the agencies of the City.

[\[Return to Municipal Code Contents\]](#)

- N. To supervise the work of preparing the City payroll and maintaining records of all payroll data; and he or she shall supervise the work for the State Employees' Retirement System in accordance with the law and administrative directors of the Retirement System.
- O. To perform such other duties as may be imposed by ordinance or resolution of the Mayor and City Council, or as the City Manager may direct.
- P. To appoint, supervise, discipline, and evaluate employees of the Department of Finance.

Ord. MC-1477, 3-07-18

2.10.040 Divisions of department

- A. The Department of Finance shall be under the supervision of the Director of Finance and shall consist of the following divisions:
 - 1. Purchasing division;
 - 2. Accounting division;
 - 3. Payroll division;
 - 4. Such other divisions as may be authorized by the Mayor and the Common Council.
- B. The heads of each of these divisions shall be in the unclassified civil service.

(Ord. MC-1226, 6-07-06; Ord. MC-1220, 3-20-06;
Ord. 3285, 8-24-72; Ord. 2855, 10-03-67)

Chapter 2.12 FIRE DEPARTMENT²

Sections:

- 2.12.010 Fire Chief**
- 2.12.020 Fire Department**
- 2.12.030 Authority of Fire Chief to enforce Code provisions**
- 2.12.040 Preservation of order at fires**
- 2.12.050 Liability of City**

2.12.010 Fire Chief

All references within the San Bernardino Municipal Code to the Fire Chief, where not inconsistent with the annexation of fire services from the City of San Bernardino to the San Bernardino County Fire Protection District, shall mean the Fire Chief of the San Bernardino County Fire Protection District and his or her designated subordinates within the San Bernardino County Fire Protection District.

(Ord. MC-1422, 5-16-16; Ord. MC-460, 5-15-85;
Ord. 1713 (part), 1944; Ord. 347, 1-12-1907)

2.12.020 Fire Department

All references within the San Bernardino Municipal Code to the Fire Department, where not inconsistent with the annexation of fire services from the City of San Bernardino to the San Bernardino County Fire Protection District, shall mean the San Bernardino County Fire Protection District.

(Ord. MC-1422, 5-16-16 ; Ord. MC-460, 5-15-85;
Ord. 1713 (part), 1944; Ord. 347, 1-12-1907)

2.12.030 Authority of Fire Chief to enforce Code provisions

The Fire Chief and his or her designated subordinates in the Fire Department may enforce the provisions of Sections 9.52.070, 9.56.010, 12.36.020, 12.52.010, and Chapters 9.12 and 15.16, and are authorized to perform any act, including the preparation and issuance of written notices to appear for violations thereof, under and pursuant to Section 836.5 and Chapters 5C and 5D of Part 2 Title 3 (commencing with Section 853.6) of the Penal Code of the State of California.

(Ord. MC-460, 5-15-85; Ord. 347, 1-12-1907)

²On July 1, 2016 the City of San Bernardino annexed into the San Bernardino County Fire Protection District. The County Fire Code, and other ordinances, were ratified by the Mayor and Common Council pursuant to Ord. MC-1422, 5-16-16.

[\[Return to Municipal Code Contents\]](#)

2.12.040 Preservation of order at fires

The Fire Chief shall, to the best of his or her ability, preserve order at all fires, and shall, whenever proper or necessary, call upon the Chief of Police or any other peace officer to preserve order and make arrests, and to prevent interference with his or her orders or with the members of the Department.

(Ord. MC-460, 5-15-85; Ord. 347, 1-12-1907)

2.12.050 Liability of City

No liability shall be incurred by the City on account of the Fire Department, except such as shall be incurred or approved by the Mayor and Common Council.

(Ord. MC-1220, 3-20-06; Ord. MC-460, 5-15-85; Ord. 347, 1907)

Chapter 2.14 DEPARTMENT OF PUBLIC WORKS

Sections:

- 2.14.010 Established**
- 2.14.020 Director**
- 2.14.030 Director - Duties**
- 2.14.031 City Engineer**
- 2.14.032 City Engineer - Duties**
- 2.14.040 Meetings**

2.14.010 Established

There is established a Department of Public Works.

(Ord. MC-1322, 4-20-10; Ord. MC-1027, 9-09-98; Ord. MC-344, 2-22-84)

2.14.020 Director

The Department shall be under the management and control of the Director of Public Works, who shall be appointed by the City Manager with approval of the Mayor and Common Council.

(Ord. MC-1322, 4-20-10; Ord. MC-1027, 9-09-98; Ord. MC-344, 2-22-84)

[\[Return to Municipal Code Contents\]](#)

2.14.030 Director- Duties

Under the policies of the Mayor and Common Council, the Director shall have all the powers and perform all the duties that are now or may hereafter be conferred upon the Director of Public Works.

(Ord. MC-1322, 4-20-10; Ord. MC-344, 2-22-84)

2.14.031 City Engineer

The position of City Engineer is hereby created and shall report to and be under the supervision of the Director of Public Works.

(Ord. MC-1322, 4-20-10; Ord. MC-1027, 9-09-98)

2.14.032 City Engineer- Duties

The City Engineer shall perform the appropriate duties as a registered engineer as provided for in Section 6730.2 of the Business and Professions Code or any other applicable section of State law, the City Charter, or the Municipal Code.

(Ord. MC-1322, 4-20-10; Ord. MC-1226, 6-07-06; Ord. MC-1027, 9-09-98)

2.14.040 Meetings

The Director shall represent the Department of Public Works at all meetings and hearings of the Mayor and Common Council considering matters relating to engineering, streets, rubbish, refuse disposal, improving of streets, or public works either in person or by duly authorized representatives.

(Ord. MC-1322, 4-20-10; Ord. MC-1220, 3-20-06; Ord. MC-1027, 9-09-98;
Ord. MC-344, 2-22-84; Ord. 3512, 7-15-75)

Chapter 2.15 DEPARTMENT OF COMMUNITY DEVELOPMENT

Sections:

- 2.15.010 Established**
- 2.15.020 Director-Duties**

2.15.010 Established

There is established a Department of Community Development (formerly the Development Services Department, which included Planning, Building Services and Public Works).

(Ord. MC-1322, 4-20-10; Ord. MC-344, 2-22-84)

2.15.020 Director - Duties

The Department shall be under the management and control of the Director of Community Development, who shall be appointed by the City Manager with approval of the Mayor and Common Council. Under the policies of the Mayor and Common Council, the Director shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by City Charter, law or the Mayor and Common Council relating to planning, building and safety, code enforcement, development and shall plan, coordinate and report on all the duties and activities involved in such programs.

(Ord. MC-1355, 7-05-11; Ord. MC-1322, 4-20-10; Ord. MC-1220, 3-20-06;
Ord. MC-344, 2-22-84)

Chapter 2.16 DEVELOPMENT SERVICES DEPARTMENT (Repealed By Ord. MC-1220, 3-20-06)

Chapter 2.17 BOARDS, BUREAUS AND COMMISSIONS - GENERAL

Sections:

2.17.010	General provisions
2.17.020	Members
2.17.030	Nomination - Terms
2.17.040	Appointment- Registered voter requirement- Compensation - Oath
2.17.050	Oath of Office
2.17.060	Chairman - Meetings - Absences
2.17.070	Quorum
2.17.080	Reporting

2.17.010 General provisions

This chapter generally establishes the manner of appointments, term of service, compensation, meeting times, and provisions for vacating of offices of members of the boards, commissions and citizen advisory committees established by the City Council, except those established by the City Charter which are addressed separately in this Code, and those governed by other Municipal Code sections.

(Ord. MC-1454, 2-07-18)

2.17.020 Members

Each board, commission and citizen advisory committee subject to the provisions of this chapter shall consist of nine members, unless otherwise provided in the ordinance or resolution creating the board, commission or citizen advisory committee.

(Ord. MC-1454, 2-07-18; Ord. MC-1014, 1-13-98; Ord. MC-277, 6-08-83)

2.17.030 Nomination -Terms

Each City Council member shall nominate one member of each such board, commission and citizen advisory committee who shall serve during and for the term of the nominating Council member. The Mayor shall nominate two members to each such board, commission and citizen advisory committee who shall serve during and for the term of the Mayor. The terms of board, commission and citizen advisory committee members shall coincide with the term of the nominating City Council member or Mayor, provided that when a vacancy shall occur in the office of the City Council member or the Mayor who originally nominated any member, the applicable term of that member of the board, commission or citizen advisory committee shall continue until a successor has been appointed. Nomination and appointment of a replacement member at any time shall terminate the appointment of any member so replaced, without need for formal removal action.

(Ord. MC-1454, 2-07-18; Ord. MC-277, 6-08-83)

2.17.035 Alternate members — Repealed by Ord. MC-1454, 2-07-18

2.17.040 Appointment-Registered voter requirement-Compensation -Oath

Each member of such board, commission or citizen advisory committee, after having been nominated, shall be appointed by at least five affirmative votes of the Mayor and City Council. Each member shall be and remain a registered voter within the City and no member shall be an employee of the City. Notwithstanding the foregoing, the Mayor

[Return to Municipal Code Contents]

and City Council may establish a Downtown Advisory Committee by resolution and may permit the appointment of non-City-resident business professionals (i.e. local businesses) to the committee so long as the non-City-residents each have an active business license with the City and collectively make up less than twenty-five percent (25%) of that committee. Members shall serve, without compensation, at the pleasure of the Mayor and City Council. Any member no longer holding the qualifications required for appointment shall cease to serve as a member, and such member's position shall be deemed vacant. Any vacancy shall be filled and appointment shall be made in the manner herein before set forth as for an original appointment.

(Ord. MC-1552, 4-07-21; Ord. MC-1454, 2-07-18; Ord. MC-652, 2-20-89; Ord. MC-277, 6-08-83)

2.17.050 Oath of Office

Prior to undertaking his or her duties as a member of any such board, commission or citizen advisory committee, the member shall subscribe and file his or her official oath of office with the City Clerk.

(Ord. MC-1454, 2-07-18; Ord. MC-277, 6-08-83)

2.17.060 Chairman - Meetings -Absences

- A. Each board, commission and citizen advisory committee shall elect a chair and vice-chair from among its members, and the chair and vice-chair shall serve for a term of one year. The board, commission or citizen advisory committee shall meet not less than once a quarter in the City Hall, San Bernardino, California, or such other place within the City as the board, commission or citizen advisory committee may select.
- B. If a member of any board, commission or citizen advisory committee fails to attend three consecutive regular meetings without excuse from the chair, which excuse must be obtained within five calendar days before or after any meeting date, he or she shall automatically cease to be a member of the board, commission or citizen advisory committee, and the chair of such board, commission or citizen advisory committee shall notify the former member and the nominating official of the declared vacancy. The vacant office shall be filled by nomination and appointment made in the manner of the original appointment.
- C. Meetings of each board, commission or citizen advisory committee shall be open to the public and shall be governed by the provisions of the Ralph M. Brown Act, Sections 54950.5, et seq., California Government Code.

(Ord. MC-1454, 2-07-18; Ord. MC-277, 6-08-83)

[\[Return to Municipal Code Contents\]](#)

2.17.070 Quorum

Any five members in attendance at any meeting shall constitute a quorum.

(Ord. MC-1454, 2-07-18; Ord. MC-277, 6-08-83)

2.17.080 Reporting

Each board, commission or citizen advisory committee shall provide a copy of its agenda, attachments and minutes, to the Mayor, City Council, City Manager, City Attorney and such other City officials as it may deem advisable.

(Ord. MC-1454, 2-07-18; Ord. MC-803, 8-08-91)

2.17.090 Hearing Officers; Powers; Absence of Quorum — Repealed by Ord. MC-1454, 2-07-18

2.17.100 Hearing Officers; Powers; Referrals — Repealed by Ord. MC-1454, 2-07-18

2.17.110 Hearing Officers; Appeals of Decision— Repealed by Ord. MC-1454, 2-07-18

Chapter 2.18 PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT (Repealed by Ord. MC-1458, 2-21-18)

Chapter 2.19 ELECTED OFFICIAL COMPENSATION ADVISORY COMMISSION

Sections:

- 2.19.010 Purpose**
- 2.19.020 Members - Appointment**
- 2.19.030 Duties**
- 2.19.040 Meetings**

2.19.010 Purpose

The Elected Official Compensation Advisory Commission is hereby established to provide the Mayor and Council Members with recommendations regarding compensation to be established for City-elected officials, on a periodic basis as provided for herein.

(Ord. MC-1463, 2-21-18; Ord. MC-1352, 6-21-11)

2.19.020 Members – Appointment

The Elected Official Compensation Advisory Commission of the City shall consist of nine members who shall serve at the pleasure of the Mayor and City Council. Members shall be appointed and serve pursuant to the provisions of Chapter 2.17.

(Ord. MC-1463, 2-21-18; Ord. MC-1352, 6-21-11)

2.19.030 Duties

The Elected Official Compensation Advisory Commission shall:

- A. Serve in an advisory capacity to the Mayor and City Council in making recommendations relating to the compensation of city-elected officials.
- B. Conduct a compensation survey of city-elected officials in other California charter and/or general law cities.
- C. Review Government Code provisions for compensation of city-elected officials of general law cities.
- D. Provide compensation recommendations to the Mayor and City Council pursuant to Section 305 of the City Charter.
- E. Encourage public participation in the process.

(Ord. MC-1463, 2-21-18; Ord. MC-1352, 6-21-11)

2.19.040 Meetings

The Elected Official Compensation Advisory Commission shall hold meetings and shall function pursuant to the provisions of Chapter 2.17 except that the meetings shall be held solely upon request for compensation review by the Mayor and City Council.

(Ord. MC-1463, 2-21-18; Ord. MC-1352, 6-21-11)

Chapter 2.20
SPECIAL COUNSEL SERVICES
(Repealed by Ord. MC-1498, 7-05-18)

Chapter 2.22
PLANNING COMMISSION³
(as amended by Ord. MC-1473, 3-07-18)

Sections:

- 2.22.010** **Members -Appointment**
- 2.22.020** **Duties**
- 2.22.030** **Quorum and Vote Required**

2.22.010 Members - Appointment

The Planning Commission of the City shall consist of nine members who shall serve at the pleasure of the Mayor and City Council. Members shall be appointed and serve pursuant to the provisions of Chapter 2.17 of this code. Members shall be appointed on the basis of demonstrated knowledge and experience in land use, zoning, architecture, engineering, planning, or other relevant area.

(Ord. MC-1473, 3-07-18; Ord. MC-277, 6-08-83; Ord. 3216, 12-21-71; Ord. 1815, 2-27-48)

2.22.020 Duties

The commission shall perform the duties and functions prescribed in Title 19 of this Code and other ordinances. The commission shall prepare, adopt and periodically review and revise a comprehensive long-term general plan for the physical development of the City and any land outside the boundaries thereof which in the commission's judgment bears relation to the planning or development of the City itself. Such plans shall be known as the general plan and shall be so prepared that all or portions thereof may be adopted by the City Council as a basis for the development of the City for such reasonable period of time next ensuing after the adoption thereof as may be practicably covered thereby

(Ord. MC-1473, 3-07-18; Ord. MC-277, 6-08-83; Ord. MC-127, 1-07-82; Ord. 3126, 12-01-70; Ord. 2812, 4-18-67; Ord. 1815, 2-27-48)

³For statutory provisions on City planning commissions, see Gov. Code §65150; for provision on City planning, see Gov. Code §65100 et seq.

2.22.030 Quorum and Vote Required

Five members of the City Planning Commission shall constitute a quorum for the transaction of business. Action granting approval of any matter, except General Plan amendments, and amendments to the Municipal Code, must be taken by a majority vote of commissioners in attendance, and a failure to do so results in an automatic denial of the pending matter. A recommendation for approval of a General Plan Amendment or an amendment to the Municipal Code shall be by the affirmative vote of not less than a majority (five) of the total membership of the commission. Procedural matters may be dealt with by a majority of those voting and not abstaining at such times when a quorum is present. The absence (temporary or permanent) of any commissioner previously recorded as present, shall be noted in the minutes for purposes of determining the presence of a quorum at all times.

(Ord. MC-1473, 3-07-18)

2.22.040 (Repealed by Ord. MC-277, 6-08-83)

2.22.050 Repealed by Ord. MC-1473, 3-07-18)

2.22.060 (Repealed by Ord. MC-277, 6-08-83)

Chapter 2.23 HISTORICAL PRESERVATION COMMISSION (Repealed by Ord. MC-1460, 2-21-18)

Chapter 2.24 CENTRAL CITY PARKING PLACE COMMISSION (Repealed By Ord. MC-1352, 6-21-11)

Chapter 2.26 ANIMAL CONTROL COMMISSION (Repealed by Ord. MC-1468, 3-07-18)

Chapter 2.27
LIBRARY BOARD
(added by Ord. MC-1483, 4-18-18)

Sections:

- 2.27.010 Qualifications and Appointment**
- 2.27.020 Terms of Office**
- 2.27.030 Oath of Office**
- 2.27.040 Meetings, Chair, Quorum and Attendance**
- 2.27.050 Reporting**
- 2.27.060 Approval of Rules and Regulations**

2.27.010 Qualifications and Appointment

- A. The five members of the Library Board of Trustees serving at the time of the effective date of this ordinance shall continue to serve until a replacement member is appointed, subject to the Mayor and City Council's right of removal. Whenever any vacancy of the Board occurs for any reason, and at least 60 days prior to expiration of any Library Board of Trustee member's term of office, the City Clerk shall cause notice of the vacancy or pending vacancy of the position to be posted and advertised as required by law to enable qualified candidates to apply for such position(s).

- B. Applicants for membership on the Library Board of Trustees and all Board Members shall be adult residents and registered voters of the City of San Bernardino, and no member shall be an employee of the City or hold any other elected office in the City, while applying for or holding a membership seat on the Library Board of Trustees. Members shall be appointed on the basis of demonstrated knowledge and experience in the area of library operations, fundraising, budget and personnel management, education, legal services, purchasing, or other areas which relate to the mission and purpose of the Board. Members shall commit to provide the best possible library services for the community. Appointments shall be made with consideration of community involvement, interpersonal and communication skills, geographical distribution of commissioners and diversity. The Mayor shall determine the timing and manner of interviewing qualified applicants, which may include interviews with the Mayor, an ad hoc council subcommittee formed for that purpose, or setting of a special meeting with public interviews of those selected for interview. Each appointee to the Library Board shall be selected by a vote of the Mayor and entire City Council as provided in Charter section 304(b). Removal of any member of the Library Board shall also be subject to Charter section 304(b). Members of the Library Board of Trustees shall serve without compensation.

(Ord. MC-1483, 4-18-18)

[\[Return to Municipal Code Contents\]](#)

2.27.020 Terms of Office

Each member of the Library Board of Trustees shall serve a four year term. Terms shall be staggered so that three members are appointed in 2018 for a four year term and every four years thereafter, and two members are appointed in 2018 for a two year term and every four years thereafter. The term of each member of the board shall continue until a successor has been appointed.

(Ord. MC-1483, 4-18-18)

2.27.030 Oath of Office

Prior to undertaking his or her duties as a member of the Library Board of Trustees, the member shall subscribe and file his or her official oath of office with the City Clerk.

(Ord. MC-1483, 4-18-18)

2.27.040 Meetings, Chair, Quorum and Attendance

The Library Board of Trustees shall meet at least once per month, with regular meetings scheduled by adopted rules or regulations, and special meetings as needed, to be posted and conducted in accordance with the Ralph M. Brown Act. A quorum of three of the board members is required to conduct any meeting. The Board shall elect a president and vice-president from among its members, and the president and vice-president shall serve for a term of two years. Any member who is absent for three (3) consecutive meetings, or in excess of four (4) meetings per year, excused or unexcused, may be subject to removal from the Board.

(Ord. MC-1483, 4-18-18)

2.27.050 Reporting

The Library Board of Trustees shall provide a copy of its agenda, attachments and minutes, to the Mayor, City Council, City Manager, City Attorney and such other City officials as it may deem advisable. The Library Board of Trustees shall schedule, from time to time, agenda items as requested by the City Manager for the purpose of discussing items in closed or open session. The Library Department budget and all labor agreements shall be submitted to City Council for approval pursuant to Charter Sections 508 and 602.

(Ord. MC-1483, 4-18-18)

2.27.060 Approval of Rules and Regulations

The Rules and Regulations of the Library Board of Trustees in effect at the time of adoption of this ordinance, copies of which Rules and Regulations are on file in the office

[\[Return to Municipal Code Contents\]](#)

of the City Clerk, are approved for enforcement purposes. Subsequent amendments to the Rules and Regulations approved by the Library Board shall be submitted to the City Council for approval by resolution and shall be enforceable pursuant to this chapter.

(Ord. MC-1483, 4-18-18)

Chapter 2.28

BOARD OF WATER COMMISSIONERS⁴

Sections:

- 2.28.010 Approval of Rules and Regulations**
- 2.28.020 Violation - Penalty**
- 2.28.030 Service outside City limits**
- 2.28.040 Water rates approval by Council resolution**

2.28.010 Approval of Rules and Regulations

Pursuant to Section 603 of the City Charter, the Water Board is responsible for oversight and management of the City's water supply, recycled water, wastewater collection, and treatment functions. Specifically, in accordance with subdivision (h) of Section 603, the Water Board is empowered to establish and periodically review and revise such rules and regulations as may be appropriate for managing the City's water supply, recycled water, wastewater collection, and treatment functions.

(Ord. MC-1562, 9-15-21; Ord. MC-175, 6-28-82; Ord. MC-15, 12-09-80; Ord. 3732, 6-16-78; Ord. 3708, 3-02-78; Ord. 3688, 11-09-77; Ord. 3665, 9-02-77; Ord. 3556, 2-18-76; Ord. 1872, 12-06-49)

2.28.020 Violation - Penalty

It is unlawful for any person, firm, or corporation to violate any of such rules or regulations, and any person, firm, partnership, corporation, or other entity violating any such rule or regulation is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code. In addition, notwithstanding any language to the contrary in Chapter 9.92, such violations may be enforced through the Administrative Citation process set forth in Chapter 9.92 of this Code. Furthermore, notwithstanding any language to the contrary in Chapter 9.93 and where appropriate at the discretion of the City's officials, such violations may be enforced

(Ord. MC-1562, 9-15-21; Ord. MC-460, 5-15-85; Ord. 1872, 12-06-49)

2.28.030 Service outside City limits

⁴For charter provisions on the Board of Water Commissioners, see Charter Art. VI.

Water and sewer service outside the corporate limits of the City of San Bernardino shall not be authorized or approved by the Board of Water Commissioners or its officers, employees and agents except with the approval of the Mayor and Common Council.

(Ord. MC-106, 10-07-81)

2.28.040 Water rates approval by Council resolution

Water rates and charges established by the Board of Water Commissioners pursuant to Charter Section 163 may be approved by resolution of the Mayor and Common Council. Failure of the Mayor and Common Council to act by the adoption of a resolution or ordinance within 90 days after the establishment of such water rates and charges shall be deemed an automatic approval of such water rates and charges.

(Ord. MC-174, 6-29-82)

**Chapter 2.30
FINE ARTS COMMISSION
(Repealed by Ord. MC-1458, 2-21-18)**

**Chapter 2.31
RELOCATION APPEALS BOARD
(Repealed by Ord. MC-1459, 2-21-18)**

**Chapter 2.32
BOARD OF FIRE COMMISSIONERS
(Repealed by Ord. MC-1422, 5-16-16)⁵**

**Chapter 2.34
BOARD OF POLICE COMMISSIONERS
(Repealed by Ord. MC-1471, 3-07-18)**

⁵On July 1, 2016 the City of San Bernardino annexed into the San Bernardino County Fire Protection District. The County Fire Code, and other ordinances, were ratified by the Mayor and Common Council pursuant to Ord. MC-1422, 5-16-16 .

Chapter 2.36

PEACE OFFICER STANDARDS AND TRAINING⁶

Sections:

- 2.36.010 Intent to qualify**
- 2.36.020 Adherence to standards**
- 2.36.030 Inquiries by the Commission**

2.36.010 Intent to qualify

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. 2400, 11-28-61)

2.36.020 Adherence to Standards

Pursuant to Sections 13522, 13525 and 13510(c) of said Chapter 1, the City, while receiving aid from the State pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

(Ord. MC-661, 6-07-89; Ord. 2400, 11-28-61)

2.36.030 Inquiries by the Commission

Pursuant to Section 13512 of said Chapter 1, the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the City's public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training.

(Ord. MC-661, 6-07-89)

Chapter 2.38

POLICE RESERVE

Sections:

- 2.38.010 Establishment**
- 2.38.020 Authority and control of Chief of Police**
- 2.38.030 Membership - Method of appointment**
- 2.38.040 Rules and regulations - Duties**

⁶For statutory provisions on peace officer standards and training and funds therefor, see Penal Code §13520 et seq.

- 2.38.050 Workmen's Compensation benefits**
- 2.38.060 Identification card and insignia**
- 2.38.070 Removal from membership**
- 2.38.080 Firearms and police baton**
- 2.38.090 Power of arrest -Authority to direct traffic**
- 2.38.100 Uniform - Use of uniform**
- 2.38.110 Civil defense and disaster**
- 2.38.120 Impersonation prohibited**

2.38.010 Establishment

A police reserve, hereinafter called "reserves, " is established as a voluntary organization composed of persons appointed by the Chief of Police, hereinafter called the "Chief"; said persons shall serve gratuitously as a volunteer unit of the police department of the City to assist regular police officers in law enforcement and the maintenance of peace and order.

(Ord. 2828, 6-27-67)

2.38.020 Authority and control of Chief of Police

Subject to the provisions of this Chapter, the Chief of Police shall have complete control and authority over the reserves. He may appoint as members thereof any persons whom he deems to be qualified and he may reject any application for membership. He shall provide for the training of members in all fields of police activity and for that purpose may assign such members to various police duties.

(Ord. 2828, 6-27-67)

2.38.030 Membership - Method of appointment

- A. Membership in the reserves is open to both men and women. Whenever the male gender is used in this chapter, it shall be construed to include both male and female.
- B. No person shall become a member of the reserves until he is able to meet all requirements prescribed by the Chief. When so qualified and selected, he shall be sworn in by the Chief, or by the Chiefs representative, as a member of the reserves.

(Ord. 2828, 6-27-67)

2.38.040 Rules and regulations- Duties

The Chief may, by order, establish rules and regulations to govern the reserves, including the fixing of specific duties of its members and the providing of penalties and

[\[Return to Municipal Code Contents\]](#)

discipline for violations of such duties or orders of the Chief. He may change such orders from time to time.

(Ord. 2828, 6-27-67)

2.38.050 Workmen's Compensation benefits

The members of the San Bernardino police reserve shall receive Workmen's Compensation benefits as provided by law. For purposes of the Workmen's Compensation Law, members of the police reserve shall be deemed to be employees of the City

(Ord. 2828, 6-27-67)

2.38.060 Identification card and insignia

An identification card, badge, or such other insignia or evidence of identification as the Chief may prescribe shall be issued to each member who shall carry such card at all times. Each member must surrender all City property issued to him upon termination of his membership.

(Ord. 2828, 6-27-67)

2.38.070 Removal from membership

The membership of any person in the reserves may be terminated by the Chief at his pleasure.

(Ord. 2828, 6-27-67)

2.38.080 Firearms and police baton

No member of the reserves shall carry any firearms unless or until he has been authorized to do so by the Chief. All members of the reserves are authorized to carry the regulation police baton.

(Ord. 2828, 6-27-67)

2.38.090 Power of arrest - Authority to direct traffic

A member of the reserves, when on duty as assigned by the Chief, shall have the authority given to officers of the police department to direct traffic, and shall have the same power of arrest granted to a regular member of the police department, subject to any limitations which the Chief may impose.

(Ord. 2828, 6-27-67)

[\[Return to Municipal Code Contents\]](#)

2.38.100 Uniform - Use of Uniform

The uniform for members of the reserves shall be similar to the uniform worn by regular members of the police department, with an identifying insignia to be prescribed by the Chief of Police. The uniform shall be worn only at times authorized by the Chief.

(Ord. 2828, 6-27-67)

2.38.110 Civil defense and disaster

Members of the reserves shall also enroll as volunteers of the civil defense and disaster organization of the City.

(Ord. 2828, 6-27-67)

2.38.120 Impersonation prohibited

It is unlawful and an infraction, punishable in accordance with Section 1.12.010 of this Code, for any person, not a member of the reserves:

- A. To wear, carry, or display a reserve identification card, badge, cap piece, or insignia;
- B. In any manner to represent himself or herself to be connected with the reserves.

(Ord. MC-1220, 3-20-06; Ord. MC-460, 5-15-85; Ord. 2828, 6-27-67)

**Chapter 2.39
HUMAN RELATIONS COMMISSION
(Repealed by Ord. MC-1471, 3-07-18)**

**Chapter 2.40
COMMUNITY DEVELOPMENT COMMISSION
(Repealed by Ord. MC-1459, 2-21-18)**

**Chapter 2.41
MAIN STREET ADVISORY BOARD
(Repealed by Ord. MC-1190, 11-02-04)**

**Chapter 2.42
COMMUNITY TELEVISION COMMISSION
(Repealed By Ord. MC-1352, 6-21-11)**

**Chapter 2.43
BUREAU OF FRANCHISES
(Repealed by Ord. MC-1480, 4-18-18)**

**Chapter 2.44
CEMETERY COMMISSION
(Repealed by Ord. MC-1190, 11-02-04)**

**Chapter 2.45
BUILDING APPEALS BOARD**

Sections:

- 2.45.010 **Members -Appointment**
- 2.45.020 **[Reserved]**
- 2.45.030 **Duties**
- 2.45.040 **Review of the Board’s Decision**
- 2.45.050 **Oath of Office**
- 2.45.060 **Chair - Meetings**
- 2.45.070 **Quorum**
- 2.45.080 **Hearing Procedures**

2.45.010 Members -Appointment

The Building Appeals Board shall be comprised of the members of the San Bernardino Planning Commission, as defined in Section 2.22.010 of this Code. Members shall be appointed on a basis of knowledge in the applicable building codes, regulations, and ordinances of the City, and must be qualified by training and experience to pass on matters pertaining to building construction.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18; Ord. MC-277, 6-08-83)

2.45.020 [Reserved]

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18)

2.45.030 Duties

Pursuant to Section 1.8.8 of the California Building Code, the Board shall have the duty to consider appeals of orders, decisions, and determinations of the City of San Bernardino Building Official relating to the building standards of the California Building Standards Code. The Board is authorized to establish policies and procedures necessary to carry out its duties.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18)

2.45.040 Review of the Board’s Decision

The decision of the Board may be appealed to the City Council in accordance with Chapter 2.64 of this Code. The City Council’s decision on an appeal from the Board’s decision is final and binding. Pursuant to Code of Civil Procedure Section 1094.5 and 1094.6, any action to review a decision of the City Council shall be commenced not later than the ninetieth (90th) day after the date the City Council’s order is adopted.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

2.45.050 Oath of Office

Prior to undertaking his or her duties as a member of the Board, the member shall subscribe and file his or her official oath of office with the City Clerk.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18)

2.45.060 Chair - Meetings

- A. The Chairperson of the Board shall be the Chairperson of the Planning Commission, or his or her designee. The Board shall meet only as required to consider an appeal within its jurisdiction.
- B. The Board shall meet at such times and dates, and in such places, as shall be designated by the Chairperson of the Board.
- C. Meetings of the Board shall be open to the public and shall be governed by the provisions of the Ralph M. Brown Act, Sections 54950.5, et seq., California Government Code, except as otherwise provided by law.
- D. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18)

2.45.070 Quorum

Any five members in attendance at any meeting shall constitute a quorum.

(Ord. MC-1521, 9-18-19; Ord. MC-1474, 3-07-18;
Ord. MC-1418, 10-05-15; Ord. MC-277, 6-08-83)

2.45.080 Hearing Procedures

- A. The Board shall meet upon notice from the chairperson.
- B. The appellant, the appellant's representative, the Building Official, the Building Official's representative, and any person whose interests are affected shall be given an opportunity to be heard.
- C. The Board shall adopt and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[Return to Municipal Code Contents]

- D. A quorum of the Board shall hear an appeal.
- E. The Board may modify or reverse the decision of the Building Official by a concurring vote of a majority of its members. The authority of the Board to render a decision is limited to the scope of authority of the Building Official in the first instance. The Board has no authority to waive a requirement of the California Building Standards Code.
- F. The Board must issue a written decision with findings within a reasonably prompt time after filing of the appeal.

(Ord. MC-1521, 9-18-19)

Chapter 2.46 DISASTER COUNCIL

Sections:

- 2.46.010 Purpose**
- 2.46.020 Definition**
- 2.46.030 Disaster Council Membership**
- 2.46.040 Disaster Council Powers and Duties**
- 2.46.050 Director and Assistant Director of Emergency Services**
- 2.46.060 Office of Emergency Management**
- 2.46.070 Standardized Emergency Management System**
- 2.46.080 National Incident Management System**
- 2.46.090 Powers and Duties of the Director and Assistant Director of Emergency Services**
- 2.46.100 Emergency Organization**
- 2.46.110 Expenditures**
- 2.46.120 Violations**
- 2.46.130 Excessive Price Increases Prohibited**

2.46.010 Purpose

The purpose of this chapter is to provide for the preparation and execution of plans for the protection of persons and property within the City of San Bernardino in the event of an emergency. This chapter shall provide for the direction of the emergency organization and the coordination of the emergency functions with all other public agencies, corporations, organizations and affected private persons and entities.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

[\[Return to Municipal Code Contents\]](#)

2.46.020 Definition

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

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.030 Disaster Council Membership

The San Bernardino Disaster Council is hereby created and shall consist of the following:

- A. The Mayor, who shall be Chair;
- B. The Director of Emergency Services, who shall be Vice Chair;
- C. The Assistant Director of Emergency Services;
- D. Such Chiefs of Emergency Service as may be provided for in a current emergency plan of the City adopted pursuant to this chapter; and
- E. Such other representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.040 Disaster Council Powers and Duties

The Disaster Council shall meet at least once per year, upon the call of the Chair or, in the absence of the Chair, upon the call of the Vice Chair. It shall be the duty of the Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the Mayor and City Council, the City’s emergency plan, mutual aid plans, agreements, ordinances, resolutions, rules, and regulations as may be necessary to implement such plans and agreements. The City’s emergency plan shall provide for the effective mobilization of all the City’s resources, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency and shall

[\[Return to Municipal Code Contents\]](#)

provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon the adoption of a resolution by the Mayor and City Council.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.050 Director and Assistant Director of Emergency Services

- A. There is hereby created the position of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- B. There is hereby created the position of Assistant Director of Emergency Services, who shall be appointed by the Director. When the Director of Emergency Services is not available, the Assistant Director of Emergency Services shall become Acting Director and assume the powers and duties of the Director.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.060 Office of Emergency Management

There is hereby created the Office of Emergency Management, which shall act at the will of the Director of Emergency Services. The Emergency Manager of the City of San Bernardino shall manage the day-to-day affairs of the emergency management program and have certain other emergency management functions as specified.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.070 Standardized Emergency Management System

In accordance with section 8607 of the Government Code, the City of San Bernardino hereby adopts the Standardized Emergency Management System (“SEMS”) framework. The SEMS framework includes the use of the Incident Command System (“ICS”), multiagency or interagency coordination, participation in the Master Mutual Aid Agreement, and operational area concept.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.080 National Incident Management System

In accordance with Homeland Security Presidential Directive 5 (Feb. 28, 2003), the City of San Bernardino hereby adopts the National Incident Management System (“NIMS”)

[\[Return to Municipal Code Contents\]](#)

framework. The NIMS framework includes the use of the Standardized Emergency Management System and the Incident Command System, multiagency or interagency coordination, participation in the Master Mutual Aid Agreement, and the operational area concept.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.090 Powers and Duties of the Director and Assistant Director of Emergency Services

- A. The Director is hereby empowered to:
- (1) Request the Mayor and City Council to proclaim the existence or threatened existence of a “local emergency,” if the City Council is in session, or to issue such proclamation, if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the Mayor and City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;
 - (2) Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the circumstances are beyond the City’s capacity to adequately respond to or recover from the emergency;
 - (3) Control and direct the efforts of the City’s emergency organization for the accomplishment of the purposes of this chapter;
 - (4) Direct cooperation between and coordination of services and staff of this emergency organization and resolve questions of authority and responsibility that may arise between them;
 - (5) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
 - (6) In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor, or the existence of a “state of war emergency,” the Director is hereby further empowered:
 - (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided, however, that such rules and regulations are confirmed at the earliest practicable time by the City Council;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 2 Contents\]](#)

- (b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the jurisdiction for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - (c) To require emergency services of any officer or employee and, in the event of the proclamation of a “state of emergency” in the County of San Bernardino or the existence of a “state of war emergency,” to command the aid of as many residents of the City as may be necessary in the execution of duties, provided that all such persons are given all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
 - (d) To requisition necessary personnel or material of the departments or agencies; and
 - (e) To execute all ordinary power as City Manager, all of the special powers conferred by this ordinance or by resolution or emergency plan adopted pursuant to this chapter, all powers conferred by any statute, by any agreement approved by the Mayor and City Council, and by any other lawful authority.
- B. The Director shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession shall be approved by the City Council.
- C. The Assistant Director shall, under the supervision of the Director and with the assistance of the Chiefs of Emergency Services, develop emergency plans, manage the emergency programs of the City, and have such other powers and duties as may be assigned to him or her by the Director.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.100 Emergency Organization

All officers and employees, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or by operation of law, including persons impressed into service under the provisions of this chapter, be charged with duties incident to the protection of life and property in the City during such emergency, shall constitute the emergency organization of the City.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

[\[Return to Municipal Code Contents\]](#)

2.46.110 Expenditures

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

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.120 Violations

It shall be a misdemeanor punishable by a fine not to exceed one-thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both, for any person to, during an emergency:

- A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon him or her by virtue of this chapter;
- B. Commit any act or omission forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act or omission is of such nature as to give assistance to the enemy or imperil the lives or property of the inhabitants of the City, or to prevent, hinder, or delay the defense or protection thereof;
- C. Wear, carry, or display without proper authority any means of identification specified by the emergency agency of the state.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

2.46.130 Excessive Price Increases Prohibited

- A. Upon the proclamation of a state of emergency resulting from an earthquake, flood, fire, civil unrest, storm, or natural or manmade disaster declared by the President of the United States or the Governor, or upon the declaration of a local emergency resulting from an earthquake, flood, fire, civil unrest, storm, or natural or manmade disaster, and for a period of thirty (30) days following such proclamation or declaration, it shall be unlawful for any person, contractor, business, or other entity to sell or offer to sell any consumer food items or goods, goods or services used for emergency cleanup, emergency supplies or medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services, or gasoline or other motor fuels for an amount that exceeds ten (10) percent of the price charged by such person immediately prior to the proclamation or declaration of emergency, provided, however, that this prohibition shall not apply upon demonstration that the increase in price is directly attributable to additional costs imposed by the supplier of the goods or additional costs of providing such goods or services during the

[\[Return to Municipal Code Contents\]](#)

state of emergency and the price represents no more than ten (10) percent above the total of the cost to the seller plus the markup customarily applied by the seller for such goods or services in the usual course of business immediately prior to the onset of the state of emergency.

- B. Upon the proclamation of a state of emergency resulting from an earthquake, flood, civil unrest, or storm declared by the President of the United States or the Governor, or upon the declaration of a local emergency resulting from an earthquake, flood, fire, civil unrest, or storm, and for a period of one-hundred and eighty (180) days following such proclamation or declaration, it shall be unlawful for a contractor to sell or offer to sell any repair or reconstruction services or any services used in emergency cleanup for a price of more than ten (10) percent above the price charged by that person for those services immediately prior to the proclamation or declaration of emergency. However, a greater price increase shall not be unlawful if that person can demonstrate that the increase in price is directly attributable to the additional costs imposed by the contractor's supplier or to the additional costs of providing the service during the state of emergency and the price represents no more than ten (10) percent above the total of the cost to the contractor plus the markup customarily applied by the contractor for such goods or services in the usual course of business immediately prior to the onset of the state of emergency.
- C. Upon the proclamation of a state of emergency resulting from an earthquake, flood, fire, civil unrest, storm, or other natural disaster declared by the President of the United States or the Governor, or upon the declaration of a local emergency resulting from an earthquake, flood, fire, civil unrest, storm, or other natural or manmade disaster, and for a period of thirty (30) days following such proclamation or declaration, it shall be unlawful for the owner or operate of a hotel or motel to increase the hotel or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than ten (10) percent. However, a greater price increase shall not be unlawful if the owner or operator can demonstrate that the increase in price is directly attributable to the additional costs imposed on him or her for goods or labor used in his or her business, to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.
- D. The provisions of this section may be extended for an additional thirty (30) day period by the Mayor and City Council if such extension is deemed necessary to protect the lives, property, or welfare of the residents of the City.

(Ord. MC-1515, 3-06-19; Ord. MC-1514U, 2-20-19)

Chapter 2.47
CENTRAL CITY ADVISORY BOARD
(Repealed By Ord. MC-1190, 11-02-04)

[\[Return to Municipal Code Contents\]](#)

Chapter 2.48
STATE EMPLOYEES' RETIREMENT SYSTEM⁷

Sections:

- 2.48.010 Authorization of contract**
- 2.48.020 Authority of Mayor to execute contract**

2.48.010 Authorization of contract

A contract is authorized between the Mayor and Common Council of the City and the Board of Administration, California State Employees' Retirement System, a copy of said contract being attached to the ordinance codified in this Chapter and marked Exhibit A, and by such reference made a part hereof as though herein set Out in full.

(Ord. 1734, 2-06-45)

2.48.020 Authority of Mayor to execute contract

The Mayor of the City is authorized, empowered, and directed to execute said contract for and on behalf of said Agency.

(Ord. 1734, 2-06-45)

Chapter 2.49
SENIOR AFFAIRS COMMISSION
(Repealed by Ord. MC-1458, 2-21-18)

⁷For statutory provisions authorizing a City to contract with the Public Employees' Retirement System, see Gov. Code §45345; for provisions on the Public Employees' Retirement System generally, see Gov. Code §20000 et seq.

Chapter 2.50 PERSONNEL COMMISSION

Sections:

- 2.50.010 Establishment**
- 2.50.020 Appeals from Disciplinary Action**
- 2.50.030 Secretary to the Personnel Commission**
- 2.50.040 Election of Officers**
- 2.50.050 Time and Place of Meetings**

2.50.010 Establishment

The Personnel Commission as established in Charter Section 604 shall replace the Civil Service Board, which is hereby dissolved.

(Ord. MC-1447, 06-07-17; Ord. MC-631, 7-06-88; Ord. MC-324, 12-06-83;
Ord. MC-230, 12-21-82; Ord. 3676, 10-04-77; Ord. 3551, 2-04-76; Ord. 3526, 9-10-75;
Ord. 3363, 8-09-73; Ord. 3313, 12-07-72; Ord. 3226, 1-04-72; Ord. 3150, 3-02-71;
Ord. 3074, 6-02-70; Ord. 2449, 7-24-62)

2.50.020 Appeals from Disciplinary Action

Pursuant to Charter Section 604, the Personnel Commission shall hear appeals from disciplinary actions filed by City employees in the classified service, subject to the provisions of the applicable labor agreement, if any, and the Personnel Rules and Regulations, formerly known as the Civil Service Rules and Regulations, as adopted by Resolution of the Mayor and City Council and as they may be amended from time to time. The determination of the Personnel Commission on such appeals shall be final.

(Ord. MC-1447, 06-07-17; Ord. 2449, 7-24-62)

2.50.030 Secretary to the Personnel Commission

The Administrative Services Officer, or such other person as may be designated by the City Manager shall serve as Secretary to the Personnel Commission, and shall be responsible for posting and mailing any necessary hearing notices, issuing subpoenas for hearings before the Personnel Commission, and keeping a record of the proceedings. The Personnel Commission's power of subpoena over persons and records shall be enforceable by the courts. The City Manager shall ensure that the Personnel Commission is provided with such support as may be necessary to conduct appeal hearings as required, including a legal advisor as may be necessary.

(Ord. MC-1447, 06-07-17)

[\[Return to Municipal Code Contents\]](#)

2.50.040 Election of Officers

The Commission shall annually elect one of its members chair and one as vice-chair.
(Ord. MC-1447, 06-07-17)

2.50.050 Time and Place of Meetings

The Commission shall hold regularly noticed meetings as required to hear disciplinary appeals, and may hold special meetings at the call of the Chair or a majority of the members of the Commission.

(Ord. MC-1447, 06-07-17)

Chapter 2.52 CITY HALL

Sections:

2.52.010 Hours of business

2.52.010 Hours of business.

The City Hall, City of San Bernardino, shall be open to the public for the transaction of business between the hours of seven-thirty a.m. and four-thirty p.m. daily, except on Saturdays, Sundays and those City holidays designated by resolution of the Mayor and Common Council.

(Ord. 3921, 2-25-80; Ord. 3541, 11-26-75; Ord. 2135, 8-21-56)

Chapter 2.54 HOLIDAYS⁸

Sections:

2.54.010 Saturday

2.54.010 Saturday

That in accordance with the provisions of Section 6704 of the Government Code of the State, it is declared and provided that every Saturday is a holiday as respects the transaction of business in the public offices of the City, excepting that such provisions shall not be applicable to the water, police or fire departments or the essential public services rendered by said departments.

(Ord. MC-1220, 3-20-06; Ord. 1811, 10-07-47)

⁸For statutory provisions authorizing cities to declare Saturdays as holidays as respects the transaction of government business, see Gov. Code §6704.

[Return to Municipal Code Contents]

Chapter 2.55
LOCAL CAMPAIGN FINANCE REGULATIONS

Sections:

- 2.55.010 Pay-to-Play Restrictions**
- 2.55.020 Enforcement**
- 2.55.030 Campaign Contribution Limits to City Elective Office Candidates**

2.55.010 Pay-to-Play Restrictions

- A. Definitions. The definitions set forth in this subdivision shall govern the interpretation of this Section 2.55.010:
- (1) “Party” means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
 - (2) “Participant” means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9 of the Government Code. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.
 - (3) “Elected Official” means any elected official of the City including the Mayor and all City Council Members.
 - (4) “License, permit, contract, or other entitlement for use” means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
 - (5) “Contribution” includes contributions to candidates and committees in federal, state, or local elections.
- B. Prohibition on Soliciting and Accepting Certain Contributions. No Elected Official shall accept, solicit, or direct a contribution of more than two hundred and fifty dollars (\$250.00) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, contract, or other entitlement for use is pending before the City and for three (3) months following the date a final decision is rendered in the proceeding if the Elected Official knows or has reason to know that the participant has a financial interest, as that term is
- [Return to Municipal Code Contents]

used in Article 1 (commencing with Section 87100) of Chapter 7 of Title 9 of the Government Code. This prohibition shall apply regardless of whether the Elected Official accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

- C. Elected Official Disclosure Requirements. Prior to rendering any decision in a proceeding involving a license, permit, contract, or other entitlement for use pending before the City, each Elected Official who received a contribution since their last California Fair Political Practices Commission (“FPPC”) Form 460 Filing (Recipient Committee Campaign Statement) in an amount of more than two hundred and fifty dollars (\$250.00) from a party or from any participant shall disclose that fact on the record of the proceeding.
- D. Application to Candidates. Contributions made to candidates for elective office shall subject the candidate to the disclosure provision of subdivision C should the candidate be subsequently elected. Candidates who have become the Council Member-Elect or Mayor-Elect, but who have not yet been sworn in, shall be subject to the prohibition of subdivision B.
- E. Applicant Restrictions. A party to a proceeding before the City involving a license, permit, contract, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred and fifty dollars (\$250.00) made since their last FPPC Form 460 Filing (Recipient Committee Campaign Statement) by the party, or his or her agent, to any Elected Official. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before the City and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred and fifty dollars (\$250.00) to any Elected Official during the proceeding and for three (3) months following the date a final decision is rendered by the City in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before the City, the majority shareholder is subject to the disclosure and prohibition requirements herein.

(Ord. MC-1558, 6-02-21)

2.55.020 Enforcement

The City hereby designates the California Fair Political Practices Commission (“FPPC”) as the enforcement agency for this Chapter. The City shall provide to the FPPC twice, annually, data for all licenses, permits, or other entitlements for use, as defined in Section 2.55.010 above. The FPPC will cross-reference the data received from the City against the most recent FPPC Form 460 Filing (Recipient Committee Campaign Statement) of each Elected Official who has received Contributions equal to or exceeding

[\[Return to Municipal Code Contents\]](#)

two thousand dollars (\$2,000) as shown on the most recent FPPC Form 460 Filing. As set forth in Government Code section 83116, the FPPC shall have prosecutorial discretion to enforce this Chapter and may discipline an Elected Official for violating this Chapter, including, but not limited to, requiring the Elected Official to pay a monetary fine.”

(Ord. MC-1558, 6-02-21)

2.55.030 Campaign Contribution Limits to City Elective Office Candidates

- A. A person shall not make to a candidate for elective city office, and a candidate for elective city office shall not accept from a person, a contribution totaling more than \$4,900.
- B. On January 1, 2023, and every odd-numbered year thereafter, the limit set forth in subsection A shall be adjusted to reflect any increase or decrease in the Consumer Price Index in the same manner as the Fair Political Practices Commission adjusts the limits under Government Code section 85301(d) or any successor provision.
- C. Nothing in this section shall be deemed to exempt any person from complying with applicable provisions of any other laws of this state.

(Ord. MC-1573U, 2-16-22)

Chapter 2.56 ELECTIONS⁹

Sections:

- 2.56.001 Law Governing Municipal Elections**
- 2.56.010 Dates of Election**
- 2.56.020 Filing Fee**
- 2.56.030 Elections Official**
- 2.56.040 Results of Primary Election.**
- 2.56.050 Seating of Officials Elected**
- 2.56.060 Filling a Vacancy in the Office of the Mayor**
- 2.56.070 Filling a Vacancy of a Council Seat**
- 2.56.080 Fiscal Analysis of Measure**
- 2.56.090 (Repealed by Ord. MC-1453, 1-17-18;
Ord. MC-1318, 10-20-09)**
- 2.56.100 (Repealed by Ord. MC-1453, 1-17-18)**

⁹For charter provisions on elections, see Charter Arts. II and VII; for statutory provisions on notice of elections, see Election Code §10100 et seq.

[Return to Municipal Code Contents]

- 2.56.105 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.110 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.120 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.130 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.140 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.142 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.143 (Repealed by Ord. MC-1318, 10-20-09)
- 2.56.144 (Repealed by Ord. MC-1318, 10-20-09)
- 2.56.146 (Repealed by Ord. MC-1318, 10-20-09)
- 2.56.148 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.150 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.160 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.170 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.171 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.173 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.175 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.180 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.190 (Repealed by Ord. MC-1453, 1-17-18)
- 2.56.195 (Repealed by Ord. MC-1318, 10-20-09)

2.56.001 Law Governing Municipal Elections

City elections shall follow the provisions and procedures of the California Elections Code as applicable to general law cities, except as provided in the Charter or in this Chapter.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. MC-478, 9-24-85;
Ord. MC-476, 9-24-85; Ord. MC-268, 4-26-83)

2.56.010 Dates of Election

- A. Beginning in 2018, primary elections in the City shall be held in consolidation with the Statewide Primary Election. Beginning in 2020, primary elections in the City shall be held in consolidation with the Statewide Primary Election and every two (2) years thereafter.
- B. Beginning in 2018, general elections in the City shall be held in consolidation with the Statewide General Election and every two (2) years thereafter.
- C. In 2018, and every four years thereafter, the following offices will be elected and seated: Mayor, Members of the City Council from the First Ward, the Second Ward, and the Fourth Ward.

[\[Return to Municipal Code Contents\]](#)

- D. In 2020, and every four years thereafter, the following offices will be elected and seated: Members of the City Council from the Third Ward, the Fifth Ward, the Sixth Ward and the Seventh Ward.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. MC-934, 3-09-95;
Ord. 3601, 9-07-76; Ord. 3448, 10-30-74; Ord. 2048, 10-05-54)

2.56.020 Filing Fee

The filing fee for nomination papers or for supplemental nomination papers shall be Twenty Five Dollars (\$25.00). No nomination papers or supplemental nomination papers shall be filed except upon proof of said payment. The filing fee(s) shall not be refunded in the event the candidate fails to qualify as a candidate.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. 3601, 9-07-76; Ord. 2048, 10-05-54)

2.56.030 Elections Official

The City Clerk shall serve as the City's Elections Official and shall carry out or cause to be carried out all the duties imposed on the Elections Official by the California Elections Code, except as those duties may be carried out by the San Bernardino County Elections Official for consolidated elections.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. 3792, 12-20-78;
Ord. 2779, 11-08-66; Ord. 2048, 10-05-54)

2.56.040 Results of Primary Election

- A. In the event that any candidate receives a majority of the votes cast for an office at the primary election, that candidate shall be elected to the office, and shall be seated following certification of the general election results.
- B. In the event no candidate receives a majority of the votes cast for an office in the primary election, the two candidates receiving the highest number of votes for the office shall be the candidates for that office whose names shall appear on the ballots to be used at the general municipal election.
- C. In the case of a tie vote among candidates at a primary election for a voter-nominated office, all candidates receiving the highest number of votes cast for any candidate shall be candidates at the ensuing general election whether or not there are more candidates at the general election than prescribed by this chapter.
- D. If only one candidate receives the highest number of votes cast but there is a tie vote among two or more candidates receiving the second highest number of votes cast, each of those second-place candidates shall be a candidate at the ensuing

[Return to Municipal Code Contents]

general election along with the candidate receiving the highest number of votes cast, regardless of whether there are more candidates at the general election than prescribed by this chapter.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. MC-852, 11-03-92;
Ord. 3271, 6-28-72; Ord. 2048, 10-05-54)

2.56.050 Seating of Officials Elected

The Mayor and City Council members elected in each election shall be sworn in and begin their term of service upon certification of the general election results, and shall serve until their successors qualify.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. 2429, 3-27-62; Ord. 2048, 10-05-54)

2.56.060 Filling a Vacancy in the Office of the Mayor

In the event of a vacancy in the office of the Mayor, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment pursuant to the provisions applicable to general law cities, including but not limited to the term of the appointment, or call a special election in compliance with the provisions of California Government Code section 36512 and Elections Code sections 1002 and 12001.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. 2429, 3-27-62; Ord. 2048, 10-05-54)

2.56.070 Filling a Vacancy of a Council Seat

In the event of a vacancy in a Council seat, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment pursuant to the provisions applicable to general law cities, including but not limited to the term of the appointment, or call a special election in compliance with the provisions set forth in California Government Code section 36512 and Elections Code sections 1002 and 12001.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. MC-852, 11-03-92;
Ord. 3306, 10-24-72; Ord. 2048, 10-05-54)

2.56.080 Fiscal Analysis of Measure

Whenever any city measure qualifies for a place on the ballot, the Mayor and City Council may direct designated city officers to prepare an initial fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to the City of San Bernardino. The fiscal analysis shall be printed preceding the arguments for and against the measure. If a City Attorney's analysis has also been directed pursuant to

[\[Return to Municipal Code Contents\]](#)

Section 9280 of the Elections Code, the City Attorney's analysis and the fiscal analysis shall be separately set forth.

(Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09; Ord. 3601, 9-07-76;
Ord. 2429, 3-27-62; Ord. 2048, 10-05-54)

2.56.090 (Repealed by Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09)

**2.56.100; 2.56.105; 2.56.110; 2.56.120; 2.56.130; 2.56.140; 2.56.142
(Repealed by Ord. MC-1453, 1-17-18)**

**2.56.143; 2.56.144; 2.56.146
(Repealed by Ord. MC-1453, 1-17-18; Ord. MC-1318, 10-20-09)**

**2.56.148; 2.56.150; 2.56.160; 2.56.170; 2.56.171; 2.56.173; 2.56.175; 2.56.180;
2.56.190 (Repealed by Ord. MC-1453, 1-17-18)**

Chapter 2.57 ONLINE OR ELECTRONIC FILING OF FAIR POLITICAL PRACTICES COMMISSION FORMS.

Sections:

2.57.010 Fair Political Practices Commission Form 460

2.57.010 Fair Political Practices Commission Form 460

Any person required to file a Fair Political Practices Commission Form 460 by Government Code Section 84100, et seq. shall file the Form 460 online or electronically with the City Clerk. Any form filed electronically with the City Clerk shall not be required to be filed in paper format.

(Ord. MC-1394, 12-16-13)

[\[Return to Municipal Code Contents\]](#)

Chapter 2.58 MEETINGS

Sections:

- 2.58.010 Mayor and City Council
- 2.58.020 Meetings of boards, commissions and committees
- 2.58.030 City Council Conduct - Generally
- 2.58.040 Mayor's Conduct- Generally
- 2.58.050 Conduct at Meetings and Relating to City Business
- 2.58.060 Prohibiting disruptive conduct at meetings
- 2.58.070 Willful Disruptions of Meetings of the Mayor and City Council
- 2.58.080 Holidays
- 2.58.090 Familiarity with Ralph M. Brown Act required
- 2.58.100 Continuances; fee
- 2.58.110 Public Participation in Meetings of the Mayor and City Council
- 2.58.120 Quasi-Judicial Hearings

2.58.010 Mayor and City Council

- A. Regular meetings of the Mayor and City Council of the City of San Bernardino shall be held on the first and third Wednesdays of each month commencing at five-thirty p.m. (5:30 p.m.) for Closed Session and at seven p.m. (7 p.m.) for Open Session at the City Council Chambers, City Hall, 300 North "D" Street, San Bernardino, California, or such other location within the City as may be properly noticed.

(Ord. MC-1511, 2-06-19; Ord. MC-1438, 4-17-17; Ord. MC-1388, 6-03-13)

- B. The City Council, as the elected body serving all of the residents of the City, shall perform its duties and exercise its powers in a manner that serves the best interests of the entire City, rather than any particular geographic area or special interest.

(Ord. MC-1511, 2-06-19; Ord. MC-1438, 4-17-17; Ord. MC-1134, 12-04-02;
Ord. MC-883, 9-08-93; Ord. MC-715, 4-02-90;
Ord. MC-98, 9-15-81; Ord. 3652, 7-15-77; Ord. 2284, 2-24-60)

2.58.020 Meetings of boards, commissions and committees

The dates, times and places of regular meetings of all boards, commissions and committees of the City shall be set forth in one or more ordinances or resolutions of the Mayor and City Council.

(Ord. MC-1438, 4-17-17; Ord. MC-184, 7-07-82; Ord. 3638, 4-20-77)

[\[Return to Municipal Code Contents\]](#)

2.58.030 City Council Conduct - Generally

As provided in Section 302 of the Charter, the City Council and Mayor are required to implement a Code of Conduct to guide their interactions and create accountability. In accordance with Section 302, the members of the City Council shall conform their conduct to the following rules:

- A. The role of the City Council is legislative in character, which includes the power to set policy, approve contracts and agreements not within the authority of the City Manager or his subordinates, and undertake other obligations consistent with the Charter and Code, while deferring to the discretion of management and staff to choose the appropriate means to achieve the Council's goals
- B. The City Council, as the elected body serving all of the residents of the City, shall perform its duties and exercise its powers in a manner that serves the best interests of the entire City, rather than any particular geographic area or special interest.

(Ord. MC-1438, 4-17-17; Ord. MC-390, 7-09-84)

2.58.040 Mayor's Conduct- Generally

- A. The Mayor will build consensus with the City Council to create and implement a shared vision and plan of implementation to restore the City's fiscal integrity.
- B. The Mayor will establish and maintain partnerships and regional leadership roles to advance the City's interest.
- C. The Mayor will be the chief spokesperson for the City.
- D. The Mayor will be the presiding officer at meetings of the City Council and willfully participate in discussions.
- E. The Mayor will work with the City Council and City Manager to coordinate goal setting and the performance evaluation of the City Manager.

(Ord. MC-1438, 4-17-17)

2.58.050 Conduct at Meetings and Relating to City Business

The residents and businesses of the City of San Bernardino are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The City will operate in an open, honest and transparent manner. To this end, the Mayor and City Council of the City of San Bernardino will adhere to the following Code of Conduct to assure public confidence in the integrity of local government, its effective operations, and fair treatment of people.

[Return to Municipal Code Contents]

- A. The professional and personal conduct of the Mayor and City Council must be above reproach and avoid the appearance of impropriety. The Mayor and members of the City Council shall refrain from abusive conduct, personal or verbal attacks upon the character or motives of each other, the staff or the public.
- B. The Mayor and members of the City Council shall perform their duties in accordance with the procedural rules for meetings, established by them, in governing the deliberation of public policy issues, involvement of the public and the implementation of policy decisions of the Mayor and City Council by City staff.
- C. The Mayor and City Council shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
- D. The Mayor and City Council shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- E. The Mayor and City Council shall publicly share substantive information that is relevant to the matter under their consideration, which they may have received from sources outside of the public decision-making process.
- F. In order to assure their independence and impartiality on behalf of the common good, the Mayor and City Council shall not use their official positions to influence government decisions in which they have a material financial interest; or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.
- G. The Mayor and City Council shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action, or give the appearance of being compromised.
- H. The Mayor and City Council shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interest.
- I. The Mayor and City Council shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities for private gain or personal purposes.

[\[Return to Municipal Code Contents\]](#)

- J. The Mayor and City Council shall refrain from using their position to unduly influence the deliberations or outcomes of commission proceedings.
- K. The Mayor and City Council will not divert management from the approved priorities with issues of personal interest or requests for information that may require significant staff resources without the active approval of the majority of the Mayor and City Council. The Council will come to consensus regarding major issues that need further exploration and analysis so as to judiciously give direction to the City Manager and his staff. This language does not prohibit the Mayor, Council Members, City Attorney, or City Clerk, from bringing information forward and discussing it with the City Manager and/or staff.
- L. When the Mayor and City Council have not taken a position on an issue, neither the Mayor nor any Council Member should speak on behalf of the Mayor and City Council. When presenting their individual opinions and positions, Council Members should explicitly state that they do not represent their body, the City of San Bernardino, nor should they encourage the inference that they do. After a decision is made, the Mayor serves as the spokesperson for the City's view on policy matters; the City Council should speak with "one voice."
- M. The Mayor and City Council shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. The Mayor and City Council shall recognize their special role in dealings with City employees and in no way create the perception of inappropriate direction to staff.
- N. With respect to communications with the City Manager and staff:
 - 1. Unless it is a simple inquiry, the Mayor or members of the City Council will contact the City Manager before going to Department Heads.
 - 2. When contacting Department Directors through e-mail, the Mayor and Council Members will copy the City Manager as a courtesy.
 - 3. The City Manager will ensure that the Mayor and City Council are proactively informed on major policy issues or issues that may attract media or public attention; likewise, the Mayor and City Council members will give the City Manager notice if he or she learns of issues of concern.
 - 4. The Mayor, City Council, City Manager and staff will not blindsides each other in public.

5. Council members are encouraged to submit questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the meeting.
6. The Mayor and City Council will refer citizen complaints to staff and give them adequate time to respond. Staff will report back to the Council through the City Manager on the resolutions of these complaints.
7. The Mayor and Councilmembers will be provided with information from staff and other members on an equal basis so that they are equally prepared to make good decisions.

(Ord. MC-1438, 4-17-17)

2.58.060 Prohibiting disruptive conduct at meetings

The Mayor or any member of the City Council shall not engage in disorderly or disruptive conduct in the presence of the City Council at public meetings, which conduct actually disrupts, disturbs or impedes the City Council meeting. The City Council shall have power to punish the Mayor or any of its members for disorderly or disruptive conduct in its presence after first providing notice of the prohibited behavior and an opportunity to be heard. The fine shall not exceed the sum of fifty dollars.

(Ord. MC-1438, 4-17-17)

2.58.070 Willful Disruptions of Meetings of the Mayor and City Council

The purpose of the meetings of the Mayor and City Council is to conduct the people's business in an efficient and orderly fashion for the benefit of all the people. That purpose is disrupted by conduct, including oral statements at meetings, that unduly prolongs the proceedings by being overly repetitious or exceeding the allotted time, diverts attention from the matter before the Mayor and City Council by raising or addressing irrelevant matters, or is directed at or to the audience, the Mayor, individual City Council members, or members of City staff individually rather than to the Mayor and City Council as governing body of the City or the City as a whole.

Accordingly, in the event that any meeting of the Mayor and City Council is willfully disrupted by a person or group of persons so as to actually impair the orderly conduct of the meeting, the members of the City Council may proceed pursuant to Government Code Section 54957.9, or any applicable penal statute or ordinance. For the purposes of this Section "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the presiding officer to desist from such conduct:

1. Addressing the Mayor and City Council without first being recognized by the presiding officer.

[Return to Municipal Code Contents]

2. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
3. Repetitiously addressing the same subject.
4. Failing to relinquish the podium when directed to do so by the presiding officer.
5. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a City Council member, or a staff member, or shouting or attempting to shout over a speaker, the Mayor, a City Council member or a staff member.
6. As a speaker, interrupting or attempting to interrupt the Mayor, a City Council member, or a staff member, or shouting over or attempting to shout over the Mayor, a City Council member, or a staff member.
7. As a speaker, continuing to speak after being advised that the allotted time has expired.
8. As a speaker, addressing the audience rather than the Mayor and City Council.
9. Making personal, impertinent, or slanderous remarks to a speaker, the Mayor, a City Council member, a staff member, or the general public, which actually impairs the orderly conduct of the meeting.
10. Uttering loud, threatening, personal or abusive language, or profanity, to a speaker, the Mayor, a City Council member, a staff member, or the general public which actually impairs the orderly conduct of the meeting.

It shall be unlawful to violate any provision of this Section. Nothing in this Section or any rules of the Council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or any of the acts or omissions of the Mayor and City Council. Nothing in this Section shall confer any privilege or protection for expression beyond that otherwise provided by law.

If any subsection, sentence, clause, phrase, or word of this Section 2.58.070 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The Mayor and City Council hereby declare that they would have enacted this Section and each subsection, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or words had been declared invalid or unconstitutional.

(Ord. MC-1478, 4-04-18; Ord. MC-1438, 4-17-17)

[\[Return to Municipal Code Contents\]](#)

2.58.080 Holidays

In the event the date of a meeting falls on a City holiday, the next business day following such holiday shall be the meeting date, at the same time and place, except as determined by the City Council.

(Ord. MC-1438, 4-17-17)

2.58.090 Familiarity with Ralph M. Brown Act required

The clerk or secretary of each board, commission and committee shall review and be familiar with the provisions of the Ralph M. Brown Act, Government Code Section 54950, et seq.

(Ord. MC-1438, 4-17-17)

2.58.100 Continuances; fee

Any person, firm, corporation or other entity having an appeal, or other item on the agenda of the Mayor and City Council may request a continuance of such item by submitting a request therefor to the City Clerk prior to the item being heard. Such request must be accompanied by a processing fee established by resolution of the Mayor and City Council. The granting of a continuance shall be subject to the complete discretion of the Mayor and City Council taking all of the facts and circumstances of the matter into consideration. If the request for continuance is received by telephonic communication or other means where the requester is not present, the continuance may be granted subject to the receipt of the processing fee prior to the new agenda date. Should the request for a continuance be denied any processing fee paid shall be returned upon application made by the payor within ninety (90) days. Any subsequent request for a continuance shall require an additional fee.

The fee provided for by this ordinance and set by any resolution adopted pursuant thereto shall not apply to any continuance requested by the City, any department or officer thereof or by any agency or other entity which is funded primarily by the City.

(Ord. MC-1438, 4-17-17)

2.58.110 Public Participation in Meetings of the Mayor and City Council

The Mayor and City Council may, by Resolution, adopt reasonable regulations, including time limits, for: (1) public comments for items on the agenda, (2) public comments for items not on the agenda, and (3) public testimony during public hearings. Notwithstanding the time limits on public comments and public testimony adopted by Resolution, the Presiding Officer may lengthen or shorten the time limits afforded if the

[Return to Municipal Code Contents]

Presiding Officer determines such change is necessary for the efficient conduct of the meeting or the proper consideration of a complicated matter.

Ord. MC-1478, 4-04-18

2.58.120 Quasi-Judicial Hearings

The Mayor and City Council may, by Resolution, adopt Rules of Procedure for the conduct of quasi-judicial hearings.

Ord. MC-1478, 4-04-18

Chapter 2.60 DISCLOSURE OF FINANCIAL INTERESTS (Repealed By Ord. MC-1220, 3-20-06)

Chapter 2.62 FILING OF OFFICIAL BONDS¹⁰

Sections:

- 2.62.010 Amount**
- 2.62.020 Blanket position bond**

2.62.010 Amount

- A. The following officers of the City, before entering upon the discharge of their official duties, and within twenty days after notice of their election or appointment, shall severally execute to the City an official faithful performance bond in the following penal sums:
1. Mayor, one thousand dollars;
 2. Each member of the Common Council, one thousand dollars;
 3. City Clerk, one thousand dollars;
 4. City Attorney, one thousand dollars;
 5. Each member of the Board of Water Commissioners, one thousand dollars;
 6. City Treasurer, one hundred thousand dollars.

¹⁰For charter provisions on official bonds, see Charter §509.

- B. The City Treasurer, in addition to his official bond in the penal sum of one hundred thousand dollars, shall execute to the City an additional bond in the penal sum of twenty-five thousand dollars, which additional bond shall be known as the Treasurer's trust fund bond and shall be conditioned for the payment by the Treasurer to any person, firm or corporation lawfully entitled thereto, of all moneys received by the Treasurer, his deputies, clerks and attaches, under or pursuant to the provisions of the Improvement Act of 1911, or any other special assessment, law or act, by the provisions of which moneys, other than moneys belonging to the City, are payable to the City Treasurer for disbursement to any person, firm or corporation, other than the City, and which trust fund bond shall by its provisions be made to enure to the benefit of, and provide that an action may be maintained thereon by, any person, firm or corporation entitled to receive money from the Treasurer under the aforesaid laws.

(Ord. 2934, 8-20-68)

2.62.020 Blanket position bond

For each employee of the City, except employees in the Municipal Water Department, a blanket position bond shall be provided, indemnifying the City against any and all fraudulent or dishonest acts and failure of performance of official duties, including false arrest by Police Department employees and failure to account properly for any and all moneys or property received by virtue or authority of any position or employment, of or by any employee, acting alone or in collusion with others. The bond shall comply with the provisions of all other ordinances of the City applicable thereto and shall be in the following amounts for the employment indicated: Chief of Police, five thousand dollars; Chief Deputy City Treasurer, ninety thousand dollars and all other staff members of or assigned to the treasurer's office twenty thousand dollars; City Manager, ten thousand dollars; director of finance, ten thousand dollars; purchasing agent, ten thousand dollars; all other employees, two thousand five hundred dollars each. The word "employee" or "employees" as used in this section means and includes those officers, employees and other subordinates of the City who are not otherwise required by ordinance or law to furnish an individual bond to qualify for office or employment.

(Ord. 3383, 10-17-73; Ord. 2934, 8-20-68)

Chapter 2.64 APPEALS TO COMMON COUNCIL

Sections:

- 2.64.010 Purpose
- 2.64.020 When procedure not applicable
- 2.64.030 Filing notice of appeal
- 2.64.040 Notice of appeal -Time limit
- 2.64.050 Notice of appeal - Contents
- 2.64.060 Action by the City Clerk
- 2.64.070 Consideration by Council
- 2.64.080 Judicial Review

2.64.010 Purpose

The purpose of the appeal procedure prescribed in this Chapter is to provide a general method of recourse, in any instance where an appeal to the Common Council is not otherwise prescribed by code or other ordinance of the City, available in the event any person is aggrieved by or dissatisfied with any order, requirement, permit, decision or determination made by a City officer, official or department head or by an administrative body of the City in the administration or enforcement of any provision of any local ordinance, code, rule or regulation.

(Ord. 2622, 11-17-64)

2.64.020 When procedure not applicable

The appeal procedure prescribed in this Chapter shall not apply when other provisions of this Code, an ordinance or resolution provides a method of appeal to a board, commission, committee, a public body or employee in specific cases, and shall not apply to law enforcement activities involving ordinances or state law, or to the decisions of the Civil Service Board. These procedures shall apply to any and all appeals to the Common Council authorized in this Chapter or in other provisions of the Code, unless expressly otherwise provided.

(Ord. MC-410, 9-18-84; Ord. 2622, 11-17-64)

2.64.030 Filing notice of appeal

Except as provided in Section 2.64.020, any person aggrieved by, dissatisfied with, or excepting to any action, denial, order, requirement, permit, decision or determination made or issued by a City officer, official or department head or by an administrative board,

[\[Return to Municipal Code Contents\]](#)

commission, body or other agency of the City pursuant to the provisions of any ordinance, code, rule or regulation of the City, may appeal therefrom by filing a written notice of appeal with the City Clerk, directed to the Common Council.

(Ord. 2622, 11-17-64)

2.64.040 Notice of appeal -Time limit

Any such notice of appeal shall not be valid and shall not be acted upon unless filed within fifteen days after the date of the action or decision appealed from. If notice of such action has not been provided in writing, and the appellant had no notice of the hearing at which the action was to be considered, the appellant may, within five days after first becoming aware of such action, demand written notice thereof, and shall have ten days following such notice in which to file the notice of appeal. A prospective appellant who was present at the time the action or decision relating thereto was made shall be presumed to have constructive notice thereof and shall file a notice of appeal within fifteen days after the date of the action or decision.

(Ord. MC-410, 9-18-84; Ord. 2622, 11-17-64)

2.64.050 Notice of appeal - Contents

The notice of appeal shall be in writing and shall set forth (a) the specific action appealed from, (b) the specific grounds of appeal, and (c) the relief or action sought from the Common Council. In the event any notice of appeal fails to set forth any information required by this section, the City Clerk shall return the same to the appellant with a statement of the respects in which it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile his or her notice of appeal.

(Ord. MC-410, 9-18-84; Ord. 2622, 11-17-64)

2.64.060 Action by the City Clerk

Upon the timely filing of a notice of appeal in proper form, the City Clerk shall schedule the matter promptly for public hearing upon the Common Council agenda for the first regularly scheduled Council meeting following the sixth day after said timely filing. City Clerk shall promptly give notice to the appellant and affected City parties of the setting of such public hearing.

2.64.070 Consideration by Council

At the time of consideration of the appeal by the Common Council, all evidence and arguments shall be received, but shall be limited to the specific grounds of appeal and matters set forth in the notice of appeal. The appellant shall have the burden of establishing cause why the action appealed from should be altered, reversed or modified.

[Return to Municipal Code Contents]

The department, agency, City officer, official or department head whose action is being considered shall have the opportunity to answer arguments made and rebut any evidence so offered. The Common Council shall review the evidence, findings and record relating to the decision or action. The Common Council may continue the matter from time to time, and at the conclusion of its consideration may affirm, reverse or modify the action appealed from and may take any action which might have been legally taken in the first instance by the person or entity from whose action the appeal has been taken. In the ruling on the appeal, the findings and action of the Common Council shall be final and conclusive in the matter.

(Ord. MC-410, 9-18-84; Ord. 2622, 11-17-64)

2.64.080 Judicial Review

The Mayor and Common Council shall take all lawful steps to ensure that any appellant aggrieved by said decision of the Common Council shall be afforded prompt judicial review if such decision is challenged in court.

(Ord. MC-1075, 6-21-00)

Chapter 2.65 SALE OF REAL PROPERTY

Sections:

- 2.65.010 Authority**
- 2.65.020 Competitive Bid**
- 2.65.030 Negotiated Purchase**
- 2.65.040 Fair Market Value**
- 2.65.050 Sales to Public Agencies**
- 2.65.060 Terms**

2.65.010 Authority

Pursuant to the provisions of Charter Section 40(a), real property owned by the City shall be sold as provided in this Chapter.

(Ord. MC-955, 12-19-95)

2.65.020 Competitive Bid

Real property with a fair market value of \$25,000 or greater shall be sold by competitive bid to the highest and best bidder, but the sales price shall not be less than the fair market value.

(Ord. MC-955, 12-19-95)

[\[Return to Municipal Code Contents\]](#)

2.65.030 Negotiated Purchase

Real property with a fair market value of less than \$25, 000 may be sold by negotiated purchase, but the sales price shall not be less than the fair market value.

(Ord. MC-955, 12-19-95)

2.65.040 Fair Market Value

For the purposes of this Chapter, fair market value shall be established by resolution of the Mayor and Common Council based on good and sufficient evidence in the record. For the purposes of property with a fair market value of \$25, 000 or more, "good and sufficient evidence" shall mean and include a formal appraisal performed by a licensed appraiser who is not a City employee.

(Ord. MC-955, 12-19-95)

2.65.050 Sales to Public Agencies

Notwithstanding anything in this Chapter to the contrary, real property owned by the City may be sold to another public agency without the need for competitive bid, but the sales price shall not be less than the fair market value.

(Ord. MC-955, 12-19-95)

2.65.060 Terms

A sales price may be a cash purchase or the City may accept a note and deed of trust at the fair market interest rate.

(Ord. MC-955, 12-19-95)

Chapter 2.66 CONTRACT OF INDEMNITY

Sections:

2.66.010 Corporation requirements

2.66.010 Corporation requirements

In all instances where, by the provisions of the Charter, or any ordinance or resolution of the City, or by any law, any bond, undertaking, contract of indemnity or insurance is required or provided for or on behalf of the City or any board, department or officer thereof, the same shall be executed by a corporation organized under the laws of the United States or under the laws of any state thereof, and authorized to transact business in the

[\[Return to Municipal Code Contents\]](#)

state in accordance with law, and such corporation shall have a general policyholder's rating in accordance with Best's Insurance Guide of "A" or higher; provided, however, the provisions of this section shall not apply in those instances where by law the City is required to obtain insurance or indemnity from the State Compensation Fund or some like governmental entity.

(Ord. 1918, 7-02-51; Ord. 821, 8-09-1921)

Chapter 2.68 VACANCIES IN OFFICE

Sections:

- 2.68.010 Assumption of duties by highest ranking department member**
- 2.68.020 Temporary absence -Assumption of duties**
- 2.68.030 Chapter inapplicable to Mayor and members of Common Council**

2.68.010 Assumption of duties by highest ranking department member

In the event of a vacancy in the office of the head of a department or division or other office of the City, the assistant, chief deputy, or highest ranking officer in such department, division, or office shall assume the duties and powers of the department or division head or officer as an assignment of such powers and duties by the Mayor and Common Council, except as may be otherwise provided to the contrary by the Charter, or by an ordinance, resolution or order of the Mayor and Common Council. The performance of such duties and powers by the assistant, chief deputy, or highest ranking officer of such department, division or office, shall not entitle such officer to any additional salary, compensation or benefits as the head of the department, division, or office, except as may be authorized pursuant to a resolution or ordinance of the City.

(Ord. 3770, 10-06-78)

2.68.020 Temporary absence -Assumption of duties

In the temporary absence of the head of a department, division, or office, the assistant, chief deputy, or highest ranking officer of such department, division, or office shall assume the duties and powers of the head of the department, division, or office, except as may be otherwise ordered by the head of such department, division, or office. The performance of the duties and powers of the head of the department, division, or office by the assistant, chief deputy, or highest ranking officer shall be considered an assignment of additional duties and powers, and shall not entitle such assistant, chief deputy, or highest ranking officer to any additional salary, compensation or benefits while

[\[Return to Municipal Code Contents\]](#)

performing the duties and powers of the head of the department, division, or office, except as may be authorized pursuant to resolution or ordinance of the City.

(Ord. 3770, 10-06-78)

2.68.030 Chapter inapplicable to Mayor and members of Common Council

This Chapter shall be inapplicable to the offices of the Mayor and members of the Common Council.

(Ord. 3770, 10-06-78)

Chapter 2.70 SALE OF UNCLAIMED PROPERTY¹¹

Sections:

- 2.70.010 Definitions**
- 2.70.020 State statute adopted by reference**
- 2.70.030 Sale at public auction**
- 2.70.040 Proceeds of sale**
- 2.70.050 Duty of Police Department**
- 2.70.060 Sale of forfeited property**

2.70.010 Definitions

Whenever in this chapter the following words and phrases set forth in this section are used, they shall, for the purpose of this Chapter have the meanings respectively ascribed to them in this section: "Unclaimed property" includes any and all lost, abandoned or unclaimed personal property of whatsoever kind or character, but does not include such property which is specifically ordered to be destroyed by the provisions of the law nor to the disposal of dogs, cats or livestock.

(Ord. 2121, 6-19-56)

2.70.020 State statute adopted by reference

- A. California Civil Code, Sections 2080, 2080.1, and 2080.2 are adopted by reference and made effective and operative in the City. Any and all unclaimed property now or hereinafter coming into the possession of the police department shall be inventoried at least every three months by the chief of police and a full and complete list thereof shall be transmitted to the City Manager.

¹¹For statutory provisions on lost and unclaimed property, see Civil Code §2080 et seq.

- B. Any and all unclaimed property found by City employees during the course of their employment shall be delivered to the Police Department and shall be disposed of in accordance with this chapter.

(Ord. 3273, 7-14-72; Ord. 2121, 6-19-56)

2.70.030 Sale at public auction

- A. The City Manager upon receipt of the list of unclaimed property, shall determine therefrom the unclaimed bicycles that have been held by the Police Department for a period of at least three months and all other unclaimed property that has been held at least four months, whereupon the City Manager shall cause the unclaimed property so held to be sold at public auction.
- B. Notice of such sale, describing the property in sufficient detail for its identification, shall be prepared by the City Manager or his/her designee, and the notice signed by the Chief of Police, which notice of the sale shall be given at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the City.
- C. If, after five days following the publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of the City in which case the property shall be sold at public auction or transferred for the use of any department of the City. Title to the property shall not vest in the person who found or saved the property unless the cost of publication is first paid to the Treasurer of the City prior to the sale at public auction.
- D. No City officer or employee shall directly or indirectly submit a bid for the purchase of the unclaimed property at the sale if he has authorized, conducted or administered, or participated in the preparation or conduct of the sale in his official capacity.
- E. The property so offered for sale shall be sold to the highest bidder for cash or other form of payment that may be approved by the City Manager.

(Ord. 3273, 7-14-72; Ord. 2121, 6-19-56,)

2.70.040 Proceeds of sale

The proceeds of the auction sale or sales shall immediately be deposited with the Treasurer of the City and placed in the general fund thereof.

(Ord. 2121, 6-19-56)

[\[Return to Municipal Code Contents\]](#)

2.70.050 Duty of Police Department

It shall be the duty and responsibility of the police department to safely keep any and all unclaimed properties subject to the right of the administrative officer to sell such properties at public auction as provided in this Chapter, whereupon the property shall then be delivered to the purchaser upon payment of the purchase price.

(Ord. 2121, 6-19-56)

2.70.060 Sale of forfeited property

- A. Property forfeited pursuant to Title 21 United States Code Sections 881 et seq., and California Health and Safety Code Section 11488 et seq., that is released to the Police Department for disposition may be sold at public auction following the procedures set forth in Section 2.70.030, subsections (B), (D) and (E).
- B. Proceeds from the sale of such forfeited property shall be deposited in the Special Deposits Fund of the City in a special account designated by the Director of Finance and thereafter be disbursed by the department with the authorization of the City Manager pursuant to the applicable City procedures and State and/or Federal Laws."

(Ord. MC-1220, 3-20-06; Ord. MC-624, 5-04-88)

Chapter 2.72 DEMANDS AGAINST CITY; PAYMENT

Sections:

2.72.010 Demands; payment; signature

2.72.010 Demands; payment; signature

Drafts (warrants) or checks for payment of approved demands against the City shall be signed by the City Treasurer or such other City official as may be designated by resolution of the Mayor and Common Council and counter-signed by the City Clerk. Pursuant to Section 135 of the Charter, this provision shall prevail over any conflicting provisions of the general law.

(Ord. MC-47, 4-27-81)

Chapter 2.73

COLLECTION OF DEBTS

Sections:

- 2.73.010** **Definitions**
- 2.73.020** **Manner of Collection - General**
- 2.73.030** **Manner of Collection - Collection Agency**

2.73.010 Definitions

"Debt owing to the City" (sometimes referred to as "account" or "accounts") shall mean the amount of any unpaid judgment, fee, charge, fine, penalty, tax, assessment, or other sum of any nature whatsoever, imposed on a person other than the City of San Bernardino pursuant to any provision of this Municipal Code. The term includes all amounts encompassed in the foregoing notwithstanding the separate or additional classification of such amount that may be set forth in the applicable provision of the municipal code. The term includes all interest, accruals, administrative fees, fees including attorney's fees, penalties, and/or costs of collection associated with the original amount.

2.73.020 Manner of Collection - General

- A. Any Debt owing to the City is subject to recovery using any procedure for debt collection permitted by law.
- B. The procedures set forth in this chapter are in addition to and not in derogation of any other provision for collection of a Debt owing to the City.

(Ord. MC-1330, 8-03-10)

2.73.030 Manner of Collection - Collection Agency

- A. The City Manager may, with the approval of the Mayor and Common Council contract for the services of a collection agency to recover amounts due as a Debt owing to the City. If the election is made to use a collection agency, such use shall be consistent with the provisions set forth herein. The City Manager may delegate this authority among the departments of the City as he/she may deem appropriate.
- B. Employment of a collection agency shall not include the services of a licensed attorney and shall not include participation in any court proceeding by the collection agency on behalf of the City except with the prior written approval of the City Attorney.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 2 Contents\]](#)

- C. Prior to transfer of the account to a collection agency, the City Manager or his/her designee shall notify the debtor in writing, at the address of record, that the alleged Debt owing to the City will be turned over for private collection unless the account is paid or appealed within a designated time period.
- D. Assignment or other legal transfer of the rights in an account to the collection agency may be made with the prior approval of the City Attorney.
- E. No Debt owing to the City shall be transferred to a collection agency if the account has been contested.
- F. No contract with a collection agency for the collection of Debt owing to the City shall take effect unless and until there are written policies and procedures for the internal processing of such amounts.

(Ord. MC-1330, 8-03-10)

Chapter 2.74

FINANCIAL INTERESTS OF APPOINTED CITY COMMITTEE MEMBERS

Sections:

- 2.74.010 Participation of committee members-
Financial interest**
- 2.74.020 Participation in local governmental action or decision**
- 2.74.030 Financial interest - Material effect- Indirect
investment or interest**
- 2.74.040 Definition: Decision making authority**

2.74.010 Participation of committee members - Financial interest

No member appointed by the Mayor, the Council or a Councilman and approved by the Council to a committee having decision making authority shall make, participate in making, or in any way attempt to use the member's official position to influence a governmental decision in which the member knows or has reason to know the member has a financial interest.

(Ord. MC-64, 6-19-81)

2.74.020 Participation in local governmental action or decision

Section 2.74.010 does not prevent any committee member from making or participating in the making of a governmental decision to the extent the member's participation is legally required for the action or decision to be made. The fact that a

[\[Return to Municipal Code Contents\]](#)

committee member's vote is needed to break a tie does not make the member's participation legally required for purposes of this section.

(Ord. MC-64, 6-19-81)

2.74.030 Financial interest- Material effect- Indirect investment or interest

A committee member has a financial interest in a decision within the meaning of Section 2.74.010 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

- A. Any business entity in which the committee member has a direct or indirect interest worth more than one thousand dollars
- B. Any real property in which the committee member has a direct or indirect interest worth more than one thousand dollars.
- C. Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars or more in value provided to, received by, or promised to the committee member within twelve months prior to the time when the decision is made.
- D. Any business in which the committee member is a director, officer, partner, trustee, employee, or holds a position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a committee member, by an agent or on behalf of a committee member, or by a business entity or trust in which the committee member, the committee member's agents, spouse, and dependent children own directly, indirectly or beneficially a 10 percent interest or greater

(Ord. MC-64, 6-19-81)

2.74.040 Definition: Decision making authority whenever:

- A. It may make a final governmental decision;
- B. It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or

[\[Return to Municipal Code Contents\]](#)

- C. It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

(Ord. MC-64, 6-19-81)

Chapter 2.75

USE OF CITY'S CATV FACILITIES

Sections:

2.75.010 Prohibition

2.75.020 Exceptions

2.75.010 Prohibition

It shall be an unlawful use of City property and facilities for the Mayor or a member of the Common Council of the City of San Bernardino to use his or her position to use or cause to be used the equipment and/or facilities of the Telecommunications Division for television or CATV telecast or tape production for the purpose of criticizing the actions of the Mayor or Common Council or the Mayor and Common Council or any individual member of the Common Council.

(Ord. MC-822, 3-09-92)

2.75.020 Exceptions

Section 2.75.010 shall not apply to a legally called meeting of the Mayor and Common Council, nor to a political debate or public forum where candidates or proponents and opponents of ballot measures are given equal opportunity to present their views. This exception shall not allow such criticism to be televised or taped during a recess or closed session of a Council meeting even though the Council is still technically in session during said recess or closed session.

(Ord. MC-822, 3-09-92)

Chapter 2.76

COUNCIL COMMITTEES

Sections:

- 2.76.010 Powers of City Council Sub-Committees**
- 2.76.020 Notice of meetings**
- 2.76.030 Information from City personnel**
- 2.76.040 Assignment of Sub-Committee Members and Designation of Sub-Committee Chairpersons**

2.76.010 Powers of City Council Sub-Committees

Any committee appointed by the Mayor from among the City Council membership shall have power to study, research and make appropriate recommendations to the Mayor and City Council concerning any matter referred to such committee by the Mayor and City Council. The scope and function of any such Council Sub-Committee shall be as directed by the Mayor and City Council, which shall provide specific direction as to the purposes and actions of the Council Sub-Committee.

(Ord. MC-1455, 2-07-18; Ord. MC-362, 4-17-84; Ord. MC-345, 3-07-84)

2.76.020 Notice of meetings

Each City Council Sub-Committee shall give reasonable notice of time and place of its meetings and shall provide a copy of its agenda, attachments and minutes, to the Mayor, City Council, City Manager, City Attorney and such other City officials as it may deem advisable.

(Ord. MC-1455, 2-07-18; Ord. MC-362, 4-17-84; Ord. MC-345, 3-07-84)

2.76.030 Information from City personnel

Upon the referral of any matter by the Mayor and City Council, such City Council Sub-Committee, whether standing, permanent or temporary, shall have power to request, upon giving reasonable notice, the City Manager to provide or cause to be provided to the Sub-Committee such data reasonably required by the City Council Sub-Committee to carry out its direction.

(Ord. MC-1455, 2-07-18; Ord. MC-362, 4-17-84; Ord. MC-345, 3-07-84)

2.76.040 Assignment of Sub-Committee Members and Designation of Sub-Committee Chairpersons

It shall be the responsibility and duty of the Mayor to assign City Council Members to all standing committees and ad hoc sub-committees of the City Council. It shall also

[\[Return to Municipal Code Contents\]](#)

be the responsibility and duty of the Mayor to designate chairpersons of all standing sub-committees and ad hoc sub-committees of the City Council.

(Ord. MC-1455, 2-07-18; Ord. MC-1289, 11-04-08)

Chapter 2.77
FACILITIES MANAGEMENT DEPARTMENT
(Repealed By Ord. MC-1324, 6-08-10)

Chapter 2.78
CODE COMPLIANCE DEPARTMENT
(Repealed By Ord. MC-1355, 7-06-11)

Chapter 2.79
INFORMATION TECHNOLOGY DEPARTMENT

Sections:

- 2.79.010** **Established**
- 2.79.020** **Director-Duties**

2.79.010 Established

The Information Technology Department is established which shall be administered by a Director of Information Technology. The position of Director of Information Technology shall be filled by appointment of the City Manager with the approval of the Common Council.

2.79.020 Director- Duties

The Director of Information Technology, under the immediate supervision and direction of the City Manager, shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by City Charter, law or the Mayor and Common Council relating to development and maintenance of the City's computer systems, and other such duties as may be assigned by the City Manager. The Director shall plan, coordinate and report on all the duties and activities involved in such programs.

(Ord. MC-1220, 3-20-06)

Chapter 2.80
ANIMAL CONTROL DEPARTMENT
(Repealed By Ord. MC-1324, 6-08-10)

[\[Return to Municipal Code Contents\]](#)

Chapter 2.81

POLICE DEPARTMENT

Sections:

- 2.81.010 Appointment of Police Chief**
- 2.81.020 Duties of Police Chief**

2.81.010 Appointment of Police Chief

The Mayor shall appoint, subject to the confirmation of the Common Council, a Police Chief. The position requires exceptional qualifications of a managerial, professional and educational character.

2.81.020 Duties of Police Chief

The Police Chief shall have the general management and supervision over the Police Department, under the regulations and directions of the Mayor and Common Council and under the immediate supervision of the City Manager.

(Ord. MC-1220, 3-20-06)

Chapter 2.82

Mayor and City Council Compensation

Sections:

- 2.82.010 Compensation of Mayor**
- 2.82.020 Compensation of City Council Members**

2.82.010 Compensation of Mayor

Commencing with the certification of the November 2022 election, the Mayor shall receive the following compensation:

- A. Annual salary of \$50,000;
- B. Employer health benefits contribution equivalent to that offered by the City to management employees; and
- C. An auto allowance of \$725 per month.

The compensation set forth herein shall be paid without regard to the number of City Council meetings attended by the Mayor. The Mayor may waive all or any portion of her or his own compensation. The compensation set forth herein is exclusive of any amounts

[\[Return to Municipal Code Contents\]](#)

payable to the Mayor as per day compensation for City business-related travel and further exclusive of any amounts payable to the Mayor for out of town attendance on City-related business.

(Ord. MC-1571, 2-02-22; Ord. MC-1504, 10-03-18)

2.82.020 Compensation of City Council Members

Each City Council member shall receive the following compensation:

- A. Annual salary of \$37,500;
- B. Employer health benefits contribution equivalent to that offered by the City to management employees;
- C. An auto allowance of \$725 per month
- D. An annual cost of living adjustment equivalent to that offered by the City to management employees.

The compensation set forth herein shall be paid without regard to the number of City Council meetings attended by the applicable City Council member. Any City Council member may waive all or any portion of her or his own compensation. The compensation set forth herein is exclusive of any amounts payable to a City Council member as per day compensation for City business-related travel and further exclusive of any amounts payable to a City Council member for out of town attendance on City-related business.

(Ord. MC-1595, 11-02-22; Ord. MC-1504, 10-03-18)

Title 3
REVENUE AND FINANCE

Chapters:

- 3.04 Purchasing System**
- 3.05 Budget Transfers**
- 3.08 Warrants**
- 3.10 Checks Returned for Insufficient Funds**
- 3.12 Refund of Fees for Permits, Licenses and Certificates**
- 3.13 Waiver or Refund of Fees for Charitable Organizations**
- 3.16 Claims Against the City**
- 3.20 Special Gas Tax Street Improvement Fund**
- 3.24 Traffic Safety Fund**
- 3.26 (Repealed by Ord. MC-1222, 4-06-06)**
- 3.27 Development Impact Fees**
- 3.28 Special Public Health Fund**
- 3.32 Public Park Development and Recreation Fund**
- 3.36 Cemetery Fund**
- 3.38 Planned Local Drainage Facilities Fund**
- 3.40 Property Taxes**
- 3.44 Service Users Tax**
- 3.46 Service User's Tax Reduction and Modernization Act**
- 3.48 Real Property Transfer Tax**
- 3.52 (Repealed by Ord. MC-1006, 11-18-97)**
- 3.54 (Repealed by Ord. MC-1127, 7-16-02)**
- 3.55 Transient Lodging Tax**
- 3.56 Uniform Local Sales and Use Tax**
- 3.57 Transactions and Use Tax**
- 3.60 Cigarette Tax**
- 3.64 Tax on Parking and Business Improvement Area**
- 3.68 Assessment for Nuisance Abatement
(Repealed by MC-1418, 10-05-15)**
- 3.70 Fees set by resolution**
- 3.72 User Fees for Emergency Medical Services**
- 3.73 User Fees for Video Production Services**
- 3.75 Drainage Facilities; Public Utilities**
- 3.80 Cost Recovery System for Booking Fee Collections**

[\[Return to Municipal Code Contents\]](#)

Chapter 3.04 PURCHASING SYSTEM¹

Sections:

3.04.010	Adoption of purchasing system
3.04.020	Purchasing Division
3.04.030	Bidding Requirements
3.04.040	Approval Authority
3.04.050	Purchase Orders and Procurement Cards
3.04.060	Encumbrance of Funds
3.04.070	Emergency Purchases
3.04.080	Surplus Supplies and Equipment
3.04.090	Penalty for Split Purchases
3.04.100	Local Bidders
3.04.110	Reserved
3.04.120	Reserved
3.04.130	Reserved
3.04.140	Reserved

3.04.010 Adoption of Purchasing System

- A. Establishment. In order to establish efficient procedures for the purchase of supplies, materials and equipment, and contracted services, to secure for all departments or agencies of the City, supplies, materials, equipment, and services at the lowest possible cost commensurate with the quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing functions and to assure that quality of purchases, a centralized purchasing system is adopted. Except as specified herein, there shall be no exemption from centralized purchasing and no Agency or Department shall be authorized to purchase, or contract for the purchase of supplies, services or equipment independently of the Purchasing Division. The Municipal Water Department and the San Bernardino Public Library shall not be subject to this centralized purchasing system; however, the Board of Water Commissioners and the Board of the San Bernardino Public Library shall employ procedures substantially in compliance with the provisions of this Chapter as such may be applicable.

¹ For Charter provisions on purchases see Charter § 140; for statutory provisions requiring local agencies to adopt policies and procedures governing purchases of supplies and equipment, see Gov. Code §5402.

- B. Purchasing Policy. All purchases of goods, supplies, equipment, and services shall be made in accordance with the formal Purchasing Policy in effect at the time of the purchase. The Purchasing Policy shall be developed by staff and adopted by the Mayor and City Council. The Purchasing Policy may be changed from time to time by City Council Resolution in order to remain in compliance with necessary law and to address the evolving procurement needs of the City.
- C. Vendor Lists. The City may utilize the processes of this Chapter and Purchasing Policy to procure vendors who will be eligible or preferred to provide goods or services to the City on an as-needed basis.
- D. Exemptions. This Chapter shall not apply to the following:
 - 1. Purchases from, or sales to a government or governmental agency, or through any advantageous governmental contract approved by the Council, or to the purchase of election supplies, or to purchases and/or services or service contracts relating to litigation or prosecution or investigations thereof, or to purchases and/or services or service contracts relating to fire and police investigations, or to the purchases and/or services or service contracts relating to board up or demolition of buildings or structures.
 - 2. Purchases from a vendor or manufacturer which, through the City's bidding procedure, or other government or governmental agency's bidding procedure, has established a price at which such a vendor or manufacturer is willing to sell to the City. During such a bid procedure more than one responsive bid must have been received.
 - 3. Purchases approved by the Mayor and City Council.
 - 4. Purchases of less than ten thousand dollars (\$10,000).
 - 5. Public Works Projects. Procurement procedures for Public Works Projects are defined in Chapters 12.20, 12.21 and 12.24 of the San Bernadino Municipal Code.
 - 6. Sole Source Procurements as more defined in the Purchasing Policy.
 - 7. Emergency Procurements as more defined in Section 3.04.070 of the Municipal Code and the Purchasing Policy.
 - 8. Federal/Grant-Funded Procurement to the extent that this Chapter and Purchasing Policy is inconsistent any federal, grant or other funding source requirement for a particular purchase. In that event, the federal, grant or other funding source procurement requirements shall control.

[\[Return to Municipal Code Contents\]](#)

9. Inadequate Competition as more defined in the Purchasing Policy.

(Ord. MC-1605, 2-1-23; Ord. MC-983, 9-24-96; Ord. MC-858, 1-12-93; Ord. MC-608, 9-22-87; Ord. MC-513, 4-22-86; Ord. MC-431, 1-25-85; Ord. 2588, 6-23-64)

3.04.020 Purchasing Division

Unless otherwise exempted under this Chapter, the purchase and sale of all supplies, materials, equipment, and services shall be the responsibility of the Purchasing Division. The Purchasing Division is part of the Finance Department, which is responsible for carrying out written administrative procedures adopted by the City Council related to procurement. The Purchasing Division Manager is responsible for the Purchasing Policy, and will develop, advise, review, audit and ensure compliance throughout the purchasing process as the City's subject matter expert.

(Ord. MC-1605, 2-1-23; Ord. MC-858, 1-12-93 ; Ord. 2588, 6-23-64)

3.04.030 Bidding Requirements

The procurement process used to purchase supplies, material, equipment, and contracted services is dependent upon the total dollar amount of the goods or services to be purchased and the type of purchase.

A. Purchases up to \$10,000

Purchases up to \$10,000 may be purchased using a Purchasing Card or through a check request with no requirement for formal bids or quotes.

B. Purchases between \$10,001 and \$40,000

Purchases between \$10,001 and \$40,000 are processed informally, through vendor quotations and may be processed directly by the department making the purchase. The informal bidding process is more particularly described in the Purchasing Policy.

C. Purchases above \$40,000

Purchases in this category are subject to formal competitive bidding or competitive selection depending on the type of purchase. The formal competitive bidding process is more particularly described in the Purchasing Policy.

1. Reporting. All contracts in this category signed by the City Manager, Agency Directors, Directors and/or their designees shall be reported (in list form) to the Mayor and City Council at each Regular City Council meeting during the City Manager Update.

(Ord. MC-1605, 2-1-23; Ord. 2588, 6-23-64)

[\[Return to Municipal Code Contents\]](#)

3.04.040 Approval Authority

The authority to purchase supplies, material, equipment, and contracted services is dependent upon the total dollar amount of the goods or services to be purchased and the type of purchase. Purchasing authority are based on the following amounts:

- A. Purchases up to \$50,000

Purchases in this category may be authorized by the Agency/Department Directors and/or the City Manager.

- B. Purchases between \$50,001 and \$100,000

Purchases in this category may only be authorized by the City Manager or the Assistant City Manager with prior written authorization from the City Manager in the City Manager's absence.

- C. Purchases over \$100,000

Purchases in this category may only be authorized by the Mayor and City Council.

(Ord. MC-1605, 2-1-23; Ord. 2588, 6-23-64)

3.04.050 Purchase orders and Procurement Cards

Purchase of supplies, materials, and equipment shall be made only by purchase order or procurement card, whichever is appropriate.

(Ord. MC-1605, 2-1-23; Ord. MC-858, 1-12-93; Ord. 2588, 6-23-64)

3.04.060 Encumbrance of funds

The Purchasing Division shall not issue any purchase order for supplies, materials or equipment unless there exists an unencumbered appropriation in the account against which the purchase is to be charged, and until the same has been approved by the Budget Division of the Finance Department.

Ord. MC-1605, 2-1-23; Ord. 2588, 6-23-64)

3.04.070 Emergency Purchases

In case of an emergency, which is so urgent as to preclude advance action by the Mayor and City Council and which requires purchase of supplies, materials, equipment or contractual services, the City Manager shall have the authority to authorize securing in the open market any such supplies, materials, equipment or contractual services. This emergency authority shall extend to all purchases, irrespective of the fact that the amount might exceed the authorized thresholds outlined in Section 3.05.020 of the Municipal

[Return to Municipal Code Contents]

Code. An explanation of the emergency circumstances shall be filed with the Mayor and City Council within forty-eight (48) hours of the emergency purchase.

(Ord. MC-1605, 2-1-23; Ord. MC-1569, 2-02-22; Ord. MC-1413, 4-06-15;
Ord. MC-858, 1-12-93; Ord. MC-646, 12-07-88; Ord. MC-602, 6-02-87; Ord. MC-491, 1-22-86;
Ord. MC-183, 7-07-82; Ord. 3893, 1-09-80; Ord. 3723, 5-04-78; Ord. 3514, 8-06-75;
Ord. 2588, 6-23-64)

3.04.080 Surplus Supplies and Equipment

A. All Agencies and Departments shall submit to the Purchasing Division reports showing all supplies, materials and equipment which are no longer used or usable or which may have become obsolete, unsuitable or worn out. The Purchasing Division Manager shall have authority to sell said supplies, materials and equipment, or to exchange the same for, or trade in the same on, new supplies, materials and equipment. Such sales, exchanges or trade-ins shall be made to the highest and best bidder pursuant to the procedures in the Purchasing Policy, or shall be made at a public auction as hereinafter set forth in this Section 3.04.100.

B. Public Auction. A notice describing the property in sufficient detail for its identification shall be prepared by the Purchasing Division and shall be given at least five days before the time fixed therefore by publication once in an established newspaper or other publication of general circulation published in the City.

C. City officers shall not be purchasers at any such public auction authorized, conducted, or administered by them in their official capacity, nor shall any City officer or employee directly or indirectly submit a bid at the auction if they have participated in the preparation or conduct of the auction in their official capacity.

D. The property so offered for sale shall be sold to the highest bidder for cash, provided that the Purchasing Manager may, at their discretion, fix a minimum sale price and may refuse to sell unless the minimum price is offered, and may further refuse to sell unless a deposit of security is immediately made.

E. Any property sold at public auction shall be provided to the purchaser upon full payment of the purchase price.

F. The proceeds of the auction sale or sales shall immediately be deposited with the Department of Finance and deposited into the General Fund of the City.

(Ord. MC-1605, 2-1-23; Ord. MC-1413, 4-06-15; Ord. MC-858, 1-12-93; Ord. MC-646, 12-07-88;
Ord. MC-602, 6-02-87; Ord. MC-183, 7-07-82; Ord. 3893, 1-09-80;
Ord. 3531, 10-07-75; Ord. 2588, 6-23-64)

3.04.090 Split Purchases

It shall be unlawful to split or separate into smaller purchases, a purchase in order

[\[Return to Municipal Code Contents\]](#)

to bring the purchase within the provisions of any exemption or less stringent procedure provided herein.

(Ord. MC-1605, 2-1-23; Ord. MC-646, 12-07-88; Ord. 2588, 6-23-64)

3.04.100 Local Bidders

Any formal or informal bid submitted by a local bidder for goods or materials pursuant to this Chapter shall receive a five percent (5%) credit for comparison purposes with other bidders when a local credit is allowable under the law. For the purpose of this Section, "local bidders" shall be bidders with (1) fixed facilities with employees within the City of San Bernardino's jurisdiction, (A PO Box or residential address is insufficient unless it is a home-based business, in which case the residential address may be used) and (2) an appropriate City of San Bernardino Business License.

(Ord. MC-1605, 2-1-23; Ord. 3531, 10-07-75; Ord. 3370, 8-22-73; Ord. 2588, 6-23-64)

3.04.110 Reserved

(Ord. MC-1605, 2-1-23; Ord. MC-608, 9-22-87)

3.04.120 Reserved

(Ord. MC-1605, 2-1-23; Ord. MC-858, 1-12-93)

3.04.130 Reserved

(Ord. MC-1605, 2-1-23)

3.04.130 Reserved

(Ord. MC-1605, 2-1-23)

Chapter 3.05 BUDGET TRANSFERS

Sections:

- 3.05.010 Approval of Budget Transfer**
- 3.05.020 Exception; Restricted Funds**
- 3.05.030 Exception; Elected Officials**
- 3.05.040 Mayor and Council Approval**
- 3.05.050 Transferring Restricted Funds- Violation**

[\[Return to Municipal Code Contents\]](#)

3.05.010. Approval of Budget Transfer

Following approval of the Final Budget by the Mayor and City Council, the following types of budget transfer may be made administratively (without action by the Mayor and City Council), shall be approved or disapproved according to established Finance policies and procedures and on forms approved by the Finance Department. Only those types of transfers listed in this section may be made administratively.

- A. Budget transfers within a department's operating (non-personnel salary or benefits) budget may be made with the approval of the Budget Division.
- B. Budget transfers including allocations within the department's personnel (salary or benefits) budget may be made with the approval of the Budget Division, Position Control, and the Director of Finance.
- C. Budget transfers between departments within the same fund may be made with the approval of the Director of each Department, the Budget Division, and the Director of Finance.
- D. Budget transfers within a department must not increase the department's budget.
- E. Budget transfers between departments in the same fund will increase or decrease individual department budgets but shall not increase the fund budget.
- F. Any cumulative amount of more than \$5,000 transferred between departments in a 12-month period shall be reported to the Mayor and City Council during the regular Quarterly Report.

(Ord. MC-1568, 5-04-22; Ord. MC-986, 12-11-96)

3.05.020. Exception; Restricted Funds

The authority of Section 3.05.010 of this Chapter does not include transfers into or out of funds, the use of which is restricted by law.

(Ord. MC-1568, 05-04-22; Ord. MC-986, 12-11-96)

3.05.030 Exception; Elected Officials

The authority of Section 3.05.010 of this Chapter does not restrict the discretion of elected officials who may transfer or allocate funds within their departments as they see fit, with notice to the Finance Director.

(Ord. MC-1568, 05-04-22; Ord. MC-986, 12-11-96)

3.05.040 Mayor and Council Approval

[\[Return to Municipal Code Contents\]](#)

Any other budget transfers must be approved by the Mayor and Common Council.
(Ord. MC-1568, 05-04-22; Ord. MC-986, 12-11-96)

3.05.050 Transferring Restricted Funds- Violation

It shall be unlawful for the City Manager and/or the Finance Director or anyone under the City Manager's or Finance Director's direction and/or control to transfer restricted funds, as defined by law or as shall be defined by Resolution of the Mayor and City Council, to any other fund without authorization of the Mayor and City Council or to pay any bill, invoice, or charges from any restricted fund when said bill, invoice or charges are not appropriate to be paid from any such restricted fund without said approval.

(Ord. MC-1568, 05-04-22; Ord. MC-986, 12-11-96)

Chapter 3.08 WARRANTS

Sections:

3.08.010 Power of Board of Water Commissioners

3.08.020 Procedures for claims for worker's compensation benefits

3.08.010 Power of Board of Water Commissioners

The Board of Water Commissioners of the City is empowered to order check warrants drawn upon the sewer fund for expenditures therefrom, including expenditures properly authorized pursuant to Charter Section 149, subject to compliance with the covenants and conditions of all sewer bond issues and any applicable laws, in the same manner and using the same forms and procedures as in the case of check warrants drawn on the water fund.

(Ord. 3462, 12-10-74)

3.08.020 Procedures for claims for workers' compensation benefits

The following procedures are established for the processing of claims and the issuance of checks/warrants for workers' compensation benefits:

- A. The directors of Emergency Services/Human Resources, or his authorized agent, shall certify and approve claims and demands for the payment of workers' compensation benefits as conforming to a budget approved by a resolution of the Mayor and Common Council and shall prepare checks/warrants for such unaudited claims and demands.
- B. The City Treasurer, or his authorized agent, shall establish a special checking account and shall issue checks/warrants for such unaudited claims and demands.
- C. The Director of Finance shall audit and approve such claims and demands and shall certify as to the accuracy of the claims and demands and the availability of funds for payment thereof and shall attach the affidavit of such certification to the register of audited demands before submission to the Mayor and Common Council.
- D. Budgeted claims or demands paid by checks/warrants prior to audit by the Director of Finance shall be presented to the Mayor and Common Council for ratification and approval at the first meeting after delivery of the checks/warrants.

(Ord. MC-1027, 9-09-98; Ord. MC-342, 2-22-84; Ord. MC-310, 10-25-83; Ord. 3651, 6-29-77)

Chapter 3.10

CHECKS RETURNED FOR INSUFFICIENT FUNDS

Sections:

3.10.010 Charge for collection of returned checks

3.10.010 Charge for collection of returned checks

A charge of TWENTY-SIX DOLLARS (\$26.00) is imposed for the cost of collection of each check payable to the City of San Bernardino in payment of any tax, fee, fine or charge and which is returned by the City's depository as being uncollectible for insufficient funds or for other reasons. The charge of TWENTY-SIX DOLLARS (\$26.00) shall be added to all sums due for the tax, fee, fine or charge. From the time the City is notified of the return of the check until payment in full is made, including the charge imposed pursuant to this ordinance, the City shall not be obligated to provide or grant to the maker of the check any services or to permit approval to which the payment relates.

(Ord. MC-906, 6-21-94; Ord. MC-703, 1-27-90; Ord. 3955, 8-08-80)

Chapter 3.12

REFUND OF FEES FOR PERMITS, LICENSES AND CERTIFICATES

Sections:

3.12.010 Interpretation of Chapter

[\[Return to Municipal Code Contents\]](#)

- 3.12.020 Request for refund**
- 3.12.030 Procedure not to bar presentation of claim pursuant to state law**

3.12.010 Interpretation of Chapter

Whenever an application is made to any department or division of a department of the City for a permit, license or certificate for a building or structure or for wiring, plumbing, heating, ventilating, air conditioning or refrigeration and a fee is paid and said application is withdrawn or denied, and a request is made for a refund, the procedure set forth in this Chapter shall govern.

(Ord. 2453, 8-13-62)

3.12.020 Request for refund

The request for a refund must be made on a verified claim and signed by the original applicant within sixty days after such withdrawal or denial, whichever occurs first, and must be presented to the department or division of department to whom the fee was paid. This department shall then determine, from a schedule on file in the office of the Department of Building and Safety, the cost to the City of time spent or expenses incurred by the department or division. A report of the cost to the City and other relevant data pertaining to the permit, license or certificate shall be forwarded to the administrative officer for presentation to the Mayor and Common Council provided he finds said cost and data to be correct and proper in all particulars and approves the same. A refund shall be made to the applicant of that portion of the fee paid in excess of such cost.

(Ord. 2453, 8-13-62)

3.12.030 Procedure not to bar presentation of claim pursuant to state law

The procedure established by this Chapter for the refund of fees shall not prevent or bar the presentation or consideration of any claim against the City in accordance with Government Code Section 900 et seq. or other state law.

(Ord. 2654, 3-09-65; Ord. 2453, 8-13-62)

Chapter 3.13 WAIVER OR REFUND OF FEES FOR CHARITABLE ORGANIZATIONS

Sections:

- 3.13.010 Interpretation of Chapter**
- 3.13.020 Request for Waiver or refund**

[\[Return to Municipal Code Contents\]](#)

3.13.025 Waiver or Refund
3.13.030 Applicability

3.13.010 Interpretation of Chapter

Whenever a charitable non-profit organization, corporation, foundation or religious institution or affiliate thereof, that meets the criteria stated in Section 3.13.030, submits an application to any department of the City for a permit, license or certificate for a building or structure, or for wiring, plumbing, heating, ventilating, air conditioning or refrigeration, or any other development permit, or under-grounding of utility costs, or temporary use permit, or parade permit, and the applicant requests that the fee be waived or refunded, the procedure set forth in this Chapter shall govern.

(Ord. MC-1174, 7-22-04; Ord. 2453, 8-13-62)

3.13.020 Request for Waiver or Refund

The request for a waiver or a refund must be made on a verified application signed by the representative of the original applicant and submitted to the department not later than ten (10) days prior to the event for a fee waiver, and not later than sixty (60) days after the event for a fee refund. The department shall then determine which portion, if any, of the fee is not attributable to City charges, and shall also determine the cost to the City of time spent or to be spent or expenses incurred or to be incurred by the department. A report of such costs to the City and other relevant data pertaining to the permit, license or certificate shall be forwarded to the City Administrator for presentation to the Mayor, to the Mayor's designee, or to the Mayor and Common Council.

(Ord. MC-1174, 7-22-04; Ord. 2453, 8-13-62)

3.13.025 Waiver or Refund

The Mayor and Common Council may in their discretion and taking into consideration the information provided pursuant to Section 3.13.020, waive or refund the established fees where the total amount exceeds two thousand dollars (\$2,000.00) per event. The Mayor or the Mayor's designee may in his or her discretion and taking into consideration the information provided pursuant to Section 3.13.020, waive or refund temporary use permit fees and related City fees in a total amount not to exceed two thousand dollars (\$2,000.00) per event.

(Ord. MC-1174, 7-22-04; Ord. MC-681, 11-08-89)

3.13.030 Applicability

[\[Return to Municipal Code Contents\]](#)

The provisions of this Chapter shall apply to all charitable non-profit organizations, corporations, foundations, or religious institutions or affiliates thereof determined by the Internal Revenue Service to meet the requirements of 26 U.S.C. Section 501(c) or (d) of the Internal Revenue Code.

(Ord. MC-1174, 7-22-04; Ord. MC-653, 3-16-89)

Chapter 3.16 **CLAIMS AGAINST THE CITY²**

Sections:

- 3.16.010 Filing with City Clerk required**
- 3.16.020 Written claim required**
- 3.16.030 Action upon claim**
- 3.16.040 Commencement of suit**
- 3.16.050 Power of City Administrator**
- 3.16.060 Claims Review Committee**
- 3.16.070 Function of Claims Review Committee**

3.16.010 Filing with City Clerk Required

The Mayor and Common Council, Board of Water Commissioners and the Board of Trustees of the free public library of the City shall not hear, consider or act upon any claim which is excepted by Government Code, Title 1, Division 3.6, Part 3, Chapters 1 and 2, in favor of any person, firm or corporation, unless the same be presented and filed with the City Clerk of the City, or in the case of the Board of Water Commissioners, with its secretary, in the manner and form required by law not later than one year after the accrual of the cause of actions.

(Ord. 821, 8-09-1921)

3.16.020 Written claim required

No suit for money or damages may be brought against the City or its boards, commissions, officers, employees or agents on a cause of action for which a claim is required to be presented hereunder until a written claim therefor has been presented to the City or its appropriate board or commission within the period of time and in the manner and form required by law and this Chapter. Failure or neglect to comply with this Chapter or any provision of law pertaining to claims against the City and its boards, commissions, officers, employees or agents shall invalidate the claim and no

² For statutory provisions on claims and actions against public entities, see Gov. Code §900 et seq.

cause of action shall be based thereon.

(Ord. 821, 8-09-1921)

3.16.030 Action upon claim

The Mayor and Common Council, or the appropriate board or commission, shall act upon such claim or amended claim within the period of time and in the manner required and provided in section 912.4 of the Government Code, and the consequence of their or its failure or refusal to act on such claim shall be governed by the provisions of said section.

(Ord. 821, 8-09-1921)

3.16.040 Commencement of suit

Any suit brought against the City, or its boards, commissions, officers, employees or agents on a cause of action for which a claim is required to be presented in accordance with this Chapter must be commenced not later than six months after the date the claim is acted upon by the Mayor and Common Council or appropriate board or commission, or is deemed to have been rejected by the Mayor and Common Council or Board or Commission, in accordance with sections 945.6 and 946 of the Government Code.

(Ord. 821, 8-09-1921)

3.16.050 Power of City Administrator

The City Administrator or his authorized representative shall perform each function of the Mayor and Common Council under this Chapter and under Government Code, Title 1, Division 3.6, Part 3 (Section 900, et seq), any amendments thereto or other related provisions of law, which relate to any claim except that he shall not allow, compromise, or settle any claim against the City if the amount to be paid pursuant to such allowance, compromise, or settlement exceeds Ten Thousand Dollars (\$10,000.00).

(Ord. MC-638, 9-22-88)

3.16.060 Claims Review Committee

There shall be a Claims Review Committee established consisting of the City

[\[Return to Municipal Code Contents\]](#)

Attorney, City Administrator and the Director of Human Resources.

(Ord. MC-1027, 9-09-98; Ord. MC-638, 9-22-88)

3.16.070 Functions of Claims Review Committee

The Claims Review Committee's function is to review, and approve, by unanimous vote, all settlements above Ten Thousand Dollars (\$10,000.00), but not exceeding Twenty Thousand (\$20,000.00).

(Ord. MC-638, 9-22-88)

Chapter 3.20 SPECIAL GAS TAX STREET IMPROVEMENT FUND³

Sections:

- 3.20.010 Created**
- 3.20.020 Payment of moneys into fund**
- 3.20.030 Expenditure of moneys**

3.20.010 Created

To comply with the provisions of Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code, with particular reference to the amendments made thereto by Chapter 642, Statutes of 1935, there is created in the City treasury a special fund to be known as the special gas tax street improvement fund.

(Ord. 1557, 1-28-36; Ord. 1547, 6-11-35)

3.20.020 Payment of moneys into fund

All moneys received by the City from the state 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 said fund.

(Ord. 1557, 1-28-36; Ord. 1547, 6-11-35)

3.20.030 Expenditure of moneys

All moneys in said fund shall be expended exclusively for the purposes authorized

³ For statutory provisions on special gas tax street improvement funds, see Str. And Hwys. Code §§186.3, 2106, 2107 and 2113.

by, and subject to all of the provisions of Article 5, Chapter 1, Division I of the Streets and Highways Code.

(Ord. 1557, 1-28-36: Ord. 1547, 6-11-35)

Chapter 3.24 TRAFFIC SAFETY FUND

Sections:

- 3.24.010 Created and established**
- 3.24.020 Receipt and expenditure of funds**

3.24.010 Created and established

There is created and established a fund to be called the traffic safety fund, and all funds received under and by virtue of Section 42200, Chapter 2, Division 18 or the Vehicle Code shall be paid therein, and all expenditures therefrom shall only be made in accordance with said act.

(Ord. 1816, 3-09-48)

3.24.020 Receipt and expenditure of funds

To comply with the provisions of Section 42200, Chapter 2, Division 18 of the Vehicle Code, all funds received and expended under and by virtue of said act, since September 19th, 1947, shall be placed in and expended from the traffic safety fund.

(Ord. 1816, 3-09-48)

Chapter 3.26 TRAFFIC SYSTEMS FEE (Repealed by Ord. MC-1222, 4-06-06)

Chapter 3.27 DEVELOPMENT IMPACT FEES

Sections:

- 3.27.000 General Findings**
- 3.27.010 Purpose and Applicability**
- 3.27.020 Definitions**

[\[Return to Municipal Code Contents\]](#)

- 3.27.030 Law enforcement facilities, vehicles, and equipment impact fee - Findings
- 3.27.040 Fire suppression facilities, vehicles, and equipment impact fee - Findings
- 3.27.050 Local circulation system impact fee - Findings
- 3.27.060 Regional circulation system impact fee - Findings
- 3.27.070 Quimby Act Parkland and Open Space Acquisition and Park Improvement impact fee - Findings
- 3.27.075 AB 1600 Parkland and Open Space Acquisition and Park Improvement impact fee - Findings
- 3.27.080 Library facility and collection impact fee - Findings
- 3.27.090 Public meeting facilities impact fee - Findings
- 3.27.100 Aquatics facilities impact fee - Findings
- 3.27.105 Storm Drain Development Impact Fee - Findings
- 3.27.110 Accounting and disbursement of fees
- 3.27.140 Development fee credits; prepayment
- 3.27.150 Reimbursement
- 3.27.170 Deferrals
- 3.27.180 Application to subsequently annexed land

3.27.000 General Findings

The Mayor and Common Council find as follows:

- (A) The provision of new and expanded facilities and infrastructure is necessary to protect and promote the health, safety, and welfare of all the citizens of the City of San Bernardino by reducing the adverse effects of urbanization and development.
- (B) It is necessary to enact and implement certain development fees to assure that all development within the City pays its fair share of the costs of providing necessary public facilities and infrastructure to accommodate such new development.
- (C) A proper funding source for the costs associated with new development is a specific development or facilities fee for each type of facility related to the specific need created by the development and reasonably related to the relative cost of providing such necessary public facilities.

[\[Return to Municipal Code Contents\]](#)

- (D) The Development Impact Fee Calculation and Nexus Report justifies the imposition of each development fee on new construction by analyzing the Master Facility Plan, as defined herein, assigning the costs on a fair-share basis to the various types of development, and assigning the resulting fee per dwelling unit and/or commercial/industrial square footage, based on the anticipated burden of such new dwelling unit and/or commercial/industrial area on City facilities and infrastructure and the need created by such dwelling unit and/or commercial/industrial area for new and expanded facilities and infrastructure.
- (E) The primary purpose of the fees is to mitigate the impact on City facilities and infrastructure caused by increased demand for facilities and infrastructure from persons generated by new development.
- (F) The fees will be used to finance public facilities and infrastructure, specifically local circulation system improvements (streets, traffic signals, and bridges); regional circulation system improvements; law enforcement and fire protection facilities, vehicles, and equipment; library facilities and collection; public meeting facilities; aquatics facilities; and parkland and open space acquisition and development.
- (G) The use of the fees to fund such public facilities and infrastructure is reasonably related to the impacts of residential development and other development on the City as more fully described in the Development Impact Fee Calculation and Nexus Report.
- (H) The need for development fees to fund such public facilities is reasonably related to impacts on the City of residential development and other development as more fully described in the Development Impact Fee Calculation and Nexus Report.
- (I) To assure fair and legally sound implementation of the development fees established in this chapter, such fees shall be reviewed annually and the amounts of such fees shall be adopted by resolution of the Mayor and Common Council at a public hearing.
- (J) To assure fair implementation of the development fees established in this chapter, the City must have the latitude to phase the imposition of certain fees. (K) To assure fair implementation of the development fees established in this chapter, the City must have the latitude to defer such fees in special cases, after notice and hearing, where better or more fair financing arrangements would result from such deferral.
- (L) To assure fair implementation of the development fees established by this chapter, provisions must be made for extending such fees to subsequently annexed land that benefits from the public facilities funded by these fees.

3.27.010 Purpose and applicability

[\[Return to Municipal Code Contents\]](#)

- (A) The Mayor and Common Council declare the purpose of this chapter is to provide for the means to finance adequate infrastructure and other public improvements and facilities made necessary by the impacts created by new development in the City of San Bernardino in order to promote the health, safety, and welfare of the citizens of San Bernardino. This chapter shall apply solely to construction of new dwelling units, or new commercial or industrial square footage within the city.
- (B) The following are specifically exempt from the provisions of this chapter:
- (1) Additions or improvements to dwelling units after construction is complete, unless such additions or improvements (a) increase the number of dwelling units on the property, as defined herein, and (b) are not secondary residential units, as defined herein.
 - (2) Government/public buildings, public schools, or other public facilities.
 - (3) The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing dwelling unit.
 - (4) The rehabilitation and/or reconstruction of any commercial or industrial structure where there is no net increase in square footage of the structure. Any increase in square footage of the structure shall pay the current applicable development impact fees for such increase.
 - (5) Development projects that are the subject of a Development Agreement entered into pursuant to Government Code Section 65864 et seq., prior to the initial effective date of this chapter, wherein the imposition of new fees is expressly prohibited; provided, however, that if the term of such Development Agreement is extended after the initial effective date of this chapter, the development impact fees shall be imposed

3.27.020 Definitions

- (A) "**Affected territory**" means the corporate boundaries of the City of San Bernardino as these may be amended from time to time.
- (B) "**Commercial/retail/office or industrial/manufacturing development project**" means the construction of new or additional gross square footage of building area for commercial (including lodging, schools, religious facilities, hospitals, etc.) retail, office, industrial or manufacturing purposes.

(Ord. MC-1238, 1-23-07)

[\[Return to Municipal Code Contents\]](#)

- (C) **"Development impact report"** is the **"Development Impact Fee Calculation and Nexus Report"** together with the addenda thereto and any subsequent modifications and/or updates, all of which are on file in the City Clerk's Office. The original version of the document, dated January 2006, was prepared by Revenue & Cost Specialists, LLC and summarizes the needed facilities mentioned herein, their estimated costs and sets forth the required nexus findings.
- (D) **" Dwelling unit "** means a building or portion thereof designed exclusively for residential occupancy by one family for living and sleeping purposes, including single-family dwellings, multiple-family dwellings, and manufactured housing.
- (E) **"Effective date"** means the date that the fees in this chapter are eligible for collection, that date being 60 days after the adoption of this chapter.
- (F) The **"Master Facility Plan"** together with and subsequent modifications and/or updates, all of which are on file in the City Clerk's Office, was prepared by Revenue & Cost Specialists, LLC and describes each of the facilities mentioned herein and their estimated costs.
- (G) **"Residential development project"** means construction of one or more dwelling units.
- (H) **"Secondary residential unit"** means a second dwelling unit on the same lot as an existing primary residential.

3.27.030 Law enforcement facilities, vehicles, and equipment impact fee - findings

The Mayor and Common Council find as follows:

- (A) The development of residential, commercial, and industrial property in the affected territory will create a need for increased police protection services. As a result, additional officers will be needed to maintain the current level of service. The new officers will require, among other things, expanded station facilities and additional patrol or unmarked vehicles and additional police equipment.
- (B) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The provision of expanded station facilities and vehicles is identified in the Law Enforcement Facilities section of the Master Facility Plan and is necessary to provide adequate law enforcement services.

[\[Return to Municipal Code Contents\]](#)

- (D) The development impact fee report describes in detail the number of calls for service that each major category of land use generates on average, the law enforcement facilities, vehicles, and equipment required to service new development, and estimates of the costs for capital to provide those services.
- (E) The entire affected territory will derive benefit from the station facilities and vehicles and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum, and based thereon finds that new development in the affected territory will create law enforcement needs that the construction and acquisition of the public improvements funded by this chapter will meet.
- (G) The Mayor and Common Council also find that the costs of the law enforcement facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units and per square foot throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by the proposed development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report and the addendum thereto.
- (I) The Mayor and Common Council also find that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The law enforcement facilities fees collected pursuant to this chapter shall be used only to finance the law enforcement facilities described or identified in the Law Enforcement Facilities section of the Master Facility Plan.
- (K) The law enforcement facilities fee is hereby imposed on new residential, commercial, and industrial development and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.040 Fire suppression facilities, vehicles, and equipment impact fee -

[\[Return to Municipal Code Contents\]](#)

Findings. The Mayor and Common Council find as follows:

- (A) The development of residential, commercial, and industrial property in the City will create increased calls for fire protection services. As a result, new equipment and expansion of existing facilities to house additional fire fighters and equipment will be needed to maintain current levels of service.
- (B) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The acquisition of new equipment and relocation, expansion, and construction of fire protection facilities are identified in the Fire Protection Facilities section of the Master Facility Plan and are necessary to provide adequate fire protection services within the City.
- (D) The development impact fee report and the addendum thereto describe in detail the number of calls for service that each major category of land use generates, the fire protection facilities required to service new development, and estimates of the costs of those facilities.
- (E) The entire affected territory will derive benefit from the new equipment and relocated, expanded, and newly-constructed fire station facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum thereto, and based thereon finds that new development in the City will create fire protection needs that the construction and acquisition of the public improvements funded by this chapter will meet.
- (G) The Mayor and Common Council also find that the costs of the equipment and expanded fire protection facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by the proposed development.

- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report and the addendum thereto.
- (I) The Mayor and Common Council also find that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The fire protection fees collected pursuant to this chapter shall be used only to finance the fire protection facilities described or identified in the Fire Protection Facilities section of the Master Facility Plan.
- (K) The fire suppression facilities fee is hereby imposed on new residential, commercial, and industrial development and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.050 Local circulation system impact fee - Findings

The Mayor and Common Council find as follows:

- (A) The development of residential and other property in the affected territory will generate additional vehicle travel. This traffic will create a need for expansion of existing streets, signals, and bridges to accommodate increased traffic from new residential development and commercial/industrial development.
- (B) The Master Facility Plan establishes the costs and a fair method for the allocation of costs and fee apportionment, and the apportioned fees are applicable to all property within the affected territory.
- (C) The provision of expanded streets, signals, and bridges is identified in the Circulation System section of the Master Facility Plan and is necessary to provide adequate streets and roadways services within the City.
- (D) The General Plan of the City includes and identifies in the Circulation Element and the transportation provision thereof, among other things, streets, signals, and bridges within the City with the primary purpose of carrying through traffic and providing a network connecting to the state highway system.

- (E) The entire affected territory will derive benefit from the construction or reconstruction of streets, signals, and bridges and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report, the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum, and based thereon finds that new development in the affected territory will create streets and roadways needs that the construction and acquisition of the public improvements funded by this chapter will meet.
- (G) The Mayor and Common Council also find that the cost of the streets, signals, and bridges funded by this chapter is apportioned relative to the anticipated contribution to traffic created by residential and other development in the affected territory, and that the fees are fairly apportioned on individual dwelling units and commercial/ industrial space throughout the affected territory on the basis of benefits conferred on property to be developed and the need for such streets and roadways created by such development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development fee impact report and the addendum thereto.
- (I) The cost estimates set forth in the development impact fees report are reasonable cost estimates for constructing or reconstructing the streets and roadways proposed therein and the fees collected from residential and other development will not exceed the reasonably estimated total of these costs.
- (J) The streets, signals, and bridges fees collected pursuant to this chapter shall be used only to finance the streets and roadways described or identified in the Circulation System section of the Master Facility Plan.
- (K) The local circulation systems fee is hereby imposed on new residential, commercial, and industrial development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.060 Regional circulation system impact fee - Findings

[\[Return to Municipal Code Contents\]](#)

The Mayor and Common Council find as follows:

- (A) The development of residential and other property in the affected territory will generate additional vehicle travel, which impacts regional circulation systems. This traffic will create a need for regional transportation system improvements such as freeway interchanges, railroad grade separations, and regional arterial highways to accommodate increased traffic from new residential development and commercial/ industrial development.
- (B) The Master Facility Plan establishes the costs and a fair method for the allocation of new development's share of regional circulation system improvement costs and fee apportionment, and the apportioned fees are applicable to all property within the affected territory.
- (C) The provision of regional circulation system improvements is identified in the Circulation System section of the Master Facility Plan and is necessary to mitigate the impacts of development upon the regional circulation system within the City as contained in Appendix K of the San Bernardino County Congestion Management Plan.
- (D) The SANBAG Development Mitigation Nexus Study identifies the required development contribution levels or fair share amounts for each city and sphere of influence, and the City's regional circulation system impact fee will provide sufficient revenue to meet or exceed the required amounts.
- (E) The entire affected territory will derive benefit from the construction or reconstruction of regional circulation system improvements and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report, the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum, and based thereon finds that new development in the affected territory will create regional circulation system needs that the construction and acquisition of the public improvements funded by this chapter and Measure I 2010-2040 will meet

- (G) The Mayor and Common Council also find that the share of regional circulation system improvements funded by this chapter is apportioned relative to the anticipated contribution to traffic created by residential and other development in the affected territory, and that the fees are fairly apportioned on individual dwelling units and commercial/industrial space throughout the affected territory on the basis of benefits conferred on property to be developed and the need for such regional circulation system improvements created by such development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described regional circulation system improvements and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development fee impact report and the addendum thereto.
- (I) The cost estimates set forth in the development impact fees report are reasonable cost estimates for constructing or reconstructing the freeway interchanges, railroad grade separations, and regional arterial highways proposed therein and the fees collected from residential and other development will not exceed the reasonably estimated total of these costs.
- (J) The regional circulation system fees collected pursuant to this chapter shall be used only to finance the City's fair share of the regional circulation system improvements described or identified in the Circulation System section of the Master Facility Plan.
- (K) The regional circulation systems fee is hereby imposed on new residential, commercial, and industrial development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.
- (L) In accordance with Appendix J of the San Bernardino County Congestion Management Plan, the Mayor and Common Council shall update regional circulation system project cost estimates on an annual basis, and adjust the regional circulation systems fee based on the updated estimates. The fee adjustments will be based on an escalation factor approved by the SANBAG Board of Directors.

3.27.070 Quimby Act Parkland and Open Space Acquisition and Park Improvement impact fee - Findings

The Mayor and Common Council find as follows:

- (A) The development of residential and other property in the affected territory will create a need for the construction of park and open space facilities to maintain the current level of service. The park and open space facilities for which payment of a fee and/or dedication of land is required by this section shall be in compliance with the policies, goals and standards contained in the Parks and Recreation Element of the General Plan.
- (B) Pursuant to the Quimby Act (Gov. Code, Section 66472), the City may impose by ordinance a requirement for the payment of fees to pay for the actual or estimated costs of constructing planned park and open space facilities.
- (C) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (D) Park and open space facilities are essential to San Bernardino to mitigate the negative effects of increasing urban development and to promote the health and welfare of the citizens.
- (E) The provision of additional parks, recreation, and open space is identified in the Parkland and Open Space Acquisition and Park Improvement section of the Master Facility Plan and is necessary to provide adequate parks and open space facilities within the City.
- (F) The development impact fee report and addendum thereto describe in detail the current City standards for parks and open space facilities, the cost for parks and open space facilities construction, and the cost thereof per new single-family, multi-family, and mobile home park or manufactured home park residential unit.
- (G) The entire affected territory will derive benefit from the park and open space facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (H) After consideration of the development impact fee report, the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum thereto, and based thereon finds that new development in the affected territory will create needs for park and open space facilities that the construction and acquisition of the public improvements funded by this chapter will meet

- (I) The costs of the park, recreation, and open space facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by such proposed development.
- (J) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report and the addendum thereto.
- (K) The cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (L) The park and open space facilities fees collected pursuant to this chapter shall be used only to finance the park and open space facilities described or identified in the Parkland and Open Space Acquisition and Park Improvement section of the Master Facility Plan.
- (M) The park and open space land acquisition and facilities development fee is hereby imposed on new residential development. The amount of such fee shall be set by resolution of the Mayor and Common Council, and shall apply to development of residential uses requiring the subdivision of land. Developments of residential uses not requiring the subdivision of land shall pay the AB 1600 park and open space land acquisition and facilities development fee in accordance with Section 3.26.075.
 - (1) The subdivider, as a condition of approval of a tentative map, shall pay a fee in lieu, dedicate land, or both, at the discretion of the Council for park and/or recreational purposes pursuant to the Subdivision Map Act, Government Code Section 66477.
 - (2) It is hereby found and determined that the public interest, convenience, health, safety, and welfare require that 5 acres of land for each 1000 persons residing within the City be devoted to park and recreational purposes. Lands held as public open space, for wildlife habitat, shall not be included in this formula.
 - (3) Where a public park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the needs of the residents of that subdivision, the subdivider shall dedicate land for park and recreational facilities sufficient in size and physical characteristics to meet that purpose. The amount of land shall be determined pursuant to Section 3.27.070(M)(4).

[\[Return to Municipal Code Contents\]](#)

If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of that subdivision, the subdivider shall, pursuant to Council determination, pay a fee in lieu of or dedicate land in compliance with Section 3.27.070(M)(4).

- (4) The Council shall consider the following when evaluating the payment of fee in lieu of or the acceptance of land for dedication, or a combination of both:
 - a. Parks and Recreation Element, and any other applicable provision of the General Plan;
 - b. Topography, geology, access and location of land in the subdivision suitable for dedication;
 - c. Size and shape of the subdivision and land suitable for dedication;
 - d. Feasibility of dedication; and
 - e. Availability of previously acquired private property.

3.27.075 AB 1600 Parkland and Open Space Acquisition and Park Improvement impact fee - Findings

The Mayor and Common Council find as follows:

- (A) The development of residential and other property in the affected territory will create a need for the construction of park and open space facilities to maintain the current level of service. The park and open space facilities for which payment of a fee and/or dedication of land is required by this section shall be in compliance with the policies, goals and standards contained in the Parks and Recreation Element of the General Plan.
- (B) Pursuant to California Government Code Sections 66000 et seq., and the City's police powers, the City may impose by ordinance a requirement for the payment of fees to pay for the actual or estimated costs of constructing planned park and open space facilities.
- (C) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (D) Park and open space facilities are essential to the City of San Bernardino to mitigate the negative effects of increasing urban development and to promote the health and welfare of the citizens.

[Return to Municipal Code Contents]

- (E) The provision of additional parks, recreation, and open space is identified in the Parkland and Open Space Acquisition and Park Improvement section of the Master Facility Plan and is necessary to provide adequate parks and open space facilities within the City.
- (F) The development impact fee report and addendum thereto describe in detail the current City standards for parks and open space facilities, the cost for parks and open space facilities construction, and the cost thereof per new single-family, multi-family, and mobile home park residential unit.
- (G) The entire affected territory will derive benefit from the park and open space facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (H) After consideration of the development impact fee report, the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approve the development impact fee report and the addendum thereto, and based thereon finds that new development in the affected territory will create needs for park and open space facilities that the construction and acquisition of the public improvements funded by this chapter will meet.
- (I) The costs of the park, recreation, and open space facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by such proposed development.
- (J) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report and the addendum thereto.
- (K) The cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (L) The park and open space facilities fees collected pursuant to this chapter shall be used only to finance the park and open space facilities described or identified in the Parkland and Open Space Acquisition and Park Improvement section of the Master Facility Plan.

[\[Return to Municipal Code Contents\]](#)

(M) The AB 1600 park and open space land acquisition and facilities development fee is hereby imposed on new residential development. The amount of such fee shall be set by resolution of the Mayor and Common Council, and shall apply to developments of residential uses not requiring the subdivision of land. Developments requiring the subdivision of land shall pay the Quimby Act park and open space land acquisition and facilities development fees pursuant to Chapter 3.26.070.

- (1) It is hereby found and determined that the public interest, convenience, health, safety, and welfare require that 5 acres of land for each 1000 persons residing within the City be devoted to park and recreational purposes. Lands held as public open space, for wildlife habitat, shall not be included in this formula.
- (2) The Council shall consider the following when evaluating the payment of fee in lieu of or the acceptance of land for dedication, or a combination of both:
 - a. Parks and Recreation Element, and any other applicable provision of the General Plan;
 - b. Topography, geology, access and location of land in the subdivision suitable for dedication;
 - c. Size and shape of the subdivision and land suitable for dedication;
 - d. Feasibility of dedication; and
 - e. Availability of previously acquired private property.

3.27.080 Library facility and collection impact fee - Findings

The Mayor and Common Council find as follows:

- (A) The development of residential property in the affected territory will create a need for increased library services. As a result, additions to the library collection will be needed to maintain the current level of service.
- (B) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The provision of additions to the library collection is identified in the Library Facility and Collection section of the Master Facility Plan and is necessary to provide adequate library services within the City.

[\[Return to Municipal Code Contents\]](#)

- (D) The development impact fee report describes in detail the current City standard for number of library books per person, the number of persons an average single-family, multiple-family or mobile home park residence generates, the library collection required to service new development, and estimates of the costs of additions to the library collection to maintain the current level of service.
- (E) The entire affected territory will derive benefit from the library collection and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and testimony at a public hearing, the Mayor and Common Council hereby approve the development impact fee report, and based thereon finds that new development in the affected territory will create needs for additions to the library collection that the acquisition of the public improvements funded by this chapter will meet.
- (G) The Mayor and Common Council also finds that the costs of additions to the library collection funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by the proposed development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report.
- (I) The City Council also finds that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The library collection fees collected pursuant to this chapter shall be used only to finance additions to the library collection described or identified in the Library Facility and Collection section of the Master Facility Plan.
- (K) The library facilities and collection fee is hereby imposed on new residential development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.090 Public meeting facilities impact fee - Findings

[\[Return to Municipal Code Contents\]](#)

The Mayor and Common Council find as follows:

- (A) The development of residential property in the affected territory will create a need for increased public meeting facilities. As a result, additional public meeting facilities will be needed to maintain the current level of service.
- (B) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The provision of public meeting facilities is identified in the Public Use Facilities section of the Master Facility Plan and is necessary to provide adequate public meeting facilities within the City.
- (D) The development impact fee report describes in detail the current City standard for number of public meeting facilities per person; the number of persons an average single-family, multiple-family or mobile home park residence generates, the public meeting facilities required to service new development, and estimates of the costs of public meeting facilities to maintain the current level of service.
- (E) The entire affected territory will derive benefit from the public meeting facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and testimony at a public hearing, the Mayor and Common Council hereby approves the development impact fee report, and based thereon finds that new development in the affected territory will create needs for public meeting facilities that the acquisition of the public improvements funded by this chapter will meet.
- (G) The Mayor and Common Council also find that the costs of public meeting facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by the proposed development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 3 Contents\]](#)

- (I) The Mayor and Common Council also find that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The public meeting facilities fees collected pursuant to this chapter shall be used only to finance additions to the public meeting facilities described or identified in the Community Public Use Facilities section of the Master Facility Plan.
- (K) The public meeting facilities impact fee is hereby imposed on new residential development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.100 Aquatics facilities impact fee - Findings

The Mayor and Common Council find as follows:

- (A) The development of residential property in the affected territory will create a need for increased aquatics facilities. As a result, additional aquatics facilities will be needed to maintain the current level of service.
- (B) Pursuant to Article 11, Section 7 of the California Constitution, the City is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The provision of aquatic center facilities is identified in the Aquatic Center Facilities section of the Master Facility Plan and is necessary to provide adequate aquatic center facilities within the City.
- (D) The development impact fee report describes in detail the current City standard for aquatic center facilities per person, the number of persons an average single-family, multiple-family or mobile home park residence generates, the aquatic center facilities required to service new development, and estimates of the costs of aquatic center facilities to maintain the current level of service.
- (E) The entire affected territory will derive benefit from the aquatic center facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and testimony at a public hearing, the Mayor and Common Council hereby approve the development impact fee report, and based thereon finds that new development in the affected territory will create needs for aquatic center facilities that the acquisition of the public improvements funded by this chapter will meet.

[\[Return to Municipal Code Contents\]](#)

- (G) The Mayor and Common Council also find that the costs of aquatic center facilities funded by this chapter are apportioned relative to the anticipated impacts created by development within the affected territory, and that the fees are fairly apportioned on individual dwelling units throughout the affected territory on the basis of benefits conferred on property proposed for development and the need for such facilities created by the proposed development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development impact fee report.
- (I) The Mayor and Common Council also find that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The aquatic center facilities fees collected pursuant to this chapter shall be used only to finance additions to the community's aquatic center facilities described or identified in the Aquatic Center Facilities section of the Master Facility Plan.
- (K) The aquatic center facilities impact fee is hereby imposed on new residential development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.

3.27.105 Storm Drain Development Impact Fee - findings

The Mayor and Common Council find as follows:

- (A) The development of residential and other property in the affected territory will generate the need for additional storm drainage structures and improvements to handle runoff from surface and storm waters. As a result, the addition of storm drainage facilities will be needed to maintain the current level of service.
- (B) Pursuant to Article II, §7 of the California Constitution, the city is empowered to enact measures that protect the health, safety, and welfare of its citizens.
- (C) The provision of storm drainage facilities is identified in the Storm Drainage Facilities section of the Master Facility Plan and is necessary to provide adequate storm drainage facilities within the city.

[\[Return to Municipal Code Contents\]](#)

- (D) The development impact fee report describes in detail the additional storm drainage facilities needed for the affected territory and estimates of the costs for those facilities.
- (E) The entire affected territory will derive benefit from the storm drainage facilities and should be assessed per the provisions of this chapter and pay a fair share of the cost thereof based on the benefit derived therefrom.
- (F) After consideration of the development impact fee report and the addendum thereto and testimony at this public hearing, the Mayor and Common Council hereby approves the development impact fee report and the addendum thereto, and based thereon finds that new residential and other development in the affected territory will create storm drainage impacts which the installation of storm drainage facilities funded by this chapter will offset.
- (G) The Mayor and Common Council also find that the costs of the storm drainage facilities funded by this chapter are apportioned relative to the anticipated impacts created by residential and other development within the affected territory, and that the fees are fairly apportioned on individual dwelling units and/or commercial/ industrial square footage, throughout the affected territory on the basis of benefits conferred on property proposed for residential and other development and the need for such facilities created by the proposed development.
- (H) The facts and evidence establish that there is a reasonable relationship between the need for the described public facilities and the needs created by the types of development on which the fee will be imposed, and that there is a reasonable relationship between the fee's use and the types of development for which the fee is charged. This reasonable relationship is described in more detail in the development fee impact report and the addendum thereto.
- (I) The Mayor and Common Council also find that the cost estimates set forth in the development impact fee report are reasonable and will not exceed the reasonably estimated total of these costs.
- (J) The storm drain development impact fee is hereby imposed on new residential, commercial and industrial development, and the amount of such fee shall be set by resolution of the Mayor and Common Council.

(Ord. MC-1238, 1-23-07)

3.27.110 Accounting and disbursement of fees

[\[Return to Municipal Code Contents\]](#)

(A) Each of the fees paid pursuant to this chapter shall be placed in a separate fund, each of which may be further segregated by specific projects. These funds shall be known, respectively as:

- (1) The Law Enforcement Development Fee Fund;
- (2) The Fire Protection Development Fee Fund;
- (3) The Local Circulation System Development Fee Fund;
- (4) The Regional Circulation System Development Fee Fund;
- (5) The Quimby Act Parkland and Open Space Acquisition and Park Improvement Development Fee Fund;
- (6) The AB 1600 Parkland and Open Space Acquisition and Park Improvement Development Fee Fund;
- (7) The Library Facilities and Collection Development Fee Fund;
- (8) The Public Meeting Facilities Development Fee Fund;
- (9) The Aquatics Center Facilities Development Fee Fund;
- (10) The Storm Drainage Impact Fee Fund.

(B) These funds, and interest earned thereon, shall be expended solely for construction and/or acquisition of the corresponding public facilities as shown in the Master Facility Plan, or for reimbursement for construction and/or acquisition of those public facilities.

(Ord. MC-1238, 1-23-07)

3.27.140 Development fee credits; prepayment

(A) The owner of a parcel of property otherwise required to pay a fee under this chapter shall receive a credit for the corresponding development fee when that owner constructs or donates a facility, or a portion thereof, identified in the Master Facility Plan, regardless of how it may be financed, that serves the owner's parcel or parcels. The development fee credit shall offset, on a proportionate basis without interest,

the corresponding development fee to be paid pursuant to this chapter. The facility must be built in compliance with all applicable laws governing the construction of public improvements.

- (B) The amount of the development fee credit shall equal the City's most recent estimated cost of constructing and/or furnishing the facility, or the portion of the facility actually completed or purchased, by contract or utilizing City forces.
- (C) The owner of a parcel of property may be further entitled to a development fee credit where the city determines, on a case-by-case basis, that the construction of the facility, or a portion thereof, will be necessary to provide basic services to the entire City even though it does not directly serve the owner's project or is of greater capacity than that required to serve the owner's project adequately.
- (D) The amount of the development fee credit shall be determined after inspection and acceptance of the facility at the time of payment of the corresponding facilities fee.
- (E) If an owner pays the facilities fee assessed under this chapter and later elects, after City approval, to accelerate the development by constructing or purchasing facilities for the project, the owner may apply for and receive a refund, up to the amount of the facilities fee, for such facilities after those facilities are certified by the City Engineer as complying with the appropriate Master Facility Plan, City ordinances, and applicable law.
- (F) To the extent that an owner is granted a development fee credit, such owner shall not be entitled to a future reimbursement for such facility except as provided in Section 3.27.150.
- (G) A development fee credit is an obligation of the City that runs with the land and inures to the benefit of each successor in interest of the original landowner until full credit has been received.
- (H) A developer shall also be entitled to a credit if the City and developer have executed an agreement or there is a preexisting ordinance which specifically exempts the developer from the payment of one or more of the fees enacted under this chapter. The availability of the credit and its amount shall be determined by the City on a case-by-case basis based on the provisions of the applicable agreement.
- (I) A developer or any public agency may prepay all or any portion of one or more fees under this chapter through the use of funds, revenues or grants that are derived from sources other than those of the City or revenues generated from the fees collected under this Chapter. The Mayor and Common Council are hereby authorized to enter agreements with developers or public agencies to accept any prepayments of one or more of the fees under this Chapter based upon findings and

[\[Return to Municipal Code Contents\]](#)

determinations to be made by the Mayor and Common Council to acknowledge said prepayment and to approve any agreement with any developer or public agency to evidence such prepayment.

3.27.150 Reimbursement

- (A) The owner of a parcel of property otherwise required to pay a facilities fee under this chapter will be entitled to enter into a reimbursement agreement to reimburse from subsequently collected development fees the direct and verifiable costs of installing or furnishing public improvements, or portions thereof, identified in the appropriate Master Facility Plan where all of the following conditions are satisfied:
- (1) The owner has constructed a public improvement, or portion thereof, that is identified in the appropriate Master Facility Plan.
 - (2) The City required that the public improvement be constructed to contain supplemental size, capacity, number or length for the benefit of property not within the owner's project.
 - (3) The City approved, prior to construction or furnishing, the proposed budget for the project and finds any change to that budget fair and reasonable.
 - (4) The public improvement, or portion thereof, has been dedicated to the public.
 - (5) The public improvement, or portion thereof, has been built in compliance with all applicable laws governing the construction of public works.
- (B) The City shall not reimburse the owner for costs related to financing any public facility.
- (C) An owner shall only be entitled to reimbursement to the extent that any public facility project benefits property not within the owner's project. Thus, an owner may receive a development fee credit as provided in Chapter 3.27.140 for the portion of a public facility that serves the owner's project and reimbursement for the oversized or extra-capacity or extended portion of a public facility that benefits subsequently developed property.
- (D) In no event shall an owner receive a development fee credit and/or reimbursement in excess of the City's most recent estimated cost of constructing the facility, or the portion of the facility actually completed, by contract or by utilizing city forces.

- (E) Any reimbursement agreement entered into under this section shall require the City, for a period of up to 15 years, to reimburse the owner from the proceeds of the facilities fees collected from new projects that directly benefit from the facilities financed by the facilities fee or fees and which are the subject of the reimbursement agreement. Reimbursement shall only be made from fees collected to fund improvements which are of the same type as the improvement constructed by the owner, and from no other source. The terms of the reimbursement shall be set forth in the reimbursement agreement.

3.27.170 Deferrals

The Mayor and Common Council are empowered to grant deferral of any fee imposed by this chapter upon the recommendation of the Director of Development Services, except the regional circulation systems fee established in Chapter 3.27.060. Such deferral may only be granted after notice and hearing if, in the opinion of the Mayor and Common Council, properly supported by specific findings, deferral would allow a better or fairer financing arrangement to be developed and imposed. Findings must be based on written and other evidence submitted by the property owner, substantiating the owner's contention that the fee should be deferred. Findings must include facts supporting deferral, including without limitation, findings that in the case of deferral (1) other properties to be benefited by any fee will not be burdened by the review and delay in fee imposition, or, (2) alternative financing methods involving more than one owner have been proposed for review, or (3) delay will result in a more fair funding arrangement.

3.27.180 Application to subsequently annexed land

As areas not presently situated within the City boundaries seek to annex to the City, the Mayor and Common Council shall determine the benefit to such land areas of the public facilities and infrastructure funded by this chapter. The Mayor and Common Council shall impose development fees, in whole or in part, as established by this chapter, upon such annexed areas to the extent necessary to assure that such areas pay their fair share of the actual costs of all necessary public facilities and infrastructure benefiting their projects, unless the Mayor and Common Council determines that such an imposition would cause inequities or that a better or fairer financing arrangement can and should be developed and imposed.

(Ord. MC-1222, 4-06-06)

Chapter 3.28

SPECIAL PUBLIC HEALTH FUND

Sections:

- 3.28.010** **Created and established**
- 3.28.020** **Receipt and expenditure of funds**

3.28.010 Created and established

There is created and established a fund to be called the special public health fund, and all funds received under and by virtue of Chapter 8, Part 2, Division I of the California Health and Safety Code (Chapter 1562, Statutes of 1947-AB 2223) and Section 1327, Title 17 Public Health of California Administrative code, and all expenditures therefrom shall only be made in accordance with said act.

(Ord. 1825, 4-27-48)

3.28.020 Receipt and expenditure of funds

To comply with the provisions of Section 1327, Title 17 Public Health of California Administrative Code, all funds received and expended under and by virtue of said act since May 1st, 1948, shall be placed in and expended from the special public health fund.

(Ord. 1825, 4-27-48)

Chapter 3.32

PUBLIC PARK DEVELOPMENT AND RECREATION FUND

Sections:

- 3.32.010** **Created and established**
- 3.32.020** **Transfer of money**

3.32.010 Created and established

There is created and established a fund to be called the public park development and recreation fund. All expenditures from said fund shall be for the extension and development of the public park system of the City and for the construction and reconstruction of facilities for public recreation, the construction of recreation buildings with equipment, apparatus, and furniture therefor, and including for the foregoing the acquisition of any land, property, easements, rights-of-way, equipment, apparatus and other property necessary therefor.

(Ord. 2743, 5-17-66; Ord. 2374, 7-24-61)

[\[Return to Municipal Code Contents\]](#)

3.32.020 Transfer of money

Each and every year the Mayor and Common Council shall fix and establish for the general fund at least four cents tax per one hundred dollars assessed valuation and the amount derived from said tax shall be transferred during the same fiscal year from the general fund to the public park development and recreation fund.

(Ord. 2743, 5-17-66; Ord. 2374, 7-24-61)

Chapter 3.36 CEMETERY FUND⁴

Sections:

- 3.36.010 Endowment care fund and capital improvement fund created**
- 3.36.020 Cemetery fund established**
- 3.36.030 Duty of City Treasurer**

3.36.010 Endowment care fund and capital improvement fund created

- A. There are created the cemetery endowment care fund and the cemetery capital improvement fund. All sums of money received from the sale of interment lots or plots, or from cemetery endowment care contracts shall be deposited in the cemetery endowment care fund; provided that the sum of thirty-five dollars received from the sale of, or an endowment care contract for, any such lot or plot shall be deposited in the cemetery capital improvement fund. Money in the cemetery capital improvement fund shall be expended only for cemetery capital improvements recommended by the Cemetery Commission and approved by the Mayor and Common Council.
- B. Earnings from the cemetery endowment care fund shall be deposited and used exclusively for the care of the lots, exclusive of any driveways or pathways for which endowment care has been contracted.

(Ord. 3641, 5-25-77; Ord. 858, 4-11-1922)

3.36.020 Cemetery fund established

There is established a cemetery fund. All sums of money received by the commission otherwise than as provided for in Section 3.36.010 shall be paid into this fund, and out of this fund shall be paid all costs and expenses of maintaining the Pioneer Cemetery.

(Ord. 858, 4-11-1922)

⁴ For provisions on the City cemetery, see Ch. 2.44 of this code.

3.36.030 Duty of City Treasurer

All of the funds enumerated in this Chapter shall be kept by the City Treasurer, and any and all payments made therefrom shall be made upon the order of the Mayor and Common Council or the City Treasurer when so authorized. Said funds shall be kept on deposit in accordance with the laws pertaining to the depositing of other City public funds, and the Mayor and Common Council or the City Treasurer may invest and reinvest said funds or such portion as they shall deem advisable in such investments as are approved under the laws pertaining to the investment of sinking or surplus funds of the City, including but not limited to investments in United States savings bonds.

(Ord. 2508, 7-02-63; Ord. 858, 4-11-1922)

Chapter 3.38 PLANNED LOCAL DRAINAGE FACILITIES FUND

Sections:

- 3.38.010 Need for facilities**
- 3.38.020 Adoption of drainage plan**
- 3.38.030 Fund established**
- 3.38.040 Drainage fee**
- 3.38.050 Disposition of certain funds**
- 3.38.060 (Repealed by Ord. MC-452, 4-15-85)**

3.38.010 Need for facilities

The need for additional drainage facilities throughout the City of San Bernardino has been clearly demonstrated in Comprehensive Storm Drain Plan Nos. 3, 4, 6 and 7 prepared for Zones 2 and 3 of the San Bernardino County Flood Control District, copies of which are on file in the office of the City Clerk of the City of San Bernardino.

(Ord. MC-126, 1-07-82)

3.38.020 Adoption of drainage plan

The entire City of San Bernardino is hereby designated to be single local drainage area, and Comprehensive Storm Drain Plan Nos. 3, 4, 6 and 7 of the San Bernardino County Flood Control District are hereby adopted as the drainage plan for the City of San Bernardino.

(Ord. MC-126, 1-07-82)

[\[Return to Municipal Code Contents\]](#)

3.38.030 Fund established

The Planned Local Drainage Facilities Fund is hereby established. The Planned Local Drainage Facilities Fund is deemed to be the fund provided for in Section 66483 of the Subdivision Map Act of the State of California. Monies in said fund shall be expended solely for the design and construction of local drainage facilities within the City.

(Ord. MC-126, 1-07-82)

3.38.040 Drainage fee

- A. There is hereby imposed a drainage fee on all land development within the City. The amount and payment schedule for said fee shall be established by resolution of the Common Council. All drainage fees collected shall be deposited in the Planned Local Drainage Facilities Fund.
- B. Notwithstanding the above, no drainage fee shall be charged for houses being relocated from one site to another site within the City as a result of moving the house from a disaster area where the resolution of the Mayor and Common Council declaring the disaster area specifically references this section of the Code.
- C. The fee prescribed in paragraph A shall not be charged for the construction of any buildings which replace structures on a site previously developed, except to the extent that the fee for the use established by the new construction exceeds the fee charged for the use of the structures being replaced.
- D. For the construction of new single-family homes, the fees imposed by this Section may be deferred at the request of the owner of the property until the release of utilities is issued or eighteen (18) months from the issuance of the Building Permit, whichever is less. The owner of the property must personally guarantee payment of the fees, sign documents authorizing the City to place a lien on the property in the amount of the fees, agree to place the payment of the fees in any escrow for the sale of the property, authorize the City to demand payment in any such escrow, and pay an administrative fee set by resolution of the Mayor and Common Council. The amount of the fees due shall be the amount in effect at the time of collection of the fees. In no event shall utilities be released until the fees are paid, except that electrical service may be released at the discretion of the building official where necessary for security or maintenance purposes.

(Ord. MC-1045, 4-20-99; Ord. MC-1044, 4-07-99; Ord. MC-433, 2-05-85;
Ord. MC-155, 4-20-82; Ord. MC-126, 1-07-82)

[Return to Municipal Code Contents]

3.38.050 Disposition of certain funds

All monies in the Planned Local Drainage Facilities Fund not immediately required for construction purposes shall be invested in a manner provided by law in the State of California and all interest paid for such investment shall accrue to said fund.

(Ord. MC-126, 1-07-82)

3.38.060 (Repealed by Ord. MC-452, 4-15-85)

Chapter 3.40 PROPERTY TAXES⁵

Sections:

3.40.010 Election to use provisions of state statute

3.40.020 Request of statement from County Auditor

3.40.010 Election to use provisions of state statute

The City hereby elects to avail itself of those provisions of Article 2 of Chapter 1 of Division 4 of Title 4 of the California Government Code, Sections 43090 et seq., said provisions setting forth the alternative method for the levy and collection of City property taxes wherein and whereby the same are levied and collected by the county; and until further order, the assessment of taxable property within the City, and the levy and collection of taxes for revenue to carry on the various departments of the City and to pay the bonded and other indebtedness, shall be assessed, levied and collected as provided in said Code and the Charter of the City.

(Ord. 3904, 1-24-80)

3.40.020 Request of statement from county auditor

The county auditor is requested, pursuant to Section 43090 of the Government Code, to transmit to the legislative body of the City a written statement showing the total value of all property within the City, including the "Old City" as the City was originally constituted, and all property subsequently annexed thereto, as described in an ordinance of the City concerning annexation Districts Nos. 1 to 318 inclusive.

(Ord. 3904, 1-24-80)

⁵ For Charter provisions on the system for assessment, levy and collection of taxes, see Charter §41; for statutory provisions pertaining to alternative methods of property tax assessments, etc., see Gov Code §43093 et seq.

Chapter 3.44 SERVICE USERS TAX

Sections:

- 3.44.010 Definitions
- 3.44.020 Constitutional exemptions
- 3.44.025 Public Schools Exemption
- 3.44.030 (Repealed by Ord. MC-1275, 7-22-08)
- 3.44.040 (Repealed by Ord. MC-1275, 7-22-08)
- 3.44.050 Electricity users tax
- 3.44.060 Gas users tax
- 3.44.065 Application of City users tax
- 3.44.070 Delinquent taxes - Penalties
- 3.44.080 Liability of service user - Debt of service provider
- 3.44.090 Duty to collect - Procedures
- 3.44.100 Additional powers and duties of the Director of Finance
- 3.44.110 Assessment - Administrative remedy
- 3.44.120 Records
- 3.44.130 Overpayment, extra payment - Refunds
- 3.44.131 Utility User's Tax Rebate Program
- 3.44.135 Refunds by service provided
- 3.44.140 Refunds - Low income residents of mobile-home parks with master meters
- 3.44.144 Exemption for household service users - Low income
- 3.44.150 Violation - Penalty
- 3.44.160 Setting aside increase
- 3.44.170 Review of tax upon service charge increase

3.44.010 Definitions

The following words and phrases whenever used in this Chapter shall be construed as defined in this section:

- A. "**Month**" means a calendar month.
- B. "**Person**" shall include, but is not limited to, any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnerships of any kind, joint venture, club, Massachusetts business or common law trust, society, and individuals.
- C. "**Service user**" means a person required to pay a tax imposed under the provisions of this Chapter.

[\[Return to Municipal Code Contents\]](#)

(Ord. MC-899, 3-22-94; Ord. MC-837, 6-03-92; Ord. 2931, 8-13-68)

3.44.020 Constitutional exemptions

Nothing in this Chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the state.

(Ord. 2931, 8-13-68)

3.44.025 Public Schools Exemption

Due to the status of the San Bernardino Unified School District as an agency established by the Charter of the City of San Bernardino and due to the strong public policy in favor of encouraging and assisting the provision of public education, public schools are hereby exempted from the imposition of the Service Users Tax.

(Ord. MC 814, 12-03-91)

3.44.030 (Repealed by Ord. MC-1275, 7-22-08)

3.44.040 (Repealed by Ord. MC-1275, 7-22-08)

3.44.050 Electricity users tax

- A. A tax is imposed upon every person in the City using electrical energy in the City. The tax imposed by this section shall be at the rate of 7.75 percent (7.75%) of the charges made for such energy and shall be paid by the person paying for such energy.
- B. As used in this section, the term "**using electrical energy**" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the City for resale; or the use of such energy in a production or distribution of water by a public utility or governmental agency; or the use of such energy utility or a governmental agency; or the use of such energy for the production and distribution of water for lawn and landscape irrigation of cemeteries.

[Return to Municipal Code Contents]

- C. The tax imposed in this section shall be collected from the service user by the person supplying such energy. The amount of tax collected in one month shall be remitted to the Director of Finance on or before the twentieth day of the following month.

(Ord. MC-1263, 2-11-08; Ord. MC-1230, 9-06-06; Ord. MC-1173, 5-05-04;
Ord. MC-939, 6-06-95; Ord. MC-820, 2-19-92; Ord. MC-297, 8-04-83;
Ord. 3796, 1-09-79; Ord. 3510, 6-27-75; Ord. 2931, 8-13-68)

3.44.060 Gas users tax

- A. A tax is imposed upon every person in the City using gas which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 7.75 percent (7.75%) of the charges made for such gas and shall be paid by the person paying for such gas.
- B. There shall be excluded from the base on which the tax imposed in this section is computed charges made for gas which is to be resold and delivered through mains or pipes; charges made for gas sold for use in the generation of electrical energy or for the production of water by a public utility or governmental agency; and charges made by a gas public utility for gas used and consumed in the conduct of the business of gas public utilities.
- C. The tax imposed in this section shall be collected from the service user by the person selling the gas. The amount collected in one month shall be remitted to the Director of Finance on or before the twentieth day of the following month.

(Ord. MC-1263, 2-11-08; Ord. MC-1230, 9-06-06; Ord. MC-1173, 5-05-04;
Ord. MC-939, 6-06-95; Ord. MC-820, 2-19-92; Ord. MC-297, 8-04-83;
Ord. 3796, 1-09-79; Ord. 3510, 6-27-75; Ord. 2931, 8-13-68)

3.44.065 Application of City users tax

The 7.75 percent (7.75%) users tax imposed on telecommunication services pursuant to Chapter 3.46, on electrical service pursuant to Section 3.44.050, and on gas service pursuant to Section 3.44.060 shall be imposed only upon charges made for consumer services. The 7.75 percent (7.75%) users tax shall not be levied upon any state or federal tax, fee or surcharge which is separate from the users service charges. This section is intended to clarify existing law; it does not propose any change in the method of calculation of the utility users tax.

(Ord. MC-1275, 7-22-08; Ord. MC-1230, 9-06-06; Ord. MC-1173, 5-05-04;
Ord. MC-939, 6-06-95; Ord. MC-820, 2-19-92; Ord. MC-556, 11-04-86)

[\[Return to Municipal Code Contents\]](#)

3.44.070 Delinquent Taxes - Penalties

- A. Taxes collected from a service user which are not remitted to the Director of Finance on or before the due dates provided in this Chapter are delinquent.
- B. Penalties for delinquency in remittance of any tax collected or any deficiency determination shall attach and be paid by the person required to collect and remit at the rate of fifteen percent of the total tax collected or imposed in this Chapter.
- C. The Director of Finance shall have power to impose additional penalties upon persons required to collect and remit taxes under the provisions of this Chapter for fraud or negligence in reporting or remitting at the rate of fifteen percent of the amount of the tax collected or as recomputed by the Director of Finance.
- D. Every penalty imposed under the provisions of this section shall become a part of the tax required to be remitted.

(Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.080 Liability of service user - Debt of service provider

- A. Every service user is liable for the taxes imposed by this chapter, and that liability is not extinguished until the tax has been paid to the City, except that proof of payment of the tax to the person providing the service is sufficient to relieve the service user from further liability for the tax to which the receipt refers.
- B. Each service provider shall bill for utility users taxes accrued at the rate established in this Code, coincident with the provider's own bill for service provided, all persons except those specifically exempted from such tax. Any tax collected by the provider from the service user, together with any amount uncollected due to the failure or neglect of the service provider to bill for or attempt to collect the tax, shall constitute a debt owed by the service provider to the City. If the service user fails or refuses to pay any such tax, the provider shall not be liable for any billed but uncollected tax. Each service provider shall provide to the City's Finance Director, at least annually, a list of the names, addresses and amount of tax billed but unpaid, together with such data as may be required by the Finance Director to enable him or her to pursue the matter through court or otherwise. Any amount collected as tax from a service user which has not been remitted to the Finance Director is a debt owed to the City by the person or entity required to collect and remit the tax, unless such amount has been refunded or credited to the service user.

[\[Return to Municipal Code Contents\]](#)

- C. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City for the recovery of the debt, together with costs, interest, and penalties.

(Ord. MC-337, 1-25-84; Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.090 Duty to collect - Procedures

The duty to collect and remit the taxes imposed by this chapter shall be performed as follows:

- A. The tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practice. If the amount paid by a service user is less than the full amount of the charge and tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.
- B. The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of the ordinance codified in this chapter. Where a person receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(Ord. 2931, 8-13-68)

3.44.100 Additional powers and duties of the Director of Finance

- A. The Director of Finance shall have the power and duty and is directed to enforce each and all of the provisions of this chapter.

(Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.110 Assessment - Administrative remedy

- A. The Director of Finance may make an assessment for taxes not paid or remitted by a person required to pay or remit. The Director of Finance shall prepare a notice of the assessment which shall refer briefly to the amount of the taxes and penalties imposed and the time and place when such assessment shall be submitted to the Mayor and Common Council for confirmation or modification. The City Clerk shall mail a copy of such notice to the person selling the service and to the service user at least ten days prior to the date of the hearing and shall post such notice for at least five continuous days prior to the date of the hearing on the chamber door of the Mayor and Common Council. Any interested party having any objections may appear and be heard at the hearing provided his objection is filed in writing

[Return to Municipal Code Contents]

with the City Clerk prior to the time set for the hearing. At the time fixed for considering the assessment, the Mayor and Common Council shall hear the same together with any objection filed as aforesaid and thereupon may confirm or modify the assessment by motion.

- B. Whenever the Director of Finance determines that a service user has deliberately withheld the amount of the tax owed by him from the amounts remitted to a person required to collect the tax, or that a service user has failed to pay the amount of the tax to such person for a period of two or more billing periods, or whenever the Director of Finance deems it in the best interest of the City, he may relieve such person of the obligation to collect taxes due under this chapter from certain named service users for specified billing periods. The Director of Finance shall notify the service user that he has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have changed his address, to his last known address. If a service user fails to remit the tax to the Director of Finance within fifteen days from the date of the service of the notice upon him, which shall be the date of mailing if service is not accomplished in person, a penalty of twenty-five percent of the amount of the tax set forth in the notice shall be imposed but not less than five dollars. The penalty shall become part of the tax herein required to be paid.

(Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.120 Records

It shall be the duty of every person required to collect and remit to the City any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and remittance to the Director of Finance, which records the Director of Finance shall have the right to inspect at all reasonable times.

(Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.130 Overpayment, extra payment - Refunds

- A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Director of Finance under this Chapter, it may be refunded as provided in this section.

[Return to Municipal Code Contents]

- B. A person required to collect and remit taxes imposed under this Chapter 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 Director of Finance that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit.

- C. No refund shall be paid under the provisions of this section unless the claimant has submitted a written claim to the Director of Finance within one year of the overpayment of erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. The submission of a written claim, which is acted upon by the City Council, shall be a prerequisite to a suit thereon. (See Government Code Section 935.) The Mayor and Common Council shall act upon the refund claim within the time period set forth in Government Code Section 912.4, the claim shall be deemed to have been rejected on the last day of the period within which the Mayor and Common Council was required to act upon the claim as provided in Government Code Section 912.4. It is the intent of the Mayor and Common Council that the requirement of this subsection to file a written claim within one year of the overpayment of erroneous or illegal collection of said tax be given retroactive effect to all claims that arose under this Chapter 3.44 at any time period to the effective date of this ordinance; provided, however, that any claims which arose prior to the commencement of the one year claims period of this subsection, and which are not otherwise barred by a then applicable statute of limitations or claims procedure, must be filed with the Director of Finance as provided in this subsection within ninety (90) days following the effective date of this ordinance.

(Ord. MC-899, 3-22-94; Ord. 3796, 1-09-79; Ord. 2931, 8-13-68)

3.44.131 Utility User's Tax Rebate Program

- A. Notwithstanding any other provision of this Chapter, in order to attract new businesses that provide significant numbers of higher-wage jobs, the following Utility User's Tax Rebate Program is hereby established:
 - 1. Any new business that creates, after January 1, 2000, between 5 to 49 new, permanent full-time jobs within the City (50% of such new jobs shall pay at least \$25,000 per year in wages and/or commissions, except that the dollar requirement for said jobs shall not apply to manufacturing and distribution businesses) shall be eligible for a rebate on the amount of Utility User's Tax, paid by such business on electrical, gas, video, and telephone communication services, imposed by this Chapter according to the following schedule:

[\[Return to Municipal Code Contents\]](#)

- a. First year -- 75% rebate
 - b. Second year -- 50% rebate
 - c. Third year -- 25% rebate
 - d. Fourth and subsequent years -- No rebate.
2. Any new business that creates, after January 1, 2000, 50 or more new, permanent full-time jobs within the City (50% of such new jobs shall pay at least \$25,000 per year in wages and/or commissions, except that the dollar requirement for said jobs shall not apply to manufacturing and distribution businesses) shall be eligible for a rebate on the amount of Utility User's Tax, paid by such business on electrical, gas, video, and telephone communication services, imposed by this Chapter according to the following schedule:
- a. First year -- 80% rebate
 - b. Second year -- 60% rebate
 - c. Third year -- 40% rebate
 - d. Fourth and subsequent years -- No rebate.
3. Any new business not included under subsections (1) or (2) above, which provides, after January 1, 2000, at least a 25% increase in assessed valuation of the business' real property over the previous tax year as shown by the County Tax Assessor's records, or which generates at least \$40,000 in sales tax revenues per year remitted to the City, shall be eligible for a rebate on the amount of Utility User's Tax, paid by such business on electrical, gas, video, and telephone communication services, imposed by this Chapter according to the following schedule:
- a. First year -- 75% rebate
 - b. Second year -- 50% rebate
 - c. Third year -- 25% rebate
 - d. Fourth and subsequent years -- No rebate.

4. A new business qualified under subsections (1) or (2) above shall also be eligible for an additional rebate of 1% on the amount of Utility User's Tax paid, for each San Bernardino resident that is hired to fill the new, permanent full-time jobs created within the City. Eligibility for any such additional rebates shall be established by determining the residency of the new employees at the end of each year of rebate eligibility. This determination shall be verified by the Economic Development Agency with such supporting documentation as may be required by the Economic Development Agency. In no case shall the total rebate paid to any claimant exceed the total amount of Utility User's Tax paid on the period claimed, nor rebates be paid for any term other than the schedule established in subsections (1) or (2) above.
5. To claim a rebate under this section, the claimant shall submit a completed verified claim form to the Economic Development Agency with such supporting documentation as may be required by the Economic Development Agency to determine claimant's eligibility and to establish the amount of utility user's tax paid by claimant on the period claimed, and the commencement date of the "first year" as that term is used herein. A claim for a rebate shall be submitted annually to the Economic Development Agency not later than three months after the close of the year for which such refund is sought. The verified claim must be signed by an authorized officer of the claimant. The rebate shall be paid at the recommendation of the Economic Development Agency and subject to approval of the Finance Department.
6. No rebates shall be paid if the subject business is no longer in operation in the City of San Bernardino.
7. **"First year"** as used in this section, shall mean for a new business, the twelve-month period immediately following the date of commencement of business at the location for which a claim for rebate is filed.

(Ord. MC-1065, 3-07-00)

B. Notwithstanding any other provision of this Chapter, in order to encourage the physical expansion and/or creation of significant numbers of higher-wage jobs by existing San Bernardino businesses, the following Utility User's Tax Rebate Program is hereby established to complement the program recently adopted for new businesses.

1. Any business currently operating in San Bernardino shall be eligible for a Utility User's Tax rebate if, after January 1, 2000, it meets the criteria of at least two of the categories below:
 - a. Category A: Expansion Criteria

[\[Return to Municipal Code Contents\]](#)

- (i) The business expands by completing a permitted expansion at its current location, resulting in an increase of at least 25% of the current construction valuation of the existing building; or
- (ii) The business relocates within the City of San Bernardino, and the relocation is to a facility with at least 25% more square feet than the previous location.

b. Category B: Job Criteria

The business creates and maintains at least 5 new, permanent full-time jobs (50% of such new jobs shall pay at least \$25,000 per year in wages and/or commissions, except that the dollar requirement for said jobs shall not apply to manufacturing and distribution businesses) in addition to the jobs already existing at the current location(s) within the city, and sustains that job increase over the previous 12 month period prior to the application for the rebate

c. Category C: Sales Tax Criteria

The business generates at least \$10,000 more in sales or use tax revenues to the City than was generated in the previous 12 month period prior to application for the rebate.

d. If qualified under this section, the business shall be eligible for a rebate on the amount of paid Utility User's Tax paid by such business on electrical, gas, video, and telephone communication services, imposed by this Chapter according to the following schedule:

- (i) 1st year - 75% rebate
- (ii) 2nd year - 50% rebate
- (iii) 3rd year - 25% rebate
- (iv) 4th and subsequent years - no rebate

e. In no case shall any qualified business receive a rebate that exceeds the amount of additional sales or use tax revenues received by the City during the previous 12 month period prior to application for the rebate. Additionally, if the business is receiving assistance from the Economic Development Agency under an Owner Participation

Agreement (OPA) or Disposition and Development Agreement (DDA), and the combined annual value of Agency assistance provided together with proposed Utility Tax Rebate exceeds the amount of additional annual sales tax revenue to the City, then the business shall not be eligible for the rebate.

2. Any business currently operating in San Bernardino, and not qualified under Subsection (1) above or Subsection (3) below, shall be eligible for
 - a Utility User's Tax rebate if it creates, after January 1, 2000 and maintains at least 50 new, permanent full-time jobs (50% of such new jobs shall pay at least \$25,000 per year in wages and/or commissions, except that the dollar requirement for said jobs shall not apply to manufacturing and distribution businesses) in addition to the jobs already existing at the current location(s) within the city, and sustains that job increase over the previous 12 month period prior to application for the rebate. If qualified, the business shall be eligible for a rebate of Utility User's Tax paid on the following scale:
 - (i) 1st year -- 75% rebate
 - (ii) 2nd year -- 50% rebate
 - (iii) 3rd year - 25% rebate
 - (iv) 4th and subsequent years - no rebate

3. Any business currently operating in San Bernardino shall be eligible for a Utility User's Tax rebate if, after January 1, 2000, it adds a new additional location within the City of San Bernardino, and continues to operate the previously existing location or locations within the City for the previous 12 month period prior to application for the rebate. For purposes of this program, the additional location shall be considered "new business" and shall be eligible for rebates in accordance with the program already established for new businesses

(Chapter 3.44.131(A) of the Municipal Code)

4. Any business currently operating in San Bernardino and qualified under Subsections (1) or (2) above shall also be eligible for an additional rebate of 1% on the amount of Utility User's Tax paid for each San Bernardino resident that is hired to fill the new, permanent full-time jobs created within the City that meet the wage criteria. Eligibility for any such additional rebates shall be established by determining the residency of the new employees at the end of each year of rebate eligibility. This determination shall be verified by the Economic Development Agency with such supporting documentation

[\[Return to Municipal Code Contents\]](#)

as may be required by the Economic Development Agency. In no case shall the total rebate paid to any claimant exceed the total amount of Utility User's Tax paid for the period claimed, nor shall rebates be paid for any term other than the schedule established by this section.

5. To claim a rebate under this section, the claimant shall submit a completed verified claim form to the Economic Development Agency with such supporting documentation as may be required by the Economic Development Agency to determine claimant's eligibility and to establish the amount of utility user's tax paid by claimant on the period claimed, and the commencement date of the "first year" as that term is used herein. A claim for a rebate shall be submitted annually to the Economic Development Agency not later than three months after the close of the year for which such refund is sought. The verified claim must be signed by an authorized officer of the claimant. The rebate shall be paid at the recommendation of the Economic Development Agency and subject to approval of the Finance Department.
6. No rebates shall be paid if the subject business is no longer in operation in the City of San Bernardino.
7. "**First year**" as used in this section, shall mean for an existing business, the twelve-month period immediately proceeding following the date the claim for rebate is filed.

(Ord. MC-1117, 3-05-02; Ord. MC-1078, 8-08-00)

3.44.135 Refunds by service provider

- A. Notwithstanding any other provision of this Chapter, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility services, the taxes paid pursuant to this Chapter on the amount of such refund charges shall also be refunded to service users, and the service supplier shall be entitled to claim a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. In the event this Chapter is repealed prior to the time that the service supplier has received credit for such refunded taxes then the City shall pay the amount of refunded taxes due.
- B. Prior to making any refund pursuant to subsection A of this section, the service supplier shall provide in the time and manner prescribed by the City Administrator a copy of the order of the California Public Utilities Commission (or judgement of a court of competent jurisdiction) mandating the refund, and any other relevant material or information.

(Ord. MC-510, 4-22-86)

[\[Return to Municipal Code Contents\]](#)

3.44.140 Refunds - Low income residents of mobile-home parks with master meters

- A. A refund of all taxes due and paid under the provisions of this Chapter for utility services rendered on and after January 1, 1984, to residents of mobile-home parks whose utility services were charged through a master meter shall be made whenever all of the following occur:
1. The annual gross income of the household in which one person lives is less than an amount set by the Mayor and Common Council by resolution; or
 2. The annual gross income of the household in which a married couple or family lives is less than an amount set by the Mayor and Common Council by resolution; and
 3. The claimant makes application and files a verified claim in writing with the Director of Finance at City Hall for such refund upon a claim form provided by said Director; and
 4. The claim is approved by said director as being in conformance with this subsection. Only one member of each household may file a claim and only one claim may be filed for each individual household.
- B. The claimant shall be the person in whose name the bills for utilities service were rendered. Income of the household means an income of the claimant's household from all members living in such household who are related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.
- C. "**Gross income**" means the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax free interest on governmental securities), realized capital gains, workmen's compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts, except that income shall not include Medicare benefits, MediCal benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

- D. The claim for such refund for the preceding twelve-month period may be made at any time during the year, and must be accompanied by proof that the utility taxes have been paid by the claimant or some member of the household.
- E. No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made for any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.
- F. Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

(Ord. MC-712, 3-19-90; Ord. MC-515, 4-22-86; Ord. MC-330, 12-20-83; Ord. MC-297, 8-04-83; Ord. 3861, 9-12-79; Ord. 3505, 6-17-75; Ord. 2931, 8-13-68)

3.44.144 Exemption for household service users - Low income

- A. Effective January 1, 1984, the Tax imposed by this Chapter shall not apply to any individual who uses telephone, electric, gas or cable television services in or upon any premises occupied by such individual provided that the following conditions are satisfied.
 - 1. The annual gross income of the household in which one person lives is less than an amount set by the Mayor and Common Council by resolution; or
 - 2. The annual gross income of the household in which a married couple or family lives is less than an amount set by the Mayor and Common Council by resolution; and
 - 3. The conditions of Section 3.44.140 Subsection A, paragraphs 3 and 4, and Subsection B, C, and F are satisfied, with the word "claimant " therein referring to the individual applying for exemption.

(Ord. MC-712, 3-19-90)

- B. Any person claiming exemption pursuant to this Section may file a claim for such exemption at any time in order to qualify for an exemption for the subsequent twelve-month period, or until a current exemption is scheduled to expire.
 - 1. Between October 31, 1985, and the effective date of this subsection, applications for renewal of exemptions may be made to the Finance Director, without prejudice, by persons whose exemptions were scheduled to expire on December 31, 1985. Exemptions granted under this provision shall not be retroactive.

[\[Return to Municipal Code Contents\]](#)

2. An application for exemption or renewal shall be made upon forms supplied by the Finance Director and shall declare facts under penalty of perjury which qualify the applicant for the exemption.
- C. The Finance Director or his or her designee shall review all applications for exemption or renewal, certify as exempt those applicants who qualify, and notify all service suppliers affected that such exemptions have been approved, stating the name of the exempt applicant, the account number shown on the utility bill, the address to which exempt service is being supplied, and any other information necessary for the service supplier to remove the exempt service user from its tax billing procedure. Upon receipt of notice from the Finance Director, the service supplier shall not be required to collect any further tax imposed by this Chapter from such exempt service user until further notice from the Finance Director. Prior to the expiration date of each exemption, the Finance Director shall send notice, by ordinary mail, reminding the holder of the expiration date. At the same time, the Finance Director may also send a renewal application which may be returned by ordinary mail. These reminders shall be sent within such reasonable time as to allow processing of the renewal with no lapse in the exemption status.
 - D. Each exemption shall expire twelve months after the date it was issued, or December 31, 1986, whichever date is later. The Finance Director shall notify each service supplier to resume collection of utility taxes on the accounts of those service users who have not applied for renewal of their exempt status or whose applications for renewal have been denied. Upon receipt of the written notification, these service suppliers shall resume such collection on those accounts affected commencing with the first billing period beginning after the exemption expires. Notwithstanding any of the provisions of this section, any service supplier who determines during any calendar year by any means readily available to it that a nonexempt service user is receiving services through a meter or connection exempt by virtue of an exemption issued to a previous user of the same meter or connection, the service supplier shall forthwith resume the collection of taxes imposed by this Chapter upon the nonexempt service user.
 - E. Any individual who has been exempted from the tax shall notify the Finance Director within ten days of any change of address or any other change in fact or circumstance which might disqualify that individual from receiving the exemption. If it is determined by the Finance Director that the individual is no longer qualified, the Finance Director shall give notice to the service supplier who shall resume collection of the tax imposed by this Chapter commencing with the next billing period. If the user is entitled to exemption at a new address, the Finance Director shall notify affected service suppliers of that fact.

- F. It shall be a misdemeanor for any person to knowingly receive the benefits of the exemptions provided by this section when the basis for the exemption either does not exist or ceases to exist. The Finance Director may from time to time, or at any time, demand evidence of continued eligibility of a service user for exemption under the provisions of this section. Such evidence may include, without limit, copies of business records, letters or statements from the Social Security Administration, copies of income tax returns, and other evidence concerning the service user or members of his household which may tend to prove or disprove eligibility. Failure to provide sufficient evidence to establish eligibility when requested by the Finance Director shall be grounds for denial or discontinuance of the service users' exemption, but evidence voluntarily provided to the Finance Director may only be used as grounds for termination of the exemption and not as evidence of violation of the provisions of this section. If the Finance Director determines that an application for exemption is faulty or untruthful, the application shall be denied in writing and the applicant may file an amended application or appeal the decision of the Finance Director to the City Administrator, whose decision shall be final.
- G. No individual shall be exempt from the tax imposed by this Chapter except in accordance with this section. The provisions of this section shall not apply retroactively, and no refund shall be made for any taxes paid prior to the issuance and effective date of an exemption granted by the Finance Director, nor shall any refund be made for any taxes collected during any period in which an exemption from the Finance Director was not in effect or had lapsed by failure to apply for renewal

(Ord. MC-712, 3-19-90; Ord. MC-515, 4-22-86; Ord. MC-297, 8-04-83)

3.44.150 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2931, 8-13-68)

3.44.160 Setting aside increase

In the event the beginning undesignated fund balance for the City of San Bernardino's General Fund in the 1984-85 preliminary or final budget as in effect on July 1, 1984, is more than five percent of the proposed expenditures and obligations of the General Fund for that budget, as determined by a written declaration filed by the Director of Finance with the City Clerk, the tax imposed in this Chapter shall be reduced to six percent for all services effective upon the first billings after July 1, 1984.

(Ord. MC-297, 8-04-83)

[\[Return to Municipal Code Contents\]](#)

3.44.170 Review of tax upon service charge increase

Whenever the charge for any service upon which a tax is imposed by this Chapter is increased, the Mayor and Common Council shall review the increased charge and determine whether or not the service users tax shall be modified.

(Ord. MC-331, 1-10-84)

Chapter 3.46 **SERVICE USER'S TAX REDUCTION AND MODERNIZATION ACT**

Sections:

- 3.46.010 Short Title**
- 3.46.020 Definitions**
- 3.46.030 Constitutional, Statutory, and Other Exemptions**
- 3.46.040 Communication User's Tax**
- 3.46.050 Bundling Taxable Items with Non-taxable Items**
- 3.46.060 Substantial Nexus / Minimum Contacts**
- 3.46.070 Duty to Collect--Procedures**
- 3.46.080 Collection Penalties - Service Suppliers**
- 3.46.090 Actions to Collect**
- 3.46.100 Deficiency Determination and Assessment - Tax Application Errors**
- 3.46.110 Administrative Remedy - Non-Paying Service Users**
- 3.46.120 Additional Powers and Duties of the Tax Administrator**
- 3.46.130 Records**
- 3.46.140 Refunds**
- 3.46.150 Appeals**
- 3.46.160 No Injunction / Writ of Mandate**
- 3.46.170 Notice of Changes to Ordinance**
- 3.46.180 Future Amendment to Cited Statute**
- 3.46.190 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure**
- 3.46.200 No Increase in Tax Percentage or Change in Methodology Without Voter Approval**
- 3.46.210 Remedies Cumulative**
- 3.46.220 Interaction with Prior Tax**
- 3.46.230 Violation - Penalty**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 3 Contents\]](#)

3.46.010 Short Title

This Chapter shall be known as the "Service User's Tax Reduction and Modernization Act" of the City of San Bernardino.

3.46.020 Definitions

The following words and phrases whenever used in this Chapter shall be construed as defined in this section.

- A. **"Ancillary telecommunication services"** means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:
- (1) **"conference bridging service"** means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;
 - (2) **"detailed telecommunications billing service"** means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;
 - (3) **"directory assistance"** means an ancillary service of providing telephone number information, and/or address information;
 - (4) **"vertical service"** means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services;
 - (5) **"voice mail service"** means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.
- B. **"Ancillary video services"** means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, search functions, or other interactive services or communications that are associated with or incidental to the provision, use or enjoyment of video programming.

- C. **"Billing address"** shall mean the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.
- D. **"City"** shall mean the City of San Bernardino.
- E. **"Communication services"** means: "telecommunication services", "ancillary telecommunication services", "video services", and "ancillary video services".
- F. **"Mobile telecommunications service"** has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations thereunder, as the same exists or may be amended from time to time.
- G. **"Month"** shall mean a calendar month.
- H. **"Paging service"** means a "telecommunications service" that provides transmission of coded radio signals for the purpose of activating specific pagers; such transmissions may include messages and/or sounds.
- I. **"Person"** shall mean, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation, cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.
- J. **"Place of primary use"** means the street address representative of where the customer's use of the communications service primarily occurs, which must be the residential street address or the primary business street address of the customer.
- K. **"Post-paid telecommunication service"** means the telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.
- L. **"Prepaid telecommunication service"** means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.
- M. **"Private telecommunication service"** means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity,

[Return to Municipal Code Contents]

extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).

- N. **"Service address"** means either:
- (1) the location of the service user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,
 - (2) if the location in subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user's place of primary use; and
 - (3) for prepaid telecommunication service, **"service address"** means the location associated with the service number.
- O. **"Service supplier"** shall mean any entity or person, including the City, that provides communication service to a user of such service within the City.
- P. **"Service user"** shall mean a person required to pay a tax imposed under the provisions of this Chapter.
- Q. **"Service User's Tax"** means the tax imposed by this Chapter 3.46.
- R. **"State"** shall mean the State of California.
- S. **"Streamlined sales and use tax agreement"** means the multi-state agreement commonly known and referred to as the Streamlined Sales and Use Tax Agreement, and as it is amended from time to time.
- T. **"Tax Administrator"** means the Director of Finance of the City of San Bernardino or his or her designee.
- U. **"Telecommunications services"** means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that is functionally integrated with

[Return to Municipal Code Contents]

"telecommunication services". "Telecommunications services" include, but are not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; mobile telecommunications service; prepaid telecommunication service (to the extent that it is practicable for the service supplier to collect the correct tax imposed under this Chapter from the service supplier); post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).

- V. **"Video programming"** means those programming services commonly provided to subscribers by a "video service supplier" including but not limited to basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.

- W. **"Video services"** means any and all services related to the providing, storing or delivering of "video programming" (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one or more channels by a "video service supplier", regardless of the technology used to deliver, store or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes data services, "telecommunication services", or interactive communication services that are functionally integrated with "video services".

- X. **"Video service supplier"** means any person, company, or service which provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any communications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or communications. A "video service supplier" includes, but is not limited to, multichannel video programming distributors (as defined in 47 U.S.C. Section 522(13)); open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multichannel multipoint distribution services (MMDS); video services using internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video programming or communications (including two-way communications), whatever their technology.

[\[Return to Municipal Code Contents\]](#)

- Y. **"VoIP (voice over internet protocol)"** means the digital process of making and receiving real-time voice transmissions over any Internet Protocol network.
- Z. **"800 service"** means a "telecommunications service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.
- AA. **"900 service"** means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: collection services provided by the seller of the "telecommunications services" to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the Federal Communications Commission.

3.46.030 Constitutional, Statutory, and Other Exemptions

- A. Nothing in this Chapter shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a federal or state statute, the Constitution of the United States or the Constitution of the State of California.
- B. Due to the status of the San Bernardino City Unified School District as an agency established by the Charter of the City of San Bernardino and due to the strong public policy in favor of encouraging and assisting the provision of public education, public schools are hereby exempted from the imposition of the Communications Users Tax.
- C. Any service user that is exempt from the tax imposed by this Chapter pursuant to subsection A of this section shall file an application with the Tax Administrator for an exemption; provided, however, this requirement shall not apply to a service user that is a state or federal agency or subdivision with a commonly recognized name for such service. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all communication service suppliers serving that service user. If deemed exempt by the Tax Administrator, such service user shall give the Tax Administrator timely written notice of any change in utility service suppliers so that the Tax Administrator can properly notify the new communication service supplier of the service user's tax exempt status. A service user that fails to comply with this section shall not be entitled to a refund of such taxes collected and remitted to the Tax Administrator

[\[Return to Municipal Code Contents\]](#)

from such service user as a result of such noncompliance. Upon request of the Tax Administrator, a service supplier or its billing agent, shall provide a list of the names and addresses of those customers which, according to its billing records, are deemed exempt from the Communication Users Tax. The decision of the Tax Administrator may be appealed by filing an application with the Tax Administrator and appeal to the City Manager. The City Manager shall give notice of, and conduct an informed hearing and shall render a decision in writing. Such hearing is a prerequisite to a suit herein.

- D. The exemption and rebate provisions of Sections 3.44.140 and 3.44.144 of this Code shall apply to this Chapter 3.46.

3.46.040 Communication User's Tax

- A. There is hereby imposed a tax upon every person in the City using communication services. The maximum tax imposed by this section shall be at the rate of 7.75 percent (7.75%) of the charges made for such services and shall be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services, which are billed to a billing or service address in the City, are used, in whole or in part, within the boundaries of the City, and such services are subject to taxation under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this Section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.
- B. "Mobile telecommunications service" shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 116 et. seq.) as the same exists or may be amended from time to time. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, sourcing rules for the taxation of other communication services, including but not limited to post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation (e.g., Streamlined Sales and Use Tax Agreement).
- C. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, an administrative ruling identifying those communication services, or charges therefor, that are subject to or not subject to the tax of subsection A above.

- D. As used in this section, the term "telecommunication services" shall include, but are not limited to charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text and instant messaging. "Telecommunication services" shall not include digital downloads that are not "ancillary telecommunications services", such as books, music, ringtones, games, and similar digital products.
- E. Charges for communication services (video) shall include, but are not limited to, charges for the following:
- (1) regulatory fees and surcharges, franchise fees and access fees (PEG);
 - (2) franchise fees;
 - (3) initial installation of equipment necessary for provision and receipt of communication services;
 - (4) late fees, collection fees, bad debt recoveries, and returned check fees;
 - (5) activation fees, reactivation fees, and reconnection fees;
 - (6) all video programming services (e.g., basic services, premium services, audio services, video games, pay-per-view services, or on demand programming);
 - (7) ancillary programming services (e.g., electronic program guide services, search functions, or other interactive services or communications that are ancillary, necessary or common to the use or enjoyment of the video programming);
 - (8) equipment leases (e.g., converters, remote devices);
 - (9) service calls, service protection plans, name changes, changes of services, and special services.
- F. To prevent actual multi-jurisdictional taxation of communication services subject to tax under this section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or local jurisdiction on such communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or local jurisdiction; provided, however, the amount of credit shall not exceed the tax owed to the City under this section.

- G. The tax on communication services imposed by this section shall be collected from the service user by the service supplier. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

3.46.050 Bundling Taxable Items with Non-Taxable Items

Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and nontaxable charges. If the service supplier offers a combination of services that include taxable and non-taxable services or products, and the charges are separately stated, then for taxation purposes, the values assigned the taxable and nontaxable services or products shall be based on its books and records kept in the regular course of business and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper valuation and apportionment of taxable and non-taxable charges.

3.46.060 Substantial Nexus / Minimum Contacts

For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Chapter, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the service user's tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier shall be deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter within the City or distributed from a location within the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail.

[\[Return to Municipal Code Contents\]](#)

3.46.070 Duty to Collect--Procedures

- A. Collection by Service Suppliers. The duty of service suppliers to collect and remit the taxes imposed by the provisions of this Chapter shall be performed as follows:
- (1) the tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 3.46.090 of this Chapter shall apply;
 - (2) the duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this Chapter. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.
- B. Filing Return and Payment. Each person required by this Chapter to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this Chapter. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Taxation Code Section 7284.6, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act of the State of California. (Government Code Section 6500 et seq.)

3.46.080 Collection Penalties - Service Suppliers

- A. Taxes collected from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this subsection shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the City's account on the following business day.

[Return to Municipal Code Contents]

- B. If the person required to collect and/or remit the service user's tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen (15%) percent of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of and 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.
- C. The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this Chapter for fraud or gross negligence in reporting or remitting at the rate of fifteen (15%) percent of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.
- D. For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this section shall become a part of the tax herein required to be paid.
- E. Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this Chapter to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a service user's tax, or otherwise legally established, to create a central payment location or mechanism.

3.46.090 Actions to Collect

Any tax required to be paid by a service user under the provisions of this Chapter shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount, including penalties and interest as provided for in this Chapter, along with any collection costs incurred by the City as a result of the person's noncompliance with this Chapter, including, but not limited to, reasonable attorneys fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation pursuant to 11 U.S.C. Section 507(a)(8)(C).

3.46.100 Deficiency Determination and Assessment - Tax Application Errors

- A. The Tax Administrator shall make a deficiency determination if he or she determines that any service supplier or service user required to pay, collect, and/or remit taxes pursuant to the provisions of this Chapter has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.46.100 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- B. The Tax Administrator shall mail a notice of such deficiency determination to the person or entity allegedly owing the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the City. Within fourteen (14) calendar days after the date of service of such notice, the person or entity allegedly owing the tax may request in writing to the Tax Administrator for a hearing on the matter.
- C. If the person or entity allegedly owing the tax fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become final assessment, and shall immediately be due and owing to the City. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person or entity at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person or entity to produce specific records at such hearing, such notice may designate the records requested to be produced.
- D. At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person or entity owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 3.46.150 of this Chapter. Filing an application with the Tax Administrator and appeal to the City Manager is a prerequisite to a suit thereon.
- E. Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen percent (15%) on the total amount of the assessment, along with interest at the rate

[\[Return to Municipal Code Contents\]](#)

of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Chapter shall commence from the date of delinquency as provided in this subsection E.

- F. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing

3.46.110 Administrative Remedy - Non-Paying Service Users

- A. Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the City, he or she may relieve such person of the obligation to collect the taxes due under this Chapter from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two (2) or more billing periods, the service supplier may, in the discretion of the Tax Administrator, be relieved of the obligation to collect taxes due. The service supplier shall provide the City with the names and addresses of such service users and the amounts of taxes owed under the provisions of this Chapter if it is determined by the Tax Administrator to relieve the person required to collect the tax. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.46.110 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- B. In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen percent (15%) of the total tax that is owed, and shall pay interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.
- C. The Tax Administrator shall notify the non-paying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.
- D. If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen percent (15%) of the amount of the total tax that is owed.

[\[Return to Municipal Code Contents\]](#)

3.46.120 Additional Powers and Duties of the Tax Administrator

- A. The Tax Administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this Chapter.
- B. The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this Chapter for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office.
- C. Upon a proper showing of good cause, the Tax Administrator may make administrative agreements approved by the City Attorney, with appropriate conditions, to vary from the strict requirements of this Chapter and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this Chapter; or, (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit.
- D. The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this Chapter, of any person required to collect and/or remit a tax pursuant to this Chapter. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 3.46.100 of this Chapter for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Chapter, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.
- E. Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this Chapter for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received.

No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of 75/100ths (0.75%) percent per month, prorated for any portion thereof.

- F. The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this Chapter.
- G. Notwithstanding any provision in this Chapter to the contrary, the Tax Administrator with the approval of the Mayor and Common Council may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this Chapter if the non-collection occurred in good faith. In determining whether the non-collection was in good faith, the Tax Administrator shall take into consideration industry practice or other precedence.

3.46.130 Records

- A. It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.
- B. The City may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Chapter, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.
- C. The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Taxation Code Sections 7284.6 and 7284.7.
- D. If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: i) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City .

[\[Return to Municipal Code Contents\]](#)

- E. If any person subject to record-keeping under this section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of \$500 on such person for each day following:
 - i) the initial date that the person refuses to provide such access; or,
 - ii) the due date for production of records as set forth in the administrative subpoena.

This penalty shall be in addition to any other penalty imposed under this Chapter.

3.46.140 Refunds

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Chapter from a service user or service supplier, it may be refunded as provided in this section:

- A. The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Chapter from a service user or service supplier, provided that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.
- B. The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon. Any action brought against the City pursuant to this section shall be subject to the provisions of Government Code sections 945.6 and 946. The City Manager, or the Mayor and Common Council where the claim is in excess of ten thousand dollars (\$10,000), shall act upon the refund claim within the time period set forth in Government Code Section 912.4. If the City Manager/Mayor and Common Council fails or refuses to act on a refund claim within the time prescribed by Government Code Section 912.4, the claim shall be deemed to have been rejected by the City Manager/Mayor and Common Council on the last day of the period within which the City Manager/Mayor and Common Council was required to act upon the claim as provided in Government Code Section 912.4. The Risk Manager shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.

[\[Return to Municipal Code Contents\]](#)

- C. Notwithstanding the notice provisions of subsection A of this section, a service supplier that has collected any amount of tax in excess of the amount of tax imposed by this Chapter and actually due from a service user (whether due to overpayment or erroneous or illegal collection of said tax), may refund such amount to the service user, or credit to charges subsequently payable by the service user to the service supplier, and claim credit for such overpayment against the amount of tax which is due upon any other monthly returns to the Tax Administrator, provided such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous or illegal collection of said tax, and provided that the Tax Administrator shall first determine the validity of the service user's claim of credit and the underlying basis for such claim.

- D. Notwithstanding subsections A through C above, a service supplier shall be entitled to take any overpayment as a credit against an underpayment whenever such overpayment has been received by the City within the three (3) years next preceding a deficiency determination or assessment by the Tax Administrator in connection with an audit instituted by the Tax Administrator pursuant to Section 3.46.120D. A service supplier shall not be entitled to said credit unless it clearly establishes the right to the credit by written records showing entitlement thereto. Under no circumstances shall an overpayment taken as a credit against an underpayment pursuant to this subsection qualify a service supplier for a refund to which it would not otherwise be entitled under the one-year written claim requirement of this section.

3.46.150 Appeals

- A. The provisions of this section apply to any decision (other than a decision relating to a refund pursuant to Section 3.46.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to Section 3.46.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

- B. If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 3.46.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen (14) days of the date of the decision, deficiency determination, assessment, administrative ruling of the Tax Administrator which aggrieved the service user or service supplier

- C. The matter shall be scheduled for hearing before an independent hearing officer selected by the City Manager, no more than forty-five (45) days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the Tax Administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.

- D. Based upon the submission of such evidence and the review of the City's files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.

- E. All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

3.46.160 No Injunction / Writ of Mandate

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this City or against any officer of the City to prevent or enjoin the collection under this Chapter of any tax or any amount of tax required to be collected and/or remitted.

3.46.170 Notice of Changes to Ordinance

If a tax under this Chapter is added repealed, increased by voter approval, reduced, or the tax base is changed, the Tax Administrator shall follow the notice requirements of California Public Utilities Code Section 799.

3.46.180 Future Amendment to Cited Statute

Unless specifically provided otherwise, any reference to a state or federal statute in this Chapter shall mean such statute as it may be amended from time to time.

3.46.190 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure

The City shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted in accordance with this Chapter, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed.

3.46.200 No Increase in Tax Percentage or Change in Methodology Without Voter Approval

- A. Regarding Section 3.46.040 of this Chapter, the City may not increase the tax percentage or change a methodology for calculating the tax so as to result in an increase in a tax imposed on a person, without voter approval.
- B. Notwithstanding subsection A, pursuant to Government Code Section 53750, the City may make the following changes without voter approval:
 - (1) reduce the percentage rate, and at any time thereafter increase such percentage rate, so long as the subsequent increase does not exceed the rate previously approved by the voters in the enactment of this Chapter;
 - (2) change the methodology so as to reduce the amount of the tax being levied, and at any time thereafter change the methodology, so long as the subsequent change in methodology does not result in an increase in the amount being levied under the methodology previously approved by the voters in the enactment of this Chapter;
 - (3) change a methodology or definition so as to avoid or eliminate a discriminatory tax on taxpayers that are similarly situated, so long as the change does not result in an increase in the amount levied on such class of similarly situated taxpayers under the methodology or definition previously approved by the voters in the enactment of this Chapter;
 - (4) establish a class of persons that is exempt or excepted from one or more taxes hereunder, and at any time thereafter, discontinue such exemption or exception;

- (5) decide that all or a part of a tax imposed under Section 3.46.040 of this Chapter should not be enforced for administrative reasons, and at any time thereafter, decide to enforce the full amount of such tax as previously approved by the voters in the enactment of this Chapter;
- (6) establish, and at any time thereafter change, the value and/or apportionment (including a "safe harbor" percentage) of taxable and nontaxable services that are bundled or packaged under a combined charge, in response to changes in the marketing of combined services and the components thereof, or in reevaluating the values thereof; or
- (7) establish exemptions or lower rate percentages for industrial or economic development zones or for classes of customers therein, establish rebate programs for the purposes of encouraging economic development, and at any time thereafter, discontinue such exemptions or lower rate percentages.

3.46.210 Remedies Cumulative

All remedies and penalties prescribed by this Chapter or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section 12650 et seq.) and the California Unfair Practices Act (Business and Professions Code Section 17070 et seq.), are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

3.46.220 Interaction with Prior Tax

- A. **Collection of Tax by Service Providers.** Service providers shall begin to collect the tax imposed by this Chapter 3.46 as soon as feasible after the effective date of this Chapter, but in no event later than permitted by Section 799 of the California Public Utilities Code.
- B. **Satisfaction of Tax Obligation by Service Users.** Any person who pays the tax levied pursuant to Section 3.46.040 of this Chapter with respect to any charge for a communication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Sections 3.44.030 and 3.44.040 of this Code with respect to that charge. Likewise, prior to August 1, 2008, any person who pays the tax levied pursuant to Sections 3.44.030 and 3.44.040 of this Code with respect to any charge for a service subject to taxation pursuant to this Chapter shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Section 3.46.040 of this Chapter with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telephone and video users' tax to the

[\[Return to Municipal Code Contents\]](#)

new communications users' tax (which transition period ends August 1, 2008) and to permit communications service providers, during that transition period to satisfy their collection obligations by collecting either tax.

3.46.230 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1263, 2-11-08)

Chapter 3.48 REAL PROPERTY TRANSFER TAX⁶

Sections:

3.48.010	Citation
3.48.020	Imposition - Rate
3.48.030	Payment of tax
3.48.040	Exemptions - Securing debt
3.48.050	Exemptions - Political or governmental entities
3.48.060	Exemptions - Conveyances affecting reorganization or Adjustment
3.48.070	Exemptions - Conveyances affecting SEC order
3.48.080	Exemptions - Transfer of interest in partnership
3.48.090	Exemptions - Foreclosure
3.48.100	Administration
3.48.110	Claims for refunds

3.48.010 Citation

The ordinance codified in this Chapter shall be known as the real property transfer tax ordinance of the City. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state.

(Ord. 2867, 11-28-67)

3.48.020 Imposition - Rate

There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City shall be granted, assigned, transferred or otherwise

⁶ See Revenue and Taxation Code §11901 et seq

[Return to Municipal Code Contents]

conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed

(exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars, a tax at the rate of twenty seven and one-half cents for each five hundred dollars or fractional part thereof.

(Ord. 2867, 11-28-67)

3.48.030 Payment of tax

Any tax imposed pursuant to Section 3.48.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

(Ord. 2867, 11-28-67)

3.48.040 Exemptions - Securing debt

Any tax imposed pursuant to this Chapter shall not apply to any instrument in writing given to secure a debt.

(Ord. 2867, 11-28-67)

3.48.050 Exemptions - Political or governmental entities

Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party, shall be exempt from any tax imposed by this Chapter when the exempt agency is acquiring title.

(Ord. 3848, 7-11-79; Ord. 2867, 11-28-67)

3.48.060 Exemptions - Conveyances effecting reorganization or adjustment

- A. Any tax imposed pursuant to this Chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
1. Confirmed under the Federal Bankruptcy Act, as amended;
 2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title II of the United States Code, as amended;

[Return to Municipal Code Contents]

3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title II of the United States Code, as amended; or
 4. Whereby a mere change in identity, form or place of organization is effected.
- B. Subsections 1 to 4, inclusive, of subsection A of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

(Ord. 3848, 7-11-79; Ord. 2867, 11-28-67)

3.48.070 Exemptions - Conveyances effecting SEC order

Any tax imposed pursuant to this Chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

- A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
- B. Such order specifies the property which is ordered to be conveyed;
- C. Such conveyance is made in obedience to such order.

(Ord. 2867, 11-28-67)

3.48.080 Exemptions - Transfer of interest in partnership

- A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this Chapter by reason of any transfer of an interest in a partnership or otherwise if:
 1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
 2. Such continuing partnership continues to hold the realty concerned.

[Return to Municipal Code Contents]

- B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this Chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, (for fair market value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.
- C. Not more than one tax shall be imposed pursuant to this Chapter by reason of a termination described in subsection B, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Ord. 2867, 11-28-67)

3.48.090 Exemptions - Foreclosure

Any tax imposed pursuant to this Chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgage, which is taken from the mortgagor to trust or as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued unpaid interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgage shall be noted on the deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

(Ord. 3848, 7-11-79; Ord. 3354, 6-08-73; Ord. 2867, 11-28-67)

3.48.100 Administration

The county recorder shall administer this Chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto.

(Ord. 2867, 11-28-67)

3.48.110 Claims for refunds

Claims for refund of taxes imposed pursuant to this Chapter shall be governed by the provisions of Chapter 5 (commencing with section 5096) of Part 9 of Division 1 of the Revenue and Taxation code of the state.

(Ord. 2867, 11-28-67)

Chapter 3.52
UNIFORM TRANSIENT OCCUPANCY TAX
(Repealed by Ord. MC-1006, 11-18-97)

Chapter 3.54
(Repealed by Ord. MC-1127, 7-16-02)

Chapter 3.55
TRANSIENT LODGING TAX⁷

Sections:

3.55.010	Definitions
3.55.020	Tax imposed - Rate - Revenue measure
3.55.030	Collection of tax
3.55.035	Exemptions
3.55.040	Reports and remittances
3.55.045	Refunds
3.55.050	Penalties
3.55.060	Determination of tax by City Clerk
3.55.065	Appeal
3.55.070	Records
3.55.080	Hotel registration
3.55.090	Immediate payment of tax on cessation of business
3.55.100	Sale or ownership transfer of hotel
3.55.110	Liens
3.55.120	Action to collect
3.55.130	Retention and inspection of records
3.55.140	Violation-Penalty
3.55.150	Enforcement-Citing authority
3.55.160	Prerequisite for suit
3.55.170	Amendments
3.55.180	Severability

⁷ For statutory provisions authorizing cities to levy a transient occupancy tax, Rev. and Tax Code §§7280 and 7281. Ordinance approved by a majority of the voters of the City of San Bernardino at the November 5, 2002, statewide general election.

3.55.010 Definitions

The words and phrases set out in this section, when used in this Chapter, shall, for the purposes of this Chapter, have the following respective meanings except where the context clearly indicates a different meaning:

- A. **“Hotel”** means a commercial establishment furnishing lodging space in exchange for monetary compensation. Every such establishment shall constitute a “hotel” for purposes of this Chapter notwithstanding any advertising describing the facility as a hostel, inn, motel, rooming house, tourist home or similar enterprise.
- B. **“Lodging space”** means one or more rooms used or intended to be used for dwelling or sleeping purposes.
- C. **“Occupancy”** means the use or possession, or the right to the use or possession, of a lodging space.
- D. **“Operator”** means the person who is the proprietor of a hotel. If an operator utilizes a managing agent who is not an employee, then such agent shall also constitute an “operator” for purposes of this Chapter. Compliance with this Chapter by either the principal or the managing agent shall constitute compliance by both.
- E. **“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.
- F. **“Room rental”** means the total charge for lodging space.
- G. **“Transient”** means a person who, for a period of thirty consecutive calendar days or less, exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or contract. Every such person shall constitute a “transient” for purposes of this Chapter until expiration of the thirty-day period unless such person has executed a written contract with the operator to provide for occupancy in excess of thirty consecutive calendar days and the contract cannot be terminated without providing at least thirty days advance notice. In determining whether a person is a transient, portions of calendar days shall be counted as full days and uninterrupted periods of time extending both prior and subsequent to the effective date of this Chapter may be considered.
- H. **“Transient lodging tax”** means the tax levied pursuant to this Chapter.

3.55.020 Tax imposed - Rate - Revenue measure

- A. For the privilege of occupancy in a hotel, each transient is subject to and shall pay a transient lodging tax in the amount of ten percent of the room rental charged by the operator.
- B. The transient lodging tax is levied for revenue purposes and is necessary for the usual financial operation of the City. When collected, the tax shall be made a part of the general funds of the City.

3.55.030 Collection of tax

- A. Each operator receiving a room rental payment that is subject to the transient lodging tax, at the time of receipt of the room rental payment, shall collect the amount of the tax imposed. The operator shall provide a receipt for payment of the transient lodging tax to the transient.
- B. If the monetary compensation received by an operator from a transient includes any charge for services or accommodations besides lodging space, then the room rental portion of such compensation shall be billed to the transient as a separate item.
- C. Transient lodging taxes collected by an operator shall be held in trust until remitted to the City.
- D. No operator shall represent to the public that the transient lodging tax will not be added to the room rental charge, will be absorbed by the operator or will be refunded in a manner contrary to this Chapter.
- E. In lieu of paying the transient lodging tax to an operator, a transient may remit the tax directly to the Finance Department. Any transient who opts to remit the transient lodging tax directly to the Finance Department shall provide written proof of such remittance to the operator.

(Ord. MC-1484, 4-18-18)

3.55.035 Exemptions

- A. Grounds. No transient lodging tax shall be imposed upon:
 - 1. Any officer or employee of the United States Government or the State of California for lodging space utilized by that officer or employee in the discharge of official government business.

[Return to Municipal Code Contents]

2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.
 3. Room rental payment made to any hospital, medical clinic, convalescent home or home for aged people.
 4. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax.
- B. Procedure. Each transient desiring an exemption from the transient lodging tax must file a tax exemption certificate with the hotel at the time room rental payment is made to the operator. The tax exemption certificate shall indicate the basis for the exemption and shall be signed under penalty of perjury. Tax exemption certificate forms shall be prescribed by, and may be obtained from, the Finance Department.
- (Ord. MC-1484, 4-18-18)

3.55.040 Reports and remittances

On or before the twenty fifth day of each month, each operator shall deliver to the Finance Department a lodging information report for the prior month and shall remit to the Finance Department the transient lodging tax collected during the prior month. The lodging information report shall indicate the amount received for room rental and the amount of transient lodging tax required to be collected, and shall be signed under penalty of perjury. Lodging information report forms shall be prescribed by, and may be obtained from, the Finance Department.

(Ord. MC-1484, 4-18-18)

3.55.045 Refunds

- A. Operator Grounds. An operator who has remitted a transient lodging tax to the City may obtain a refund of all or a part of such remittance in the following circumstances:
1. The tax was collected from a person who was not a transient.
 2. The amount of tax collected from a transient exceeds the amount due.
 3. The amount of tax remitted by the operator exceeds the amount due.
 4. The City lacked the authority to impose the tax.

[Return to Municipal Code Contents]

- B. Transient Grounds. A transient who has remitted a transient lodging tax directly to the City, rather than indirectly by means of payment to an operator, may obtain a refund of all or a part of such remittance in the following circumstances:
 - 1. The tax was collected from a person who was not a transient.
 - 2. The amount of tax remitted by the transient exceeds the amount due.
 - 3. The City lacked the authority to impose the tax.
- C. Procedure. Each person desiring a refund must file a refund claim with the Finance Department within three years of the date of remittance of the transient lodging tax. The refund claim shall indicate the basis for the refund and shall be signed under penalty of perjury. Refund claim forms shall be prescribed by, and may be obtained from, the Finance Department. No refund shall be paid unless the claimant produces written records demonstrating entitlement to the refund. The Finance Department shall refund any tax improperly paid by any person directly to such person.

(Ord. MC-1484, 4-18-18)

3.55.050 Penalties

- A. Delinquency.
 - 1. An operator who remits a transient lodging tax between the first day and the twenty-ninth day following the deadline for such remittance shall pay, in addition to the amount of the tax, a delinquency penalty of twenty-five percent of the amount of the tax.
 - 2. An operator who remits a transient lodging tax between the thirtieth day and the sixtieth day following the deadline for such remittance shall pay, in addition to the amount of the tax, a delinquency penalty of fifty percent of the amount of the tax.
 - 3. An operator who remits a transient lodging tax after the sixtieth day following the deadline for such remittance shall pay in addition to the amount of the tax the following penalties:
 - (i) a delinquency penalty of one hundred percent of the amount of the tax; and
 - (ii) A. Interest on the total of the tax and the delinquency penalty. Interest shall be at the rate of ten percent per annum and shall be computed from the sixty-first day of delinquency until the date of remittance of the tax and delinquency penalty to the Finance Department.

[Return to Municipal Code Contents]

- B. Fraud. If the Finance Department determines that the nonpayment of a transient lodging tax is due to fraud of the operator, then the operator shall pay, in addition to the amount of the tax, a fraud penalty of twenty-five percent of the amount of the tax.

(Ord. MC-1484, 4-18-18)

3.55.060 Determination of tax by City Clerk

- A. Determination. If an operator fails to collect and remit the transient lodging tax in accordance with this Chapter, then the Finance Department shall determine the amount of tax owed by such operator. The Finance Department may make such determination based on an estimate of the amount due based on the information available.
- B. Notice. Upon determining the amount of transient lodging tax and penalty due, the Finance Department shall notify the operator in writing. If the operator does not request a hearing on such amount in writing within ten days of the date of issuance of the notice, then the amount shall be conclusive and shall be remitted to the City on or before the deadline specified in the notice.
- C. Hearing. If a timely hearing request is made, then the Finance Department shall notify the operator in writing of the date, time and place of a hearing on the amount of transient lodging tax and penalty owed to the City at least ten days prior to the date of the hearing. At such hearing, the operator may offer evidence to rebut the determination of the Finance Department. After such hearing, the Finance Department shall revise the initial determination as deemed appropriate and shall notify the operator in writing of the final determination of the transient lodging tax and penalty that is due. Such amount shall be remitted to the City within fifteen days from the issuance of the notice, unless an appeal is filed as provided in this Chapter.

(Ord. MC-1484, 4-18-18)

3.55.065. Appeal

Any operator who is aggrieved by a Finance Department decision regarding the amount of transient lodging tax or penalty owed by the operator may appeal to the Mayor and City Council in accordance with the provisions of Chapter 2.64 of this Code. Any transient who is aggrieved by a Finance Department decision regarding the amount of transient lodging tax owed by the transient may appeal to the Mayor and City Council in accordance with the provisions of Chapter 2.64 of this Code. Any amount that the Mayor and City Council determines is owed to the City shall be remitted to the Finance Department on or before the deadline set by the Mayor and City Council.

(Ord. MC-1484, 4-18-18)

[\[Return to Municipal Code Contents\]](#)

3.55.070 Records

- A. Registration Cards. Each operator shall complete and maintain a transient registration card for every transient that is provided lodging space in the operator's hotel. At a minimum, transient registration cards shall list the following information:
1. The name of a person who will occupy, or who is entitled to occupy, the lodging space.
 2. The total number of people who will occupy, or who are entitled to occupy, the lodging space.
 3. The identification of the lodging space by number.
 4. The date the occupancy will commence and the expected date of termination.
 5. The room rental to be charged for the lodging space.

Transient registration cards shall bear consecutive numbers that shall be preprinted on the cards by a print shop or manufacturer of the cards. Voided cards shall be kept for audit purposes.

- B. Daily Summary Sheets. Each operator shall maintain a daily summary sheet for each day its hotel is open for business. At a minimum, daily summary sheets shall contain the following information:
1. The name of a person who will occupy, or who is entitled to occupy, each lodging space that is provided to a customer that day.
 2. The identification by number of each lodging space provided to a customer.
 3. The daily room rental charge and amount paid for each lodging space provided to a transient.
 4. The number of the transient registration card applicable to each lodging space provided to a transient.

3.55.080 Hotel registration

Within thirty days after the effective date of the ordinance codified in this Chapter, or within thirty days after commencing business, whichever is later, each operator of a hotel providing lodging space to transients shall register such hotel with the Finance Department. Upon registration, the Finance Department shall issue the operator a "Transient Lodging

[\[Return to Municipal Code Contents\]](#)

Registration Certificate” that at a minimum states the following:

- A. The name of the operator.
- B. The address of the hotel.
- C. The issuance date of the certificate.
- D. This Transient Lodging Registration Certificate signifies that the person named on the face thereof has fulfilled the requirements of the Transient Lodging Tax Ordinance by registering with the Finance Department for the purpose of collecting from transients the Transient Lodging Tax and remitting said tax to the Finance Department. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit.

Each operator shall at all times conspicuously post its Transient Lodging Certificate on the premises of its hotel.

(Ord. MC-1484, 4-18-18)

3.55.090 Immediate payment of tax on cessation of business

Any operator who ceases providing lodging space to transients shall deliver to the Finance Department a final lodging information report and shall remit to the Finance Department any transient Lodging tax owed the City. Such delivery and remittance shall be performed within twenty-five days of the operator’s cessation of such activity.

(Ord. MC-1484, 4-18-18)

3.55.100 Sale or ownership transfer of hotel

If an operator sells or otherwise transfers ownership of its hotel, then the operator’s successor shall be responsible for remittance of any transient lodging tax and penalty owed by the operator to the City.

3.55.110 Liens

- A. The Finance Department shall periodically prepare for the Mayor and City Council a report showing:
 - (i) delinquent transient lodging taxes and penalties that have not been received by the City; and

[Return to Municipal Code Contents]

(ii) the corresponding parcel number designations and addresses of the properties on which the hotels are operated. The Mayor and City Council shall consider such report and hear any objections thereto at a hearing for which no less than a ten-day advance written notice has been provided to the subject operators and property owners. The Mayor and City Council may modify the report as deemed necessary and shall confirm the final report by resolution.

B. The Finance Department shall file a certified copy of the confirmation resolution with the Auditor of the County of San Bernardino, directing that the unpaid transient lodging taxes and penalties be entered as lien charges against the respective properties as they appear on the current assessment rolls. Liens will be collected at the same time and in the same manner, subject to the same penalties and interest upon delinquencies, as the general taxes for the City of San Bernardino are collected. The Finance Department shall present for recording appropriate notices of the imposition of these liens with the County Recorder.

(Ord. MC-1484, 4-18-18)

3.55.120 Actions to collect

A. Responsibility for Debt. Any transient lodging tax required to be paid by a transient under the provisions of this Chapter shall constitute a debt owed by the transient to the City. Any such tax that has been collected by an operator but has not been paid to the City shall constitute a debt owed by the operator to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount.

B. Obligation of Operator. Each operator shall be obligated to pay to the City all transient lodging taxes actually collected, as well as the amount of any such taxes that were lawfully imposed but not collected by the operator. This obligation includes the duty to pay to the City all penalties and interest specified by law.

3.55.130 Retention and inspection of records

A. Retention. Each operator shall retain, for no less than three years, the records required to be maintained by this Chapter. The three year period shall commence on the date of the deadline for remittance of the transient lodging tax to which the record pertains.

B. Inspection. City representatives may inspect, upon voluntary production by the operator or compelled production pursuant to subpoena, the records required to be maintained by this Chapter.

[Return to Municipal Code Contents]

3.55.140 Violation-Penalty

- A. Any person who willfully violates this Chapter shall be guilty of a misdemeanor.
- B. Any person who knowingly makes any fraudulent representation on a document required by this Chapter to be maintained or delivered to the City shall be guilty of a misdemeanor.
- C. Any person who willfully aids another person to violate subsection B shall be guilty of a misdemeanor.
- D. A prosecution for violation of this Chapter shall be instituted within five years after the commissions of the offense, or within two years after the discovery of the violation, whichever is later.

3.55.150 Enforcement-Citing authority

It shall be the duty of the Finance Department, or its authorized representatives, to enforce the provisions of this Chapter. The Finance Director and his or her authorized representatives are hereby authorized and empowered to issue citations and notices to appear for violations of the provisions of this Chapter.

(Ord. MC-1484, 4-18-18)

3.55.160 Prerequisite for suit

No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a refund claim has been duly filed.

3.55.170 Amendments

Any increase of the amount of the tax that is imposed by this Chapter, which is set forth in Section 3.55.020 A, shall be approved by a majority vote of the voters at an election, in accordance with applicable provisions of state law. Any other amendments to the provisions of this Chapter shall be adopted by the Common Council.

3.55.180 Severability

If any part or provision of this Chapter is in conflict or inconsistent with applicable provisions of federal or state statutes, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provision shall be suspended and

superseded by such applicable law or regulations, and the remainder of this Chapter shall not be affected thereby.

(Ord. MC-1127, 7-16-02; Ord. MC-1026, 7-23-98; Ord. MC-1006, 11-18-97;
Ord. MC-805, 9-18-91; Ord. MC-732, 6-18-90; Ord. MC-702, 1-27-90; Ord. MC-376, 6-05-84;
Ord. MC-296, 8-03-83; Ord. MC-288, 7-07-83; Ord. 3433, 6-24-74;
Ord. 3846, 7-11-79; Ord. 2811, 4-11-67)

Chapter 3.56 **UNIFORM LOCAL SALES AND USE TAX⁸**

Sections:

3.56.010	Short Title
3.56.020	Purpose
3.56.030	Sales tax - Imposition
3.56.040	Sales tax - Adoption of state statutes
3.56.050	Sales tax - Seller's permit
3.56.060	Sales tax - Exemptions
3.56.070	Use tax - Imposition
3.56.080	Use tax - Adoption of state statutes
3.56.090	Use tax - Exemptions
3.56.100	Amendments
3.56.110	Enjoining collection forbidden

3.56.010 Short title

The ordinance codified in this Chapter shall be known as the uniform local sales and use tax ordinance of the City.

(Ord. 2118, 5-31-56)

3.56.020 Purpose

The Mayor and Common Council of the City hereby declare that the ordinance codified in this Chapter is adopted to achieve the following, among other, purposes, and direct that the provisions hereof be interpreted in order to accomplish those purposes:

⁸For statutory provisions authorizing cities to impose sales and use taxes, see Gov. Code §37101; for provision on uniform local sales and use taxes, see Rev. and Tax Code §7200 et seq.

- 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 of the state;
- 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 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 one percent 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 practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;
- D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting City sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Chapter.

(Ord. 3529, 9-16-75; Ord. 2592, 7-07-64; Ord. 2118, 5-31-56)

3.56.030 Sales tax - Imposition

- A. For the privilege of selling tangible personal property at retail a tax is imposed upon retailers in the City at the rate of one percent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City on and after the operative date of the ordinance codified in this Chapter.
- B. For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(Ord. 3529, 9-16-75; Ord. 2406, 12-19-61; Ord. 2118, 5-31-56)

[\[Return to Municipal Code Contents\]](#)

3.56.040 Sales tax - Adoption of state statutes

- A. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part I of Division 2 of said Code, as amended and in force and effect on July 1, 1956, applicable to sales taxes are adopted and made a part of Sections 3.56.030 through 3.56.060 as though fully set forth in this section.
- B. Wherever, and to the extent that, in Part I of Division 2 of the Revenue and Taxation Code the state is named or referred to as the taxing agency, the City shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of the City for the word "state" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state; nor shall the name of the City be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the 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; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of Part I of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under the provisions of that Code, and, in addition, the name of the City shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted.

(Ord. 2118, 5-31-56)

3.56.050 Sales tax - Seller's permit

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by reason of Sections 3.56.030 through 3.56.060.

(Ord. 3378, 10-04-73; Ord. 2118, 5-31-56)

[\[Return to Municipal Code Contents\]](#)

3.56.060 Sales Tax - Exemptions

There shall be excluded from the gross receipts by which the tax is measured:

- A. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
- B. The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
- C. 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.

(Ord. MC-326, 12-20-83; Ord. 3378, 10-04-73; Ord. 2118, 5-31-56)

3.56.070 Use tax - Imposition

An excise tax is imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on or after the operative date of the ordinance codified in this Chapter for storage, use or other consumption in the City at the rate of one percent 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. 3529, 9-16-75; Ord. 2118, 5-31-56)

3.56.080 Use tax - Adoption of state statutes

- A. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part I of Division 2 of said Code as amended and in force and effect on July 1, 1956, applicable to use taxes are adopted and made a part of Sections 3.56.070 through 3.56.090 as though fully set forth in this section.
- B. Wherever, and to the extent that, in Part I of Division 2 of the Revenue and Taxation Code the state is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of this City for the word "state" when that word is used

[Return to Municipal Code Contents]

as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state; nor shall the name of the City be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the 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; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of Part I of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that Code, and in addition, the name of the City shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 nor in the definition of that phrase in Section 6203.

(Ord. 2406, 12-19-61; Ord. 2118, 5-31-56)

3.56.090 Use tax - Exemptions

There shall be exempt from the tax due under this section:

- A. The amount of 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 sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any City and county, county, or City in this state.
- C. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
- D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by

[\[Return to Municipal Code Contents\]](#)

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.

(Ord. MC-326, 12-20-83; Ord. 3378, 10-04-73; Ord. 2118, 5-31-56)

3.56.100 Amendments

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of the ordinance codified in this Chapter 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. 2118, 5-31-56)

3.56.110 Enjoining collection forbidden

No injunction or writ of mandate or other legal or equitable process shall issue 9 For the state cigarette tax law, see Rev. and Tax Code §30001 et seq. 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. 2118, 5-31-56)

Chapter 3.57
Transactions and Use Tax
(added by Ord. MC-1551, 12-07-20)

Sections:

3.57.010	Purpose
3.57.020	Contract With State
3.57.030	Transactions Tax Rate.
3.57.040	Place of Sale
3.57.050	Use Tax Rate
3.57.060	Adoption of Provisions of State Law
3.57.070	Limitations on Adoption of State Law and Collection of Use Taxes
3.57.080	Permit Not Required
3.57.090	Exemptions and Exclusions
3.57.100	Amendments
3.57.110	Enjoining Collection Forbidden
3.57.120	Duration of Tax

3.57.010 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 therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 3 Contents\]](#)

statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record-keeping upon persons subject to taxation under the provisions of this ordinance.

(Ord. MC-1551, 12-07-20)

3.57.020 Contract With State

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

(Ord. MC-1551, 12-07-20)

3.57.030 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1%) 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.

(Ord. MC-1551, 12-07-20)

3.57.040 Place of Sale

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

(Ord. MC-1551, 12-07-20)

[Return to Municipal Code Contents]

3.57.050 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 one percent (1%) 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. MC-1551, 12-07-20)

3.57.060 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.

(Ord. MC-1551, 12-07-20)

3.57.070 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, California Victim Compensation Board, California Department of Tax and Fee Administration, 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 California Department of Tax and Fee Administration, 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:

[Return to Municipal Code Contents]

- 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 reference to 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 of the Revenue and Taxation Code and in the definition of that phrase in Section 6203.
 - 1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

(Ord. MC-1551, 12-07-20)

3.57.080 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.

(Ord. MC-1551, 12-07-20)

3.57.090 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:

[\[Return to Municipal Code Contents\]](#)

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b With respect to commercial vehicles, by registration to a place of business out-of City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date 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 subparagraphs (3) and (4) of this subsection, 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 subparagraphs (3) and (4) of this subsection, 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 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.

[\[Return to Municipal Code Contents\]](#)

- 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.

(Ord. MC-1551, 12-07-20)

3.57.100 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.

(Ord. MC-1551, 12-07-20)

3.57.110 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.

(Ord. MC-1551, 12-07-20)

3.57.120 Duration of Tax

The tax imposed by this chapter shall continue until this ordinance is repealed.

(Ord. MC-1551, 12-07-20)

Chapter 3.60
CIGARETTE TAX⁹
(Repealed by Ord. MC-1484, 4-18-18)

⁹ For the state cigarette tax law, see Rev. and Tax Code §30001 et seq.

Chapter 3.64

TAX ON PARKING AND BUSINESS IMPROVEMENT AREA

Sections:

- 3.64.010** **Parking and Business Improvement Area**
- 3.64.020** **Rates**
- 3.64.030** **Proposed uses for proceeds**
- 3.64.040** **Collection**
- 3.64.050** **Special fund**
- 3.64.060** **Issuance of business license - Payment of additional tax required**
- 3.64.070** **Delinquency Assessment of Penalties**

3.64.010 Parking and Business Improvement Area

- A. The Mayor and City Council may establish by ordinance in accordance with state law one or more parking and business improvement areas within boundaries as described in the ordinance.
- B. There may be imposed upon each type of business, including any profession, conducted within said parking and business improvement area, an annual assessment after formation, in addition to the tax imposed upon such business pursuant to the business licensing provisions of this Municipal Code. Such additional assessment shall be imposed at the rates set forth in the enacting ordinance for the specified classifications regardless of whether the business is taxed upon a flat rate or gross receipts or other basis, and reassessed annually as required by state law. Such additional assessment shall be imposed upon each business in accordance with the classifications set forth in Chapter 5.04 of this Municipal Code.

(Ord. MC-1484, 4-18-18; Ord. 3292, 9-25-72; Ord. 2711, 12-14-65)

3.64.020 Rates

Rates for such assessments in addition to business license taxes shall be established in the ordinance creating each specific Parking and Business Improvement Area based upon the classifications specified in Chapter 5.04 of this Municipal Code.

(Ord. MC-1484, 4-18-18; Ord. MC-1099, 7-09-01;
Ord. 2730, 3-15-66; Ord. 2711, 12-14-65)

3.64.030 Proposed uses for proceeds

The proposed uses to which the proceeds obtained from the additional assessments on businesses within the specific area shall be put are:

- A. The acquisition, construction and maintenance of parking facilities for the benefit of the area;
- B. Decoration of any public place in the area;
- C. Promotion of public events which are to take place on or in public places in the area;
- D. Furnishing of music in any public place in the area;
- E. The general promotion of retail trade activities in the area.

(Ord. MC-1484, 4-18-18; Ord. 3293, 9-25-72)

3.64.040 Collection

- A. The collection of the additional tax from any business in the area shall be made at the same time and in the same manner as any other business license tax is collected, and the cost of the collection may be paid from the proceeds obtained from the additional tax or penalties imposed thereunder.
- B. All moneys and revenue collected pursuant to this Chapter and the applicable enacting ordinance shall be deposited in the general fund, to be transferred from the general fund to the applicable parking and business improvement fund as provided in Section 3.64.050.

(Ord. MC-1484, 4-18-18; Ord. 3292, 9-25-72)

3.64.050 Special fund

A special fund designated as the "parking and business improvement fund" is created. If more than one parking and business improvement area is created in the City, a special fund shall be designated for each such area by name. All moneys and revenue collected pursuant to this Chapter shall be deposited in the general fund, and the Finance Department will prepare monthly a statement showing the moneys collected and to be transferred from the general fund to each specific parking and business improvement fund.

(Ord. MC-1484, 4-18-18; Ord. 3212, 11-16-71; Ord. 2711, 12-14-65)

[\[Return to Municipal Code Contents\]](#)

3.64.060 Issuance of business license - Payment of assessment required

- A. No business license shall be issued to any business within the boundaries of the area pursuant to Chapter 5.04 unless the assessment imposed by the enacting ordinance is paid together with the business license tax payable pursuant to Chapter 5.04 of this Municipal Code.
- B. Any person, firm, or corporation operating or carrying on a business as provided for in this section shall be subject to all penalties, both civil and criminal, as are provided therefore in Chapter 5.04 and Business and Professions Code Section 16240 for operating a business without a valid business license.

(Ord. MC-1484, 4-18-18)

3.64.070 Delinquency - Assessment of penalties

- A. The time of delinquency for the assessment of penalties for all assessments covered by this Chapter shall be the same as set forth in Section 5.04.075 for the business license tax.
- B. Payments of the assessment which are received in the Finance Department after the applicable delinquent dates, or bearing a postmark after said dates, as set forth in Section 5.04.075, shall be deemed delinquent and subject to penalty assessment.
- C. For failure to pay the assessment on or before the start of business, or for failure to pay the assessment before the applicable delinquent date, there is imposed a penalty of fifty percent of the assessment. An additional penalty of fifty percent of the assessment shall be imposed on the last day of the third consecutive month of delinquency. Such penalties shall be added to the assessment due.

(Ord. MC-1484, 4-18-18)

Chapter 3.68 ASSESSMENTS FOR NUISANCE ABATEMENT (Repealed by MC-1418, 10-05-15)

Chapter 3.70

FEES SET BY RESOLUTION

Sections:

3.70.010 Fees set by resolution

3.70.010 Fees set by Resolution

Except as otherwise required by law and notwithstanding provisions of this code to the contrary, all fees provided for by this Code or hereafter established shall be set by resolution of the Mayor and Common Council and any contrary or conflicting fees set forth in this code shall thereafter be disregarded.

(Ord. MC-745, 10-08-90)

Chapter 3.72

USER FEES FOR EMERGENCY MEDICAL SERVICES

Sections:

3.72.010 Authority to Render Emergency Medical Services

3.72.020 User fees

3.72.010 Authority to Render Emergency Medical Services

The Fire Suppression Division of the Fire Department of the City of San Bernardino, when called upon by citizens of the community, shall respond to emergency medical incidents and render emergency medical care and lifesaving measures in accordance with the emergency medical standards established by the San Bernardino County Health Officer.

(Ord. MC-760, 11-27-90)

3.72.020 User Fees

- A. Any person receiving emergency medical services of the City of San Bernardino shall be charged a user fee, as established by resolution of the Mayor and Common Council.
- B. User Fees shall be charges designed to recover costs associated with the delivery of paramedic services, and shall be in two tiers:
 - 1. Emergencies requiring Basic Life Support services by San Bernardino City Fire Department Paramedics or Emergency Medical Technicians; and,

[\[Return to Municipal Code Contents\]](#)

2. Emergencies requiring Advanced Life Support services by San Bernardino City Fire Department Paramedics.
- C. A voluntary "Membership Fee" shall be offered to residents of the City of San Bernardino for the purpose of assuring members that the membership pre-pays any insurance deductible for San Bernardino City Fire Department emergency medical services.
- D. Residents participating in the voluntary Membership Fee program shall provide to the City information to enable the City to file claims against their insurance providers, if any, for the User Fees. Any payment made by a member's insurance provider shall be deemed payment in full, and the member shall incur no further direct personal liability for said User Fees.
- E. A charge for delinquent payment of fees for services is hereby authorized, to be set by resolution of the Mayor and Common Council.
- F. Verification of membership and/or ability to pay shall not occur at the scene of any emergency.
- G. No emergency medical services shall be denied or delayed to anyone on the basis of inability to pay or to provide evidence of membership.

(Ord. MC-760, 11-27-90)

Chapter 3.73

USER FEES FOR VIDEO PRODUCTION SERVICES

Section:

- 3.73.010 Authority to Contract for Production Services**
- 3.73.020 User Fees**

3.73.010 Authority to Contract for Production Services

The Telecommunications Division, of the City of San Bernardino, may enter into an agreement to provide video production services which shall be executed by the City Administrator.

(Ord. MC-824, 3-17-92)

[\[Return to Municipal Code Contents\]](#)

3.73.020 User Fees

- A. Any individual, agency or organization contracting for video production services shall be charged a user fee, as established by resolution of the Mayor and Common Council.
- B. User fees shall be charges designed to recover costs associated with the delivery of production services.
- C. User may be required to pay a non-refundable deposit of costs as set by resolution of the Mayor and Common Council and as described in the production agreement. Balance of payment shall be due within ten (10) days of service completion.
- D. A charge for delinquent payment of fees for services is hereby authorized, to be set by resolution of the Mayor and Common Council.

(Ord. MC-824, 3-17-92)

Chapter 3.75 DRAINAGE FACILITIES; PUBLIC UTILITIES

Sections:

- 3.75.010 Drainage Facilities; Public Utilities**
- 3.75.020 Utility Fees**

3.75.010 Drainage Facilities; Public Utilities

Pursuant to the authority of Public Utilities Code 10001 and the Charter of the City of San Bernardino all publicly owned drainage facilities in the City of San Bernardino are hereby declared to be public utilities.

(Ord. MC-828, 4-07-92)

3.75.020 Utility Fees

The Mayor and Common Council may from time to time by resolution adopt monthly utility drainage service fees, relating to the operation and maintenance of such drainage facilities.

(Ord. MC-828, 4-07-92)

[\[Return to Municipal Code Contents\]](#)

CHAPTER 3.80

COST RECOVERY SYSTEM FOR BOOKING FEE COLLECTIONS

Sections:

- 3.80.010 Authority and Scope**
- 3.80.020 Purpose**
- 3.80.030 Definitions**
- 3.80.040 Method of Assessing Amount of Fees**
- 3.80.050 Amount of Fees Collected**
- 3.80.060 Severability**

3.80.010 Authority and Scope

This Chapter is adopted pursuant to Government Code Section 29550.1, et. seq. as the same may now exist or hereafter be amended.

(Ord. MC-1002, 9-15-97)

3.80.020 Purpose

The proceeds from this program shall be used to reimburse the City's general fund for costs charged by the County for the booking or other processing of persons arrested and other costs incurred in connection therewith.

(Ord. MC-1002, 9-15-97)

3.80.030 Definitions

- A. "**City**" means the City of San Bernardino.
- B. "**County**" means the County of San Bernardino.

(Ord. MC-1002, 9-15-97)

3.80.040 Method of Assessing Amount of Fees

Pursuant to Government Code Section 29550.1, the City shall charge a fee equal to the fee assessed by the County to the City for the booking or other processing of persons arrested, at the request of the City, to the person arrested, if that person is convicted of a criminal offense related to said arrest.

(Ord. MC-1002, 9-15-97)

[\[Return to Municipal Code Contents\]](#)

3.80.050 Amount of Fees Collected

Fees collected shall be limited to those provided under Government Code Section 29550.1 et. seq. The actual cost of recovery over and above the criminal justice administrative fees shall be charged to the person convicted if applicable.

(Ord. MC-1002, 9-15-97)

3.80.060 Severability

In any section, subsection, part, clause, sentence, or phrase of this Chapter 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 this Chapter, the application thereof, and the fee imposed shall not be effected thereby, but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence, or phrase regardless of whether any other section, subsection, part, clause, sentence, or phrase or the application thereof if held to be invalid or unconstitutional.

(Ord. MC-1002, 9-15-97)

Title 5
BUSINESS REGISTRATION AND REGULATIONS¹

Chapters:

ARTICLE I. GENERAL PROVISIONS

- 5.04 General Provisions and Registration Rates
- 5.05 (Repealed by Ord. MC-1464, 3-07-18)
- 5.10 Commercial Cannabis Activities
- 5.14 Entertainment-Dances And Adult Entertainment
- 5.16 Fire, Removal or Closing-Out Sales
(Repealed by Ord. MC-1485, 4-18-18)
- 5.18 Cannabis Business Tax
- 5.19 Peddling and Soliciting
- 5.20 Massage Parlors - Massagists
- 5.22 Outdoor Sales and Displays
- 5.24 Transporting Persons for Hire
- 5.26 Shopping Carts

ARTICLE II. SPECIFIC BUSINESSES

- 5.28 Automobile Wreckers
- 5.30 Sidewalk Vending
- 5.32 Billiard Rooms and Poolrooms
- 5.36 Bingo Games
- 5.40 Charitable and Religious Solicitations in Central City Mall
(Repealed by Ord. MC-1486, 4-18-18)
- 5.44 Coin-Operated Game Machines
- 5.52 Escort Bureaus
- 5.56 Junk and Secondhand Dealers
- 5.60 Motor Buses (Repealed by Ord. MC-1487, 4-18-18)
- 5.64 Motor Fuel Sales
- 5.72 Satellite Horse Race Wagering
- 5.76 Taxicabs and Non-Emergency Medical Vehicles
- 5.80 Theaters - Motion Picture and Electrical Equipment
- 5.82 Operator Permit Regulations
- 5.84 Enforcement - Citing Authority

¹ For a charter provision authorizing the Common Council to license for purposes of regulations and revenue all and every kind of business and occupation, see Charter §40(d); for statutory provisions authorizing cities to do the same, see Gov. Code §37101 and Bus. And Prof. Code §16000 et seq.; for provisions on parking and business improvement areas within the City and taxes therefor, see Ch. 3.64 of this Code.

[\[Return to Municipal Code Contents\]](#)

ARTICLE I. GENERAL PROVISIONS

Chapter 5.04 GENERAL PROVISIONS AND RATES

Sections:

- 5.04.005 Registration Certificate
- 5.04.010 Fee - Deemed Debt
- 5.04.015 Business Registration Certificate - Application - Issuance
- 5.04.020 Registration Certificate Issuance - Non-transferable
- 5.04.021 Information confidential
- 5.04.025 Business Registration Certificate - Other permits required
- 5.04.026 Transfers of stock or partnership interest
- 5.04.030 Business Registration Certificate Fees - Payable in Advance
- 5.04.033 Refund of Unused Business Registration Certificate
- 5.04.035 Certificate - Posting
- 5.04.040 Constitutional apportionment
- 5.04.045 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.050 Transacting business without registration certificate
- 5.04.051 Advertising
- 5.04.055 Fees based on gross receipts
- 5.04.060 Gross receipts - Defined
- 5.04.063 Gross- Work outside City
- 5.04.065 Gross receipts - Business younger than six months
- 5.04.070 Examination, audit and inspection of financial books and records
- 5.04.071 Failure to file statement
- 5.04.075 Penalties for delinquencies
- 5.04.076 Assessments; Delinquent Registrations; Liens
- 5.04.085 Payment of fees
- 5.04.090 Liquor or intoxicating liquor defined
- 5.04.095 Real estate business
- 5.04.100 (Repealed by Ord. MC-935, 4-18-95)
- 5.04.110 Advertising - Distributing samples, handbills or dodgers
- 5.04.115 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.120 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.123 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.125 Auctions

[\[Return to Municipal Code Contents\]](#)

- 5.04.130 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.135 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.140 Billiard or pool room
- 5.04.145 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.150 Vending machine sales and automatic weighing devices
- 5.04.155 Bowling alley
- 5.04.160 Temporary boxing, wrestling or athletic exhibition
- 5.04.165 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.170 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.175 (Repealed by Ord. MC-522, 5-20-86)
- 5.04.180 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.185 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.190 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.195 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.200 Commission merchant or broker -
Broker for stocks or bonds
- 5.04.205 (Repealed by Ord. MC-339, 2-14-84)
- 5.04.210 Residential and commercial cleaning
- 5.04.215 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.220 (Repealed by Ord. MC-743, 10-08-90)
- 5.04.225 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.235 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.240 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.245 Exhibitions in theaters or temporary places
- 5.04.250 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.255 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.260 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.265 Fire sale, bankrupt or wreck sale
- 5.04.270 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.275 Game tables, machines or devices
- 5.04.280 Hobby horse machines
- 5.04.285 Music tables, machines or devices
- 5.04.290 Notice to City Clerk of table locations
- 5.04.295 Coin-operated game machines
- 5.04.300 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.305 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.310 Dog kennel
- 5.04.315 Junk dealer
- 5.04.320 (Repealed by Ord. MC-743, 10-08-90)

[\[Return to Municipal Code Contents\]](#)

- 5.04.325 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.330 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.335 Massage parlor
- 5.04.340 Messenger service
- 5.04.345 Private patrol system, armored car service and private police system
- 5.04.350 Pawnbroker
- 5.04.355 Fortune telling
- 5.04.360 Soliciting, selling, advertising and begging
- 5.04.365 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.370 Seller from booth or/stand - peddler, flags, banners, balloons, toys, food and confections
- 5.04.375 Peddler or solicitor - Foodstuffs
- 5.04.380 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.385 Christmas tree sales
- 5.04.390 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.395 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.400 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.405 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.410 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.415 Cesspool pumping, collection of rubbish and waste material
- 5.04.420 Collection agency
- 5.04.425 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.430 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.445 (Repealed by Ord. MC-302, 6-18-84)
- 5.04.450 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.455 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.460 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.465 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.470 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.475 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.480 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.485 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.490 (Repealed by Ord. MC-744, 10-08-90)
- 5.04.495 Transient merchants/vendors and temporary businesses prohibited
- 5.04.496 Property owner responsibility for transient merchants/vendors and temporary businesses

[\[Return to Municipal Code Contents\]](#)

- 5.04.497 Seizure; hearing
- 5.04.498 Penalty
- 5.04.499 Severability
- 5.04.500 Swap meet
- 5.04.504 Telephone solicitation; Telemarketing
- 5.04.505 (Repealed by Ord. MC-1414, 7-06-15)
- 5.04.507 (Repealed by Ord. MC-1414, 7-06-15)
- 5.04.510 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.515 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.520 Vehicles for hire
- 5.04.525 Fees based on gross receipts
- 5.04.526 Increased cost of municipal services
- 5.04.540 Street benches - Liability policy required
- 5.04.545 Construction business - Contractors
- 5.04.550 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.555 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.560 Painting of house numbers
- 5.04.565 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.570 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.575 Certificates for businesses not otherwise covered by article
- 5.04.580 (Repealed by Ord. MC-382, 6-20-84)
- 5.04.585 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.590 (Repealed by Ord. MC-302, 9-07-83)
- 5.04.595 Solicitors
- 5.04.605 (Repealed by Ord. MC-1282, 8-19-08)
- 5.04.610 Determination of fee when two businesses involved
- 5.04.615 Separate certificates for separate locations
- 5.04.620 Fee for vehicles used in conducting business
- 5.04.625 Applicability of Chapter to exempt persons
- 5.04.626 Exemption - Veterans
- 5.04.630 Applicability of Chapter to nonprofit organizations
- 5.04.635 (Repealed by Ord. MC-460, 5-15-85)
- 5.04.640 Applicability of criminal and regulatory procedures
- 5.04.645 Fees for revenue purposes
- 5.04.650 Suspension, cancellation or revocation of certificates
- 5.04.655 Duty of auditor
- 5.04.660 (Repealed by Ord. MC-302, 9-07-83)

[\[Return to Municipal Code Contents\]](#)

5.04.005 Registration Certificate

It is unlawful for any person, whether as principal or agent, clerk or employee, either for himself or for any other person, or for any body corporate, or as an officer of any corporation, or otherwise, to commence or carry on any business, show, exhibition or game, specified in this Article, in the City, without first having procured a registration certificate from the City and without complying with any and all regulations of such business, show, exhibition or game contained in this Article; and the carrying on of any business, show, exhibition or game mentioned in this Article without first having procured a registration certificate from the City, and without complying with any and all regulations of such business, show, exhibition or game contained in this Article shall constitute a separate violation of this Article for each and every day that such business, show, exhibition or game is so carried on.

(Ord. MC-1039, 1-12-99; Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.010 Fee - Deemed debt

The amount of any fee imposed by this Article shall be deemed as debt to the City; and any person, firm or corporation carrying on any business, show, exhibition or game mentioned in this Article without having a business registration certificate from the City shall be liable to an action in the name of the City in any court of competent jurisdiction, for the amount of the fee imposed by this article on such business, show, exhibition or game.

(Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.015 Business Registration Certificate - Application - Issuance

- A. Before any business registration certificate is issued to any person, firm or corporation, such person, firm or corporation shall make written application therefor to the City Clerk; such application must state the nature or kind of business, show, exhibition or game for which the registration certificate is required, the place where such business, show, exhibition or game will be carried on or conducted, the name of the owner of the business, show, exhibition or game, and must be signed by the applicant. In cases where such business, show, exhibition or game is not to be conducted or carried on at a permanent place of business in the City, then such application shall state the residence of the owners of such business, show, exhibition or game.
- B. No registration certificate shall be issued to any corporation unless its articles of incorporation, or a certified copy thereof, are filed in the office of the County Clerk of the County or in the office of the City Clerk.

[Return to Municipal Code Contents]

- C. No registration certificate shall be issued to any person, firm or partnership conducting or carrying on any business, show, exhibition or game, under a fictitious name, unless an affidavit is filed in the office of the County Clerk or in the office of the City Clerk showing the true names of the owners of such business; provided, however, such certificate may be issued in the true names of the owners of such business, show, exhibition or game without the filing of such affidavit.
- D. The determination of which business or type or class of business a business registration certificate holder or an applicant is engaged in shall be an administrative function of the City Clerk.

If a business registration certificate holder or an applicant believes that his business is not assigned to the proper classification under this Chapter because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he or she may apply in writing to the City Clerk for reclassification. The application shall contain such information as the City Clerk deems necessary in order to determine whether the applicant's individual business is properly classified.

The City Clerk shall then conduct an investigation following which he or she shall assign the applicant's individual business to the classification shown to be proper on the basis of the investigation. The proper classification is the classification which, in the opinion of the City Clerk most nearly fits the applicant's individual business. The City Clerk shall notify the applicant of the action taken on the application for reclassification. Such notice shall be given by serving it personally or by depositing it in the United States Post Office at San Bernardino, California postage prepaid, addressed to the applicant at his or her last known address.

- E. Each new or renewal business registration application shall be accompanied by a non-refundable application processing fee established by resolution of the Mayor and Common Council which shall be no more than necessary to cover the costs of processing. This fee shall be in addition to the business registration fee and shall not be prorated. Daily and Monthly Business Registration Applications shall be exempt from this requirement.

(Ord. MC-1272, 6-03-08; Ord. MC-935, 4-18-95; Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.020 Registration Certificate - Issuance - Nontransferable

- A. Upon application therefor as provided in Section 5.04.015, it shall be the duty of the City Clerk to prepare and issue a business registration certificate hereunder, and to state in each certificate the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued, the business, show, exhibition or game registered and the location or place of business where such business, show, exhibition or game is to be carried on.

[\[Return to Municipal Code Contents\]](#)

- B. No certificate granted or issued under any provision of this Article shall be transferred or assigned in any manner, nor is any person, firm or corporation other than mentioned or named therein authorized to do business without the written consent of the City Clerk endorsed thereon. At the time any such business is assigned or transferred, the person applying for such transfer shall make application for a registration certificate as provided in Section 5.04.015, and shall pay a transfer fee of five dollars to the City Clerk. In the event a business location or mailing address is changed, the certificate holder shall notify the City Clerk of such change and pay a fee of five dollars.
- C. The City Clerk shall make a charge of fifty cents for each duplicate certificate issued to replace any certificate issued under the provisions of this Article which has been lost or destroyed, in no case shall any mistake made by the City Clerk in stating the amount of a fee prevent or prejudice the collection by the City of what shall be actually due from anyone carrying on a business, show, exhibition or game subject to a registration certificate under this chapter.

(Ord. MC-817, 1-07-92; Ord. MC-302, 9-07-83; Ord. 763, 3-02-1920)

5.04.021 Information confidential

It shall be unlawful for the City Clerk or any person having an administrative duty under the provisions of this Chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to pay the registration certificate fee, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, in any book containing any abstract or particulars thereof to be seen or examined by any person. Nothing in this section shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by, another City official, employee, or agent for collection of registration certificate fees for the sole purpose of administering or enforcing any provisions of this Chapter, or collecting registration certificate fees imposed hereunder;
- B. The disclosure of information to, or the examination of records by, federal or state officials, or the tax officials of another city or county, or city and county, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;
- C. The disclosure of information and results of examination of records of particular certificate holders, or relating to particular certificate holders, to a court of law in a proceeding brought to determine the existence or amount of any registration certificate fee liability of the particular certificate holder to the City;

[Return to Municipal Code Contents]

- D. The disclosure, after the filing of a written request to that effect, to a certificate holder, or to his or her successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid fee, any unpaid registration certificate fee or amounts of fees required to be collected, interest and penalty; provided however, that the City Attorney approve each such disclosure and that the City Clerk may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby;
- E. The disclosure of the names and addresses of persons to whom certificates have been issued, and the general type or nature of their business;
- F. The disclosure by way of public meeting or otherwise of such information as may be necessary to the Mayor and Common Council in order to permit it to be fully advised as to the facts when a certificate holder files a claim for refund of registration certificate fees, or submits an offer of compromise with regard to a claim asserted against him or her by the City for registration certificate fees, or when acting upon any other matter;
- G. The disclosure of general statistics regarding fees collected or business done in the City.

(Ord. MC-817, 1-07-92; Ord. MC-302, 9-07-83)

5.04.025 Business Registration Certificate - Other Permits Required

- A. Any person, firm or corporation conducting or carrying on any business, show, exhibition or game without having obtained a business registration certificate as required by this Article shall be nevertheless liable for any fee or penalties imposed or required to be paid pursuant to Section 5.04.010 for the period such business or activity was conducted without such certificate.
- B. No Business Registration Certificate shall be issued to any person, firm or corporation to conduct or carry on any business, show, exhibition or game at or in a building or structure in the City unless such person, firm or corporation is proposing to establish a use permitted in the Land Use Zone District for the site, and a Zoning Consistency Review has been issued by the Development Services Department. An approved copy of said Zoning Consistency Review shall be presented at the time of submitting this written application for the Business Registration Certificate.

[\[Return to Municipal Code Contents\]](#)

- C. No registration certificate issued under the provisions of this Article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or activity or the violation of any ordinance or law. Any registration certificate issued contrary to the provisions of this section shall be void and of no effect.

(Ord. MC-1027, 9-09-98; Ord. MC-817, 1-07-92; Ord. 3594, 8-03-76; Ord. 763, 3-02-1920)

5.04.026 Transfers of stock or partnership interest

- A. Any business registration certificate or any permit issued or granted pursuant to this title is a privilege to be held by the original permittee or certificate holder thereof. It cannot be sold, transferred, assigned or disposed of, in whole or in part, or by voluntary sale, merger, consolidation or otherwise.
- B. In the event a permittee or certificate holder is a corporation, a new permit or certificate shall be required when there is an actual change in control or when ownership of more than fifty percent (50%) of the voting stock of the permittee or certificate holder is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of the voting stock, singly or collectively.
- C. In the event a permittee or certificate holder is a partnership, a new permit or certificate shall be required when there is an actual change in control or when ownership of fifty percent (50%) or more of the capital or profits of the permittee or certificate holder is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of such capital or profits, singly or collectively.

(Ord. MC-936, 4-18-95)

5.04.030 Business Registration Certificate Fees - Payable in advance

- A. All fees shall be paid in advance in legal currency of the United States at the office of the City Clerk, or by check, draft or other instrument in the discretion of the City Clerk. Any certificate, the fee for which has been paid by an instrument such as a check, draft or money order which is dishonored upon presentation for payment, shall be void and of no effect from its inception, upon notice from the City Clerk of such dishonor. The City Clerk may, in his or her discretion, withhold the effect of this provision if the fee is promptly paid. Payment of registration certificate fees following a dishonor of such an instrument upon presentment for payment shall thereafter be made only by cashier's check, money order or cash, which fee shall include any applicable penalty, as well as the service fee under Section 3.10.010 for such dishonored instrument. The City Clerk shall be authorized to reject payment other than by cash, cashier's check or money order from such certificate holder for a period of two years following any such dishonor.

[\[Return to Municipal Code Contents\]](#)

- B. A separate registration certificate must be obtained for each branch establishment or separate place of business in which the business, show, exhibition or game is carried on. Each registration certificate shall authorize the party obtaining it to carry on, pursue or conduct only that business, show, exhibition or game described in such certificate. Where a registration certificate is required for any business, show, exhibition or game, and the number of persons employed or the gross receipts of such business is made the basis for fixing the amount of the registration certificate fee, a separate fee shall be paid for each branch establishment or place of business in which the business, show, exhibition or game is carried on, based upon the number of persons employed in, or the gross receipts of, each branch establishment or separate place of business.
- C. Monthly fees are due and payable on the first of each month in advance, from all persons who have received a business registration certificate for the previous month to carry on the same business, show, exhibition or game. From all persons who have not received such a certificate for the previous month for the same business, show, exhibition or game, the fee is due and payable, and must be procured before commencing to carry on such business, show, exhibition or game.
- D. Except as specified in Subsection H below, quarterly fees are due and payable to the City on the first days of January, April, July and October, and such certificates expire on the last days of March, June, September and December of each year. All business registration certificates shall be reissued annually from the date of initial issuance and the quarterly fees are due and payable every three months beginning from the date of initial issuance.
- E. Daily and weekly registration certificate fees are due and payable in advance.
- F. Except as provided in Subsection H below and as elsewhere provided in this Article, semi-annual fees are due and payable at the times specified in this Article. If the time of payment is not specified, semi-annual fees are due and payable at the times specified in this article. If the time of payment is not specified, semi-annual licenses are payable on the first day of January and July. The first semi-annual business registration certificate issued to any person shall be issued for the unexpired period of the half year of issuance.
- G. Annual fees are due and payable at the time specified in this Article. If the time for payment is not otherwise specified, annual license fees are payable on the first day of July of each year and shall be valid for the year ending the following June 30. The first annual business registration certificate issued to any person shall be issued for the unexpired period of the year of issuance, except as otherwise provided in this Article.

- H. Where quarterly or semi-annual fees due from any business entity total five hundred dollars or less annually, the entire amount shall be due and payable in advance of the first day of January. As to registration certificates after August 15, 1986, the entire amount shall be due and payable annually from the date the certificate was initially issued thereon.

- I. In issuing a quarterly or annual registration certificate for the first time for a business which has previously been operated without a registration certificate, the City Clerk shall charge the fee for the entire current year or portion of the year during which the business was in operation, to and including the current quarter. The City Clerk shall also charge for the three preceding years or portions of those years during which the business was in operation. The City Clerk shall not collect an amount exceeding the fee for the entire current year in which the certificate is issued, plus the three preceding years or portion of those years during which the business was operated.

(Ord. MC-817, 1-07-92; Ord. MC-530, 7-22-86; Ord. MC-302, 9-07-83; Ord. MC-287, 7-07-83; Ord. MC-194, 8-03-82; Ord. MC-118, 11-16-81; Ord. 3887, 12-6-79; Ord. 2247, 11-12-58; Ord. 763, 3-02-1920)

5.04.033 Refund of Unused Business Registration Certificate

Where a certificate holder has ceased doing business, a refund of an unused period of a business registration certificate may be granted upon the filing of a written request to the City Clerk within a period of one (1) year after the date of payment of the amount sought to be refunded; provided that any refund shall be made on only unused full quarters remaining until the end of the registration year and shall not be made for any quarter in which the business covered thereunder was conducted for any period of time; provided further that no minimum or flat rate registration fee shall be refunded. "Quarters" shall be determined on the basis of each three full months from the date of the last application or renewal application. Such written request may be made only by the person who made the payment, his or her guardian, executor, administrator or heir. Refunds shall not be made to an assignee of the written request. In all cases, return of the original Business Registration Certificate which covers the quarter(s) for which the refund is being sought, shall be a prerequisite to any refund.

(Ord. MC-935, 4-18-95; Ord. MC-817, 1-07-92)

5.04.035 Certificate - Postings

Every person, firm or corporation having a registration certificate under the provisions of this Article, and carrying on a business, show, exhibition or game at a fixed place of business, shall keep such certificate posted and exhibited while in force, in some conspicuous part of the place of business. Every person having such a certificate, and not having a fixed place of business, shall carry such certificate with him at all times while carrying on the business, show, exhibition, or game for which the same was granted.

[Return to Municipal Code Contents]

Every person, firm or corporation having a certificate under the provisions of this Article shall produce and exhibit the same, when applying for a renewal thereof, and whenever requested to do so by any police officer, or any officer authorized to issue, inspect or collect business registration certificates.

(Ord. MC-817, 1-07-92; Ord. MC-302, 9-07-83)

5.04.045 (Repealed by Ord. MC-302, 9-07-83)

5.04.040 Constitutional apportionment

None of the fees provided for by this Article shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

In any case where a fee is believed by a certificate holder to place an undue burden upon interstate commerce or be violative of such constitutional clauses, the certificate holder may apply to the City Clerk for an adjustment of the fee. Such belief shall not excuse failure to pay the applicable fee when due. Such application may be made before, at the time of, or within six months after, payment of the prescribed fee. A certificate holder shall, by sworn statement and supporting testimony, show his or her method of business and the gross volume or estimated gross volume of business and such other information as the City Clerk may deem necessary in order to determine the extent, if any, of such undue burden or violation. The City Clerk shall then conduct an investigation, and, after having first obtained the written approval of the City Attorney, shall fix as the fee for the certificate holder, an amount that is reasonable and nondiscriminatory, and if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Clerk shall have the power to base the fee upon a percentage of gross receipts or any other measure which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by this Article. Should the City Clerk determine the gross receipts measure of license fee to be proper basis, he or she may require the certificate holder to submit, either at the time of termination of the certificate holder's business in the City, or at the end of each quarter, a sworn statement of the gross receipts and pay the amount of the fee therefor, provided that no additional fee during any one calendar year shall be required after the certificate holder shall have paid an amount equal to the annual fee as prescribed in this Article.

(Ord. MC-817, 1-07-92; Ord. MC-302, 9-07-83)

5.04.050 Transacting business without registration certificate

- A. The conviction and punishment of any person for transacting any business, show, exhibition or game without a registration certificate shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction, and nothing in this Article shall prevent a criminal prosecution for any violation of the provisions of this Article.

- B. If and in the event of a failure of a person, firm or corporation conducting, managing, or carrying on a business to secure a registration certificate and pay the fee therefore as provided in this Article, or in the event that a prohibited transient merchant is discovered, then the business inspector of the City is authorized to seize and take into his or her possession the items to be sold and to hold the same until such fees have been paid and a certificate duly issued and properly displayed, or in the case of a transient merchant, to hold the same until claimed by a responsible party against whom legal action can be taken, whereupon the inspector shall release the items confiscated.

(Ord. MC-817, 1-07-92; Ord. MC-743, 10-08-90)

5.04.051 Advertising

When any person by use of signs, circulars, cards, telephone book or newspapers, advertises, holds out or represents that he or she is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he or she is in business in the City, and such person fails to deny by a sworn statement under penalty of perjury given to the City Clerk or his or her representative that he or she is conducting a business in the City, after being requested to do so by the inspector, then these facts shall be considered prima facie evidence that he or she is conducting a business in the City.

(Ord. MC-817, 1-07-92; Ord. MC-743, 10-08-90)

5.04.055 Fees based on gross receipts

- A. In all cases where the fee to be paid by any person, firm or corporation is based upon the amount of receipts or sales or of business transacted, or upon the number of persons employed or upon the number of vehicles used, or upon the amount of the maximum admission fee charged, or upon the number of tables used for any game, or upon the number of rooms in any building, such person, firm or corporation shall, before obtaining a registration certificate for his or her, their or its business, and within ten days after the beginning of each certificate period, if such business is established or in operation during any part of such ten days, render to the City Clerk, for his or her guidance in ascertaining the fee to be paid by such person,

[Return to Municipal Code Contents]

firm or corporation, a written statement sworn to before some officer authorized to administer oaths, showing the total amount of receipts of sales or of business transacted during the calendar year next preceding the date of such statement, or the number of vehicles used, or the amount of the maximum admission fee charged, or the number of tables used for any game by such person, firm or corporation, or the number of rooms contained in such building, at the date of such statement; provided, however, that where the quarterly fee to be paid under any section of this article is based upon the gross annual receipts or of business transacted, or the gross annual commission of fees received or collected, only one such statement need be filed at the time the first quarterly registration certificate is procured, and the fee to be paid for the succeeding quarterly periods of the year in which such statement is filed shall be determined by and be based upon the statement filed at the time the first quarterly registration certificate is procured.

- B. No such statement shall be conclusive upon the city or upon any officer thereof as to the matter thereon set forth, and the same shall not prejudice the right of the City to recover any amount that may be ascertained to be due from such person, firm or corporation in addition to the amount shown by such statement to be due in case such statement should be found to be incorrect. If any person, firm or corporation hereby required to make any such statement fails to do so, such person, firm or corporation shall pay a fee at the maximum rate prescribed in this Article for the business, show, exhibition or game carried on by such person, firm or corporation, and shall be guilty of a violation of this Article and be punishable therefor as hereinafter provided; provided, however, that in any case where the first business registration certificate is to be issued for a newly established business, no statement need to be made, at the time such first certificate is issued, of the amount or receipts of sales or business transacted, and the minimum rate prescribed in this Article shall be paid at the time such first certificate is issued for any such newly established business, the fee for which is regulated by the amount of receipts or sales or the business transacted. At the end of the year during which the operation of such business is commenced, the fee for the preceding period shall be ascertained and paid. The amount of such fee shall be ascertained by dividing the amount of the gross sales or receipts of such business by the number of days during which such certificate has been in force and multiplying the result by three hundred sixty-five and applying such result to the rate applicable thereto to determine the fee and from this amount deduct the amount previously paid. Such gross receipts so determined shall be the basis of the fee for the next succeeding year.

(Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.060 Gross receipts - Defined

“Gross receipts” as used in this Article, except as otherwise specifically provided, means the total amount of revenue received as the sale prices of all sales and the total amount charged or received for the performance of any action, service or employment of whatever nature it may be, for which a charge is made or credit allowed, when such service, act or employment is done as a part of or in connection with the sale of materials, goods, wares and merchandise, or the performance of services; “gross receipts” includes all receipts, cash, credits and property of any kind or nature, and any amount for which a credit is allowed by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever; “gross receipts” further includes commissions received for the sale of real property and the annual gross receipts, fees or commissions of every person, firm, or corporation conducting, managing, carrying on or engaged in any business or profession of any nature whatsoever, including the providing of services relating thereto; but “gross receipts” does not include cash discounts allowed and taken on sales and any sales tax paid to the state, a municipality or public entity.

(Ord. MC-817, 1-07-92; Ord. 3245, 3-08-72; Ord. 763, 3-02-1920)

5.04.063 Gross Receipts - Work outside City

If a person owns, leases, occupies or otherwise maintains within the City a place or premises from which he engages in business activities outside the City, he shall include a portion of the gross receipts from work performed outside the City in the measure of the fee. In the absence of substantial information to the contrary 20% of gross receipts from work performed outside the City shall be deemed to be that portion subject to the fee as attributable to business engaged in within the City.

- A. Require the use of a greater percentage of such gross receipts, stating in writing to the certificate holder his or her reasons therefor; or
- B. Approve the use of a lesser percentage of such gross receipts, based upon proof presented to him or her in writing by the taxpayer that the 20% factor is inequitable. Any such variation from the 20% factor established in this provision shall be approved in writing by the City Clerk or his or her authorized representative. Where there are no measurable gross receipts directly attributable to operations carried on from a place of business within the City, such operations shall be deemed to produce gross receipts in an amount at least equal to the cost of maintaining such operations, such cost of operations shall include, but not be limited to, rent and/or depreciation, salaries and wages, fixed charges and other expenses.

(Ord. MC-817, 1-07-92; Ord. MC-743, 10-08-90)

[\[Return to Municipal Code Contents\]](#)

5.04.065 Gross receipts - Business younger than six months

When a fee based upon the gross receipts of a business in existence less than six months during the preceding year was computed upon anticipated gross receipts which exceeded the actual gross receipts of the subject year immediately following such period of six months or less of such preceding year, the City Clerk, subject to the filing of a written request during the first quarter of the subsequent year, shall give a credit for or authorize a rebate of the amount such fee exceeded the actual gross receipts of the business as determined by the City Clerk. The privilege of a credit or a rebate shall not apply to any subsequent year, and the decision of the City Clerk shall be final and conclusive.

(Ord. MC-817, 1-07-92; Ord. 2809, 3-28-67; Ord. 763, 3-02-1920)

5.04.070 Examination, audit and inspection of financial books and records

- A. The City Clerk and his or her authorized personnel, inspectors and police officers are authorized to examine, audit and inspect any financial books and records of any certificate holder, applicant for a registration certificate, or person engaged in business, as may be necessary to verify or ascertain the amount of the fee due from such certificate holder, applicant, or person in the specific classification.
- B. All certificate holders, applicants for registration certificates and persons engaged in business are required to permit such an examination of their financial books and records for the purposes and under conditions aforesaid. Any failure or refusal to permit such an examination by a certificate holder shall constitute good cause revocation of the subject registration certificate issued under this Article, which penalty shall be accumulative and in addition to any other penalty or remedy provided for by law, whether criminal or civil in nature.

(Ord. MC-817, 1-07-92; Ord. 3268, 5-17-72; Ord. 763, 3-02-1920)

5.04.071 Failure to file statement

If a person, business or corporation fails to file any required statement within the time prescribed, or if after reasonable notice therefor made by the City Clerk fails to file a corrected statement, the City Clerk or a designated representative may determine the amount of the fee due from such person, business or corporation by means of such information as he or she may be able to obtain. If such a determination is made, the City Clerk shall issue a notice of the amount so assessed by serving it personally or depositing it with the United States Postal Service, postage prepaid, addressed to the person, business or corporation so assessed at his or her last known address. Such party may, within fifteen days after the mailing or serving of such notice, appeal such

[Return to Municipal Code Contents]

determination to the Common Council. The Common Council shall consider and act upon the appeal in accordance with the provisions of Chapter 2.64, except that the time limit provisions of Section 2.64.040 shall not apply.

(Ord. MC-817, 1-07-92; Ord. 3949, 7-09-80; Ord. 763, 3-02-1920)

5.04.075 Penalties for delinquencies

- A. The times of delinquency and penalties assessed therefor for all registration certificates covered by this title shall be determined by the provisions of this section.
- B. Payments for the respective registration certificates as set forth in this title which are not made on or before, or which are received in the City Clerk's office after, the following applicable delinquent dates, or which bear a postmark after said dates, shall be deemed delinquent and therefore subject to the following penalty assessments:
 - 1. Monthly registration certificates: the tenth day of every month for which the license is due.
 - 2. Quarterly registration certificates: The last day of the first month of the quarter for which such fee is due: January 31st, April 30th, July 31st and October 30th. Delinquent dates for registration certificates first issued after August 15, 1986, are thirty days from the date the fees are due and payable.
 - 3. Semi-annual or annual registration certificates: the last day of the first month in which such fee is due by its terms.
- C. For failure to obtain a registration certificate on or before the start of business, or for failure to pay a fee on or before the delinquency date, there is imposed a penalty of fifty percent of the fee. An additional penalty of fifty percent of the fee shall be imposed after 60 days of delinquency; such penalty shall be added to the fee and other penalties due.
- D. If a business fails to obtain a business registration certificate or renew a certificate and has been delinquent for 90 days, an assessment of 10% of the amount of the fee and penalties per month not to exceed 100% shall be added hereto in addition to the penalties stated in subsection "C" of this section. The assessment stated in this subsection shall be instituted to cover escalating costs incurred to pursue delinquent accounts requiring extended enforcement action.

[Return to Municipal Code Contents]

[Return to Title 5 Contents]

- E. It shall be the responsibility of each Business Owner to obtain and pay for a renewal registration certificate regardless of whether or not such Business Owner has received a renewal notice from the City. Any failure to receive such notice, for any reason, shall not affect the applicability of penalties of non-payment or late payment.

(Ord. MC-817, 1-07-92; Ord. MC-743, 10-08-90; Ord. MC-530, 7-22-86;
Ord. MC-295, 8-03-83; Ord. 3581, 6-21-76; Ord. 763, 3-02-1920)

5.04.076 Assessments; Delinquent Registrations; Liens

- A. Whenever delinquent business registration fees and appropriate penalties cannot be collected after proper notification to the property/business owner, the total uncollected amount including penalties and administrative fees shall become assessments, and the City Clerk or his or her duly authorized representative shall compile a list of such assessments together with parcel number designations and addresses upon which the assessments are being fixed.
- B. After notice and hearing, and upon confirmation of the imposition of the liens by resolution of the Mayor and Common Council, the City Clerk shall file a certified copy of the approved resolution with the Auditor of the County of San Bernardino, State of California, directing that all unpaid business registration fees, penalties and administrative fees be entered as lien charges against said property as it appears on the current assessment rolls. Liens will be collected at the same time and in the same manner, subject to the same penalties and interest upon delinquencies, as the general taxes for the City of San Bernardino are collected. The City Clerk shall present for recording appropriate notices of the imposition of these liens with the County Recorder.

(Ord. MC-756, 11-21-90)

5.04.085 Payment of fees

The amount or rate of fees to be paid to the City by any person, firm or corporation, or association engaged in or carrying on any business, show, exhibition or game designated in this Article is fixed and established as provided in this Article, and such fee shall be paid by every person, firm or corporation or association engaged in carrying on any such business, show, exhibition or game in the City.

(Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.090 Liquor or intoxicating liquor defined

“Liquor, ” or “intoxicating liquor, ” as used in this Article, means beer, wines, gin, whiskey, cordials or rum, and every liquor or solid, patented or not, containing one half of one percent or more of alcohol by volume, and which are fit for use for beverage purposes.

(Ord. MC-817, 1-07-92; Ord. 1525, 1-08-34; Ord. 763, 3-02-1920)

5.04.095 Real estate business

For every person, firm or corporation, conducting, managing or carrying on the business of examining, searching or investigating titles to real estate and issuing abstracts, statements or certificates, showing or purporting to show or certify to the condition or state of the title to any particular property or properties as disclosed by an examination of the public records, but which abstracts, statement or certificate does not ensure the title to real property or any interest therein; the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. 763, 3-02-1920)

5.04.100 (Repealed by Ord. MC-935, 4-18-95)

5.04.110 Advertising - Distributing samples, handbills or dodgers

- A. For every person, firm or corporation conducting, managing or carrying on the business of distributing advertising samples, handbills, dodgers or printed advertisements of any kind, the fee shall be set by resolution of the Mayor and Common Council.
- B. For the purpose of this section, the expression “carrying on the business” is defined to be and is construed to mean the doing of any act or series of acts, of distributing or advertising by any means or in any manner specified in this section.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. 763, 3-02-1920)

5.04.125 Auctions

- A. For every person, firm or corporation conducting, managing or carrying on, or engaged in the business of selling at auction goods, wares and merchandise, the fee shall be established by resolution of the Mayor and Common Council.
- B. For every person, firm or corporation conducting, managing or carrying on, or engaged in the business of selling at auction goods, wares or merchandise, for five or fewer months in a year the fee shall be established by resolution of the Mayor and Common Council.

[Return to Municipal Code Contents]

- C. For every person, firm or corporation conducting, managing or carrying on, or engaging in the business of selling at auction real estate, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-302, 9-07-83;
Ord. 1729, 11-30-44; Ord. 763, 3-02-1920)

5.04.140 Billiard or Pool Room

For every person, firm or corporation conducting, managing or carrying on any public billiard or pool room, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. 1489, 3-08-32; Ord. 763, 3-02-1920)

5.04.150 Vending machine sales and automatic scale weighing devices

Every person, firm or corporation operating, maintaining, leasing, letting, managing or carrying on the business of selling or vending goods, wares or merchandise by means of vending machine or managing or carrying on the business of operating or maintaining clothes washing machines, automatic scale weighing devices, or coin-in-the-slot weighing machines shall pay a fee established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-548, 10-22-86;
Ord. MC-382, 6-20-84; Ord. 2227, 7-01-58; Ord. 763, 3-02-1920)

5.04.155 Bowling alley

For every person, firm or corporation conducting, managing or carrying on a public bowling alley, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-302, 9-07-83;
Ord. 1489, 3-08-32; Ord. 763, 3-02-1920)

5.04.160 Temporary boxing, wrestling or athletic exhibition

Every person, firm or corporation conducting, managing or carrying on a temporary boxing, wrestling or other athletic exhibition or contest shall pay a fee established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-302, 9-07-83;
Ord. 1800, 9-22-47; Ord. 763, 3-02-1920)

5.04.200 Commission merchant or broker - Broker for stocks or bonds

- A. For every person, firm or corporation conducting, managing or carrying on the business of a commission merchant or broker, or stock and bond broker, or buying, selling or otherwise dealing in stocks or bonds, or evidences of indebtedness of public or private persons or of incorporated entities, the fee shall be established by resolution of the Mayor and Common Council.
- B. For the purpose of this Article, “commission merchant or broker” is defined to be the business of buying or selling meats, provisions, produce, food products, goods, wares or merchandise, drugs or medicines, jewelry or precious metals, or other tangible property, as a broker or agent, for the owner or consignee thereof for a fee or commission, whether or not the operation of such business customarily includes the actual possession, custody or control of goods, wares or merchandise.
- C. For the purpose of this Article, “stock and bond broker” is defined to be the business of buying or selling federal, state, county or municipal stocks or bonds, or stocks or bonds of partnerships or incorporated entities, or evidences of indebtedness of private persons, partnerships or of incorporated entities, for a fee or commission.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-302, 9-07-83;
Ord. 1729, 11-30-44; Ord. 763, 3-02-1920)

5.04.210 Residential and commercial cleaning

For every person, firm or corporation conducting, managing or carrying on the business of carpet cleaning, swimming pool cleaning, cleaning buildings, parking areas, rooms or furnishings, by compressed air, power sweeper, or vacuum cleaner, by means of any machine drawn, hauled, carried or propelled by hand power, or any janitorial related services conducted in residential or commercial structures or parking areas, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-382, 6-20-84;
Ord. 1851, 4-05-49; Ord. 763, 3-02-1920)

5.04.245 Exhibitions in theaters or temporary places

For every person, firm or corporation conducting, managing or carrying on the business of seminar, sale, exhibition, show or other business activities of a temporary nature in public rooms, in hotel/motel meeting rooms, convention facilities or other temporary places not otherwise specifically provided for in this Chapter, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. 1800. 9-22-47; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.04.265 Fire sale, bankrupt or wreck sale²

- A. For every person, firm or corporation, conducting, managing or carrying on a fire sale, bankrupt or wreck sale, the fee shall be established by resolution of the Mayor and Common Council.
- B. For the purposes of this Article, a “fire, bankrupt or wreck sale” is defined to be and includes the sale of goods, wares or merchandise salvaged from a fire, wreck or other calamity, or a sale of goods, wares or merchandise advertised as a fire or bankrupt or wreck sale; providing that no registration certificate shall be required under the provisions of this section for sale of merchandise salvaged from any fire, wreck or other calamity occurring in the City.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.275 Game tables, machines or devices

For every person, firm or corporation conducting, managing or carrying on the business of operating or maintaining tables, machines, or devices, offered for use, used, operated or played as a game, or as a test of skill, or for amusement, for the operation of which a charge is made, or which is conducted for profit (except such tables, machines or devices otherwise specifically provided for in this Chapter), the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.280 Hobby horse machines

- A. For every person, firm or corporation conducting, managing, or carrying on the business of operating or maintaining a hobby horse or similar device for the amusement of children, offered for use, used or operated for the amusement or entertainment of children, or a shuffleboard, for the operation of which a charge is made, or which is conducted for profit, the fee shall be established by resolution of the Mayor and Common Council.
- B. If in the event of a failure of the person, firm or corporation so operating or maintaining such machine or device to secure a registration certificate and pay the fee therefor, as provided in this section, or in the event that the certificate is not publicly displayed at a place open to the examination of the inspector, then the Chief of Police of the City is authorized to seize and take into his or her possession the machine or device and to hold the same until such fee has been paid and a certificate duly issued and properly displayed covering the machine, whereupon the

²See also Ch. 5.16 of this title for additional provisions on fire, removal or closing-out sales.

Chief of Police shall release the machine or shuffleboard, upon payment to the City the sum of twenty-five dollars per machine, which sum shall be in addition to the amount of any certificate fee.

(Ord. MC-817, 1-07-92, Ord. MC-744, 10-08-90)

5.04.285 Music tables, machines or devices

- A. For every person, firm or corporation conducting, managing or carrying on the business of operating or maintaining tables, machines or devices for the playing or rendering of music, for the operation of which a charge is made or which is conducted for profit, other than sound trucks and other advertising mediums, the fee shall be established by resolution of the Mayor and Common Council.
- B. If the person, firm or corporation mentioned in this section fails or neglects to pay the fee required in this section and secure a registration certificate for any of the machines or devices mentioned in this section, or if the certificate is not publicly displayed in a place on the premises open to the City business inspector, then the Chief of Police is authorized to seize and take into his or her possession any such machine and to hold it until such fee has been paid and a certificate duly issued therefor and properly displayed. The Chief of Police shall release any such machine upon payment to the City for such release the sum of twenty-five dollars per machine, which shall be in addition to the registration certificate fee.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.290 Notice to City Clerk of table locations

Upon the issuance of any certificate, under the provisions of Sections 5.04.275, 5.04.280, and/or 5.04.285, the applicant therefor shall notify the City Clerk of the location of each table, machine, device or game, and in the event of any change in such location, then the certificate holder shall notify the City Clerk or the City business inspector of such change.

(Ord. MC-817, 1-07-92)

5.04.295 Coin-operated game machines

- A. For every person or firm or corporation conducting, managing or carrying on the business of operating or maintaining coin-operated game machines, including a certificate holder owning and maintaining one or more coin-operated game machines as an incidental business operation at any place of business, the fee shall be established by resolution of the Mayor and Common Council.

[\[Return to Municipal Code Contents\]](#)

- B. A “coin-operated game machine” means any machine, device or apparatus which is used as game or contest of any description or for amusement, or which may be used for any such game or contest or for amusement and the operation or use of which is permitted, controlled, or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening, or by the payment of any fee or fees in lieu thereof, except a machine, device or apparatus specifically otherwise provided for in this Article.

(Ord. MC-817, 1-07-92)

5.04.310 Dog kennel

For every person conducting, managing or carrying on a dog kennel business where dogs are boarded or bred for sale, the license shall be based upon gross receipts in accordance with the schedule adopted by resolution of the Mayor and Common Council pursuant to Section 5.04.525.F. This section shall not be applicable to a kennel with three or less dogs, and shall not apply to veterinarians.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.315 Junk dealer

- A. For every person, firm or corporation conducting, managing or carrying on the business of junk dealer, the fee shall be established by resolution of the Mayor and Common Council.
- B. For the purpose of this Article, “junk dealer” is defined to be any person, firm or corporation having a business of buying or selling, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metals or other articles of junk.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.335 Massage parlor³

Every person, firm, association or corporation conducting, managing or carrying on the business of a massage parlor, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

³For additional regulations on massage parlors, see [Ch. 5.20 of this Title](#).

5.04.340 Messenger service

For every person, firm or corporation conducting, managing or carrying on the business of furnishing messengers or messenger service, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-382, 6-20-84)

5.04.345 Private patrol system, armored car service and private police system

- A. As a condition to the issuance of a business registration certificate for a private patrol system or armored car service, the applicant must possess any and all state licenses necessary to engage in the business covered by the business registration certificate application, and a copy of the applicant's state license or licenses shall be filed with the City Clerk prior to issuance of a City business registration certificate.
- B. All employees and persons who will perform services under the certificate must possess a valid California Department of Consumer Affairs Bureau of Collection and Investigative Services Registration card, on the front of which is endorsed one of the following: responding guard or permit for exposed firearm. Each certificate holder shall ensure that a copy of each such valid card is filed with the City Clerk.
- C. No registration certificate issued under this section may be transferred at any time.

(Ord. MC-817, 1-07-92)

5.04.350 Pawnbroker

- A. For every person, firm or corporation conducting, managing or carrying on the business of a pawnbroker, the fee shall be established by resolution of the Mayor and Common Council.
- B. For the purpose of this Article, "Pawnbroker" means and includes every person conducting, managing or carrying on the business of loaning money either for himself or herself or for any other person, firm or corporation, upon any personal property, personal security or purchasing personal property and reselling or agreeing to resell such articles to the vendor or other assignees at prices previously agreed upon.
- C. Nothing contained in this section shall be deemed or construed to apply to the loaning of money or personal property or personal security by any bank authorized so to do under laws of the state.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

[Return to Municipal Code Contents]

5.04.355 Fortune-telling

- A. Fortune-telling defined. For the purposes of this section, “fortune-telling” means the practice of the art of astrology, palmistry, phrenology, life reading, fortunetelling, cartomancy, clairvoyance, clairaudience, crystal-gazing, mediumship, spirit augury, divination, necromancy, character reading or fortunetelling by handwriting analysis or other similar business or art, whether predicted by manual or electronic device, and demand or receive directly or indirectly a fee, gift, donation or reward for the exercise or exhibition.
- B. Permit Required. It is unlawful for any individual or person to conduct or carry on any fortunetelling business or activity without first having applied for and received a Business Permit as set forth in Municipal Code Chapter 5.82.
- C. Business Registration Certificate Required - Fee. A business registration certificate application shall be made and a fee as established by resolution of the Mayor and Common Council shall be paid in accordance with this Code. The fee shall be due on January 1, of each year and must be paid by January 31, of each year.
- D. Religious Exemptions. Church or recognized religious organizations shall be exempt from permit and business registration certificate regulations of this Chapter provided that the generated revenue is for the exclusive benefit of the Church, all revenue will be deposited directly to the Church Treasury, no single person will benefit from the generated revenue, and that the Church has maintained headquarters or a place of worship in the City for at least one year preceding the date on which the activity shall be initiated. Proof of religious exemption shall be furnished to the City Clerk in the form of a determination letter from the United States Treasury (Internal Revenue Service) relating to federal taxes or a determination letter from the State Franchise Tax Board relating to franchise taxes.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-460, 5-15-85)

5.04.360 Soliciting, Selling, Advertising and Begging

[This Section shall become inoperative as of the date Ordinance No. MC-1186 becomes operative and shall remain inoperative so long as Chapter 9.60 prohibiting aggressive solicitation remains in full force and effect. Should Chapter 9.60 be stricken, enjoined, or suspended by any court of law, this Section will automatically be reenacted]

(Ord. MC-1186, 10-05-04; Ord. MC-937, 5-01-95; Ord. MC-817, 1-07-92)

[Return to Municipal Code Contents]

5.04.370 Seller from booth or stand - Peddler - Flags, banners, balloons, toys, food and confections

For every person, firm or corporation engaged in conjunction with a carnival or similar activity to carrying on the business of a seller from a booth or stand, or a peddler who sells or offers for sale flags, banners, balloons, canes, horns, trumpets, musical or noise-making instruments of any kind, toys, badges, buttons, shoestrings, hairpins, lead pencils, combs, similar trinkets and items, souvenirs of any kind, hot dogs, hamburgers, tacos, burritos, soft drinks, ice cream, ice milk, popcorn, cotton candy, candy apples, snow cones, and any similar food or confection, or any combination thereof, the fee shall be established by resolution of the Mayor and Common Council. It shall be unlawful to engage in the carrying on of the business listed in this section other than in conjunction with a carnival or similar activity , or as permitted pursuant to Chapter 19.70. A person with a business registration certificate to sell ice cream or ice milk products from a vehicle or a cart under Section 5.04.375 shall be exempt from the fees imposed in this section.

(Ord. MC-1363, 8-02-11; Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90;
Ord. MC-460, 5-15-85; Ord. MC-302, 9-07-83)

5.04.375 Peddler or Solicitor - Foodstuffs

- A. For every person, firm or corporation engaged in or carrying on the business of a peddler, or solicitor of orders, or for the sampling, or for the sale of any fish, fruits, vegetables, butter, eggs, buttermilk, milk, ice cream, confection, bread, crackers, cookies, pies, cakes, pastries, doughnuts, or other bakery goods, or any other edibles, intended for use as food for human consumption, by means of foot or vehicle delivery, the fee shall be established by resolution of the Mayor and Common Council.
- B. For the purpose of this section, a “peddler” or “solicitor” is defined to be and include every person, firm or corporation who goes from place to place on a fixed route, who solicits orders for the sale of, or who sells or offers for sale any goods, wares, or merchandise, or the sampling of goods, wares, or merchandise, as enumerated or contemplated in this section, which he or she, or it has in his or her, or its possession, or in his or her or its motortruck, automobile, wagon, or other vehicle, cart, basket, tray or other container.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-382, 6-20-84; Ord. MC-302, 9-07-83)

5.04.385 Christmas tree sales

Christmas tree sales shall be held from November 1st through December 31st only. The fee therefor shall be established by resolution of the Mayor and Common Council and shall not be prorated.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

[\[Return to Municipal Code Contents\]](#)

5.04.415 Cesspool pumping, collection of rubbish and waste material

For every person, firm or corporation conducting, managing or carrying on the business of operating or driving any vehicle used for the purpose of pumping cesspools or removing or collecting rubbish, manure, waste material or refuse matter of any kind, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.420 Collection Agency

- A. For every person, firm or corporation conducting, managing or carrying on the business of a collection agency, the fee shall be established by resolution of the Mayor and Common Council.
- B. As used in this section, the term “collection agency” means and includes all persons, firms, corporations and voluntary associations engaging, directly or indirectly, as a primary or secondary object, business or pursuit, in soliciting claims for collection, and in the collection of claims owing, or due, or asserted to be owing or due to another, and any person, firm or corporation or voluntary association engaged in collecting accounts for another, whether the employment is for one or more persons, firms, corporations or voluntary associations, or in the selling or furnishing of any collection system or collection letter forms or collection letters, or any house agency, firm, person, corporation or voluntary association using a fictitious name in collecting its own accounts receivable with the intention of conveying to the debtor that a third party has been employed to collect such accounts.
- C. Attorney Conducting Collection Agency. Any attorney at law who directly or indirectly by the use of agents, representatives, fictitious names or otherwise, solicits claims or accounts for collection, or who solicits or demands payment of claims from debtors through or by the use of laymen, employees or agents, or the use of fictitious names; or any attorney at law who makes a practice of accepting assignments to himself or herself or to any agent, employee or fictitious name, of claims or accounts for collection, shall be deemed to be conducting a collection agency. “Collection agency” includes all attorneys at law who are in fact conducting collection agencies whether included in the foregoing definition or not.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.495 Transient merchants/vendors and temporary businesses prohibited

- A. It shall be unlawful for any person or persons to offer for sale, trade, or barter, to create, to possess items to be sold, traded, or bartered, or to sell, trade, or barter any items including but not limited to manufactured items, homemade items, packaged and unpackaged goods, commodities, food, agricultural products, vehicles, furniture, or any other item or to offer any service, from a temporary stand, or other temporary location, upon any public street, alley, sidewalk, right-of-way, easement, or other public place, doorway of any room or building, unenclosed building, building for which no certificate of occupancy has been issued, vacant lot, front or side yard, back yard (except as permitted in chapter 5.68 of this title), driveway, parking lot, or parcel of land, either paved or unpaved, at any time except as permitted pursuant to Chapter 19.70.
- B. Possession of a valid City of San Bernardino Business Registration Certificate or Permit issued under any section of chapter 5.04 of this title is not a defense to section (A) if the transient merchant/vendor stays at any location not listed on their Business Registration Certificate or Permit for more than five (5) minutes in a twenty-four (24) hour period.
- C. This section is intended to make it unlawful for any person or persons to offer, create, possess items to sell, or commence to sell items at locations that have not been approved by the City, and to prohibit transient merchants/vendors and temporary businesses. The Mayor and Common Council find that transient merchants/vendors and temporary businesses at temporary locations cause blight; they unlawfully compete against lawful businesses without paying permit fees or taxes; they encourage people to unlawfully assemble; they threaten the public's health and safety, public sanitation, and the public welfare; and they create a public nuisance.
- D. This section applies to all transient merchants/vendors regardless of their employer or purpose.

(Ord. MC-1363, 8-02-11; Ord. MC-1189, 10-19-04;
Ord. MC-817, 1-07-92; Ord. MC-302, 9-07-83)

5.04.496 Property owner responsibility for transient merchants/vendors and temporary businesses

It shall be unlawful for the owner, tenant, and/or person in control or charge of any real or personal property to authorize another to engage in or to allow any of the activities prohibited in section 5.04.495 on that property.

(Ord. MC-1189, 10-19-04; Ord. MC-817, 1-07-92)

[\[Return to Municipal Code Contents\]](#)

5.04.497 Seizure; hearing

- A. In addition to any criminal action which may be taken, any authorized officer may seize the items offered for sale contrary to Sections 5.04.495 and 5.04.496 and hold said items pending a hearing before the City Clerk or his or her designee. Said hearing must be held within thirty (30) days following the giving of notice of such seizure to the seller. If the seller is unavailable or unknown, notice of the hearing may be posted at the location where the items were offered for sale.
- B. At the hearing the City Clerk or his or her designee shall determine whether a business registration certificate pursuant to this Chapter has been issued. If he or she determines that such certificate has not been issued he or she may destroy or otherwise dispose of the items or may return such items to the seller upon the payment of all costs of the seizure and hearing by the seller. If there is a dispute over the value of the seized items, between the seizing officer and the seller, the City Clerk or his or her designee shall make a determination of the value of the seized items based upon the evidence presented at the hearing.
- C. If the seized items have a value greater than \$100.00, the seller may appeal the decision of the City Clerk or his or her designee to the Common Council pursuant to Chapter 2.64. For seized items that have a value of \$100.00 or less, the decision of the City Clerk or his or her designee shall be final.
- D. If the items seized are evidence in a criminal proceeding they shall not be returned or destroyed pending release by the appropriate authorities. If the items seized are perishable, the City may donate the property to any bona fide charitable organization provided that said donation is in conformance with the requirements of Health and Safety Code Section 113740(b) as interpreted by the San Bernardino County Department of Public Health, or the City may otherwise dispose of the perishable items. If the seller waives his or her right to a hearing pursuant to this section, then the goods may be immediately destroyed or otherwise disposed of by the City. If the seller or his or her agent does not appear for the hearing provided for in this section the items shall be deemed abandoned and may immediately be disposed of as other surplus City property. Any animals seized pursuant to this section shall be impounded or returned pursuant to Title 6.
- E. As used in this section "officer" or "authorized officer" shall mean any police officer of the City of San Bernardino, any of the officers specified in Section 9.90.010A.7 of this Code with regard to animals, and any of the officers specified in Section 9.90.010.A.5, Section 9.90.010.A.6, and Section 9.90.010.A.8.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- F. Pursuant to Code of Civil Procedure Section 1094.6, any action to review the decision of the City Clerk or his or her designee, or the Common Council, shall be commenced no later than the ninetieth day after the date said decision is adopted.

(Ord. MC-1141, 4-22-04; Ord. MC-817, 1-07-92)

5.04.498 Penalty

Violation of Sections 5.04.495, 5.04.496 shall be a misdemeanor. This Section is in emphasis of Section 1.12.010.A and not in contradiction thereof. Stating the penalty for the violation of these sections shall not be construed as affecting the penalties for any other provision of this Code.

(Ord. MC-817, 1-07-92)

5.04.499 Severability

If any provision of sections 5.04.495, 5.04.496, 5.04.497 or 5.04.498 is determined by any court of competent jurisdiction, or by any federal or state agency having jurisdiction over its subject matter, to be invalid or in conflict with any paramount federal or state law or regulation now or hereafter in effect, or is determined by that court or agency to require modification in order to conform to the requirements of that paramount law or regulation, then that provision will be deemed a separate, distinct, and independent part of this chapter, and such determination will not affect the validity and enforceability of any other provisions.

(Ord. MC-1189, 10-19-04)

5.04.500 Swap meet

- A. For every person, firm or corporation operating, conducting and/or managing a swap meet in the City, the fee is established by resolution of the Mayor and Common Council pursuant to Section 5.04.525F of this Code.
- B. For every dealer or individual selling or offering for sale goods, wares, merchandise, or things or articles of value at a swap meet in the City, the fee is established by resolution of the Mayor and Common Council pursuant to Section 5.04.525B of this Code.
- C. For every dealer or individual selling or offering for sale food for human or animal consumption at a swap meet in the City, the fee is established by resolution of the Mayor and Common Council pursuant to Section 5.04.525C of this Code.

[\[Return to Municipal Code Contents\]](#)

- D. "Swap meet" as used in this Article means any business wherein any person, firm, or corporation or agent thereof rents spaces to various dealers or individuals for selling or offering for sale goods, wares, merchandise, or things or articles of value, or food for human or animal consumption, whether or not an admission fee is charged to enter the area when such items are sold or being offered for sale.

(Ord. MC-1094, 3-21-01; Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.504 Telephone Solicitation; Telemarketing

For every person, firm or corporation conducting, managing, carrying on or engaging in the business of telephone solicitation, telemarketing or other similar activities, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.505 (Repealed by Ord. MC-1414, 07-06-15)

5.04.507 (Repealed by Ord. MC-1414, 07-06-15)

5.04.520 Vehicles for hire

- A. For every person, firm or corporation conducting, managing or carrying on the business of running, driving or operating any automobile or motor-propelled vehicle for the transportation of passengers for hire, when driven by the owner or a representative of the owner, or by the person or persons hiring or renting the same, at rate per mile, per trip, per hour, per day, per week or per month, and such vehicle is routed under the direction of such passenger or passengers or of such persons hiring the same, the fee shall be established by resolution of the Mayor and Common Council.
- B. For every person driving or operating a taxicab, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.525 Fees based on gross receipts

- A. Professional services. Every person, firm or corporation conducting, managing or carrying on or engaged in any of the businesses hereinafter enumerated in this subsection and not specifically covered elsewhere in this Chapter, shall pay a fee established by resolution of the Mayor and Common Council. The fee provided for in this section shall be paid by every person, firm or corporation conducting, managing or carrying on or engaged in any professional service, business, profession or occupation, which shall include but shall not be limited to the following:
1. Architect
 2. Assayer
 3. Attorney at Law
 4. Auditor Accountant
 5. Bookkeeper
 6. Chemist
 7. Chiropodist
 8. Chiropractor
 9. Civil, Electrical, Chemical or Mechanical Engineer
 10. Consultant (one who gives professional advice or services)
 11. Dentist
 12. Drafting
 13. Employment Agency
 14. Marriage or Family Counselor
 15. Optician
 16. Optometrist
 17. Occultist

18. Osteopath or Osteopathist
19. Physical Therapist
20. Physician
21. Real Estate Broker
22. Surgeon
23. Undertaker, Embalmer or Funeral Director
24. Teacher of private dancing school of more than twelve pupils
25. Every person carrying on or engaged in the business of treating, caring, administering to or giving treatments to the sick, wounded, or infirm for the purpose of bringing about their recovery, by any method or pursuant to any belief, doctrine or system other than those herein above specifically named, and charging fee or compensation therefor. Nothing contained in this section shall be deemed or be construed as applying to any person engaged in any of the businesses hereinbefore enumerated, solely as an employee of any other person, firm, or corporation conducting, managing or carrying on any such business in the City.

- B. Retail Merchants (other than food). Every person, firm or corporation conducting, managing or carrying on the business of selling at retail any goods, services, wares or merchandise other than food which are not otherwise specifically covered by other sections of this Chapter, shall pay a fee established by resolution of the Mayor and Common Council.

“Retail merchants (other than food)” for purposes of this subsection shall include but not be limited to the following businesses:

1. Advertising - Bill posting or sign boards
2. Alarm Businesses
3. Alterations
4. Ambulance Service
5. Antiques

6. Armored Car Service
7. Art Studio or Gallery
8. Athletic Exhibitions
9. Barber and Beauty Supply
10. Bicycles
11. Boat Sales and Service
12. Book Store
13. Building Material Sales
14. Camper Sales
15. Carpet Sales
16. Check Cashing
17. Cleaning or Dyeing Establishments
18. Clothing Stores
19. Cold Storage Locker Rentals
20. Cosmetic Sales
21. Data Processing Services
22. Detective Agency
23. Dog Grooming
24. Drug Store
25. Electrical Appliance Sales and Service
26. Electrical Sign Enterprises
27. Equipment Rental

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

28. Film Processing
29. Florists
30. Furniture Store
31. General Merchandise Sales
32. Gift Shop.
33. Graphic Arts
34. Guard Service
35. Hardware Store
36. Interior Decorating
37. Jewelry Store
38. Linen, Uniform Supply Services and Laundries
39. Medical Equipment Sales and Service
40. Mobile Home Sales
41. Music Store
42. Nursery (Plants)
43. Paint Store
44. Pest Control Service
45. Pet Store
46. Photographers
47. Physical Culture and Health Clubs
48. Private Post Office Service
49. Record Shop

50. Recycling Service
51. Repair Shops (General)
52. Roller Rink
53. Seasonal Athletic Events
54. Shoe Repair Shop
55. Shoe Shining or Polishing Stand
56. Shoe Store
57. Sporting Goods
58. Stock Car Racing
59. Swimming Pool Supplies and Equipment
60. Tanning Salon
61. Trade School
62. Travel Agency
63. Vehicle Leasing
64. Vehicle Repair Shop
65. Vehicle Wrecking
66. Welding Shop

- C. Retail Food Merchants. Every person, firm or corporation conducting, managing or carrying on a business consisting principally of selling at retail food for human or animal consumption not otherwise specifically covered by other sections of this Chapter, shall pay a fee established by resolution of the Mayor and Common Council.

“Retail food merchants” for purposes of this subsection shall include but not be limited to the following:

1. Bakery
2. Confectioners
3. Dairy
4. Delicatessen
5. Feed Store
6. Grocery Store
7. Health Food Store
8. Meat Market
9. Produce Store
10. Restaurant
11. Retail Liquor

D. Wholesale Sales and Telephone Companies. Every person, firm, or corporation conducting, carrying on or managing a business consisting principally of operating a telephone company, selling goods, wares or merchandise at wholesale, other than manufacturing and selling goods at wholesale; selling at wholesale hydro-carbon, lubricating oil or gasoline, and not otherwise specifically covered by other provisions of this Chapter, shall pay a fee established by resolution of the Mayor and Common Council.

E. Manufacturers/Wholesalers. Every person, firm or corporation manufacturing and selling any goods, wares, merchandise or services at wholesale, and not otherwise specifically covered by other provisions of this Chapter, shall pay, a fee established by resolution of the Mayor and Common Council. Temporary employment services shall be included within this subsection.

F. Commercial, Industrial and Residential Rental or Leasing.

(1) Every person, firm or corporation conducting, managing, or carrying on the business of leasing or renting commercial or industrial building(s), land or space(s), where the building(s), land or space(s) are to be utilized for any business purpose including retail sales, offices and suites or other business rentals including mini-storage; or freight forwarding storehouse(s) and warehouse(s); or operating hotel(s), rooming house(s), lodging house(s), boardinghouse(s), apartment house(s), court motel(s), mobile home park(s); or leasing or renting any residential dwelling unit(s) including single family home(s) shall obtain a business registration certificate and pay a fee established by resolution of the Mayor and Common Council.

(2) All businesses which conduct, manage or carry on the business of leasing or renting of commercial or industrial building(s), land or space(s) which are to be utilized for any business purpose, are required to furnish a list of tenants or lessees for all such buildings to the City Clerk of the City of San Bernardino.

The list of tenants shall be included with the business registration certificate application or renewal application of the management company.

(3) The intent of this Section is to require a business registration certificate for the business of leasing or renting commercial or industrial building(s), for leasing or renting land, for leasing or renting office(s), suite(s) or other business rental(s), and for leasing or renting dwelling unit(s).

(4) For the leasing or renting of dwelling unit(s) a separate business registration certificate shall be required for each legal parcel upon which the rental unit(s) are located, unless the ownership of a building is divided as provided in Government Code §66426 and §66427 as a condominium, community apartment project or stock cooperative project, and then a separate business registration certificate shall be required for each such division where the owner owns less than four (4) units in one complex. Where the owner owns four (4) or more such units located in the same complex only one business registration certificate shall be required. For the purposes of this Section “complex” shall mean the land divided into condominiums, a community apartment project, or a stock cooperative project with any attendant common area and which is treated together as unified whole.

It shall be presumptive evidence that a single family dwelling is considered rented if the owner fails to claim the home owner's property tax exemption annually applicable according to San Bernardino County Tax Assessor's Records. Whenever an owner fails to claim such exemption for any calendar year, it shall be presumed that the properties were rented and therefore subject

to the business registration, unless the owner establishes to the satisfaction of the City Clerk that the premises were not rented, provided however that the owner had not advertised or otherwise held out property as being available for lease or rent during that calendar year.

(5) For the leasing or renting of commercial or industrial building(s), for the leasing or renting of land, and for the leasing or renting of office(s), suite(s) or other business rental(s), a separate business registration certificate shall be required for each legal parcel upon which the rental unit(s) are located, or for each building if such building is located on more than one legal parcel. However where the ownership of a building is divided as provided in Government Code §66426 and §66427 as a condominium or stock cooperative project then a separate business registration certificate shall be required for each such division where the owner owns less than four (4) units in one complex. Where the owner owns four (4) or more such units located in the same complex only one Business Registration Certificate shall be required. "Complex" shall have the same definition as that in subdivision (4) above.

(6) It shall be unlawful for any property owner, landlord, manager, or agent to demand, accept, receive or retain any payment of rent if the unit for which the rent is paid has not applied for and received a Business Registration Certificate under this Section. Any person violating any of the provisions or failing to comply with any of the requirements of this Section shall be guilty of a misdemeanor

G. Barbershops, manicurist, shampooing, or hair-dressing parlors. Every person, firm, or corporation conducting, carrying on or managing a business consisting principally of a barbershop, manicurist, shampooing or hairdressing parlor and not otherwise specifically covered by other sections of this Chapter, shall pay a fee established by resolution of the Mayor and Common Council.

H. Motor Vehicle Sales - New and Used. Every person, firm, or corporation conducting, carrying on, or managing a business consisting principally of selling new and/or used motor vehicles, whether at retail or wholesale, including the sale of parts and services, and not covered by other provisions of this Chapter, shall pay a fee established by resolution of the Mayor and Common Council.

(Ord. MC-1231, 10-03-06; Ord. MC-935, 4-18-95; Ord. MC-817, 1-07-92;
Ord. MC-382, 6-20-84; Ord. MC-302, 9-07-83)

5.04.526 Increased Cost of Municipal Services

A. The Mayor and Common Council do hereby find and determine that in the area described in subsection E, there is a concentration of multifamily residential housing with an excessively high crime rate including robberies, shootings, murders,

[\[Return to Municipal Code Contents\]](#)

attempted murders, gang activity, and drug dealings, resulting in higher than usual demand for police services, and a high concentration of blight, resulting in a higher than usual need for code enforcement, parking control, and other City services related to blight reduction.

- B. In the area described in subsection E it is hereby determined that the excessive demand of City service is a cost that should not be borne by the general tax payers of the City, but should be the responsibility of those most directly involved who are responsible for the conditions which allow such circumstances to exist and who have the best opportunity to alleviate the problem.
- C. The Mayor and Common Council do hereby further find and determine that the existence of an effective home owner's association tends to mitigate and reduce the existence of the types of crime and blight described in Subsection A due to being closer to the situation and directly involved with the people who are affected by the adverse effects of crime and blight, and are the recipients of improvements in such situations, and due to the fact that those who own or reside in residential property have a greater incentive to care for that property and to make it a safe environment in which to live.
- D. Therefore, in the area described in Subsection E the business registration certificate fee imposed on the operation of rental properties pursuant to San Bernardino Municipal Code Section 5.04.525.F shall be increased by the amount of \$1,000 annually. Provided however, if the owner of such rental property joins an area-wide homeowners association approved by the Mayor and Common Council, and records Conditions, Covenants and Restrictions against the property as approved by the City Attorney, the amount as added by this Section shall no longer, such Conditions, Covenants and Restrictions shall relate to maintenance and landscaping standards, parking restrictions, security measures and the right of the homeowners association, or if such association fails to do so, of the City, to enforce such conditions by means of entry, summary abatement, lien and legal action.
- E. The property to which this section shall apply is described as follows: Those portions of Tract No. 7106 as per plat thereof recorded in Book 90 of Maps, pages 61 and 62, Tract No. 6890 as per plat thereof recorded in Book 88 of Maps, pages 34 and 35, Shays Subdivision as per plat thereof recorded in Book 8 of Maps, page 44, Tract No. 6969 as per plat recorded in Book 90 of Maps, pages 59 and 60, Tract 13233 as per plat thereof recorded in Book 191 of Maps, pages 85 and 96, Tract No. 6647 as per plat thereof recorded in Book 86 of Maps, pages 30 and 31, Tract 12398 as per plat thereof recorded in Book 171 of Maps, pages 65 and 66, and Tract No. 10353 as per plat thereof recorded in Book 152 of Maps, pages 61 and 62, all records of the, County Recorder of said County lying within the following described land: Beginning at the intersection of the centerlines of Highland Avenue

[\[Return to Municipal Code Contents\]](#)

and Arden Avenue; thence South along the centerline of said Arden Avenue to the Easterly prolongation of the South line of that certain East/West alley lying South of and adjacent to the South lines of Lots 41 through 49 of said Tract No. 7106; thence West along said South line of said alley and its Westerly prolongation, to the centerline of McKinley Street; thence South along said centerline to the centerline of Roca Street; thence West along said centerline of Roca Street to the Northerly prolongation of the East line of that certain North/South alley lying East of and adjacent to the East line of Lot 9 of said Tract No. 12398; thence South along said East line of said alley to the South line of that certain East/West alley lying South of and adjacent to the South lines of Lots 1 through 9 of said Tract No. 12398; thence West along said South line of said alley, the Westerly prolongation thereof and along the South line of that certain East/West alley lying South of and adjacent to the South lines of Lots 19 through 32 of said Tract No. 6647, the Westerly prolongation thereof and along the South line of Lot I to said Tract No. 6647 and the Westerly prolongation thereof, to the centerline of Sterling Avenue; thence North along said centerline to the Westerly prolongation of the North line of that certain East/West alley lying North of and adjacent to the North line of Lots 1 through 13 of said Tract No. 10353; thence East along said prolongation and said North line of said alley and the Easterly prolongation thereof, to the centerline of Guthrie Street; thence North along said centerline, to the centerline of Highland Avenue; thence East along said centerline to the Point of Beginning.

(Ord. MC-817, 1-07-92)

5.04.540 Street benches - Liability policy required

- A. For every person, firm or corporation engaging in the business of painting, installing, erecting, constructing or maintaining benches which are installed upon the public streets of the City, subject to the provisions hereof, the fee shall be established by resolution of the Mayor and Common Council.
- B. It is unlawful to:
 - 1. Place a bench at any location unless prior approval of the Mayor and Common Council has been obtained;
 - 2. Erect, construct or locate or maintain the benches without first filing and maintaining in force and effect a public liability policy of insurance in a reputable company in limits as approved by the Mayor and Common Council;
 - 3. Maintain or erect any benches unless a correct list shall be furnished quarterly to the City Clerk setting forth the location of all benches used by the certificate holder;

[\[Return to Municipal Code Contents\]](#)

4. Locate, erect or place any bench other than at bus stops.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.545 Construction business - Contractors

- A. For every person, firm or corporation conducting, managing or carrying on the business of constructing houses, buildings or structures, or bidding or submitting a bid on the construction of houses, buildings or structures, as a general contractor, except as provided in Subsections B and C of this section, the fee shall be established by resolution of the Mayor and Common Council.
- B. For every person, firm or corporation conducting, managing, or carrying on the business of an electric wiring contractor, engaged in the business of installing electric wires and electric lighting or heating fixtures in houses or buildings, or bidding or submitting a bid on the installation of electric wires and electric lighting or heating fixtures in houses or buildings, or constituting a master electrician within the meaning of the Electrical Code of the City, the fee shall be established by resolution of the Mayor and Common Council.
- C. For every person, firm or corporation conducting, managing or carrying on the business of brick mason, building contractor, building, house moving and house wrecking, cement, concrete, excavating, floor polishing, grading, interior decorating or wall-paper contractor, landscaping, paint, paving, plaster, surfacing, trenching and all other subcontractors, and every person, firm or corporation submitting any bid in connection therewith, the fee shall be established by resolution of the Mayor and Common Council.
- D. For every person, firm or corporation engaged in or carrying on the business of plumbing, or submitting any bid in connection therewith, the fee shall be established by resolution of the Mayor and Common Council.
- E. "Contractor, " within the meaning of this Article, is a person, firm, co-partnership, corporation, association, or other organization, or any combination of any thereof, who, for a fixed sum, price, fee percentage or other compensation, other than wages, undertakes with another for the construction, alteration, repair, addition to or improvement of any building, highway, road, railroad, excavation or other structure, project, development or improvement other than to personality, or any part thereof; provided that "contractor, " as used in this Article, includes subcontractors, but does not include anyone who merely furnishes materials or supplies without fabricating the same into or consuming the same in the performance of the work of the contractor as herein defined.

[\[Return to Municipal Code Contents\]](#)

- F. No Business Registration Certificate shall be issued by the City Clerk or any permit issued by the Building Inspector, Plumbing Inspector, or City Electrician pursuant to the provisions of any ordinance of the City requiring the issuance of a license or any permit for building construction, plumbing or wiring installation to any contractor unless and until such contractor either exhibits a contractor's license issued under the authority of and pursuant to the statutes of the state in the proper classification in relationship to the work to be performed or establishes to the satisfaction of the City Clerk, Building Inspector, Plumbing Inspector or City Electrician, as the case may be, that he or she is licensed as a contractor by the state to perform such work in accordance with the law or the Rules and Regulations of the Contractor's State License Board. Nothing, however, in this section shall be deemed to prohibit the issuance of any such permit to the owner of property upon which a building is being constructed, altered or repaired.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.560 Painting of house numbers

For every person, firm or corporation engaged in or carrying on the business of the painting of house numbers on curbs of streets in the City, the fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.575 Certificates for businesses not otherwise covered by Article

Each business, show, exhibition or game conducted, operated or carried on in the City, which is not otherwise covered by the provisions of this Article shall be required to apply for and obtain a Business Registration Certificate before doing business in the City and the fee therefor shall be established by resolution of the Mayor and Common Council.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90; Ord. MC-302, 9-07-83)

5.04.595 Solicitors

- A. For every person acting as a solicitor, as defined in Subsection F of this section, the fee shall be established by resolution of the Mayor and Common Council, except for those solicitors acting as agents or representatives of a place of business holding a business registration certificate and established in the City for a period of one year under the same ownership for whom fee rates shall be established and paid based upon the total gross receipts of the business as set forth in Section 5.04.525.B.

[\[Return to Municipal Code Contents\]](#)

- B In order to be classified as a business having a business registration certificate and an established place of business in the City for a period of one year under the same ownership, such business shall continuously comply with this section and each of the following requirements:
1. A completely representative stock of the merchandise being solicited shall be on display at the place of business.
 2. The established place of business must be open to the public at least eight hours a day, five days a week.
 3. A floor salesman of the company shall be present at all times when the place of business is open.
 4. The business or company shall have and maintain at the place a sign of not less than three square feet bearing the name of the firm painted either on the front of the building or on the unscreened glass facing the front street, or the sign shall be affixed to the front of the building.
 5. Ingress and egress shall be available to the place of business from the main entrance of the building.
- C. For every person soliciting as a representative of, or from, or in connection with, any other established place of business, the fee shall be established by resolution of the Mayor and Common Council, in addition to the fee imposed upon the established place of business.
- D. Any person, firm or corporation soliciting with a number of solicitors, may elect at his or her option to pay a flat rate established by resolution of the Mayor and Common Council.
- E. Each certificate holder shall be required to maintain a current list of the name and address of each solicitor working under the certificate and the list and any current changes thereto shall be filed in the office of the City Clerk prior to any solicitation within the City.
- F. A “solicitor, ” within the meaning of this section, is defined to be any person who goes from house to house, or from place to place, in the City, selling or taking orders for, or offering to sell or take orders for, goods, wares or merchandise or any article for future delivery, or for service to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery The foregoing definition of a solicitor shall be exclusive and controlling, and the fact.

[\[Return to Municipal Code Contents\]](#)

that a solicitor may have had previous contacts with the customer through the media of telephone, correspondence, advertising or by person to person conversation, or that he may have been invited to the house or place, shall not be a defense to, or excuse for, a violation of any provision of this Article, nor affect his or her status as a solicitor.

- G. All orders taken by solicitors shall be in writing in duplicate, stating the terms thereof, and the amount paid in advance, and one copy shall be given to the purchaser. Each solicitor shall be fingerprinted and photographed by the Police Department. Solicitation shall cease at sundown.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.605 (Repealed by Ord. MC-1282, 8-19-08)

5.04.610 Determination of fee when two businesses involved

- A. In the event that any person, firm or corporation is conducting, managing or carrying on two or more businesses covered by this article at the same location and under the same management, the fee to be paid by such person, firm or corporation shall be the highest fee provided for in this Article, for only one of such businesses; provided, however, in such cases where the fee on one or more of such businesses is based upon the gross annual receipts of such business and the fee on one or more of such businesses is fixed at a definite amount, then the fee shall be paid according to the provisions of this Article providing for a fee based upon such gross annual receipts, and the receipt of the business or businesses upon which the fee is fixed at a definite amount shall be included in the gross annual receipts for the business or businesses upon which the fee is based upon the gross annual receipts of such business or businesses unless the fee upon any one of such businesses is greater in amount than the fee of the business or businesses upon which the fee is based upon the gross annual receipts of such business, and in that event the fee paid shall be the highest fee upon any one of such businesses upon which the fee is fixed at a definite amount; provided further, that in such cases where the fee upon two or more of such businesses are based upon the gross annual receipts of such business, then separate certificates shall be issued for each such business, and the fee paid upon each of such businesses in accordance with the amount of gross annual receipts of each such business.
- B. In any event, any person, firm or corporation conducting any business covered under the terms of this Article providing for the payment of a fee based upon volume of business, number of persons employed, number of vehicles used, or other basis shall make and file the verified statements provided for in this Article except as otherwise provided for in this Article.

(Ord. MC-817, 1-07-92)

[\[Return to Municipal Code Contents\]](#)

5.04.615 Separate certificates for separate locations

In the event any person, firm or corporation is conducting, managing or carrying on two or more businesses at separate locations, each location is for the purpose of this Article deemed a separate business in computing and fixing the fee; provided, however, that warehouses and distributing plants located in the City used in connection with and incidental to a business for which a registration certificate has been issued to an address located within the City shall not be deemed to be branch establishments or separate locations; provided further that no business transactions shall be carried on in such incidental or supplemental warehouses or distributing plants.

(Ord. MC-935, 4-18-95; Ord. MC-817, 1-07-92)

5.04.620 Fee for vehicles used in conducting business

Every person, firm or corporation conducting, managing or carrying on any business of any kind in the City and employing vehicles, automobiles or motor vehicles in the conduct of such business shall pay a fee established by resolution of the Mayor and Common Council for each such vehicle, automobile or motor vehicle used in such business within the corporate limits of the City; provided, however, that this section shall not apply to any person, firm or corporation holding a certificate for any such business under any other provision of this Article.

(Ord. MC-817, 1-07-92; Ord. MC-744, 10-08-90)

5.04.625 Applicability of Chapter to exempt persons

Nothing contained in this Article shall be deemed or construed as applying to any person, firm or corporation conducting, managing or carrying on, or engaged in any business or occupation exempt from taxation by municipal corporations, by virtue of Section 14, Article XIII of the Constitution of the State, or by the Constitution of the United States.

(Ord. MC-817, 1-07-92)

5.04.626 Exemption - Veterans

Every peddler, solicitor or other person claiming to be entitled to exemption from the payment of any fee provided for in this Chapter upon the ground that he or she is an honorably discharged or released soldier, sailor or marine of the United States or Confederate States who is physically unable to obtain a livelihood by manual labor and who shall be a qualified elector of the State or otherwise evidences residency within the State, as provided in the laws of this State, shall, in addition to any other information required by this Chapter, file with the City Clerk's office a certificate of a regularly licensed and practicing physician dated within a month of said application, to the effect that said

[Return to Municipal Code Contents]

applicant is physically unable to obtain a livelihood by manual labor, and stating the nature of said incapacitation; verification that the applicant is an honorably discharged veteran of the United States or Confederate States, and verification that the applicant is a registered voter of this State or otherwise evidences residency within the State. Upon proof of the foregoing, the City Clerk shall issue without charge a certificate to a qualified applicant to solicit, sell, hawk, peddle, or vend his or her goods. Certificate holders under the provisions of this section shall be required to comply with all other provisions of this Chapter. Any certificate issued hereunder shall be personal to the veteran, and shall not authorize soliciting, selling, hawking, peddling or vending by an agent, employee or representative of the veteran. The certificate shall also be limited to hawking, peddling and vending goods and merchandise owned by the veteran personally.

(Ord. MC-817, 1-07-92)

5.04.630 Applicability of Chapter to nonprofit organizations

The provisions of this Article relating to business registration certificates and fees therefor shall not apply to any bona fide nonprofit charitable, fraternal or religious corporation, association, institution or organization when the proceeds of the activities covered by the exemption are to be used for the lawful purposes of the organization; provided, however, that no exemption under this Article shall be valid unless application therefor has been made in writing to the City Clerk, and a certificate of exemption issued by the City Clerk, which certificate shall cover a period of no more than one year from date thereof, and shall be displayed or available for presentment to any enforcement officer of the City on request, on the premises covered by the certificate; and provided further, that no exemption shall be granted under this article when any person, firm, concern or organization not meeting the foregoing qualifications receives any share or interest in the activities proposed to be covered by the exemption, or the proceeds or income therefrom.

(Ord. MC-817, 1-07-92)

5.04.640 Applicability of criminal penalties and regulatory procedures

Nothing provided in this Article shall prevent criminal prosecutions as otherwise provided by law, or the application of any regulatory procedures in instances where the field is not preempted by state law.

(Ord. MC-991, 2-19-97; Ord. MC-817, 1-07-92)

5.04.645 Fees are for revenue purposes

Any fees provided for in this Article which are applicable to a person, firm or corporation licensed by the state are for revenue and not regulatory purposes.

(Ord. MC-817, 1-07-92)

[\[Return to Municipal Code Contents\]](#)

5.04.650 Suspension, cancellation or revocation of certificates

Any certificate issued pursuant to the provisions of this Article or any amendment thereof or of any ordinance for the conducting of business may be suspended, canceled or permanently revoked for good cause by the Mayor and Common Council; provided, that notice of the time and place of the hearing and a general statement of the nature of the grounds for good cause shall be given to the certificate holder by the City Clerk at least ten days before such hearing by personal service upon the certificate holder or by certified mail to the last known address of such certificate holder. The certificate holder may be represented by his or her attorney at law at the hearing. The determination of the Mayor and Common Council that good cause for the suspension, cancellation or revocation of such exists shall be conclusive. Good cause for such suspension, cancellation or revocation shall include but is not limited to the following grounds:

- A. The existence of unsanitary conditions, noise, disturbances, or other conditions at or near the premises which cause or tend to cause a public nuisance, or which injuriously affect the public health, safety or welfare;
- B. The commission of, or permitting or causing the commission of, any act in the operation of the business, which act is made unlawful or is prohibited by any ordinance, rule, or law of the City, State or Federal government;
- C. Unfair, unjust, inequitable or fraudulent practices in the operation of the business or concealment or misrepresentation in procuring the certificate or other permit required for such business; and,
- D. The omission, or causing or permitting the omission, or any act or duty which is required by this Code or other law to be performed by the certificate holder or any officer, employee or agent thereof, in the operation of the business or any misrepresentation made in the performance of such act or duty.

(Ord. MC-817, 1-07-92)

5.04.655 Duty of auditor

It shall be the duty of the auditor employed by the City to audit the books and records of the City to make annually a test check of the payment of fees as required by this Article and said auditor shall report the result of the test check to the Mayor.

(Ord. MC-817, 1-07-92)

[\[Return to Municipal Code Contents\]](#)

Chapter 5.05
Medical Marijuana Dispensaries
(Repealed by Ord. MC-1464, 03-07-18)

Chapter 5.08
(Repealed by Ord. MC-294, 8-03-83)

Chapter 5.10
COMMERCIAL CANNABIS ACTIVITIES

Sections:

- 5.10.010 Purpose and Intent**
- 5.10.020 Legal Authority**
- 5.10.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter**
- 5.10.040 Compliance with Laws**
- 5.10.050 Definitions**
- 5.10.060 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business**
- 5.10.070 Cannabis Employee Requirements**
- 5.10.080 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted**
- 5.10.090 Initial Application Procedure**
- 5.10.100 Persons Prohibited from Holding a Commercial Cannabis Business Permit or Being Employed by a Commercial Cannabis Business**
- 5.10.110 Expiration of Commercial Cannabis Business Permits**
- 5.10.120 Revocation of Permits**
- 5.10.130 Renewal Applications**
- 5.10.140 Effect of State License Suspension, Revocation, or Termination**
- 5.10.150 Appeals**
- 5.10.160 Written Request for Appeal**
- 5.10.170 Appeal Hearing**
- 5.10.180 Commercial Cannabis Business Permittee Selection Process**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- 5.10.190 Updated Information
- 5.10.200 Change in Ownership or Location
- 5.10.210 City Business Registration Certificate
- 5.10.220 Building Permits and Inspection
- 5.10.230 Certification from the Community Development Director
- 5.10.240 Right to Occupy and to Use Property
- 5.10.250 Location and Design of Cannabis Businesses
- 5.10.260 Limitations on City’s Liability
- 5.10.270 Records and Recordkeeping
- 5.10.280 Security Measures
- 5.10.290 Restriction on Alcohol & Tobacco Sales
- 5.10.300 Fees and Charges
- 5.10.310 Miscellaneous Operating Requirements
- 5.10.320 Other Operational Requirements
- 5.10.330 Operating Requirements for Retailer Facilities; Delivery
- 5.10.340 Operating Requirements for Commercial Cultivation Facilities
- 5.10.350 Operating Requirements for Testing Labs
- 5.10.360 Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products
- 5.10.370 Promulgation of Regulations, Standards and Other Legal Duties
- 5.10.380 Community Relations
- 5.10.390 Fees Deemed Debt to the City of San Bernardino
- 5.10.400 Permittee Responsible for Violations
- 5.10.410 Inspection and Enforcement
- 5.10.420 Compliance with State Regulation
- 5.10.425 Integrity Provision
- 5.10.430 Violations Declared a Public Nuisance
- 5.10.440 Each Violation a Separate Offense
- 5.10.450 Criminal Penalties
- 5.10.460 Remedies Cumulative and Not Exclusive

5.10.010 Purpose and Intent

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons and provide access to cannabis for medicinal purposes

[\[Return to Municipal Code Contents\]](#)

as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016), while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionate and potentially deleterious negative impacts. As such, it is the purpose and intent of this Chapter to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution and transportation of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of San Bernardino and to enforce rules and regulations consistent with State law. It is the further purpose and intent of this Chapter to require all commercial cannabis operators to obtain and renew, annually, a permit to operate within the City of San Bernardino. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes, or in any manner, that violates state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under State, City, or other law.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.020 Legal Authority

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of MAUCRSA, any subsequent State legislation and/or regulations regarding same, and the City Charter of the City of San Bernardino, the Mayor and City Council are authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial medicinal and adult-use cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, reporting and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of San Bernardino to all commercial cannabis activity.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Section 26090(e) of the Business and Professions Code), of cannabis or cannabis product is expressly prohibited in the City of San Bernardino.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.040 Compliance with Laws

Nothing in this Chapter shall be construed as authorizing any actions that violate federal, State or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners, the operators, and the employees of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, State and local laws, including for as long as applicable, the Compassionate Use Act (“Prop. 215”), the Medical Marijuana Program Act (“MMPA”) and the 2008 Attorney General Guidelines for the Security and Non-Diversion of Cannabis for Medical Purposes (“AG Guidelines”) (collectively “the Medical Cannabis Collective Laws”), any subsequently enacted State law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.050 Definitions

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) “A-license” means a state license issued under Division 10 of the Business and Professions Code for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician’s recommendations.
- (b) “A-licensee” means any person holding a license under Division 10 of the Business and Professions Code for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess physician’s recommendations.
- (c) “Applicant” means a person applying for a permit pursuant to this Chapter.
- (d) “Harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals, and harvested at the same time.
- (e) “Bureau” means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- (f) “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- (g) “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
- (h) “Cannabis product” means a product containing cannabis, including, but not limited to, manufactured cannabis, - intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this Chapter, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (i) “Canopy” means the designated area(s) at a premises, except nurseries, that will contain mature plants at any point in time. (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which includes, but is not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and if mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- (j) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (k) “City” means the City of San Bernardino, a California Charter City.

[\[Return to Municipal Code Contents\]](#)

- (l) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this Chapter.
- (m) “Commercial cannabis business” means any person which engages in commercial cannabis activity.
- (n) “Commercial cannabis business permit” means a regulatory permit issued by the City of San Bernardino pursuant to this Chapter to a commercial cannabis business, and is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the commercial cannabis activity at issue.
- (o) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (p) “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
- (q) “Customer” means a natural person 21 year of age or over or a natural person 18 year of age or older who possesses a physician’s recommendation.
- (r) “Day care center” has the same meaning as in Section 1596.76 of the Health and Safety Code.
- (s) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
- (t) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.
- (u) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (v) “Distributor” means a person holding a valid commercial cannabis business permit issued by the City of San Bernardino, and, a valid state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed retailer.

[\[Return to Municipal Code Contents\]](#)

- (w) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (x) “Employee” means any natural person who is employed or retained as an independent contractor by any permittee in consideration for direct or indirect monetary wages or profit, or any natural person who volunteers his or her services for an employer.
- (y) “Fire Department” has the same meaning as in Section 2.12.020 of this Code.
- (z) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.
- (aa) “License” means a permit or license issued by the State of California, or one of its departments or divisions, under Division 10 of the Business and Professions Code to engage in commercial cannabis activity, including both an A-license and an M-license, as well as a testing laboratory license.
- (ab) “Licensee” means any person holding a state license under Division 10 of the Business and Professions Code, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (ac) “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (ad) “Live plants” means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (ae) “M-license” means a state license issued for commercial cannabis activity involving medicinal cannabis.
- (af) “M-licensee” means any person holding a license for commercial cannabis activity involving medicinal cannabis.
- (ag) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (ah) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

[\[Return to Municipal Code Contents\]](#)

- (ai) “Manufacturer” means a person issued a valid commercial cannabis business permit by the City of San Bernardino and, a valid state license as required, that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.
- (aj) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.
- (ak) “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent. For purposes of this Chapter, a nonvolatile solvent includes carbon dioxide (CO2) used for extraction and ethanol used for extraction or post-extraction processing.
- (al) “Nursery” means a person issued a valid commercial cannabis business permit from the City of San Bernardino and, a valid state license as required that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.
- (am) “Operation” means any act for which a commercial cannabis business permit is required under the provisions of this Chapter, or any commercial transfer of cannabis or cannabis products.
- (an) “Owner” means any of the following:
 - (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (2) The Executive Director of a nonprofit or other entity.
 - (3) A member of the board of directors of a nonprofit.
 - (4) An individual who will be participating in the direction, control, or management of the person applying for a commercial cannabis business permit or who has a financial interest in the commercial cannabis business other than a fixed lease of real property

- (ao) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (ap) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.
- (aq) “Permit” means a commercial cannabis business permit issued by the City of San Bernardino under this Chapter.
- (ar) “Permittee” means any person holding a permit under this Chapter.
- (as) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (at) “Physician’s recommendation” means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (au) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one permittee.
- (av) “Purchaser” means the customer who is engaged in a transaction with a permittee for purposes of obtaining cannabis or cannabis products.
- (aw) “Retailer” means a commercial cannabis business that offers cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of San Bernardino authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.
- (ax) “Sell,” “sale,” and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order

placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return by the original purchaser to the location where the product was purchased.

- (ay) “Testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
 - (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State; and
 - (2) Holds a valid commercial cannabis business permit from the City and a state license as required.
- (az) “Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity.
- (ba) “Youth center” has the same meaning as in Section 11353.1 of the Health and Safety Code.
- (bb) “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.060 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business

- (a) No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City of San Bernardino including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, special events, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis business permit from the City of San Bernardino; (2) has a valid State Seller’s Permit; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain a City business registration certificate and any required state licenses. Engaging in a commercial cannabis business or in any commercial cannabis activity includes establishing, owning, managing, conducting, leasing to, operating, causing, permitting, aiding, abetting, suffering or concealing the fact of such an act.

[\[Return to Municipal Code Contents\]](#)

- (b) Until Health & Safety Code Section 11362.775, subdivision (a), is repealed, the City intends that person's eligible to operate collectives or cooperatives under that subdivision shall be eligible to apply for a City conditional permit to conduct commercial cannabis activities, but only to the degree those activities are authorized under state law for collectives and cooperatives. When the Health & Safety Code Section 11362.775, subdivision (a), is repealed, or as soon as collectives and cooperatives are no longer permitted to engage in commercial cannabis activity without a state license under state law, any conditional permit issued to a commercial cannabis business that has not obtained a state license for the commercial cannabis activities shall expire and shall be null and void. Such businesses shall no longer be authorized to engage in any commercial cannabis activities in the City until they obtain both a City issued commercial cannabis business permit and a state license for that commercial cannabis activity.

- (c) No temporary events shall be permitted at a state designated fair, as that term is defined in Business and Professions Code Section 19418, subdivision (a), unless the state designated fair has complied with the requirements of subsection (a) above and the temporary event is authorized pursuant to a Development Agreement with the City of San Bernardino approved in accordance with Chapter 19.40 of this Code. Temporary events are prohibited Citywide except at a state designated fair.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.070 Cannabis Employee Requirements

- (a) Any person who is an employee within a commercial cannabis business must be legally authorized to do so under applicable state law.

- (b) A commercial cannabis business shall keep the following records of each of its employees on file at the premises of the business:
 - (1) Name, address, and phone number of the employee;

 - (2) Age and verification of employee. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be on file with the business;

 - (3) A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) for which the employee has been convicted;

 - (4) Name, address, and contact person for all previous employers of the employee for the last ten (10) years, including, but not limited to, all employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

[\[Return to Municipal Code Contents\]](#)

- (5) The fingerprints and a recent photograph of the employee;
 - (6) If applicable, verification that the employee is a qualified patient or primary caregiver;
- (d)⁴ The permittee shall provide to the Chief of Police or his/her designee, upon request, the records described above in subsection (b). The Chief of Police or his/her designee may review the records and may conduct a background check to determine whether the employee has been convicted of a crime that shows the employee:
- (1) Is dishonest; or
 - (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
 - (3) Was convicted of a violent felony, a crime of moral turpitude; or
 - (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.080 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted

The number of each type of commercial cannabis business that shall be permitted to operate in the City shall be established by Resolution of the Mayor and City Council but at no time shall the total number of permits for all license types exceed one (1) permit per twelve thousand five hundred (12,500) residents of the City as determined by the most recent Population Estimates for Cities, Counties and the State Report generated by the State Department of Finance for the most recent year; unless the Mayor and City Council adopt an ordinance allowing for a greater number of total permits.

- (a) This Chapter is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the City. Nothing in this Chapter creates a mandate that the Mayor and City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further

⁴ 5.10.070(c) is not given in texts of either Ord. MC-1464, 3-07-18 or of Ord. MC-1503, 9-05-18

amendments to the application process or that the Mayor and City Council, upon further deliberation, determines that the issuance of any or all commercial cannabis business permits will impact the public safety, welfare or other policy concerns which may be detrimental in the issuance of these permits.

- (b) Each year following the Mayor and City Council's initial award of permits, if any, or at any time in the Mayor and City Council's discretion, the Mayor and City Council may reassess the number of commercial cannabis business permits which are authorized for issuance to each business type. The Mayor and City Council, in its discretion, may determine by Resolution that the number of each type of commercial cannabis permits should be reduced, stay the same, or be expanded.
- (c) In accordance with the first paragraph of this Section 5.10.080, the City Council has elected to increase the maximum number of cannabis permits that can be lawfully awarded in accordance with the population formula set forth in this Section as follows: the City may award up to 17 retail business permits. This maximum number of retail business permits shall include all awarded microbusiness permits so that there are no more than a total of 17 retail and microbusiness permits, which include a retail component. The City may award an unlimited number of cannabis business permits for other types of cannabis businesses in accordance with the restrictions set forth in Chapter 5.10, applicable guidelines adopted in accordance with Chapter 5.10 and any zoning regulations adopted by the City Council.

(Ord. MC-1541, 9-02-20; Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.090 Initial Application Procedure

- (a) The Mayor and City Council shall adopt by Resolution the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which Resolution shall include or require the City Manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria"), which shall require any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code as contemplated by Business and Professions Code Section 26055, subdivision (h). The Resolution shall authorize the City Manager or his/her designee(s) to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately provide a final recommendation to the Mayor and City Council.
- (b) At the time of filing, each applicant shall pay an application fee established by Resolution of the Mayor and City Council, to cover all costs incurred by the City in the application process.

[\[Return to Municipal Code Contents\]](#)

(c) After the initial review, ranking, and scoring under the Review Criteria, the City Manager or his/her designee(s) will make a recommendation to the Mayor and City Council, and the Mayor and City Council shall make a final determination in accordance with Section 5.10.180.

(d) THE CITY 'S RESERVATION OF RIGHTS:

The City reserves the right to reject any or all initial applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted by law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, including a failure to comply with other requirements in this Chapter, an application RISKS BEING REJECTED for any of the following reasons:

- (1) The application was received after the designated time and date;
- (2) The application did not contain the required elements, exhibits, nor organized in the required format; or
- (3) The application was not considered fully responsive to the request for permit application.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.100 Persons Prohibited from Holding a Commercial Cannabis Business Permit or Being Employed by a Commercial Cannabis Business

(a) No person may hold a commercial cannabis business permit, or be employed by a commercial cannabis business, in the City of San Bernardino, if any of the following conditions exist:

- (1) The applicant, permittee, or employee has been denied a commercial cannabis business permit, or similar license, or has had such a permit or license suspended or revoked by any city, county, city and county or any state cannabis licensing authority;

- (2) The applicant, permittee, employee, or the owner of the property upon which the proposed commercial cannabis activity is to occur, was either convicted of, pled guilty or nolo contendere to, or has been found by the City's Hearing Officer pursuant to Chapters 9.92 or 9.93 to be responsible for, conducting commercial cannabis activity in non-compliance with Title 19, other City of San Bernardino ordinances, codes and requirements, or state law, and they failed to discontinue operating in a timely manner; or
- (3) The applicant, permittee, or employee, or the owner of the property upon which the proposed commercial cannabis activity is to occur, was found by the appropriate taxing agency to have been in non-compliance with federal, state or local tax laws or failed to report income from commercial cannabis activities to federal, state, or local government in violation of law.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.110 Expiration of Commercial Cannabis Business Permits

Each commercial cannabis business permit issued pursuant to this Chapter shall expire three (3) years after the date of its issuance. Commercial cannabis business permits may be renewed as provided in this Chapter.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.120 Revocation of Permits

Commercial cannabis business permits may be suspended or revoked by the City Manager or his/her designee for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.130 Renewal Applications

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by Resolution of the Mayor and City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.

[Return to Municipal Code Contents]

- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
- (1) The application for renewal is filed less than sixty (60) days before the expiration of the commercial cannabis business permit.
 - (2) The commercial cannabis business permit is suspended or revoked at the time of the application.
 - (3) The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - (4) The commercial cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
 - (5) The permittee fails or is unable to renew its State of California license.
 - (6) If the City has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the San Bernardino Municipal Code, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- (e) The Community Development Director or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Community Development Director or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Community Development Director or his/her designee(s) shall be handled pursuant to Sections 5.10.150, 5.10.160, and 5.10.170.
- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.140 Effect of State License Suspension, Revocation, or Termination

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis

[\[Return to Municipal Code Contents\]](#)

business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of San Bernardino.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.150 Appeals

Unless specifically provided elsewhere to the contrary, any determination of the Chief of Police or Community Development Director, or the designees of either of them, may only be appealed to the City Manager, which decision shall be final. The City Manager may delegate the appeal to the City's Administrative Law Officer ("Hearing Officer") appointed in conformity with Chapter 9.92 of this Code, in which case, the decision of the Hearing Officer shall be final. All decisions of the Mayor and City Council, City Manager or Hearing Officer under this Chapter shall be final. All appeals shall be conducted as prescribed in this Section, Section 5.10.160 and Section 5.10.170.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.160 Written Request for Appeal

- (a) Within ten (10) calendar days after the date of the determination, an aggrieved party may appeal such determination by filing a written appeal with the City Clerk setting forth the reasons why the determination was not proper. If no appeal of a determination is made within ten (10) days of the date of the determination, the determination shall be final.
- (b) At the time of filing the appellant shall pay the designated appeal fee, established by Resolution of the Mayor and City Council from time to time.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.170 Appeal Hearing

- (a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Manager, or if the appeal has been delegated to the Hearing Officer, before the Hearing Officer. The City Manager or Hearing Officer shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.
- (b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) calendar days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) calendar days prior to the date of the hearing.

[\[Return to Municipal Code Contents\]](#)

- (c) At the hearing, the appellant may present any information they deem relevant to the determination appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- (d) At the conclusion of the hearing the City Manager or Hearing Officer may affirm, reverse or modify the decision appealed.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.180 Commercial Cannabis Business Permittee Selection Process

- (a) The Mayor and City Council shall adopt by Resolution, a procedure guideline and Review Criteria by which the top applicants in each category of each commercial cannabis business will be presented to the Mayor and City Council for a final determination at a public hearing.
- (b) The top final applicants for each category may be invited to attend the Mayor and City Council meeting, only if requested by the City Manager or his/her designee where they may be expected to make a public presentation introducing their team and providing an overview of their proposal. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (c) At least ten (10) calendar days prior to the hearing, notice of the hearing shall be sent to all property owners located within six hundred (600) feet of the proposed business locations of each of the finalists to be considered by the Mayor and City Council.
- (d) The Mayor and City Council shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial cannabis businesses. The Mayor and City Council's decision as to the selection of the prevailing candidates shall be final.
- (e) Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals. Following the Mayor and City Council's selection, the prevailing applicant(s) shall apply to the City's Community Development Department to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The City Manager or his/her designee(s) shall formally issue the commercial cannabis business permit(s) once the Community Development Director or his/her designee(s) affirms that all of the required land use approvals have been obtained.

[\[Return to Municipal Code Contents\]](#)

- (f) Issuance of a commercial cannabis business permit does not create a land use entitlement or serve as a building permit. The commercial cannabis business permit shall only be for a term of three (3) years, and shall expire at the end of the three (3) year period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter, applicable building permits, and conditions of the commercial cannabis business permit, have been complied with. Until a state license is available and obtained by the permittee, this means compliance with all provisions of the Medical Cannabis Collective Laws as set forth at Section 5.10.060.
- (g) Notwithstanding anything in this Chapter to the contrary, the Mayor and City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the Mayor and City Council may terminate or delay the program created under this Chapter or otherwise revise, amend, or repeal this Chapter.
- (h) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.
- (i) Each person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the Mayor and City Council, to cover the costs of administering the commercial cannabis business permit program created in this Chapter.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.190 Updated Information

Within fifteen (15) calendar days of any other change in the information provided in the application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business location or ownership or management members, the applicant shall file an updated application form with the City Manager or his/her designee(s) for review along with an application amendment fee, as set forth in section 5.10.090 and 5.10.130.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.200 Change in Ownership or Location

- (a) The person granted a commercial cannabis business permit shall not transfer ownership or control of the permit to another person unless and until the transferee obtains an amendment to the permit from the City Manager or his/her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or his/her designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original commercial cannabis business permit) accompanied by a transfer fee in an amount set by Resolution of the Mayor and City Council (or if not set, shall be the same amount as the application fee), and the City Manager or his/her designee determines, after hearing, in accordance with this Chapter that the transferee passed the background check required for permittees and meets all other requirements of this Chapter. No transfer of ownership may occur within five (5) years of the date the commercial cannabis business permit is originally issued, except as provided below.
- (b) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or his/her designee shall be valid for a period of one year beginning on the day the City Manager or his/her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the City Manager or his/her designee through the transfer process contained in subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (d) A permittee may change the form of business entity without applying to the City Manager or his/her designee for a transfer of permit, provided that either:
 - (1) The membership of the new business entity is substantially similar to the original permit holder business entity (at least 51% of the membership is identical), or
 - (2) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with Section 5.10.060, subdivision (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

[\[Return to Municipal Code Contents\]](#)

Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager in writing of the change within ten (10) calendar days of the change. Failure to comply with this provision is grounds for permit revocation.

- (e) No commercial cannabis business permit may be transferred when the City Manager or his/her designee has notified the permittee that the permit has been or may be suspended or revoked.
- (f) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.
- (g) The location specified in the commercial cannabis business permit may not change without an amendment to the permit, processed in the same manner as an initial permit pursuant to the process and fees set forth in Section 5.10.090.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.210 City Business Registration Certificate

Prior to commencing operations, and at all times thereafter, a commercial cannabis business shall maintain a valid City of San Bernardino business registration certificate.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.220 Building Permits and Inspection

Prior to commencing operations, and at all times thereafter, a commercial cannabis business shall be subject to a mandatory building inspection, and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals. No modifications to the structure of the premises shall be made without required approvals listed above.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.230 Certification from the Community Development Director

Prior to commencing operations, a commercial cannabis business must obtain a certification from the Community Development Director or his/her designee(s) certifying that the business is located on a site that meets all of the requirements of Title 19 of this Code.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.240 Right to Occupy and to Use Property

As a condition precedent to the City's issuance of a commercial cannabis business permit pursuant to this Chapter, any person intending to open and to operate a commercial cannabis business shall provide sufficient evidence, which sufficiency shall be determined in the reasonable discretion of the Mayor and City Council, of the legal right to occupy and to use the proposed location for the proposed commercial cannabis activity. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from all owners of the property, acknowledging that the property owners have read this Chapter and consent to the operation of the commercial cannabis business on the owner's property.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.250 Location and Design of Cannabis Businesses

Commercial cannabis businesses are permitted to engage in commercial cannabis activities subject to the following zoning and locational requirements:

- (a) The commercial cannabis business must be located on property zoned CG (Commercial General), CG -2 (Commercial General-2), CG-3 (Commercial General -3), CR-2 (Commercial Regional-Downtown), CR-3 (Commercial-Tri-City-Club), CCS-1 (Central City South), CCS-2 (Central City), CH (Commercial Heavy), IL (Industrial Light), IH (Industrial Heavy), OIP (Office Industrial Park), or as such successor zones as may be created by the Mayor and City Council from time to time, and must meet all of the requirements for development in these zones; and
- (b) The property on which the cannabis business is located must also meet all of the distance requirements listed below in subsections (b)(1)-(3), unless the Mayor and City Council adopt an ordinance allowing for a lesser distance. All distances shall be the horizontal distance measured in a straight line from exterior parcel line to exterior parcel line without regard to intervening structures, except as listed in subsection (b)(4).
 - (1) The parcel shall be no closer than six hundred (600) feet of any residentially zoned parcel in the City, the City's sphere of influence, a neighboring incorporated city, or unincorporated county.
 - (2) The parcel shall be no closer than six hundred (600) feet from any parcel in the City, the City's sphere of influence, a neighboring incorporated city, or unincorporated county containing any of the following:
 - A. A school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12) that is in existence at the time the permit is issued;

[\[Return to Municipal Code Contents\]](#)

- B. A commercial daycare center licensed by the City, another city, or County that is in existence at the time the permit is issued;
 - C. A youth center that is in existence at the time the permit is issued; or
 - D. A park that is in existence at the time the permit is issued.
- (3) The City shall consider the proximity of the proposed commercial cannabis business to religious facilities and libraries in existence at the time the permit is granted when determining whether to issue the permit and any conditions thereto.
- (4) For the purposes of this subsection (b), the distance measurement shall be without regard to intervening structures, with the exception of the following, in which case the distance measurement shall be the shortest path of travel around the listed intervening structures:
- A. Freeways;
 - B. Flood control channels;
 - C. Railroads;
 - D. The Santa Ana River.
- (c) Each proposed cannabis business project shall:
- (1) Conform with the City's general plan, any applicable specific plans, master plans, and design requirements;
 - (2) Comply with all applicable zoning and related development standards;
 - (3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties;
 - (4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development;
 - (5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate; and

- (6) Be provided with adequate electricity, sewage, disposal, water, fire protection and storm drain facilities for the intended purpose.

(Ord. MC-1519, 7-17-19; Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.260 Limitations on City's Liability

To the fullest extent permitted by law, the City of San Bernardino shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

- (a) They must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of San Bernardino, and its elected officials, officers, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the commercial cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, to the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager or his/her designee.
- (c) Reimburse the City of San Bernardino for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of San Bernardino may be required to pay as a result of any legal challenge related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of San Bernardino may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.270 Records and Recordkeeping

- (a) Each person granted a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City

[Return to Municipal Code Contents]

Manager or his/her designee, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid, including, but not limited to, employee withholdings. On an annual basis, each permittee shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. At the request of the City Manager, or his/her designee, the each permittee shall provide copies of the last three (3) years of their local, state and federal tax returns so that the City may verify the information provided above. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s).

- (b) Each person granted a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, and agents currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request.
- (c) Prior to state licensing, each commercial cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial cannabis business, for a period of no less than four (4) years. Once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by the MAUCRSA.
- (d) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA. Additionally, all commercial cannabis businesses shall maintain records that identify the source of all products (company name, location, license numbers etc.).
- (e) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each commercial cannabis business shall allow the City of San Bernardino officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.280 Security Measures

- (a) A commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following:
- (1) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.
 - (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 - (3) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss,
 - (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. Cameras shall clearly show each point of sale location, register with a time/date stamp. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the City Manager or his/her designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the City Manager or his/her designee(s). Video recordings shall be maintained for a minimum of one hundred twenty (120) days, and shall be made available to the City Manager or his/her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.
 - (5) Sensors shall be installed to detect entry and exit from all secure areas.
 - (6) Panic buttons shall be installed in all commercial cannabis businesses.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- (7) Having a professionally installed, maintained, and monitored alarm system. The owner and operator shall be subject to the City's security alarm systems requirements of Chapter 8.81 of this Code.
 - (8) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building as approved by the Community Development Department and Fire Department.
 - (9) Security personnel shall be on-site 24 hours a day or alternative security as authorized by the City Manager or his/her designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld.
 - (10) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (b) Each commercial cannabis business shall identify a designated security representative/liaison to the City of San Bernardino, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The commercial cannabis business shall notify the City Manager or his/her designee within twenty four (24) hours of a change in designated security representative/liaison.
 - (c) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.
 - (d) The commercial cannabis business shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, upon reasonable notice to the commercial cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
 - (e) A commercial cannabis business shall notify the City Manager or his/her designee(s) within twenty-four (24) hours after discovering any of the following:
 - (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).

- (2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
- (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the commercial cannabis business.
- (4) Any other breach of security.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.290 Restriction on Alcohol & Tobacco Sales

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages to any person, including minors, on or about the property occupied by the commercial cannabis business.
- (b) No person shall cause or permit the sale of tobacco products to any person, including minors, on or about the property occupied by the commercial cannabis business.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.300 Fees and Charges

- (a) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by Resolution of the Mayor and City Council which may be amended from time to time. Such fees and charges may include, but are not limited to, a regulatory fee imposed for the reasonable regulatory costs to the City for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative and criminal enforcement and adjudication thereof.
- (b) All commercial cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business, employment and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.310 Miscellaneous Operating Requirements

- (a) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City.
- (b) On-site consumption of cannabis is prohibited at all times by all individuals on the property.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale), time and date of each sale and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.
- (e) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations. No cannabis or cannabis products may be sold, distributed, or transferred out of the State.
- (f) There shall not be a physician located in or around any commercial cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.
- (g) Prior to dispensing medicinal cannabis or medicinal cannabis products where applicable to any person, the commercial medicinal cannabis business shall obtain verification from the recommending physician that the person requesting medicinal cannabis or medicinal cannabis products is a qualified patient.
- (h) Emergency Contact. Each commercial cannabis business shall provide the City Manager or his/her designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. The commercial cannabis business shall notify the City Manager or his/her designee within twenty four (24) hours of a change in the emergency contact.

[\[Return to Municipal Code Contents\]](#)

(i) Signage and Notices.

- (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of Chapter 19.22 of this Code, including, but not limited to, seeking the issuance of a City sign permit.
- (2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
- (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (5) [Repealed]
- (6) In accordance with state law and regulations or as stipulated in the City of San Bernardino commercial cannabis business permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of San Bernardino utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

(j) Minors.

- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age. Except as provided for under section 5.10.330 (c).

[\[Return to Municipal Code Contents\]](#)

- (2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business. Except as provided for under section 5.10.330 (c).
- (k) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:
 - (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
 - (l) Display of Permit and City Business License. The original copy of the commercial cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the commercial cannabis business in a location readily-visible to the public.
 - (m) Background Check. Every person listed as an owner, manager, or supervisor of the commercial cannabis business must submit fingerprints and other information deemed necessary by the Chief of Police or his/her designee(s) for a background check by the City of San Bernardino's Police Department pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no

[\[Return to Municipal Code Contents\]](#)

person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the Chief of Police or his/her designee(s). A fee for the cost of the background investigation, which shall be the actual cost to the City of San Bernardino to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted

- (n) Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
- (o) Permits and other Approvals. Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to such commercial cannabis business.
- (p) If the commercial cannabis business permittee is operating as a collective or cooperative under Health and Safety Code Section 11362.775, subdivision (a), the commercial cannabis business shall terminate the membership of any member violating any of the provisions of this Chapter.
- (q) The interior and exterior of the premises of the commercial cannabis business shall be well lit at all times. The windows of the building shall provide an unobstructed view into the interior.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.320 Other Operational Requirements

The City Manager or his/her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.330 Operating Requirements for Retailer Facilities; Delivery

- (a) No more than the number of retailers adopted by resolution may operate within the City of San Bernardino at any one time and no more than that number adopted by resolution shall be issued a permit by the City of San Bernardino to operate a retailer at one time. Both retailers offering storefront purchase (customers purchase and obtain cannabis onsite) and retailers offering delivery only shall be permitted. Each shall be required to maintain a physical location from which commercial cannabis activities are conducted that are permitted under this Chapter.

[Return to Municipal Code Contents]

- (b) Retailers may only deliver to customers within a county or city that does not expressly prohibit delivery by ordinance. Retailers may only deliver to customers within the City of San Bernardino after obtaining a commercial cannabis business permit issued under the Chapter. Security plans developed pursuant to this chapter shall include provisions relating to vehicle security and the protection of employees and product during loading and in transit.
- (c) M-licensee retailers must verify the age and all necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years and that the potential customer has a valid doctor's recommendation. A-licensee retailers must verify the age of customers to ensure persons under the age of twenty-one (21) are not permitted.
- (d) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
- (e) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.
- (f) Retailers may have only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the publically accessible retail sales area of the retailer.
- (g) All restroom facilities shall remain locked and under the control of management.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.340 Operating Requirements for Commercial Cultivation Facilities

- (a) All outdoor (i.e. open air) cultivation is prohibited. The cultivation of all cannabis must occur indoors or within mixed light structures.
- (b) In no case, shall cannabis plants be discernable from a public or private road, sidewalk, park or any common public viewing area.
- (c) A permittee permitted to engage in commercial cannabis cultivation in the City of San Bernardino shall only be allowed to cultivate the square feet of canopy space permitted by state law.
- (d) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

[\[Return to Municipal Code Contents\]](#)

- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a commercial cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use.
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.350 Operating Requirements for Testing Labs

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100, et seq., and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.
- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

[\[Return to Municipal Code Contents\]](#)

- (c) Testing Labs shall obtain and maintain ISO/IEC 17025 accreditation as required by the bureau.
- (d) Testing Labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- (e) Each operator of a Testing Lab shall ensure that any Testing Lab employee takes the sample of cannabis or cannabis products from the distributor's premises for testing as required by state law and that the Testing Lab employee transports the sample to the Testing Lab.
- (f) Except as provided by state law, a Testing Lab shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- (g) A Testing Lab may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A Testing Lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a Testing Lab for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.360 Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products

- (a) In addition to any locational restrictions contained within this Chapter, manufacturers requiring a Type-6, or Type-7 or any subsequent created manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may only be permitted to operate within those zone districts as similar manufacturing activities under Title 19 of this Code.

[\[Return to Municipal Code Contents\]](#)

- (b) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of San Bernardino in containers that exceeds the amount which is approved by Fire Department and authorized by the commercial cannabis business permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the Fire Department on the property at any time.
- (c) Manufacturers may use the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by both the Community Development Department and Fire Department. These solvents must be of at least ninety-nine percent purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
- (d) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in 5.10.360 (f). The CO₂ must be of at least ninety-nine percent purity.
- (e) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (f) Certification from an engineer licensed by the State of California must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
 - (1) The American Society of Mechanical Engineers (ASME);
 - (2) American National Standards Institute (ANSI);
 - (3) Underwriters Laboratories (UL); or
 - (4) The American Society for Testing and Materials (ASTM).
- (g) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

- (h) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (i) Manufacturers may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (j) Manufacturers may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- (k) Manufacturers creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (l) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store solvents and gases safely.
- (m) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.370 Promulgation of Regulations, Standards and Other Legal Duties

- (a) In addition to any regulations adopted by the Mayor and City Council, the City Manager or his/her designee is authorized to establish, subject to approval by the Mayor and City Council, any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations shall be published on the City's website.

[\[Return to Municipal Code Contents\]](#)

- (c) Regulations promulgated by the City Manager or his/her designee shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his/her designee.
- (d) Testing Labs and Distribution facilities shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed under Section 5.10.350 (a) of this Chapter and any subsequent State of California legislation regarding the same.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.380 Community Relations

- (a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business. The commercial cannabis business shall notify the City Manager or his/her designee within twenty four (24) hours of a change in community relations contact.
- (b) During the first year of operation pursuant to this Chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Chapter shall attend meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).
- (c) Commercial cannabis businesses to which a permit is issued pursuant to this Chapter shall develop a City approved public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.390 Fees Deemed Debt to the City of San Bernardino

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of San Bernardino that is recoverable via an authorized administrative process as set forth by ordinance, or in any court of competent jurisdiction.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.400 Permittee Responsible for Violations

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of San Bernardino, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permittee's presence.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.410 Inspection and Enforcement

- (a) The City Manager, Chief of Police or designee of either of them charged with enforcing the provisions of this Chapter, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (b) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law.
- (c) The City Manager, Chief of Police or designee of either of them charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of San Bernardino shall be logged, recorded, and maintained in accordance with established procedures by the San Bernardino Police Department or regulations adopted pursuant to the authority of this Chapter.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

5.10.420 Compliance with State Regulation

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of San Bernardino in compliance with all provisions MAUCRSA and any subsequent state legislation.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.425 Integrity Provision

- (a) All applicants listed on an application for a commercial cannabis business permit or any persons representing or lobbying on their behalf shall comply with the Integrity Standards adopted by separate Resolution of the City Council. Failure to abide by the Integrity Standards may result in disqualification from a Commercial Cannabis Business (CCB) permit review process or revocation if it is later determined that the applicant or any person associated with the application or any third party lobbying on their behalf has violated the standards.
- (b) Prior to voting on the approval of an application of any kind related to a Commercial Cannabis Business (CCB) permit, all members of the City Council shall disclose, in public, immediately before the vote, whether they have had any communications directly or through an intermediary with the CCB applicant or a representative of or a lobbyist for a CCB applicant

(Ord. MC-1547, 10-21-20)

5.10.430 Violations declared a public nuisance

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be summarily abated by the City Manager, Chief of Police, or designee of either of them. The City may recover any nuisance abatement costs and/or administrative fines relating to such violations in accordance with Government Code Sections 38773.1 and 38773.5 in accordance with Chapter 8.30 of this Code.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.440 Each violation a separate offense

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of San Bernardino. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of San Bernardino may also pursue any and

[Return to Municipal Code Contents]

all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, Chief of Police or designee of either of them, may take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.450 Criminal Penalties

Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Chapter shall be guilty of a misdemeanor, and may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the city or county jail for a period of not more than six (6) months, or by both such fine and imprisonment. The City Attorney, in his or her sound discretion, may prosecute a violation of this Chapter as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction. Any person convicted of an infraction under this provisions of this Chapter shall be punished by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for a third violation within one year. A fourth violation of this Chapter within one year shall be charged as a misdemeanor and may not be reduced to an infraction. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

5.10.460 Remedies cumulative and not exclusive

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

(Ord. MC-1503, 9-05-18; Ord. MC-1464, 3-07-18)

Chapter 5.12
(Repealed by Ord. MC-1052, 7-19-99; Ord. MC-1051, 7-19-99;
Ord. MC-1050, 7-12-99)

Chapter 5.14
ENTERTAINMENT-DANCES AND ADULT ENTERTAINMENT

Sections:

- 5.14.010 Definitions**
- 5.14.020 License-Required**
- 5.14.030 License-Application and Fees**
- 5.14.040 Application Requirements**
- 5.14.050 Issue of License-Investigation**
- 5.14.060 Operational Standards**
- 5.14.070 License-Nontransferable-Posting**
- 5.14.080 License-Fee**
- 5.14.090 License-Duration**
- 5.14.100 Exemptions from filing, processing and license fees**
- 5.14.110 Suspension/Revocation of license**
- 5.14.120 Appeal**
- 5.14.130 Licenses and Fees not Exclusive**
- 5.14.140 Exceptions**
- 5.14.150 Severability**
- 5.14.160 Violations and Penalties**

5.14.010 Definitions

For the purpose of this Chapter, certain words and phrases shall be construed as set forth in this section, unless it is apparent from the context that a different meaning is intended.

- A. “Dine and dance clubs,” and “night clubs,” mean and include all hotels, restaurants, cafes, road houses, inns, taverns, bars, or any place open to the public, wherein or whereat beverages, meals or dinners are served, and where the public and patrons thereof may dance, or where entertainers may perform.
- B. A “public dance”, “dancing club”, or “public dance hall” means and includes any place open to the public wherein or whereat the public may engage in dancing as a result of the entertainment provided, including places and dances where admission thereto is by membership or other special privilege.

C. "Entertainment" means:

1. Any act, play, review, pantomime, scene, dance act, song and dance act, concert, or gathering and playing of band(s) and/or musical groups, performed by one or more persons, whether or not such person or persons are compensated for such performance, when the same is performed at a public dance hall, public dance, dancing club, dine and dance club or night club; or
2. Any fashion or style show, except:
 - a. When the same is conducted by a nonprofit club, organization or association, as a part of the social activities of such club, organization or association to which members of the general public are not invited; or
 - b. When the same is conducted by a person as a part of a commercial business which primarily involves the sale or manufacture of clothing or wearing apparel.
3. The following is included in the term "entertainment": The presence of any performer, dancer, employee, agent, model or other person, collectively and/or individually referred to as "entertainer", in any place of entertainment as defined in Sections 5.14.010 (A) or (B) who engages in any specified sexual activity (as that term is defined in Chapter 19.06 of this Code) not otherwise prohibited by local, State or Federal law, or who exposes any specified anatomical part (as that term is defined in Chapter 19.06 of this Code) not otherwise prohibited by local, State or Federal law, or who performs in attire commonly referred to as pasties or a G-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and while covering the natal cleft and pubic area covers less than one inch on either side of the entire length of the natal cleft and two inches across the pubic area. Entertainment as described in this subsection shall be subject to all regulations as described in Chapter 19.06 of this Code, including but not limited to, the requirement for a Development Permit II.

D. "Notice" means written notice, given by personal service upon the addressee, or, given by United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of personal service, or upon the placing of the same in the custody of the United States Postal Service.

E. "License" means a license required and issued pursuant to the provisions of this Chapter.

(Ord. MC-1129, 8-20-02; Ord. MC-1100, 7-24-01)

[\[Return to Municipal Code Contents\]](#)

5.14.020 License-Required

It is unlawful for any person, firm, corporation or association of persons, to operate, conduct or carry on any act of entertainment, public dance hall, public dance, dancing club, dine and dance club or night club, as the same are defined in Section 5.14.010 without first obtaining a license to do so as provided in this Chapter.

Notwithstanding the first sentence of this section, the requirements of this Chapter do not apply to not-for-profit Internal Revenue Code §501(c)(3) religious organizations, religious assemblies or institutions, or the religious exercise of a person, or to schools, school districts and/or institutions of higher learning.

(Ord. MC-1100, 7-24-01)

5.14.030 License-Application and fees

Any person required to obtain a license pursuant to this Chapter shall file a written application therefor with the City Clerk and shall be accompanied by a fee established by resolution of the City Council which shall be no more than necessary to cover the costs of processing and investigation.

5.14.040 Application Requirements

The following information shall be submitted to the City Clerk by the owner at the time of applying for a license:

- A. A description of all proposed entertainment business activities and anticipated occupancy;
- B. A site plan describing the building and/or unit proposed for the entertainment establishment, a fully dimensioned interior floor plan, and the following information:
 1. Entry Program - For each type of event, the entry program will describe how patrons will enter the entertainment establishment, including a map of the proposed waiting line, estimated length of time a waiting line will exist, security searches or identification verification at entrance,
 2. Map Showing Parking and Loading Areas - An area plan shall be submitted identifying parking areas to be used by customers, including the number of spaces available, and loading areas to be used by the entertainers,
 3. Security Company Staffing and Equipment - For each type of event, the number of security guards, their responsibilities and equipment to be used,

[\[Return to Municipal Code Contents\]](#)

4. Maintenance Provisions - For each type of event, the need and number of trash receptacles, crowd control barriers, and sanitation facilities,
 5. Clean-Up Provisions - For each type of event, description of the need for and provision of area clean-up, and
 6. Noise Control Provisions - For each type of event, description of how the noise standards of this ordinance shall be met.
- C. The application shall contain the following information:
1. The owner's name, residence street address, and mailing address, if different, and California driver's license number and any and all aliases,
 2. The name under which the entertainment enterprise is to be operated,
 3. The telephone number of the enterprise and the address and legal description of the parcel of land on which the enterprise is located,
 4. The date on which the owner acquired the enterprise for which the license is sought, and the date on which the enterprise began or will begin operations at the location for which the license is sought, and
 5. If the enterprise is owned and/or operated by a corporation, or other limited liability entity, or association of persons, the name of each officer and/or director of the corporation, limited liability entity, or association of persons. If the enterprise is owned and or operated by a partnership, the name of each general partner of the partnership;
- D. A statement under oath that the owner has personal knowledge of the information contained in the application and the information contained is true and correct;
- E. A statement that the owner has read and understands the provisions of this chapter.
- F. A statement whether the owner previously operated in this or any other County, City or State under an entertainment establishment license/permit or similar business license, and whether the owner has ever had a license revoked or suspended and the reason therefore, and the business entity or trade name under which the owner operated that was subject to the suspension or revocation;
- G. If the premises are being rented or leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(Ord. MC-1100, 7-24-01)

[\[Return to Municipal Code Contents\]](#)

5.14.050 Issue of License-Investigation

- A. Upon receipt of an application for an entertainment license, the City Clerk shall conduct an investigation to determine if the proposed business is in compliance with the provisions of this chapter. The investigation shall include immediately forwarding copies of the application to the Police Department, Development Services and the Fire Department for their own independent investigation. Each department shall make recommendations as to the issuance or denial of the license and forward said results to the City Clerk within 20 days of receipt of the application. The City Clerk, shall, within 30 days of receipt of a complete license application, approve and issue the license if all the requirements of this section have been met. If the City Clerk determines that the application does not satisfy the requirements of this chapter, he/she shall deny the application. If no determination is made by the City Clerk within 30 days of receipt of a complete license application, then the applicant may commence operations under a temporary license, subject to strict compliance with this Chapter, until the City Clerk's determination.
1. The applicant shall be served with written notice of the decision. Notice shall be personally served or served by deposit in the United States mail, first class postage prepaid, at the address shown on the application. Service shall be deemed complete upon personal service or deposit in the United States Post Mail.
- B. Standards for Approval of License. The City Clerk shall approve and issue an entertainment license if the application and evidence submitted show that:
1. The operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including but not limited to the City's building, fire, zoning and health regulations; and
 2. The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the license application process, or on any document required by the City in conjunction therewith; the applicant's age is eighteen (18) years or more; and the applicant has paid the required application fees.

(Ord. MC-1129, 8-20-02; Ord. MC-1100, 7-24-01)

5.14.060 Operational Standards

The following operational standards shall apply to all entertainment described in Section 5.14.010:

- A. No operator, entertainer or employee of a place of entertainment shall permit to be performed, offer to perform, perform or allow patrons to perform sexual intercourse, oral or anal copulation, lap or straddle dancing, fondling or stimulation of human genitals, pubic region, buttocks, or female breasts.
- B. No operator, entertainer or employee of a place of entertainment shall encourage or permit any person upon the premises to lap or straddle dance, touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
- C. If the place of entertainment is licensed to serve alcoholic beverages, the licensee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.
- D. No person shall perform for patrons any entertainment described in Section 5.14.010(C)(3) except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer. This subsection shall not apply to individual viewing areas where the stage is completely separated from the viewing area, floor to ceiling, by plexiglass or other clear permanent barrier.
- E. Stage or entertainment areas shall not be open to view from outside the premises.
- F. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
- G. No exterior door or window shall be propped or kept open at any time during hours of operation; any exterior windows shall be covered with opaque covering at all times.
- H. No person under the age of eighteen (18) years shall be permitted within the premises at any time during hours of operation.
- I. The place of entertainment shall maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from either looking into or using the restrooms for females and female patrons and employees shall be prohibited from using the restrooms for males except to carry out the duties of repair, maintenance and cleaning of the restroom facilities. Restrooms shall not contain television monitors or other motion picture or video projection recording or reproduction equipment.

[\[Return to Municipal Code Contents\]](#)

- J. The premises shall provide separate dressing room facilities for male and female entertainers which are exclusively dedicated to the entertainer's use.
- K. The licensee shall provide an entrance/exit to the premises for entertainers which is separate from the entrance/exit used by patrons.
- L. No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while on the premises.
- M. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two foot-candles (measured as units of illuminance), minimally maintained and evenly distributed at ground level.
- N. Individual viewing areas shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
- O. No individual viewing area may be occupied by more than one person at any one time.
- P. All individual viewing areas shall be physically arranged in such a manner that the entire interior portion of the individual viewing area is directly visible from aisles and public areas of the premises. Visibility into the individual viewing rooms shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever.
- Q. No patron, guest or invitee shall directly pay or give any gratuity to any performer, dancer, employee or model and no dancer, performer, employee or model shall solicit any pay or gratuity from any patron.
- R. No owner or other person with managerial control over an Adult Business (as that term is defined in Chapter 19.06 of this Code) shall permit any person on the premises of the Adult Business to engage in a live showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
- S. If the occupancy limit of that portion of the premises where entertainment is performed is greater than two hundred (200) persons, at least one security guard will be on duty outside the premises, patrolling the grounds and parking areas at all times while the entertainment is provided. An additional security guard will be on duty inside the premises if the occupancy exceeds four hundred (400) persons.

[\[Return to Municipal Code Contents\]](#)

The security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of the chapter. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker, or admittance person while acting as a security guard. An additional security guard shall be provided if one security guard is to be utilized for the purpose of conducting searches on patrons. All security guards shall be licensed in accordance with Business and Professions Code §7582, et seq.

- T. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property or public right-of-way or within any other building or other separate unit within the same building;
- U. All signage conforms to the standards applicable in Title 19 of this Code;
- V. Every place of entertainment shall have a manager on the premises at all times when entertainment is performed;
- W. The place of entertainment must not operate or be open between the hours of two a.m. and eight a.m., however, the restriction herein imposed applies only to permitting or allowing the public to dance and to the providing of entertainment of any sort other than mechanical music between such hours and is not deemed to prevent or make unlawful the serving of meals or refreshments between such hours; and
- X. All business activities must take place within the enclosed structures, unless otherwise permitted by the City.
- Y. The City Clerk shall impose conditions prior to approval of an application which are deemed necessary by the Police Department, Development Services, and the Fire Department to ensure compliance with the provisions of this Chapter or to protect the public health and safety. Such conditions shall be limited to the following: hours of operation; maximum occupancy; fire and life and public safety issues; fire suppression; exterior signage prohibiting loitering and littering; clean-up of premises; location of the business; amount and type of calls for police service in the area; exterior lighting; existence of public telephones; and security guards. The conditions imposed shall include the posting of a bond or cash equivalent for the clean-up of premises, dependent upon the physical condition of past premises as a result of past entertainment events of applicant.

(Ord. MC-1129, 8-20-02)

[\[Return to Municipal Code Contents\]](#)

5.14.070 License-Nontransferable-Posting

No entertainment establishment license shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall be thereafter null and void. A license held by an individual in the name of a corporation or partnership is subject to the same rules of transferability as contained above. License shall be valid only for the exact location specified in the permit. Each license shall be posted in a conspicuous place in or upon the premises for which it is issued, and shall be shown to any City Official upon demand.

5.14.080 License-Fee

- A. For every person, firm, corporation or association of persons conducting, operating, managing or carrying on a public dance, dance hall, dancing club, dine and dance club or night club as the same are defined in Section 5.14.010, the license fee shall be at the rate set by resolution adopted by the Mayor and Common Council.
- B. Every person, firm, corporation or association of persons operating, conducting, or carrying on a public dance where the owner, manager or operator does not operate, conduct or carry on a public dance at least one night in each month, shall pay a license fee at the rate set by resolution adopted by the Mayor and Common Council.

5.14.090 License-Duration

Licenses issued pursuant to this Chapter shall be valid for a period of one year or until revoked or abandoned.

5.14.100 Exemptions from filing, processing and license fees

- A. A bona fide church, nonprofit organization or charitable organization recognized as such under state law, bona fide lodge, fraternal organization or fraternal society which carries on such dances solely for the amusement or entertainment of its bona fide members, or for the purpose of securing funds for such organization for its own operating needs or for charitable purposes, shall be exempt from payment of filing, processing and license fees.

5.14.110 Suspension/Revocation of license

The City Clerk shall suspend or revoke a permit issued under the provisions of this chapter for any of the following reasons:

- A. The licensee has ceased to meet the requirements for issuance of license;

[Return to Municipal Code Contents]

- B. The applicant gave materially false, fraudulent or misleading information on the application;
- C. The operation, as conducted by the licensee, does not comply with all applicable laws, including, but not limited to, the City's building, fire, zoning and health regulations;
- D. Excessively loud music or noise from the establishment for which the permit was issued interferes with the peace and quiet of the neighborhood;
- E. The place of entertainment has been operated in violation of any of the requirements of this chapter.
- F. The license holder is convicted of a felony or misdemeanor occurring upon, or relating to the premises or lot upon which the place of entertainment is located which offense is classified by the State as an offense involving any sexual crime against children, sexual abuse, rape, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to the violation of any crime requiring registration under California Penal Code 290, or any violation of Penal Code Sections 243.3, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288 a, 311 through 311.10, inclusive, 314, 315, 316 or 647; or
- G. If any person or persons is (are) convicted of a felony or misdemeanor for an offense set forth in subsection (F) of this section as a result of such person's activity on the premises or property on which the place of entertainment is located, and the person or persons were employees, contractors or agents of the place of entertainment at the time the offenses were committed.

5.14.120 Appeal

- A. Any applicant aggrieved by the decision of the City Clerk with reference to the issuance, conditional issuance, denial, suspension, or revocation of a license, may appeal to the Hearing Officer for the City of San Bernardino. The Hearing Officer shall be appointed by the Mayor to hear all appeals under this section for a fixed term not to exceed two years; after which such Hearing Officer shall be ineligible for reappointment until after one year has passed. Upon the timely filing of an appeal from the denial, suspension or revocation of a license, the decision of the City Clerk is stayed until the appeal is decided by the Hearing Officer.
- B. The right to appeal to the Hearing Officer from the denial, suspension or revocation of any license required by this chapter shall terminate upon the expiration of fifteen (15) days following the deposit of a certified letter in the United States Post Office advising the applicant of the action of the City Clerk and of his or her right to appeal such action to the Hearing Officer.

[\[Return to Municipal Code Contents\]](#)

- C. The hearing shall be held within twenty (20) days of the receipt by the City Clerk of the appeal, or at the next regularly scheduled meeting of the Hearing Officer, whichever is sooner.
- D. The Hearing Officer shall render his/her decision within five (5) days from the conclusion of the hearing. Said decision shall be sent by certified mail. The City Clerk or any applicant aggrieved by the decision of the Hearing Officer shall have the right to appeal to the City Planning Commission. Upon the timely filing of an appeal, the decision of the Hearing Officer is stayed until the appeal is decided by the Planning Commission. The right to appeal to the City Planning Commission shall terminate upon the expiration of fifteen (15) days following the deposit of said decision by certified mail and advising the applicant of his or her right to appeal such decision to the City Planning Commission. The appeal hearing before the City Planning Commission shall be held within twenty (20) days of the receipt by the City Clerk of the appeal request. The Planning Commission shall render its decision within fourteen (14) days from the conclusion of the hearing. The decision of the Planning Commission shall be final and conclusive and shall not be subject to appeal to the Mayor and Common Council. Pursuant to Code of Civil Procedure Section 1094.8, any action to review the decision of the Planning Commission shall be filed and served not later than twenty-one (21) calendar days following the Planning Commission's decision unless the parties jointly waive the time limit.
- E. The City shall comply with all of the requirements of Code of Civil Procedure Section 1094.8 and shall take all lawful steps to ensure that any applicant aggrieved by its decision shall be afforded prompt judicial review of said Planning Commission's decision.

(Ord. MC-1129, 8-20-02; Ord. MC-1059, 10-05-99; Ord. MC-1058, 9-21-99)

5.14.130 Licenses and Fees Not Exclusive

Fees and licenses required by this chapter shall be in addition to any license, permit or fee required under any other chapter of this Code.

5.14.140 Exceptions

The provisions of this chapter shall apply prospectively and shall not operate to revoke any valid live entertainment license in effect as of the date of the ordinance codified in this chapter. The provisions of this chapter shall not be deemed to require an entertainment license for the following:

- A. For the use of a radio, record player, juke box or television receiver in any establishment;

[\[Return to Municipal Code Contents\]](#)

- B. For the use of a piano or organ in any establishment;
- C. For any entertainment provided for members and their guests at a private club where admission is not open to the public;
- D. For the playing of background music by any electronic means or instrument in conjunction with the service and consumption of food.

5.14.150 Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

5.14.160 Violations and Penalties

Any person who violates Section 5.14.020 is guilty of a misdemeanor, punishable upon conviction in accordance with Section 1.12.010(A) of this Code. Each and every day during which such person violates Section 5.14.020 shall constitute a separate offense chargeable under this section.

(Ord. MC-1129, 8-20-02; Ord. MC-1050, 7-12-99;
Ord. MC-1051, 7-19-99; Ord. MC-1052, 7-19-99)

Chapter 5.16 FIRE, REMOVAL OR CLOSING-OUT SALES⁵ (Repealed by Ord. MC-1485, 4-18-18)

⁵For additional provisions and license fees for fire, bankrupt or wreck sales, see also §5.04.265 of this Title.

CHAPTER 5.18 CANNABIS BUSINESS TAX

Sections:

5.18.010	Title
5.18.020	Authority and Purpose
5.18.030	Intent
5.18.040	Definitions
5.18.050	Tax imposed
5.18.060	Reporting and remittance of tax
5.18.070	Payments and communications - timely remittance
5.18.080	Payment - when taxes deemed delinquent
5.18.090	Notice not required by the City
5.18.100	Penalties and interest
5.18.110	Refunds and credits
5.18.120	Refunds and procedures
5.18.130	Personal Cultivation Not Taxed
5.18.140	Administration of the tax
5.18.150	Appeal procedure
5.18.160	Enforcement - action to collect
5.18.170	Apportionment
5.18.180	Constitutionality and legality
5.18.190	Audit and examination of premises and records
5.18.200	Other licenses, permits, taxes, fees or charges
5.18.210	Payment of tax does not authorize unlawful business
5.18.220	Deficiency determinations
5.18.230	Failure to report-nonpayment, fraud
5.18.240	Tax assessment - notice requirements
5.18.250	Tax assessment - hearing, application and determination
5.18.260	Relief from taxes -disaster relief
5.18.270	Conviction for violation - taxes not waived
5.18.280	Violation deemed misdemeanor
5.18.290	Severability
5.18.300	Remedies cumulative
5.18.310	Amendment or repeal

5.18.010 Title

This ordinance shall be known as the Cannabis Business Tax Ordinance.

(Ord. MC-1501, 11-06-18)

5.18.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon Cannabis Businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund and be available for any legal municipal purpose.

(Ord. MC-1501, 11-06-18)

5.18.030 Intent.

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the City, regardless of whether such business would have been legal at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

(Ord. MC-1501, 11-06-18)

5.18.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

- A. "Business" shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.
- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

[Return to Municipal Code Contents]

"Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

- C. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.
- D. "Canopy" means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.
- E. "Cannabis business" means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.
- F. "Cannabis business tax" or "business tax," means the tax due pursuant to this Chapter for engaging in cannabis business in the City.
- G. "Commercial cannabis cultivation" means cultivation in the course of conducting a cannabis business.
- H. "City permit" means a permit issued by the City to a person to authorize that person .to operate or engage in a cannabis business.
- I. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.
- J. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

- K. "Engaged in business as a cannabis business" means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in business within the City if:
1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
 2. Such person or person's employee owns or leases real property within the City for business purposes;
 3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
 4. Such person or person's employee regularly conducts solicitation of business within the City; or
 5. Such person or person's employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

- L. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.
- M. "Calendar year" means the twelve consecutive month period from the first day of January through the last day of the following December, inclusive.
- N. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from the definition of Gross Receipts:

[\[Return to Municipal Code Contents\]](#)

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
5. Cash value of sales, trades or transactions between departments or units of the same business;
6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;
8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the City's finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.
9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 5.18.140 shall not be subject to the cannabis business tax under this chapter. However, any business activities not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax provisions of Chapter 5.04 or any other Chapter or Title as determined by the Tax Administrator.

[\[Return to Municipal Code Contents\]](#)

- O. "Lighting" means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.
- P. "Nursery" means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- Q. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.
- R. "Sale" means and includes any sale, exchange, or barter. "State" means the State of California.
- T. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Sections 26050, et seq. or other applicable state law.
- U. "Tax Administrator" means the Finance Director of the City of San Bernardino or his or her designee.
- V. "Testing Laboratory" means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the Bureau of Cannabis Control.

(Ord. MC-1501, 11-06-18)

5.18.050 Tax imposed.

- A. Beginning January 1, 2019, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the business has been issued a cannabis business license or permit to operate lawfully in the City or is operating unlawfully. The City's acceptance of a cannabis business tax payment from a cannabis business operating illegally will not constitute the City's approval or consent to such illegal operations.
- B. The initial rate of the cannabis business tax shall be as follows:

[\[Return to Municipal Code Contents\]](#)

1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - b. Four dollars (\$4.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - c. Two dollars (\$2.00) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - d. One dollar (\$1.00) annually per square foot of canopy space for any nursery.

For purposes of this subdivision (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. Should a City permit be issued to a business which cultivates only for certain months of the year, the City shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the City commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used, that such space will not be used.

2. For every person who engages in the operation of a testing laboratory: one percent (1%) of gross receipts.
3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): four percent (4%) of gross receipts.
4. For every person who engages in a cannabis distribution business: two percent (2%) of gross receipts.
5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4): two and half percent (2.5%) of gross receipts. However, cultivation for a microbusiness shall be taxed at the rate established in 5.18.0S0(B)(I)(a).

[\[Return to Municipal Code Contents\]](#)

- C. The City Council may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (D) of this Section for the date on which the adjusted rate will commence.
- D. The maximum rate shall be calculated as follows:
1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Through January 1, 2021, the maximum rate shall be:
 - i. Ten dollars (\$10.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - ii. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - iii. Four dollars (\$4.00) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - iv. Two dollars (\$2.00) annually per square foot of canopy space for any nursery.
 - b. On January 1, 2022 and on each January 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index ("CPI") for all urban consumers in the Riverside-San Bernardino-Ontario area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.
 2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed two and a half percent (2.5%) of gross receipts.
 3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed six percent (6%) of gross receipts.

[\[Return to Municipal Code Contents\]](#)

4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed three percent (3%) of gross receipts.
5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in Section (D) (1), (2), (3) or (4), the maximum tax rate shall not exceed four percent (4%) of gross receipts. However, the maximum tax rate for cultivation for a microbusiness shall be the rate established in 5.18.050(0)(1)(a)(i), as may be increased from time to time by the provisions of 5.18.050(D)(l)(b).

(Ord. MC-1501, 11-06-18)

5.18.060 Reporting and remittance of tax.

- A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a quarterly basis. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business's canopy space during the quarter and the rate shall be twenty-five percent (25%) of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.
- B. Each person owing cannabis business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the Tax Administrator a statement of the tax owed for that calendar quarter and the basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date that the statement for the calendar quarter is due.
- C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.
- D. The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

[Return to Municipal Code Contents]

- E. For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used.

(Ord. MC-1501, 11-06-18)

5.18.070 Payments and communications - timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

(Ord. MC-1501, 11-06-18)

5.18.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 5.18.060 and 5.18.070

(Ord. MC-1501, 11-06-18)

5.18.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

(Ord. MC-1501, 11-06-18)

5.18.100 Penalties and interest.

- A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:
 - 1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
 - 2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
 - 3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.
- B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

(Ord. MC-1501, 11-06-18)

5.18.110 Refunds and credits.

- A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 5.18.120.
- B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

(Ord. MC-1501, 11-06-18)

5.18.120 Refunds and procedures.

- A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

[Return to Municipal Code Contents]

- B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.
- C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from the date that the tax was paid.

(Ord. MC-1501, 11-06-18)

5.18.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined in the "Medicinal and Adult Use Cannabis Regulation and Safety Act." This Chapter shall not apply to personal use of cannabis that is specifically exempted from City and state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

(Ord. MC-1501, 11-06-18)

5.18.140 Administration of the tax.

- A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.
- B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.
- C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:
 - 1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
 - 2. Provide information to any taxpayer concerning the provisions of this Chapter;
 - 3. Receive and record all taxes remitted to the City as provided in this Chapter;

[Return to Municipal Code Contents]

4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

(Ord. MC-1501, 11-06-18)

5.18.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Council by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

(Ord. MC-1501, 11-06-18)

5.18.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

(Ord. MC-1501, 11-06-18)

5.18.170 Apportionment.

If a business subject to the tax is operating both within and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator

[Return to Municipal Code Contents]

may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

(Ord. MC-1501, 11-06-18)

5.18.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

(Ord. MC-1501, 11-06-18)

5.18.190 Audit and examination of premises and records.

- A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.
- B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

(Ord. MC-1501, 11-06-18)

5.18.200 Other licenses, permits, taxes, fees or charges.

- A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any City permit, permit or license required by, under or by virtue of any provision of any other Chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend,

[Return to Municipal Code Contents]

be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this Code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in the other Chapter of this Code.

- B. Notwithstanding subdivision A of this Section a cannabis business shall not be required to pay the license fee required by Chapter 5.04 of Title 5 of this Code so long as all of business's activities within the City that would require payment of a license fee are activities subject to the cannabis business tax.
- C. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.04 of this Code for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the Tax Administrator pursuant to Section 5.18.060.

(Ord. MC-1501, 11-06-18)

5.18.210 Payment of tax does not authorize unlawful business.

- A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.
- B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

(Ord. MC-1501, 11-06-18)

5.18.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be

[\[Return to Municipal Code Contents\]](#)

made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.18.240.

(Ord. MC-1501, 11-06-18)

5.18.230 Failure to report-nonpayment, fraud.

- A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:
1. If the person has not filed a complete statement required under the provisions of this Chapter;
 2. If the person has not paid the tax due under the provisions of this Chapter;
 3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
 4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.
- B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

(Ord. MC-1501, 11-06-18)

5.18.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall

[Return to Municipal Code Contents]

register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Section, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

(Ord. MC-1501, 11-06-18)

5.18.250 Tax assessment - hearing, application and determination.

Within thirty (30) calendar days after the date of service the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.18.240 for giving notice of assessment.

(Ord. MC-1501, 11-06-18)

5.18.260 Relief from taxes -disaster relief.

- A. If a business is unable to comply with any tax requirement due to a disaster, the business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement. A request for relief must clearly indicate why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time.
- B. To obtain relief, the cannabis business must agree to grant the Tax Administrator or his/her designee access to the location where the cannabis business has been impacted due to a disaster.
- C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by a disaster of such tax liability does not exceed five thousand (\$5,000) dollars. If such tax liability is five thousand one (\$5,001) dollars or more than such relief shall only be approved by the City Council.

[\[Return to Municipal Code Contents\]](#)

- D. Temporary relief from the cannabis tax may be granted for a reasonable amount of time as determined by the Tax Administrator or the City Council, as applicable in order to allow the cannabis business time to recover from the disaster.
- E. The Tax Administrator or City Council, as applicable, may require that certain conditions be followed in order for a cannabis business to receive temporary relief from the cannabis business tax requirement.
- F. For purposes of this section, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes.

(Ord. MC-1501, 11-06-18)

5.18.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

(Ord. MC-1501, 11-06-18)

5.18.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

(Ord. MC-1501, 11-06-18)

5.18.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

(Ord. MC-1501, 11-06-18)

5.18.300 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the San Bernardino Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

(Ord. MC-1501, 11-06-18)

[\[Return to Municipal Code Contents\]](#)

5.18.310 Amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of San Bernardino affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax or incrementally implement an increase authorized by this Chapter;
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
- C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

(Ord. MC-1501, 11-06-18)

Chapter 5.19 PEDDLING AND SOLICITING

Sections:

- 5.19.010 Definitions**
- 5.19.020 Permit Required**
- 5.19.030 Application for Permit and Permit Fee**
- 5.19.040 Police Department Investigation**
- 5.19.050 Permit Procedures**
- 5.19.060 Display of Permit**
- 5.19.070 Tax Exempt Organizations Exemption to Payment of Permit Fee**
- 5.19.080 Exemption of Children Selling for School, Charity, or Other Fund Raising Events**
- 5.19.090 Violation Penalty**
- 5.19.100 Supplemental Procedure**
- 5.19.110 Severability**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

5.19.010 Definitions

- A. Peddling means the act by any person of going from house to house, place to place, or in or along the streets within the City, either on foot, by wagon, cart, automobile, motor truck, ice cream cart, ice cream wagon, ice cream truck, or any conveyance, selling and making immediate delivery of, or offering for sale and immediate delivery of, any goods, wares, merchandise or anything of value, in possession of the person.
- B. Soliciting means the act by any person of going from house to house, place to place, or in or along the streets within the City, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise or other things of value for future delivery, or for services to be performed in the future, or asking for charitable donations.

5.19.020 Permit Required

- A. It shall be unlawful for any person to engage in the business of peddling goods, wares, merchandise, fruits and vegetables or prepared/prepackaged foods, including but not limited to: ice cream; or of soliciting orders for goods or services; or of soliciting donations for charity in an open public place or door to door within the city without first having secured a peddling or soliciting permit. A separate permit shall be required for each person who will be peddling or soliciting.
- B. Permits shall be issued for a one-year period. Upon expiration of the permit, the former permittee may apply for a new permit in the same manner as a new applicant, except that if the permittee applies for a new permit before the old permit expires, the old permit shall remain in force until the City Clerk, or his or her designee, either approves or denies the application for the new permit.

5.19.030 Application for Permit and Permit Fee

- A. Permit Application. The applicant for any peddling or soliciting permit shall provide to the City Clerk, or his or her designee, on a form prepared by the Clerk the following information:
 - 1 The name, address, and telephone number of the applicant;
 - 2. The place and date of any conviction within the past ten years for a crime of moral turpitude, criminal battery, fraud, burglary or theft of the applicant;
 - 3. Such fingerprints and/or other documents which reasonably relate to permitting under this Title, as may be required by the police department, of the applicant;

[Return to Municipal Code Contents]

4. A copy of the State of California Sales Tax Permit (Revenue and Taxation Code §6066) for the applicant's activities attached to the application;
5. A general description of the type of merchandise or service that the applicant proposes to peddle or solicit;
6. A statement that the applicant is not required to register under California Penal Code section 290, et seq.; and
7. If the applicant is a corporation, a list of all officers, directors and majority stockholders.

B. Permit Application Fee. Each application shall be accompanied by a nonrefundable investigative fee established by resolution of the Mayor and Common Council.

5.19.040 Police Department Investigation

Upon the filing of the application required by §5.19.030, together with the application fee(s), the City Clerk, or his or her designee, shall transmit one copy to the police department. The applicant shall cooperate with the police department in conducting their investigation and shall, if requested, provide the police department other documents or materials which may be requested which reasonably relate to the course of the department's investigation. Within forty-five calendar days of the date the application is filed with the City Clerk, the Chief of Police shall report to the City Clerk in writing recommending approval or denial of the permit and stating the reasons therefore.

5.19.050 Permit Procedures

- A. The City Clerk, or his or her designee, shall not issue a Peddler's or Solicitor's Permit unless all of the following requirements are met:
1. The applicant has submitted a correct and complete application form both as to the applicant and, if applicant is a corporation, a list of the corporation's officers, directors and majority stockholders;
 2. The applicant has provided fingerprints, if requested by the police department, of the applicant;
 3. The applicant has paid the application fee;
 4. Neither the applicant nor, if the applicant is a corporation, the corporation's officers, directors and majority stockholders has within the past ten years been convicted of a crime of moral turpitude, criminal battery, fraud, burglary, or theft;

[\[Return to Municipal Code Contents\]](#)

5. Neither the applicant nor, if the applicant is a corporation, the corporation's officers, directors and majority stockholders has ever been convicted of a crime that requires registration under California Penal Code section 290; and
 6. If required, the applicant has obtained a food permit from the County of San Bernardino Environmental Health Department.
- B. Any person denied a permit pursuant to this chapter shall not peddle or solicit within the City. Upon determination of grounds to deny a permit, the City Clerk, or his or her designee, shall cause a "Notice of Denial" to be mailed by first class, postage prepaid mail, to the notice address designated by the applicant.
- C. Any person denied a permit pursuant to these provisions may appeal pursuant to section 5.82.100 through 5.82.150 of this code.
- D. All permits issued hereunder are nontransferable.

5.19.060 Display of Permit

Every person to whom a permit has been granted shall display the permit in a conspicuous place at all times while peddling or soliciting. Failure to display the permit is a violation of this chapter.

5.19.070 Tax Exempt Organizations Exemption to Payment of Permit Fee

Whenever any person intends to peddle or solicit goods, wares, services or merchandise for the purpose of raising funds or soliciting donations for a tax exempt organization, said applicant may apply to the City Clerk for a permit to be issued without payment of the permit fee. If satisfied that the funds will be used for the purposes mentioned herein, the City Clerk shall order the issuance of a permit for said peddling or solicitation for a term fixed by the City Clerk.

5.19.080 Exemption for Children Selling for School, Charity, or Other Fund Raising Events

This chapter shall not apply to children selling items for school, charity, or other fund raising events.

5.19.090 Violation Penalty

Any person violating this Chapter is guilty of a misdemeanor which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of the Code.

5.19.100 Supplemental procedure

The prohibitions set forth in this chapter are supplemental to any similar prohibitions set forth in state law.

5.19.110 Severability

Should any provision, section, paragraph, sentence, or words of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

(Ord. MC-1282, 8-19-08)

Chapter 5.20 MESSAGE PARLORS - MASSAGISTS⁶

Sections:

- 5.20.010 Definitions**
- 5.20.020 Permit-Required-Massage technician license**
- 5.20.030 Permit-Exceptions**
- 5.20.040 Permit-Application-Fee**
- 5.20.050 Permit-Application-Contents**
- 5.20.060 Necessary facilities**
- 5.20.070 License procedures**
- 5.20.080 Display of permit**
- 5.20.090 Change of location**
- 5.20.100 Employees**
- 5.20.110 Inspection**
- 5.20.120 Revocation of permit**
- 5.20.130 Grounds for revocation**
- 5.20.140 Records of treatment**
- 5.20.150 Those practicing before Chapter becomes effective**
- 5.20.160 Expiration and renewal of permit**

5.20.010 Definitions

The following words, terms and phrases when used in this section are defined as follows:

⁶For license fees for massage parlors, see §5.04.335 of this Title.

- A. "Massage" is the manipulation of body tissues for remedial, hygienic or other purposes by rubbing, touching, stroking, tapping, kneading or vibrating with the hands or by an instrument.
- B. "Massage parlor" as used in this Chapter shall be construed and deemed to mean any massage establishment, or place of business wherein massage as to all, or any one or more of the subjects and methods listed in subsection C of this section are administered or used.
- C. "Massage technician" means any person who practices or administers as to all or any of the following named subjects, and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage: the art of body massage, either by hands or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower or cabinet baths; variations of the following procedures are employed: touch, stroking, friction, kneading, vibration, percussion and medical gymnastics. Massage technicians shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.020 Permit - Required - Massage technician license

- A. It is unlawful for any person, association, firm or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the City, the business of a massage parlor or to render or permit to be rendered massage services at a location removed from a massage establishment within the City in the absence of a permit issued pursuant to the provisions hereinafter set forth.
- B. Massage Technicians to be Licensed. It is unlawful for any person or persons to engage in the practice or attempt to practice massage, whether for a fee or gratuitously, or to conduct massage without a permit issued pursuant to the provisions of this Chapter.
- C. It is unlawful for any person, association, firm or corporation to operate or conduct any massage parlor which does not conform to the sanitary provisions contained in this Chapter, or to employ any person as a massage operator who does not hold a permit.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.20.030 Permit - Exceptions

The requirements of this Chapter shall have no application and no effect upon and shall not be construed as applying to any physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, or to any nurse, assistant, trainee, or other person administering under the immediate Business and Professions Code of the state or any other law of this state.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.040 Permit - Application - Fee

- A. Any person desiring to obtain a permit to operate a massage parlor or to perform massage services shall make written application to the City Clerk, who shall refer all such applications to the Chief of Police for appropriate investigations.
- B. Massage Parlor - Each application shall be accompanied by a non-refundable investigative fee established by resolution of the Mayor and Common Council for each owner, plus an additional non-refundable fee established by resolution of the Mayor and Common Council for each massage technician.

Beauty Salon - Accessory Service - For established beauty salons holding a current business registration certificate and providing massage services as an incidental or accessory service, each application for a massage technician providing massage services shall be accompanied by a non-refundable investigative fee established by resolution of the Mayor and Common Council.

- C. Massage Parlor - Each application shall be accompanied by a non-refundable examination fee established by resolution of the Mayor and Common Council for each owner, plus an additional non-refundable examination fee established by resolution of the Mayor and Common Council for each massage technician.

Beauty Salon - Accessory Service - For established beauty salons holding a current business registration certificate and providing massage services as an incidental or accessory service, each application for a massage technician providing massage services shall be accompanied by a non-refundable, examination fee established by resolution of the Mayor and Common Council.

- D. A permit to perform massage services as a massage technician does not authorize the operation of a massage parlor
- E. Any person licensed to perform massage services who desires to operate a massage parlor shall separately apply for a permit therefor.

(Ord. MC-1273, 6-17-08; Ord. MC-744, 10-08-90; Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.20.050 Permit - Application - Contents

An applicant for a permit shall submit the following information:

- A. Full name and any alias heretofore used or currently used and current address;
- B. Fingerprints as may be required by the Police Department of the city;
- C. The two previous business and residence addresses of the applicant immediately prior to the current address;
- D. Written statements of at least three bona fide residents of San Bernardino County that the applicant is a person of good moral character;
- E. Written proof that the applicant is over the age of eighteen years;
- F. Applicant's height, weight, and color of eyes and hair;
- G. Two current photographs at least two inches by two inches in size;
- H. The business, occupation, or employment of the applicant for three years immediately preceding the date of the application;
- I. Any massage or similar business license history of the applicant, including whether such person, in previous operation, in this or another area, has had his or her license revoked or suspended, the reason therefor, and any business activity or occupation subsequent to the action of suspension or revocation;
- J. All convictions and the grounds therefor;
- K. A certificate from a medical doctor designating that the applicant has, within thirty days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;
- L. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession or work of massage technician or therapist is taught. "Recognized school" means and includes any school or institution of learning approved by the California State Board of Education, which has for its purpose the teaching of the theory, method, profession, or work of massage technician, which school requires a resident course of study of not less than six hundred hours to be given in not less than six calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such study or

[\[Return to Municipal Code Contents\]](#)

learning. Schools offering correspondence courses and not requiring actual class attendance shall not be deemed "recognized schools." The City Clerk shall confirm that an applicant has actually attended classes and matriculated in a recognized school by requiring the applicant to submit to a written examination in massage subjects and techniques.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.060 Necessary facilities

No permit to conduct a massage parlor shall be issued unless an inspection discloses that the massage parlor complies with each of the following minimum requirements:

- A. A readable sign shall be posted at the main entrance identifying the establishment as a massage parlor; provided, also that all such signs shall otherwise comply with the general sign requirements of Chapter 16.04.
- B. Minimum lighting shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than forty watts shall be provided in each enclosed room or booth where massage services are being rendered.
- C. Minimum ventilation shall be provided in accordance with the Uniform Building Code.
- D. Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided.
- E. Hot and cold running water shall be provided.
- F. Closed cabinets shall be utilized for the storage of clean linen.
- G. Adequate dressing and toilet facilities shall be provided for patrons.
- H. All walls, ceilings, floors, steam or vapor rooms, and all other physical facilities for the massage parlor shall be kept in good repair, maintained in a clean and sanitary condition.
- I. Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or linens shall be permitted.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.20.070 License procedures

- A. Upon payment of all fees, submitting of all information required by application, and upon proper inspection, a permit shall be granted, if all requirements of all departments concerned as well as those described herein are met, and unless it appears that any such applicant has deliberately falsified the application, or the record of such applicant reveals a conviction of a felony or a crime of moral turpitude.
- B. Any person denied a permit pursuant to these provisions may appeal to the Common Council in writing, stating reasons why the permit should be granted. The Common Council may grant or deny the permit. The Council may also review any determination of the City Clerk granting or denying a permit on its own motion.
- C. All permits issued hereunder are nontransferable; provided, however, that a change of location of a massage parlor may be permitted pursuant to the provisions hereof.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.080 Display of permit

Every person to whom a permit has been granted shall display the permit in a conspicuous place.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.090 Change of location

A change of location of the massage premises shall be approved by the Chief of Police, provided all general ordinances are complied with and the change of location fee of ten dollars is first paid.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.100 Employees

It is unlawful for the holder of a permit for a massage parlor to employ, use or permit any person to practice as a massage technician unless such massage technician has first obtained a valid permit pursuant to this Chapter.

(Ord. MC-460, 5-13-85; Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.110 Inspection

At least twice each year, an inspection of each massage parlor may be made for the purpose of determining that the provisions of this Chapter are met.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.20.120 Revocation of permit

- A. No permit shall be revoked until due notice and a hearing shall have been held before the Mayor and Common Council to determine just cause for revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such permit, and shall designate the time and place where such hearing will be had.
- B. The notice shall be served upon the permit holder by delivering the same personally or by leaving such notice at the place of business or residence of the permit holder in the custody of a person over the age of eighteen years. In the event the permit holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, certified postage fully prepaid, addressed to the permit holder at his or her place of business or residence at least ten days prior to the date of such hearing.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.130 Grounds for revocation

The permit of a massage technician may be revoked upon one or more of the following grounds:

- A. That the holder is guilty of fraud or deceit in his being licensed to the practice of massage;
- B. That the holder is practicing massage in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires of another;
- C. That the holder has been convicted in a court of competent jurisdiction of a felony or a crime of moral turpitude; the conviction of a felony shall be the conviction of an offense which, if committed within this state, would constitute a felony under the laws thereof;
- D. That the holder is impersonating another practitioner of a like or different name;
- E. That the holder has employed, allowed or permitted an unlicensed person to perform massage in his or her massage parlor.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.20.140 Records of Treatment

Every person, association, firm, or corporation operating a massage parlor under a permit as provided in this chapter shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the technician administering such treatment. Identical records shall be kept of treatments rendered off the business site, and, in addition, shall describe the address where the treatment was rendered. The records shall be maintained for a period of two years. The records shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for other purposes related to this Chapter.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.150 Those practicing before Chapter becomes effective

Any person who is actively engaged in the practice of massage in the City on the effective date of this Chapter and who has practiced such profession continuously for three years or more, or has served as an apprentice continuously for three years or more at any place within the state, or has a diploma from a recognized school of massage, as defined in Section 5.20.010, on the effective date of this Chapter, or who is eligible for membership in the American Massage and Therapy Association (also called A.M.T.A.) based upon his experience and qualifications shall be granted a permit as a massage technician without first complying with other requirements of this Chapter, except for physical conditions and adequacy of facilities, upon payment of the prescribed fee. Such person shall have one year from the effective date of this Chapter to so qualify.

(Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

5.20.160 Expiration and renewal of permit

All permits issued under the provisions hereof shall expire on the first day of January of 1982, and thereafter, on the first day of July of each year commencing with 1983. For the period from January 1, 1982 to June 30, 1983, a renewal permit may be issued upon application to the City Clerk and payment of a renewal fee of \$15.00. Any application for renewal must be made on or before the 15th day of January 1982. For any renewal permits sought after June 30, 1983, a renewal permit may be issued upon application to the City Clerk and the payment of a renewal fee established by resolution of the Mayor and Common Council. Any application for renewal must be made on or before the 15th day of July of each year, commencing in 1983. In the event or failure to so apply for the renewal on or before the date specified, a person whose permit has expired shall be deemed a new applicant and shall qualify by taking the examination therefor.

(Ord. MC-744, 10-08-90; Ord. MC-118, 11-16-81; Ord. 3495, 4-24-75; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

Chapter 5.22 OUTDOOR SALES AND DISPLAYS

Sections:

- 5.22.010 Permit required
- 5.22.020 Permit - Fee
- 5.22.030 Permit - Issuance
- 5.22.040 Limited outdoor displays permitted
- 5.22.050 Exemptions

5.22.010 Permit required

It is unlawful for any person, firm or corporation to conduct outdoor sales or displays, except upon issuance of a permit by the City Clerk.

(Ord. MC-535, 8-06-86)

5.22.020 Permit - Fee

The permit fee shall be established by resolution of the Mayor and Common Council.

(Ord. MC-535, 8-06-86)

5.22.030 Permit - Issuance

- A. Said permits shall be issued only to persons holding an active business license at the time of the application for such permit, and such permit shall be kept on the premises while in force.
- B. A permit shall not be issued for the same location more than four times in any calendar year and not more than once within any thirty day period. The permit shall be valid for nine calendar days, including holidays. The beginning and ending date of the sale shall be stated in the permit.

(Ord. MC-535, 8-06-86)

5.22.040 Limited outdoor displays permitted

Limited outdoor sales and displays of merchandise may be permitted upon issuance of a permit pursuant to Section 5.22.010, as long as the following criteria are met:

- A. No merchandise shall be located in public rights-of-way.

[\[Return to Municipal Code Contents\]](#)

- B. Merchandise may be located in the parking lot, utilizing not more than 10% of the available parking spaces.
- C. No merchandise shall be located in areas required to meet the landscaping standards set forth in Chapter 19.28 of the Development Code.
- D. No merchandise shall be located in such a way that it creates a public safety hazard.
- E. The location of merchandise for sale or display shall be restricted to those sides of the building where customer entrances are located.

(Ord. MC-535, 8-06-86; Ord. MC-970, 6-04-96)

5.22.050 Exemptions

The following uses are exempt from the provisions of this Chapter:

- A. Permanent outdoor sales and display areas, for major tenants (15,000 sq. ft. or greater), pursuant to Chapter 19.06 of the Development Code.
- B. Limited outside uses such as patio dining areas and nursery sales, pursuant to Chapter 19.06 of the Development Code.
- C. Display areas for the sale or rent of motor vehicles, pursuant to Chapter 19.06 of the Development Code.
- D. City-sponsored uses and activities, or activities occurring on City owned property, occurring at regular periodic intervals (weekly, monthly, yearly, etc.). Other City permits (building permits, encroachment permits, tent permits, etc.) may be required.
- E. Personal property sales, pursuant to Section 5.68 of the Municipal Code.

(Ord. MC-970, 6-04-96)

Chapter 5.24 TRANSPORTING PERSONS FOR HIRE⁷

Sections:

5.24.010	Definitions
5.24.020	Tax-Imposed
5.24.030	(Repealed by Ord. MC-743, 10-08-90)
5.24.040	(Repealed by Ord. MC-743, 10-08-90)
5.24.050	(Repealed by Ord. MC-743, 10-08-90)
5.24.060	(Repealed by Ord. MC-743, 10-08-90)
5.24.070	(Repealed by Ord. MC-743, 10-08-90)
5.24.080	(Repealed by Ord. MC-743, 10-08-90)
5.24.090	(Repealed by Ord. MC-743, 10-08-90)
5.24.100	(Repealed by Ord. MC-743, 10-08-90)
5.24.110	(Repealed by Ord. MC-743, 10-08-90)
5.24.120	(Repealed by Ord. MC-743, 10-08-90)
5.24.130	(Repealed by Ord. MC-743, 10-08-90)
5.24.140	(Repealed by Ord. MC-743, 10-08-90)
5.24.150	Exemption for vehicles operated exclusively in Interstate commerce
5.24.160	Exemption for certain school buses
5.24.170	Exemptions and exceptions

5.24.010 Definitions

- A. "Motor vehicle" is used in this Chapter as defined in the Motor Vehicle Transportation License Tax Act of California.
- B. "Operator" as used in this Chapter is defined in the Motor Vehicle Transportation License Tax Act of California, with reference only, however, to persons engaging in the transportation of persons for hire.
- C. "Transportation for hire" shall be deemed to include transportation for gain or profit, direct or indirect.

(Ord. 3627, 2-24-77; Ord. 763, 3-02-1920)

⁷For statutory provisions authorizing local authorities to license and regulate vehicles for hire, see Vehicle Code §§16501, 21100 and 21112; for provisions on the financial responsibility of commercial passenger vehicles, see Vehicle Code §16500 et seq.

[\[Return to Municipal Code Contents\]](#)

5.24.020 Tax - Imposed

- A. Every person whose business in whole or in part is that of operator, as defined in Section 5.24.010, of any motor vehicle for the transportation of persons for hire and who in the course of that business uses the public streets and highways of this city for the purpose of such business, shall pay a business tax established by resolution of the Mayor and Common Council.

(Ord. MC-743, 10-08-90)

- B. The business taxed under the provisions of this Chapter shall be the transportation of persons by an operator:

1. Wholly within the City;
2. From a place or places outside the City to a place or places within the City;
3. From a place or places within the City to a place or places outside of the City;
4. From a place or places within the City to a place or places also within the City even though such transportation involves going outside the City in the course thereof.

- C. This Chapter shall not apply to the business of operating motor coaches or other motor vehicles under the provisions of a franchise granted pursuant to provisions of the City Charter and Ordinance 1666 (Chapter 5.60) or 1987 (Chapter 5.76); nor shall this section apply to an operator who transports persons for hire from a place or places outside the City to a place or places within the City by taxicabs when said operator does not also transport persons for hire from a place within the City.

(Ord. 3627, 2-24-77; Ord. 763, 3-02-1920)

5.24.030; 5.24.040; 5.24.050; 5.24.060; 5.24.070; 5.24.080; 5.24.090; 5.24.100; 5.24.110; 5.24.120; 5.24.130; 5.24.140 - (Repealed by Ord. MC-743, 10-08-90)

5.24.150 Exemption for vehicles operated exclusively in interstate commerce

No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively between points within this City and points without this state.

(Ord. 3627, 2-24-77; Ord. 763, 3-02-1920)

[\[Return to Municipal Code Contents\]](#)

5.24.160 Exemption for certain school buses

No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively on any day to transport students or members of bona fide youth organizations and their supervising adults to and from public or private schools, school events, or other youth activities, without regard to the manner or source of compensation to the operator.

(Ord. 3627, 2-24-77; Ord. 763, 3-02-1920)

5.24.170 Exemptions and exceptions

No tax hereunder shall be required for the operation of any motor vehicle for any day or fraction thereof when such vehicle is operated exclusively between fixed termini or over regular routes in passenger stage operations under certificate issued by the Public Utilities Commission pursuant to Division 1, Part 1, Chapter 5, Article 2 of the Public Utilities Code of the state and for which operation a certificate of public convenience and necessity has been issued by the Interstate Commerce Commission.

(Ord. 3627, 2-24-77; Ord. 763, 3-02-1920)

Chapter 5.26 SHOPPING CARTS

Sections:

- 5.26.010 Purpose**
- 5.26.020 Definitions**
- 5.26.030 Removal of shopping carts from public property**
- 5.26.040 Disposal**
- 5.26.050 Tag tampering prohibited**
- 5.26.060 Unauthorized removal or possession of shopping carts**
- 5.26.070 Impound appeal**

5.26.010 Purpose

Abandoned shopping carts located outside the premises or parking areas of retail establishments and on public or private properties and viewable from the public rights-of-way are injurious to the public health, safety, and welfare and constitute a public nuisance. This nuisance is caused by persons unlawfully removing shopping carts from the premises or parking areas of retail establishments, by certain retail establishments failing to maintain adequate supervision of their premises and parking areas and failing to implement effective cart removal prevention programs or cart retrieval programs. The purpose of this chapter is to establish reasonable regulations for the collection

[\[Return to Municipal Code Contents\]](#)

and impound of abandoned shopping carts and to supplement provisions of state law regarding the unauthorized removal of shopping carts from the premises and parking areas of retail establishments.

5.26.020 Definitions

"Authorized contractor" means a private company providing shopping cart retrieval services, as designated by the City Council.

"City" means the City of San Bernardino or its designated representatives.

"Owner-identified shopping cart" means a shopping cart that has a permanently affixed sign that identifies, in accordance with Business and Professions Code Section 22435.1 the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the cart from the owner's premises; notifies the public that the unauthorized removal of the cart from the cart owner's premises or parking area or the unauthorized possession of the cart, is a violation of the state law; and lists a valid telephone number or address for returning the cart to the owner or retailer.

"Person" means an individual or entity.

"Public property" means all real property in the City in which a public agency has a fee simple, easement, lease-hold interest, or any possessory interest. This includes but is not limited to, streets, sidewalks, parks and flood control facilities.

"Retail establishment" means any establishment utilizing shopping carts outside of the establishment.

"Shopping cart" or "cart" means a basket that is mounted on wheels or a similar device generally used in retail establishment by a customer for the purpose of transporting goods of any kind.

"Unidentified shopping cart" means a shopping cart that is not an owner-identified shopping cart.

5.26.030 Removal of Shopping Carts From Public Property

- A. Upon the discovery of an unidentified shopping cart on public property, the City or its authorized contractor may remove the cart. Such carts shall be tagged with date and location and shall be impounded for thirty calendar days at a location selected by the City. A claim for a cart shall be presented to the City Administrator or his or her duly authorized representative, and shall be accompanied by proof of ownership of the cart. A person demonstrating proof of ownership of a cart stored by the City shall pay the City's tagging and retrieval fee, as set by City Council resolution, prior to the cart being released.

[\[Return to Municipal Code Contents\]](#)

- B. Upon the discovery of any owner identified shopping cart on public property, the City or its authorized contractor may remove the cart and promptly return it to the owner or premises identified thereon, or impound the same for safekeeping and provide actual notice within twenty-four (24) hours following such storage to the owner, or his or her agent, where it may be retrieved at no charge or cost if so retrieved within three business days following the date of actual notice as provided herein. Each such cart shall be tagged with the date and location of impoundment. Pursuant to Business and Professions Code Section 22453.7(i), said actual notice given to the owner of any owner identified shopping cart which is impounded pursuant to this section shall further specify the date and time of such impoundment, the cost of retrieval if not so retrieved within three business days following date of actual notice, and that failure to retrieve such cart within thirty calendar days of receipt of such notice may result in the cart being disposed of as permitted by law.
- C. This section shall not apply to a cart attended by any person who can demonstrate, to the satisfaction of the City or its authorized contractor, ownership of the shopping cart or written permission of the owner, to have the cart in his/her possession.

5.26.040 Disposal

After the expiration of the thirty-day period specified in Section 5.26.030(A), the City or its authorized contractor with the City's approval, may sell an unclaimed unidentified shopping cart at public auction or otherwise dispose of the cart. After the expiration of the thirty-day period specified in Section 5.26.030(B), the City may sell or otherwise dispose of any unclaimed owner-identified shopping cart as authorized by Business and Professions Code Section 22435.7(g)

5.26.050 Tag Tampering Prohibited

- A. It shall be a misdemeanor for any person to remove any tag affixed by the City or its authorized contractor to any shopping cart with the intent of interfering with the enforcement of this chapter or evading any of its provisions.
- B. It shall be a misdemeanor for any person to obstruct, impede or interfere with any representative of the City or its authorized contractor who is engaged in tagging, removing or transporting a shopping cart in accordance with this chapter.

5.26.060 Unauthorized Removal or Possession of Shopping Carts

It shall be a misdemeanor to do any of the following acts with respect to an owner-identified shopping cart:

1. Remove a shopping cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;
2. Be in possession of any shopping cart that has been removed from the premises or the parking area of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;
3. Be in possession of any shopping cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;
4. Leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;
5. Alter, convert, or tamper with a shopping cart, or remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart; and
6. Be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

This section shall not apply to any person who can satisfactorily demonstrate ownership of the shopping cart, or to any person having written permission of the owner to have the cart in his or her possession.

Any such shopping cart in the possession of any person found to be in violation of Business and Professions Code Section 22435.2 may be returned to the owner or premises identified thereon by the City or its authorized contractor, or may be impounded for safekeeping provided actual notice within twenty-four (24) hours following such storage is given to the owner, or his or her agent, where said cart may be retrieved at no charge or cost if so retrieved within three business days following the date of actual notice as provided herein. Each such cart shall be tagged with the date and location of impoundment. Pursuant to Business and Professions Code Section 22453.7(i), said actual notice given to the owner of any such shopping cart which is impounded pursuant to this section shall further specify the date and time of such impoundment, the cost of retrieval if not so retrieved within three business days following date of actual notice, and that failure to retrieve such cart within thirty calendar days of receipt of such notice may result in the cart being disposed of as permitted by law.

[\[Return to Municipal Code Contents\]](#)

5.26.070 Impound Appeal

- A. Any person who can demonstrate that he or she is a cart owner may appeal the imposition of a tagging and retrieval fee by presenting evidence that the cart removal and storage was not performed substantially in accordance with the provisions of this chapter. Appeals shall be made in writing to the Mayor or the Mayor's duly authorized representative within ten calendar days of notification of such assessed fee. An office hearing will be held within thirty calendar days of the receipt of such appeal request. The shopping cart owner or authorized representative may appear and be heard on the matter. If the Mayor or the Mayor's duly authorized representative determines that the shopping cart was not removed and stored in substantial accordance with the provisions of this chapter, the tagging and retrieval fee shall be waived and the shopping cart shall be returned.
- B. The Mayor or the Mayor's duly authorized representative shall, within ten working days after the conclusion of the hearing, give written notice of his or her decision to the party or parties who filed the appeal. The notice shall contain the decision and the reasons therefor. The decision of the Mayor or the Mayor's duly authorized representative shall be final and conclusive and shall not be subject to any further appeal. Pursuant to Code of Civil Procedure Section 1094.6, any action to review said decision shall be commenced not later than the ninetieth day after the date of the written notice of decision.

(Ord. MC-1038, 1-12-99)

ARTICLE II. SPECIFIC BUSINESSES

Chapter 5.28 AUTOMOBILE WRECKERS

Sections:

5.28.010 Copy of notification to Police Department

5.28.010 Copy of notification to Police Department

Any licensed automobile wrecker who, as a transferee, obtains actual possession of a vehicle subject to registration under Chapter 3 of Division 5 of the Vehicle Code or other law for the purpose of wrecking or dismantling shall forward a copy of the notification required by Section 11520 of the Vehicle Code to the Police Department of the City.

(Ord. 2455, 8-13-62; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

Chapter 5.30 SIDEWALK VENDING

Sections:

- 5.30.010 Purpose and Intent**
- 5.30.020 Definitions**
- 5.30.030 Permits Required**
- 5.30.040 Review of Permit Application; Decision**
- 5.30.050 Renewal of Sidewalk Vending Permit**
- 5.30.060 Stationary Sidewalk Vending Locations and Standards**
- 5.30.070 Sidewalk Vending in Parks, Certified Farmer’s Markets**
- 5.30.080 Roaming Sidewalk Vending**
- 5.30.090 Suspension; Rescission**
- 5.30.100 Appeals**
- 5.30.110 Compliance with all Applicable State Laws**
- 5.30.120 Penalties**

5.30.010 Purpose and Intent

The vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

(Ord. MC-1517, 6-19-19)

5.30.020 Definitions

For purposes of this Chapter, the following definitions apply:

- A. “Agricultural Products” means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof. Agricultural products does not include cannabis or cannabis products.

- B. “Certified Famers’ Market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

[\[Return to Municipal Code Contents\]](#)

- C. "City" means the City of San Bernardino.
- D. "County" means the County of San Bernardino.
- E. "Park" means a public park owned by the City.
- F. "Director of Finance" means the Director of Finance or his or her designee.
- G. "Roaming sidewalk vendor or vending" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- H. "Sidewalk vendor or vending" means a person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk, property, or other pedestrian path.
- I. "Stationary Sidewalk Vendor" means a person who sells, offers to sell, operates, engages in, or carries on a food or merchandise vending business from a fixed location without assistance from a transport.
- J. "Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.
- K. "Temporary Event Permit" means any use as permitted under Chapter 19.70.

(Ord. MC-1517, 6-19-19)

5.30.030 Permits Required

- A. All sidewalk vendors shall obtain a sidewalk vending permit from the City's Business Registration Division prior to engaging in any sidewalk vending activities. The following information shall be required:
 - 1. Name, current mailing address, and phone number of the vendor; and
 - 2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and
 - 3. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and

[\[Return to Municipal Code Contents\]](#)

4. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and
 5. The vendor must present a valid identification, such as a State of California identification, Matricula Consular or any other government-issued identification card; and
 6. If preparing or selling food, a copy of a current County Public Health Department permit issued to the vendor; and
 7. If vendor is selling food, a current decal sticker posted on the food cart issued by the County Public Health Department; and
 8. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and
 9. If the vendor proposes to be a sidewalk vendor, an encroachment permit pursuant to Section 12.03.060 of the San Bernardino Municipal Code; and
 10. A copy of general liability policy naming the City as additional insured in the amount of \$1,000,000
 11. A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true.
- B. At the time the application or renewal application is filed, the application shall pay the permit processing fee established by separate resolution of the City Council.

(Ord. MC-1517, 6-19-19)

5.30.040 Review of Permit Application; Decision

- A. The Director of Finance may deny an application for a permit if he or she makes any of the following findings:
1. The applicant has failed to pay the application permit fee.
 2. The applicant has made one or more material misstatements in the application for a permit.

[\[Return to Municipal Code Contents\]](#)

3. The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.
 4. It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.
- B. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.
- C. If the Director of Finance approves the applicant's permit, he or she shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant.
- D. Exemptions. A sidewalk vending permit shall not be required for the following activities:
1. The sale of agriculture products on the site where the product is grown. As defined in 5.30.020(A) agriculture products does not include cannabis. Sale of cannabis products must adhere to regulations as stipulated in Chapter 5.10 of the Municipal Code.
 2. Catering for private parties held exclusively on private property and not open to the general public.
 3. Events permitted pursuant to a lawfully issued temporary event permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.
- E. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.
- F. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

(Ord. MC-1517, 6-19-19)

5.30.050 Renewal of Sidewalk Vending Permit

All sidewalk vendors shall annually apply for renewal of their Sidewalk Vending Permit from the City's Director of Finance prior to continuing to engage in any sidewalk

[\[Return to Municipal Code Contents\]](#)

vending activities. Any sidewalk vendor who currently possesses a Sidewalk Vending Permit allowing them to operate a vending operation must, upon time of renewal of their license, apply for a Sidewalk Vending Permit, supplying the information as required in section 5.30.030 of this Division.

(Ord. MC-1517, 6-19-19)

5.30.060 Stationary Sidewalk Vending Locations and Standards

- A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:
1. The sidewalk vendor is duly licensed and meets all requirements of section 5.30.030; and
 2. The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36”) of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
 3. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on the food cart; and
 4. If the sidewalk vendor is selling food, all employees shall possess a current food handlers card, issued by the County; and
 5. Sidewalk vendor food cart shall possess a current decal sticker posted on the food cart; and
 6. Sidewalk vending hours shall be conducted between the hours of 8:00 a.m. and 3:00 a.m. the following day; and
 7. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and
 8. The sidewalk vendor location does not block entrances to private buildings, private driveways, parking spaces or building windows; and
 9. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

10. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities; and
11. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and
12. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and
13. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit; and
14. The sidewalk vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into the city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

(Ord. MC-1517, 6-19-19)

5.30.070 Sidewalk Vending in Parks, Certified Farmer's Markets

- A. Sidewalk vending of food or merchandise by roaming or stationary vendors shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise or in an area occupied by a Certified Farmer's Market.
- B. Subject to section 5.30.070(A), sidewalk vendors may operate in City Parks provided they meet the following:
 1. The sidewalk vendor is duly licensed and meets all requirements of section 5.30.030(A); and
 2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
 3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and
 4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and

[\[Return to Municipal Code Contents\]](#)

5. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on the food cart; and
6. If the sidewalk vendor is selling food, all employees shall possess a current food handlers card, issued by the County; and
7. Sidewalk vendor food cart shall possess a current decal sticker posted on the food cart; and
8. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and
9. No vending shall occur within the immediate vicinity of an event held pursuant to a Temporary Event Permit; and
10. In City Parks that are located within a residential zone, where stationary sidewalk vending is prohibited, as described in Section 5.30.070(A) of this Chapter, only roaming sidewalk vendors shall be allowed in such Parks; and
11. The City can impose regulations to limit the number of Sidewalk Vendors in City Parks to limit the undue concentration of commercial activity that unreasonable interferes with the scenic and natural character of the park or necessary to endure the public's use and enjoyment of the natural resources and recreational opportunities of City parks.

(Ord. MC-1517, 6-19-19)

5.30.080 Roaming Sidewalk Vending

- A. Roaming sidewalk vendors shall meet the following:
 1. The sidewalk vendor is duly licensed and meets all requirements of section 5.30.030(A); and
 2. If the sidewalk vendor is selling food, the sidewalk vendor shall display a valid Health Permit issued by the County in a conspicuous location on the food cart; and
 3. If the sidewalk vendor is selling food, all employees shall possess a current food handlers card, issued by the County; and
 4. Sidewalk vendor food cart shall possess a current decal sticker posted on the food cart; and

[\[Return to Municipal Code Contents\]](#)

5. Sidewalk vending hours for residential zones shall be conducted between the hours of 8:00 a.m. and 8:00 p.m.; and
6. Sidewalk vending hours for non-residential zones shall be conducted between the hours of 8:00 a.m. and 8:00 p.m. of every day; and
7. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition; and
8. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and
9. The sidewalk vendor does not conduct sales from a public street; and
10. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit; and
11. The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

(Ord. MC-1517, 6-19-19)

5.30.090 Suspension; Rescission

- A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the Director of Finance after four or more violations of this Chapter, for any of the following causes:
 1. Fraud or misrepresentation in the course of vending;
 2. Fraud or misrepresentation in the application for the permit;
 3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.
- B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- C. No person whose street vending permit has been revoked pursuant to this chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final.

(Ord. MC-1517, 6-19-19)

5.30.100 Appeals

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the Director of Finance, made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action or decision in accordance with section 8.30.030.

(Ord. MC-1517, 6-19-19)

5.30.110 Compliance with all Applicable State Laws

It is the intent of this Chapter to regulate sidewalk street vendors in compliance with all provisions of the Safe Sidewalk Vending Act. It is also the intent of this provision for sidewalk vendors to comply with all applicable state and local laws.

(Ord. MC-1517, 6-19-19)

5.30.120 Penalties

- A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:
 - 1. An administrative fine not exceeding \$100 for a first violation.
 - 2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
 - 3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.
- B. A violation of vending without a sidewalk vending permit may, in lieu of the penalties set forth in subsection (A) set forth above, be punished by:
 - 1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
 - 2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.

[Return to Municipal Code Contents]

3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.
 - D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.
 - E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.
 - F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
 - G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
 1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
 2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
 - H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

[\[Return to Municipal Code Contents\]](#)

- I. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes, regulations, and ordinances.

(Ord. MC-1545, 10-07-20; Ord. MC-1517, 6-19-19)

Chapter 5.32 BILLIARD ROOMS AND POOLROOMS

Sections:

- 5.32.010 License and permit - Required**
- 5.32.020 Permit - Application**
- 5.32.030 Permit - Condition and unlawful acts**
- 5.32.040 Violations of laws on lotteries, gaming or gambling**
- 5.32.050 Profanity**
- 5.32.060 Responsibility of owner for enforcement**
- 5.32.070 Signs to be posted setting forth rules and regulations**
- 5.32.080 Games open to public view when**
- 5.32.090 Imposition of condition upon issuance of permit**
- 5.32.100 Investigation fee**
- 5.32.110 Suspension or revocation of permit**
- 5.32.120 (Repealed by Ord. MC-460, 5-15-85)**

5.32.010 License and permit - Required

It is unlawful for any person, whether as principal, officer, clerk, agent or employee, either for himself or for any other person, to engage in, conduct, carry on or maintain the business, trade, occupation or calling of conducting a billiard room or poolroom in the City without first having procured therefor a license from the City Clerk and a permit in writing from the Common Council.

(Ord. 2589, 6-23-64)

5.32.020 Permit - Application

Any person who desires to procure a permit for conducting or maintaining in the City a billiard room or poolroom shall make application therefor in writing to the City Clerk. Such application shall be made on a form prescribed by the City Clerk, and shall be verified by one of the applicants. Such application shall set forth the name of the applicant or applicants, the location of such proposed business and the number of billiard or pool tables intended to be kept therein.

(Ord. 2589, 6-23-64)

[\[Return to Municipal Code Contents\]](#)

5.32.030 Permit - Condition and unlawful acts

Each permit shall be conditional upon, and it is unlawful:

- A. For any person under the age of eighteen years to enter and remain in any establishment where any billiard or pool table is maintained for public use or hire unless accompanied by his parent or guardian, or unless said parent or guardian has signed in the presence of the owner thereof, an annual written consent and permission for attendance by such person when he was of the age of fourteen or more years;
- B. For the management of any establishment where any billiard or pool table is maintained for public use or hire to permit a person under the age of eighteen years to enter and remain in such establishment unless accompanied by his parent or guardian, or unless said parent or guardian has signed in the presence of the owner thereof, an annual written consent and permission for attendance by such person when he was of the age of fourteen or more years;
- C. For any person under the age of eighteen years to enter and remain in any establishment where any billiard or pool table is maintained for public use or hire after the hour of ten p.m.;
- D. For the management of any establishment where any billiard or pool table is maintained for public use or hire to permit a person under the age of eighteen years to enter and remain in such an establishment after the hour of ten p.m.;
- E. For any person under the age of twenty-one years to violate any law pertaining to alcoholic beverages in any establishment where any billiard or pool table is maintained for public use or hire;
- F. For the management of any establishment where any billiard or pool table is maintained for public use or hire to violate any law pertaining to alcoholic beverages;
- G. For the management of any establishment where any billiard or pool table is maintained for public use or hire to fail to have an employee of the age of twenty-one years or older in attendance at all times when the establishment is open to the public;
- H. "Management" includes owner, lessee, or any agent, employee, representative or concessionaire of such owner or lessee;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- I. For the purpose of preventing the violation of any portion of this section, the management shall refuse to permit any person to remain in any establishment where any billiard or pool table is maintained for public use or hire who is unable to produce adequate written evidence of his age, or in the event such person is under the age of eighteen years, who is not accompanied by his parent or guardian, or for whom there is not an annual written consent and permission document on file with the management.

(Ord. 2598, 7-25-64; Ord. 2589, 6-23-64)

5.32.040 Violation of laws on lotteries, gaming or gambling

It is unlawful for any person to violate any law pertaining to lotteries, gaming, or gambling on the premises of the billiard room or poolroom.

(Ord. 2589, 6-23-64)

5.32.050 Profanity

No profanity of any kind shall be used, suffered, allowed, or permitted on the premises of the billiard room or poolroom.

(Ord. 2589, 6-23-64)

5.32.060 Responsibility of owner for enforcement

The owners, managers and operators, and each of them, of the billiard room or poolroom shall be strictly responsible for the enforcement of all required rules and regulations, and shall not permit any person violating any rule or regulation to remain in such billiard room or poolroom, and shall not permit any habitual violator to enter such billiard room or poolroom.

(Ord. 2589, 6-23-64)

5.32.070 Signs to be posted setting forth rules and regulations

At least four signs shall be posted and maintained at conspicuous places in and about the billiard room or poolroom, printed in bold one-inch high letters placed on a contrasting background, and setting forth the substance of the rules and regulations contained in this Chapter.

(Ord. 2589, 6-23-64)

[\[Return to Municipal Code Contents\]](#)

5.32.080 Games open to public view when

When any room or place is maintained where games of billiards, pool or bagatelle are conducted for profit, which room or place is a part or portion of a business affording amusement or recreational games for which a fee is charged, said games shall be at all times open to public view from the sidewalk or street right-of-way adjoining the room or place; and any partitions between the room or place and other game areas shall be made of not less than fifty percent transparent glass between a point three feet above the floor and a point six feet above the floor.

(Ord. 2589, 6-23-64)

5.32.090 Imposition of condition upon issuance of permit

The Common Council may impose any reasonable condition upon the issuance of the permit in addition to the conditions and regulations set forth in this Chapter.

(Ord. 2589, 6-23-64)

5.32.100 Investigation fee

At the time of filing each original application, the applicant shall pay to the City Clerk an application investigation fee of twenty-five dollars for each location or address where it is proposed to conduct a billiard room or poolroom. If the application is denied, such fee shall not be refunded.

(Ord. 2589, 6-23-64)

5.32.110 Suspension or revocation of permit

Any permit issued for a billiard room or poolroom may be revoked or suspended for a violation of any of the conditions of the permit, or of the provisions of this Chapter or other provisions of law, or for good cause, which shall include but not be limited to a material misstatement in the application for the permit, or conduct which does not comport with the public welfare. No permit shall be revoked for any cause or violation until a public hearing has been held thereon by the Common Council, and the permittee has been given five days' notice in writing of the time and place of such hearing either by United States mail, or by personal service, and a brief statement of specific charges; provided, that any permit may be suspended by the Mayor, pending the holding of a public hearing as provided above, by causing a written notice of such temporary suspension to be delivered to the permittee personally, or to his manager.

(Ord. 2589, 6-23-64)

5.32.120 (Repealed by Ord. MC-460, 5-15-85)

[Return to Municipal Code Contents]

Chapter 5.36 BINGO GAMES⁸

Sections:

5.36.010	Definitions
5.36.015	Remote Caller Bingo - Authorization
5.36.020	License - Required
5.36.030	License - Fee and investigation fee
5.36.040	License - Application
5.36.050	License - Issuance
5.36.060	Operation of bingo game
5.36.065	Operation of Remote Caller Bingo Games
5.36.070	Financial interest
5.36.080	Accounts for profits and proceeds
5.36.090	Participation limited to those present
5.36.100	Bingo game open to public
5.36.110	Value of prizes
5.36.120	Minors prohibited from participation
5.36.130	Display of license
5.36.140	License not transferable
5.36.150	Suspension or revocation of license
5.36.160	Disciplinary action - Grounds
5.36.170	Procedure
5.36.180	Pending revocation or suspension - Proceedings effect on license
5.36.190	License renewal - Effect of pendency of proceeding to suspend or revoke license
5.36.200	Fictitious name

5.36.010 Definitions

- A. "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. Bingo shall be conducted in accordance with the applicable statutes of the State of California.

⁸For statutory provisions authorizing bingo games for charity, see Penal Code §326.5.

- B. "Remote Caller Bingo" means a game of bingo, as defined in Penal Code §326.3(u)(1).
- B. "Minors" are all persons defined as minors under Civil Code Section 25.1.
- C. A "nonprofit organization" is an organization exempted by the bank and corporation tax by Sections 23701 (a), 23701 (b), 23701 (d), 23701 (e), 23701 (f), 23701 (g), or 23701 (l) of the California Revenue and Taxation Code.
- D. "Prizes" mean cash, kind, or both for each separate game which is held.
(Ord. MC-1401, 6-02-14; Ord. MC-486, 12-04-85; Ord. MC-146, 3-16-82; Ord. 3976, 10-08-80; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.015 Remote Caller Bingo- Authorization.

Remote Caller Bingo is added to this Chapter pursuant to Section 19 of Article IV of the California Constitution, as implemented by Sections 326.3 and 326.4 of the Penal Code.

Ord. MC-1401, 6-02-14

5.36.020 License - Required

It is unlawful for any person, firm, corporation, association, partnership or organization other than a nonprofit organization, mobile home park association, or senior citizen organization to conduct bingo games. Such organizations or associations shall not conduct bingo games without first securing a license to conduct such games from the City Clerk as hereinafter provided, and the receipts of such games shall be used only for charitable purposes.

(Ord. MC-460, 5-15-85; Ord. MC-146, 3-16-82; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.030 License - Fee and investigation fee

- A. An annual license fee in the amount to be set by resolution shall be paid upon the approval of each application for license for the purpose of defraying the expense incidental to the processing of such application.
- B. At the time of filing of the application for a license, the applicant shall also pay to the City Clerk an investigation fee in an amount to be determined by resolution. This fee is for the purpose of defraying the costs of the inspection of the premises upon which the bingo games are to be conducted and of investigating the qualifications of the applicant.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

[Return to Municipal Code Contents]

5.36.040 License - Application

- A. Applicants for bingo licenses shall file a written, signed and acknowledged application with the City Clerk, showing:
 - 1. The name and address of applicant;
 - 2. The day, dates, hours and locations where the bingo games will be operated;
 - 3. The name or names of the person or persons having the management or supervision of the games;
 - 4. The maximum number of participants expected on the premises;
 - 5. Whether food and beverages will be available;
 - 6. Such other reasonable information as may be required as to the identity or character of the applicant, manager or members of applicant operating the games.
- B. If the applicant is a nonprofit organization, the application shall be accompanied by a copy of the tax exempt status determination issued by the state Franchise Tax Board to the applicant organization.
- C. If the applicant does not own the premises for which the license is sought, the applicant shall submit with the application a copy of the lease under which the applicant has the right to use such premises. If the use of the premises is donated, a copy of the agreement under which the applicant has the right to use the premises shall be submitted.
- D. For Remote Caller Bingo, applicants must also submit a copy of the executed agreement between the applicant and the provider of the equipment to be used.

(Ord. MC-1401, 6-02-14; Ord. MC-146, 3-16-82; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.050 License - Issuance

- A. When an application is filed, the City Clerk shall refer the application to the Community Development Department, the Fire Department, the Police Department and to all other interested departments of the City for investigation. The Community Development Department, Fire Department and the Police Department shall make reports of their findings, together with recommendations as to whether or not the applicant should be granted a license, to the City Clerk within twenty

[Return to Municipal Code Contents]

working days after the application was referred to them. The license shall be issued for a specified location and shall specify the maximum number of participants permitted on the premises. The license shall be valid for the remainder of the calendar year from the date of issuance.

1. Upon receipt of the application, or whenever there is a change of officers of the organization or in the position of game manager, the Chief of Police, or his designee, shall make an investigation regarding the character and moral fitness of applicants, the cost of which investigation shall be borne by the applicants pursuant to Penal Code §326.5(1)(2) in an amount set by resolution. This investigation shall include the obtaining of criminal history statements, through fingerprints, for all officers/board members and game manager(s) associated with the day to day operation of the game. The purpose of this investigation is to determine those persons who have been convicted of crimes involving lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude. If any person investigated does in fact have a criminal record, or presents any cause for concern related to the community's public health, peace, safety, or welfare, such person shall be notified in writing and the license suspended until such person is removed from the application or does not participate in bingo operations. Such person shall not, at any time in the future, be permitted to participate in any way in any bingo operation licensed under this article. Any person objecting to the Chief of Police's determination pursuant to this subsection may appeal to the City Manager or designee provided he or she files a notice of appeal with the City Clerk within ten days of the Chief of Police's determination.
- B. An applicant shall not be entitled to more than one license in the City; provided, however, that a church or nonprofit organization, which is subsidiary to or affiliated with an organization operating throughout the state or nation. and which is separately and independently operated and staffed locally, shall be considered as an individual applicant for purposes of this Chapter.
- C. Licenses are not transferable and there are no rebates if the bingo operation licensed under this article is discontinued during the period for which the license was issued.

(Ord. MC-1401, 6-02-14; Ord. MC-1027, 9-09-98;
Ord. 3724, 5-04-78; Ord. 3606, 10-26-76)

5.36.060 Operation of bingo game

A bingo game shall be conducted only on property owned or leased by, or donated to, the licensed organization or association and used by it for an office or for performance of the purposes for which the organization or association is organized. Use solely for the purposes of conducting bingo games is not an acceptable use. The bingo game shall be

[\[Return to Municipal Code Contents\]](#)

operated and staffed only by members of the licensed organization or association which organized the game, except that security personnel may be employed. No person may receive or pay a profit, wage, or salary from the receipts of any bingo game, except that security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games. Only the organization or association licensed to conduct a bingo game shall operate such game or participate in the promotion, supervision, or any other phase of such game. Bingo games shall not be held:

- A. For more than two sessions in any one week; or
- B. For more than five hours in any twenty-four-hour period; or
- C. Between the hours of two a.m. and six a.m. of any one day

(Ord. MC-1520, 6-19-19; Ord. MC-1401, 6-02-14 Ord. MC-486, 12-04-85;
Ord. MC-314, 11-07-83; Ord. MC-146, 3-16-82; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.065 Operation of Remote Caller Bingo Games

Remote Caller Bingo games may be conducted in the City subject and pursuant to the following provisions:

- A. Remote Caller Bingo games may be conducted by any organization eligible to receive a valid traditional bingo license issued pursuant to Section 5.36.020 if:
 - 1. The organization has been incorporated or in existence for three years or more; and
 - 2. The organization obtains approval from the Chief of Police as provided in Section 5.36.050
- B. Remote Caller Bingo games shall be conducted in compliance with Penal Code §§326.3 and 326.4 and all other applicable local and state laws and regulations.
- C. Remote Caller Bingo games shall not be conducted by any licensee more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.
- D. The licensee shall keep full and accurate records of the income and expenses received and distributed in connection with its operation, conduct, promotion, supervision and any other phase of remote caller bingo games which are authorized by this article. The City shall have the right to examine and audit such records at any reasonable time, and the licensee shall fully cooperate with the city by making such records available.

[Return to Municipal Code Contents]

- E. In addition to the requirements of subsection (D), the licensee shall submit copies of any state mandated audits, including, but not limited to, those required pursuant to Penal Code §326.3(w)(2), to the Chief of Police within five days of their submission to the applicable state agency.
- F. Except as authorized by Penal Code §326.3, it is a misdemeanor for any person to receive profit, wage or salary from any remote caller bingo game authorized as provided in Article IV, Section 19 of the Constitution of the State.
- G. Violations of subdivision (F) of this section shall be punishable by an administrative fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the City.
- H. The licensed organization is responsible for ensuring that the conditions of this chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any one or more of these conditions shall constitute cause for the revocation of the organization's license. At the request of the organization, the City shall hold a public hearing before revoking any license issued pursuant to this Chapter.

Ord. MC-1401, 6-02-14

5.36.070 Financial interest

It is unlawful for any individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game to hold a financial interest in the conduct of such bingo game.

(Ord. MC-1401, 6-02-14; Ord. MC-460, 5-15-85; Ord. 3606, 10-26-76)

5.36.080 Accounts for profits and proceeds

- A. All profits derived from a bingo game by organizations exempt from payment of the bank and corporation tax by Section 23701(d) of the California Revenue and Taxation Code shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.
- B. With respect to all other licensees, all receipts derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used for charitable purposes, except as follows:
 - 1. Such proceeds may be used for prizes.

[Return to Municipal Code Contents]

2. A portion of such proceeds not to exceed twenty percent of the proceeds before the deduction for prizes, or one thousand dollars per month, whichever is less, may be used for rental of property, overhead, the purchase of bingo or security equipment, administrative expenses, and security personnel.

3. Such proceeds may be used to pay license fees.

C. Records required by this section shall be retained for a period of three years. The licensee's books and records shall be available for inspection by the Chief of Police or the City Clerk or their designated representative upon reasonable notice.

(Ord. MC-1401, 6-02-14 Ord. MC-146, 3-16-82; Ord. 3976, 10-08-80;
Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.090 Participation limited to those present

It is unlawful for any person to allow a person not physically present at the time and place in which the bingo game is being conducted to participate.

(Ord. MC-1401, 6-02-14; Ord. MC- 460, 5-13-85; Ord. 3606, 10-26-76)

5.36.100 Bingo game open to public

All bingo games shall be open to the public, not just the members of the licensed organization or association.

(Ord. MC-1401, 6-02-14; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.110 Value of prizes

The total value of prizes awarded during the conduct of any bingo game shall not exceed five-hundred dollars (\$500) for each separate game which is held.”

(Ord. MC-1520, 6-19-19; Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

5.36.120 Minors prohibited from participation

It is unlawful for any person to allow a minor to participate in any bingo game.

(Ord. MC-1401, 6-02-14; Ord. MC-460, 5-15-85; Ord. 3606, 10-26-76)

5.36.130 Display of license

Every licensee shall display the license issued by the City in a conspicuous place in the premises where the bingo games are conducted.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

[Return to Municipal Code Contents]

5.36.140 License not transferable

Each license issued under this Chapter shall be issued to a specific organization or association for a specific location and shall in no event be transferable from one organization or location to another.

(Ord. MC-1401, 6-02-14; Ord. 3684, 11-09-77; Ord. 3606, 10-26-76)

5.36.150 Suspension or revocation of license

The Common Council may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend, for a period not exceeding one year, or revoke the permit of any licensee which commits any one or more of the acts or omissions constituting grounds for disciplinary action under this Chapter.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

5.36.160 Disciplinary action - Grounds

It shall be a ground for denial, revocation or other disciplinary action of any applicant, licensee, the agent, or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person exercising managerial authority of or on behalf of the licensee if such organization or person has:

- A. Knowingly made any false, misleading, or fraudulent statement of a material fact in an application for a license, or in any report or record required to be filed with the City Clerk; or
- B. Violated any provision of this Chapter or of any statute relating to the permitted activity; or
- C. Been convicted of a felony or any crime involving moral turpitude; or
- D. A bad moral character, intemperate habits or a bad reputation for truth, honesty, or integrity; or
- E. Committed any unlawful, false, fraudulent, deceptive, or dangerous act while conducting permitted bingo games; or
- F. Violated any rule or regulation adopted by the Common Council relating to the licensed bingo games; or

[\[Return to Municipal Code Contents\]](#)

- G. Conducted the permitted bingo game in a manner contrary to the peace, health, safety, and general welfare of the public; or
- H. Failed to comply with zoning, building and safety, health regulations, all applicable local and state fire regulations and all laws of the City.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

5.36.170 Procedure

An applicant or licensee may, within ten days after service of a written notice of denial of a license or suspension or revocation of his license, file a request for a hearing with the Common Council. The request for a hearing shall be in writing and signed by or on behalf of the applicant or licensee. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the licensee's right to a hearing.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

5.36.180 Pending revocation or suspension - Proceedings effect on licensee

Pending the final determination of a proceeding for revocation or suspension of a license, a licensee may continue to operate bingo games until the Council makes such final determination.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

5.36.190 License renewal - Effect of pendency of proceeding to suspend or revoke license

A licensee may file an application for renewal of a license. Renewal application should be filed at least thirty days prior to expiration of the license period. In the event a renewal application is filed during the pendency of a proceeding to suspend or revoke the license, such filing shall continue such license in full force and effect until the entry of the final order by the Council terminating proceedings.

Failure of the Council to revoke, suspend, limit or condition the license shall have the effect of granting the license. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or is thereafter presented. No further notice to the applicant is required and the Council is authorized to consider and make findings upon such application in accordance with this Chapter.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

[Return to Municipal Code Contents]

5.36.200 Fictitious name

It is unlawful for any person or persons to sign a fictitious name or fictitious address in connection with applications submitted pursuant to this Chapter.

(Ord. MC-1401, 6-02-14; Ord. 3606, 10-26-76)

Chapter 5.40 CHARITABLE AND RELIGIOUS SOLICITATIONS IN CENTRAL CITY MALL (Repealed by Ord. MC-1486, 4-18-18)

Chapter 5.42 OUTDOOR ENTERTAINMENT (Repealed by Ord. MC-1414, 07-06-15)

Chapter 5.44 COIN-OPERATED GAME MACHINES

Sections:

- 5.44.010 Definitions**
- 5.44.020 Permit-Required**
- 5.44.025 Responsibilities of business operators upon whose premises games machines are found**
- 5.44.030 Operator's permit-Application**
- 5.44.040 Investigation**
- 5.44.050 Issuance of permits**
- 5.44.060 Hearing upon denial of permit**
- 5.44.070 Game machine tag**
- 5.44.080 Display of tag or plate**
- 5.44.085 Display of information concerning distributor**
- 5.44.086 Untagged machines; nuisance; reconnection fees; administrative fees**
- 5 44.090 Transfer of permit**
- 5 44.100 Revocation of permit**
- 5 44.110 Permit in addition to business license or other permit**
- 5.44.120 Prohibited devices**
- 5.44.130 Violation - Penalty**

[\[Return to Municipal Code Contents\]](#)

5.44.010 Definitions

For the purpose of this Chapter, the following terms are defined as follows:

- A. A "coin-operated game machine" is any machine, device or apparatus which is used as a game or contest of any description or for amusement, or which may be used for any such game or contest or for amusement and the operation or use of which is permitted, controlled, or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening, or by the payment of any fee or fees in lieu thereof, except a machine, device or apparatus used or offered for use, by children for rides, or as a hobby horse or for the viewing of miniature cartoons or "kiddie theater" films in establishments or areas reserved for the use of children under the age of fourteen years and their parents or guardians or by any person for playing or rendering music or as a test of strength or endurance.
- B. A "person" is any natural person, firm, partnership, corporation or association. The singular use includes the plural.

(Ord. 3562, 3-17-76; Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.020 Permit - Required

- A. It is unlawful for any person to engage in the business of renting, operating, leasing, selling or maintaining coin-operated game machines in the City without first having secured a permit from the City to do so. A violation of any provisions of this Chapter shall be a misdemeanor punishable by a five hundred- dollar fine or six months in the county jail, or by both such fine and imprisonment. The following persons owning or operating local business establishments are exempt from the game machine operator permit requirements of this Chapter:
 - 1. A person owning, operating and maintaining not more than two coin-operated machines as an incidental business used at a local place of business having the requisite business license pursuant to Article I of this Title;
 - 2. A person leasing coin-operated game machines at a local place of business from a person having a permit under this Chapter.
- B. Any person required to obtain a permit under this Chapter is hereinafter referred to in this Chapter as a "game machine operator."

(Ord. MC-192, 7-22-82; Ord. MC-130, 1-07-82;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

[\[Return to Municipal Code Contents\]](#)

5.44.025 Responsibilities of business operator upon whose premises game machines are found

- A. It is unlawful for any person operating any business enterprise within the City to have in operation upon the premises of such person any coin-operated game machine as defined in this chapter which does not have affixed thereto or posted in a conspicuous place nearby the tag or plate issued under this chapter as required by Section 5.44.080. This section shall not apply to a person owning, operating and maintaining not more than two coin-operated games as an incidental business used at a local place of business having the requisite business license pursuant to Article I of this title, so long as the person actually owns, operates and maintains the machine himself.
- B. Any person operating any business enterprise within the City which has in operation upon the premises of such person any coin-operated game machine as defined in this chapter shall, at the time of renewal of the annual business license for such business, provide to the Finance Department a list of all game machines then on the premises, and the names and addresses of the distributors of each such machine.
- C. Each such business operator shall notify the Finance Department within ten days after any change is made in the number of game machines on his premises for which a license is required, or after any change in the name or address of the distributor of any such machine is made. Any such person shall also notify the Finance Department immediately if an untagged game machine is installed upon his premises.

(Ord. MC-1484, 4-18-18; Ord. MC-192, 7-22-82)

5.44.030 Operator's permit - Application

- A. An applicant for a game machine operator's permit shall submit an application to the Finance Department which application shall be under penalty of perjury and upon a form supplied by the Finance Department. Such application shall include the true names, addresses, and past criminal record, if any, of the applicant and of all persons financially interested in the applicant's business, and such other information as may be deemed necessary by the Finance Department and Chief of Police to determine whether such game machine operator's permit shall be granted. The application shall be accompanied by a fully executed fingerprint card as to each such applicant, prepared under the direction of the Chief of Police. An applicant shall pay a fee of two hundred and ninety three dollars or such fee as may be subsequently be set by Resolution of the Mayor and City Council, to cover the costs of the investigation required by Section 5.44.040, and shall provide to the Chief of Police a money order payable to the California Department of Justice in such amount as required by that agency to process its report to the City based upon the fingerprint card provided. A

[\[Return to Municipal Code Contents\]](#)

fifty dollar annual permit fee, or such fee as may subsequently be set by Resolution of the Mayor and City Council, shall be paid at the time of issuance of a permit, which fee shall be prorated in the event that a permit is only for part of a year. A permit may be renewed annually upon payment of the annual permit fee.

- B. "Persons financially interested" includes all persons who are officers or directors of a corporation or share-holders holding more than three percent of the shares thereof or persons who share in the profits of a non-corporate business on the basis of gross or net revenue, but it does not include persons who receive a portion of such gross or net revenue in return for the privilege of permitting any other person to maintain such coin-operated game machine in their place of business.

(Ord. MC-1484, 4-18-18; Ord. MC-192, 7-22-82;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.040 Investigation

The Chief of Police shall carefully investigate the applicant and the facts and circumstances concerning the application submitted to him/her pursuant to Section 5.44.030.

(Ord. MC-1484, 4-18-18; Ord. MC-576, 1-08-87;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.050 Issuance of permits

- A. The Chief of Police shall either approve or deny the issuance of the permit to the applicant within forty-five days of the date that the copy of the application is submitted to him. The Chief of Police may deny a permit on any of the following grounds:
1. The operation will not comport with the peace, health, safety, convenience and general welfare of the public;
 2. The application is not complete in that all requested information is not supplied;
 3. The operation has been or is a public nuisance;
 4. The operation would be in violation of a City ordinance, state law or federal law;
 5. The applicant has been found guilty, pled guilty and/or pled no contest to a crime of moral turpitude;
 6. The applicant made a false, misleading or fraudulent statement of fact in his application for a permit;

[\[Return to Municipal Code Contents\]](#)

7. The operation by the applicant will be carried on in a building, structure and location which does not comply with and meet all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of the City;
8. The applicant, his employee, agent, or any person connected or associated with the applicant as a partner, director, officer, stockholder, associate, or manager has allowed or permitted acts of sexual misconduct or lewd conduct to be committed within prior or present business operations;
9. The applicant has within the year prior to the application date willfully violated any provisions of this Chapter or of the City licensing provisions in Title 5.

B. The Chief of Police shall notify the applicant of the grant of a permit, or of the denial of his or her application for a permit and the reasons therefor. Service of such notice shall be made personally or by certified mail. The notice shall include or be accompanied by a statement that the applicant may request a hearing before the City Manager by filing with the City Clerk a written request thereof within ten days after service upon him of the notice of the denial of his application and that failure to do so will constitute a waiver of his or her right to a hearing.

(Ord. MC-1484, 4-18-18; Ord. MC-576, 1-08-87;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.060 Hearing upon denial of permit

Within ten days after service upon the applicant of a written notice of the Police Chief's denial of application for a permit, the applicant may file a request for hearing in writing and signed by or on behalf of the applicant and shall state his or her mailing address. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the applicant's right to a hearing. No further notice other than notice of the date and place of hearing need be served on the applicant. Hearings granted under this section shall allow for the applicant to be represented by counsel. The decision of the City Manager shall be final.

(Ord. MC-1484, 4-18-18; Ord. MC-576, 1-08-87;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.070 Game machine tag

Upon the issuance of any game machine operator's permit, the applicant therefore shall notify the Finance Department in writing of the location of each coin-operated game machine, and in the event of any change in the location of any machine, the permittee shall notify the Finance Department of the change within ten days including the address of the new location. At the time of issuing a business license for any coin-operated game

[Return to Municipal Code Contents]

machine, the Finance Department shall issue a tag or plate for each machine to be operated by the game operator within the City limits, and such tags or plates shall be given serial numbers consecutively in the order of their issuance. The tags and plates shall be of wear-resistant materials.

(Ord. MC-1484, 4-18-18; Ord. MC-192, 7-22-82;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.080 Display of tag or plate

Every game machine operator shall at all times have affixed to or posted conspicuously nearby each coin-operated game machine regulated under the terms of this Chapter the tag or plate issued under this Chapter.

(Ord. MC-192, 7-22-82; Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.085 Display of information concerning distributor

Every coin-operated game machine regulated under the terms of this Chapter shall at all times have affixed thereto in a conspicuous place thereon a tag, label, owner identification card or other identifying device listing the name, current address, and current telephone number of the distributor of such game machine.

(Ord. MC-192, 7-22-82)

5.44.086 Untagged machines; nuisance; reconnection fees; administrative fees

- A. Any machine not having the tags required by Section 5.44.080 or the information required by Sections 5.44.085 and 5.44.025 Subsection B is declared a nuisance, and shall be subject to disconnection by the City. A representative of the City shall be authorized to disconnect and render said machine inoperative, following which the machine shall not be reconnected or returned to operation within the City until the game machine operator has paid to the Finance Department a reconnect fee of twenty-five dollars, or such amount as subsequently set by Resolution of the Mayor and City Council, and has paid the business license fee applicable to each machine under Section 5.04.275 of the Code. No person shall reconnect any machine which has been disconnected or rendered inoperative by a representative of the City, without prior payment of the reconnect fee to the City. No operator of the business upon whose premises the machine is located shall permit such machine to be reconnected without prior payment of the reconnect fee.

- B. The Finance Department shall assess the person operating a business enterprise within the City upon whose premises one or more untagged game machines are found for each such untagged game machine, and for each game machine for which the information required under Sections 5.44.085 and 5.44.025 Subsection B has

[Return to Municipal Code Contents]

not been provided, an administrative fee in an amount computed to cover the average cost of investigating, locating, disconnecting and controlling untagged game machines and inadequately identified game machines. This assessment shall be the average cost of such procedures, initially in an amount of fifty dollars, or such amount as subsequently set by Resolution of the Mayor and City Council, for each such untagged game machine, and for each inadequately identified machine, which administrative fee shall hereafter be subject to periodic review and determination by the Mayor and City Council, based upon the experienced costs of such control and regulation. Such assessment shall be in addition to any reconnection fee imposed under Section 5.44.086 Subsection A. No such fee shall be assessed as to any such untagged machine when the business operator has notified the Finance Department, under the provisions of Section 5.44.025 Subsection B, in advance of the City's representative appearing at the scene, that such untagged machine was located upon the premises. Failure to pay any assessment within ten days after notice of imposition thereof shall be an omission justifying suspension of any business licensee's business license under the provisions of San Bernardino Municipal Code Section 5.04.650. In the alternative, the Finance Department may notify the person assessed that the business license for those premises will not be renewed, or reissued until all outstanding assessment fees have been paid.

(Ord. MC-1484, 4-18-18; Ord. MC-192, 7-22-82)

5.44.090 Transfer of permit

No game machine operator's permit issued pursuant to this Chapter shall be assignable or transferable either voluntarily or by operation of law or otherwise.

(Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.100 Revocation of permit

The Finance Department shall have the power, for good cause shown, to revoke or suspend any game machine operator's permit issued under this Chapter. Failure to pay any reconnect fee provided for in Section 5.44.086, or any conduct deleterious to the public health, welfare or morals, and the existence of any of the reasons for a denial of a permit as set forth in Section 5.44.050, shall each constitute good cause for suspension or revocation. Any such suspension or revocation shall be subject to appeal to the City Manager. The City Manager shall provide a hearing of such appeal, with notice and opportunity to present evidence, witnesses, and arguments. The formal rules of evidence shall not apply. The City Manager shall issue a written decision explaining the basis of his or her decision on the appeal and a copy of the written decision shall be mailed to the appellant. The suspension or revocation shall be stayed pending the hearing.

(Ord. MC-1484, 4-18-18; Ord. MC-192, 7-22-82;
Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

[\[Return to Municipal Code Contents\]](#)

5.44.110 Permit in addition to business license or other permit

The permit required under the terms of this Chapter shall be in addition and supplemental to any business license or any permit required by any ordinance of the City.

(Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.120 Prohibited devices

Nothing in this Chapter shall be construed to permit the licensing, maintenance or operation of any coin-operated game machine which is forbidden by any state or local law or regulation or to permit the operation of any coin-operated game machine in such a manner as to constitute gambling or otherwise be contrary to any such state law or regulation.

(Ord. 3542, 12-11-75; Ord. 3470, 12-17-74)

5.44.130 Violation - Penalty

Any person violating any provision of this Chapter or failing to perform the duties imposed hereunder is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-192, 7-22-82)

Chapter 5.48 (Repealed by Ord. MC-460, 5-15-85)

Chapter 5.52 ESCORT BUREAUS

Sections:

- 5.52.010 Definition**
- 5.52.020 Permit-Required-Application**
- 5.52.030 Permit-Application-Contents**
- 5.52.040 Permit - Granting**
- 5.52.050 Separate permit for separate locations**
- 5.52.060 Record of transactions to be kept**
- 5.52.070 Suspension or revocation of permit**
- 5.52.080 Applicability to employment agency**
- 5.52.090 Employment of person under twenty-one prohibited**
- 5.52.100 Furnishing escort to person under eighteen - Parental request required**
- 5.52.110 (Repealed by Ord. MC-460, 5-15-85)**

[\[Return to Municipal Code Contents\]](#)

5.52.010 Definition

"Escort bureau" means any business or agency which, for a fee, commission, hire, reward or profit, furnishes, or offers to furnish escorts or persons who, for hire or reward, accompany others to or about social affairs, entertainments or places of amusement, or who consort with others, for hire or reward, about any place of public resort or within any private quarters. The requirements of this Chapter shall have no application and no effect upon and shall not be construed as applying to any business, agency or person which provides escort services for elderly persons pursuant to California Welfare and Institutions Code Sections 9400 et seq., when such services are provided as part of a social welfare and health program for such older persons.

(Ord. MC-575, 1-08-87; Ord. 2100, 3-06-56)

5.52.020 Permit - Required - Application

It is unlawful for any person to conduct, manage or carry on any escort bureau without first securing a permit therefor from the Chief of Police. No such permit shall be issued by the Chief of Police except upon the verified application in writing of the individual to be in control of, and responsible for, the operation and conduct of the business. The application shall be upon a form furnished by the Police Department and shall set forth such information concerning the applicant and the proposed business as the Chief of Police may require and must be accompanied by a fee in the sum of two hundred dollars, or such amount as subsequently set by Resolution of the Mayor and City Council. Each permit issued shall expire on December 31st next following the date of issuance, and each application for the annual renewal thereof shall be accompanied by a renewal fee in the sum of seventy-five dollars, or such amount as subsequently set by Resolution of the Mayor and City Council. No permit under this section shall be issued to, or in the name of, any organization, group, corporation, partnership, or any other entity than an individual person; but the business may be advertised and carried on by the permittee under a fictitious name in the manner permitted by law, provided such fictitious name is first approved by the Chief of Police.

(Ord. MC-1487, 4-18-18; Ord. MC-460, 5-15-85; Ord. 2100, 3-06-56)

5.52.030 Permit - Application - Contents

Each application must state the names and addresses of all escorts intended to be employed by the applicant, and, if a permit is granted, the permittee must notify the Chief of Police in writing, within twenty-four hours, of any change in personnel. All such escorts shall be registered by the Police Department and shall be photographed and fingerprinted. No escort shall be registered unless there is furnished to the Chief of Police satisfactory evidence of the good moral character of such escort. The registration of any escort may be canceled for cause by the Chief of Police and thereafter no escort bureau shall employ, engage, or deal with such escort.

(Ord. 2100, 3-06-56)

[\[Return to Municipal Code Contents\]](#)

5.52.040 Permit - Granting

If the Chief of Police, after investigation, finds that the applicant for the permit is of good moral character and reputation, and that the business is to be conducted at a suitable and proper place, and is not calculated or intended to be operated as a subterfuge for the conduct of any unlawful or immoral business or practice, then a permit shall be granted. Otherwise the application shall be denied.

(Ord. 2100, 3-06-56)

5.52.050 Separate permit for separate locations

The permittee shall conduct the business only at the address shown on the permit. Each additional place of business shall require a separate permit. Upon the abandonment of the designated place of business, a change of address may be granted by the Chief of Police upon the payment of a special fee of twenty-five dollars, and the new address shall be endorsed upon the permit.

(Ord. 2100, 3-06-56)

5.52.060 Record of transactions to be kept

A record shall be kept by each permittee showing every transaction whereby any escort is employed, furnished or arranged for on behalf of any patron or customer, the date and approximate hour of the transaction, the name, address and telephone number of the patron or customer, the name of each escort involved and such other information as the Chief of Police may reasonably require by rule or regulation. Such record shall be kept available and open to the inspection of any police officer at any time during business hours and shall be presented before the Chief of Police at any time upon written request therefor.

(Ord. 2100, 3-06-56)

5.52.070 Suspension or revocation of permit

The Mayor and City Council shall have the power to suspend or revoke any permit, or to deny a renewal after notice and an opportunity for a hearing has been given to the permittee upon any of the following grounds:

- A. That the permittee has, in the course of the business, committed, or caused, permitted, encouraged or condoned the commission of any act in violation of this section, or any lewd and immoral act, or any act of prostitution;

[\[Return to Municipal Code Contents\]](#)

B. That the business has been conducted, in whole or in part, as a subterfuge to facilitate or to conceal the conduct of any unlawful business or practice.

(Ord. MC-1487, 4-18-18; Ord. 2100, 3-06-56)

5.52.080 Applicability to employment agency

Nothing contained in this Chapter shall apply to the lawful business of any employment agency licensed under the laws of this State.

(Ord. 2100, 3-06-56)

5.52.090 Employment of person under twenty-one prohibited

No permittee under this Chapter shall employ, as an escort, any person under twenty-one years of age.

(Ord. 2100, 3-06-56)

5.52.100 Furnishing escort to persons under eighteen — Parental request required

No permittee shall furnish any escort to, or accept employment from, any patron, customer, or person to be escorted who is under eighteen years of age, except at the special instance and request of the parent, guardian or other person in lawful custody of the person upon whose behalf the escort service is engaged.

(Ord. MC-575, 1-08-87; Ord. 2100, 3-06-56.)

5.52.110 (Repealed by Ord. MC-460, 5-15-85)

Chapter 5.56 JUNK AND SECONDHAND DEALERS⁹

Sections:

- 5.56.010 Report of all property received required daily**
- 5.56.020 Blanks to be furnished by Chief of Police**
- 5.56.030 Blanks to be printed in triplicate**
- 5.56.040 Signature, address, and fingerprint required of persons leaving property in pledge**

⁹For statutory provisions on pawnbrokers, see Fin. Code §§21000-21209; for provisions on secondhand goods, see Bus. And Prof. Code §§21500-21639.

- 5.56.050 Use of fictitious name unlawful**
- 5.56.060 (Repealed by Ord. MC-460, 5-15-85)**
- 5.56.070 License - Conditions of issuance**
- 5.56.080 License - Application for permit**
- 5.56.090 Possession of hides, bones or sacks used as containers for fertilizer**

5.56.010 Report of all property received required daily

- A. Every junk dealer, secondhand dealer, pawnbroker, loan broker and every proprietor, keeper, or owner of any office or other place of business where money is loaned on personal property for a compensation shall daily make out and deliver to the Chief of Police every day before the hour of twelve p.m., on a blank form to be furnished him by the Chief of Police for that purpose, a full, true and complete report of all the property and other valuable goods, wares, merchandise or things received on deposit or purchased during the preceding twenty-four consecutive hours, together with the time, meaning the hour of the day, when received on deposit, in pawn or purchase, and a description of the person or persons by whom left in pledge, or deposited or from whom purchased, and also the true name, as nearly as the same is known to the pawnbroker, junk dealer, secondhand dealer, loan broker, or other person heretofore designated. Each junk dealer shall make out and deliver on said form in addition to the foregoing a description, motor number, body serial number, color, make, model and year of any vehicle or part of a vehicle purchased by the junk dealer. The report shall be written in the English language in a clear and legible manner.

- B. All the property and other valuable goods, wares, merchandise received on deposit or purchased should be kept intact in its original state by every junk dealer, secondhand dealer, pawnbroker, loan broker and proprietor or owner of any office or any other place of business where money is loaned on personal property for compensation, for a period of thirty calendar days from the day of the purchase, receipt or acquisition of the same, and shall be exhibited to the Chief of Police upon demand being made by the Chief of Police.

(Ord. 2457, 8-24-62; Ord. 404, 12-07-1908)

5.56.020 Blanks to be furnished by Chief of Police

The Chief of Police shall immediately, upon the adoption and publication of the ordinance codified in this Chapter, cause such number of blanks to be printed as may be necessary for the purpose, and shall thereafter from time to time cause such additional blanks to be printed as may be required, which blanks shall be so printed and subdivided that it shall have spaces for writing in the following matters: number of pawn ticket, amount loaned, amount purchased, description of articles, name and residence of

[\[Return to Municipal Code Contents\]](#)

person pledging or selling, description of person pledging or selling, showing true name as nearly known, age, sex, complexion, color of mustache or beard, or both, where both are worn, style of dress, height and visible marks or scars, also the time when the article or articles were received. The blank shall also bear a caption providing blank spaces in which to fill in the date of the report, the name and place of business of the person making the same, and the hour of the day when made. The Chief of Police shall further cause to be printed on the blanks in some convenient place thereon, a copy of the ordinance codified in this Chapter.

(Ord. 404, 12-07-1908)

5.56.030 Blanks to be printed in triplicate

The blanks shall be printed in triplicate in book form, and shall be distributed by the Chief of Police to the persons from whom the reports are required upon request and upon proof of the payment to the Chief Administrative Officer of the cost of the printing thereof; the Chief of Police upon the receipt of the reports from any of the persons from whom the reports are required shall file the same in his office, and the same shall be open to inspection only to members of the police department of the City, or those authorized by the Chief of Police, or to persons presenting a court order for that purpose.

(Ord. 1951, 7-22-52; Ord. 404, 12-07-1908)

5.56.040 Signature, address, and fingerprint required of persons leaving property in pledge

Every junk dealer, secondhand dealer, pawnbroker, loan broker, or proprietor, keeper, or owner of any office or other place of business where money is loaned on personal property for compensation, their agents and employees, shall cause the person or persons by whom the property is left in pledge, stored, deposited, or from whom purchased, to provide the following for inclusion on the report required by Section 5.56.010: his or her true signature, correct address and a plain fingerprint impression of his or her right index finger, or if the right index finger is missing, another of his or her fingers with a designation of which finger is used.

(Ord. MC-391, 7-11-84; Ord. 1613, 7-19-38; Ord. 404, 12-07-1908)

5.56.050 Use of fictitious name unlawful

It is unlawful for any person or persons to sign a fictitious name or fictitious address in connection therewith.

(Ord. 1613, 7-19-38; Ord. 404, 12-07-1908)

5.56.060 (Repealed by Ord. MC-460, 5-15-85)

[Return to Municipal Code Contents]

5.56.070 License - Conditions of issuance

No license to conduct, manage or carry on the business of a junk dealer or collector within the City shall be issued to any person, firm or corporation until a permit, in writing therefor shall have been granted by the Mayor and Common Council as provided in Section 5.56.080.

(Ord. 638, 8-22-16)

5.56.080 License - Application for permit

Any person, firm or corporation desiring to manage, conduct or carry on the business of a junk dealer or collector at any place within the City shall first make application to the Mayor and Common Council of the City for a permit to do so; the application shall state the name of the person desiring to conduct, manage or carry on such business and the place where the same is to be located. Before any permit shall be granted to any person for a license to manage, conduct or carry on the business of a junk dealer or collection at any place within the City, the applicant for such permit shall file with the Mayor and Common Council the written consent to the granting thereof of all the owners and tenants of property within one hundred fifty feet of the place where such business is to be conducted.

(Ord. 638, 8-22-16)

5.56.090 Possession of hides, bones or sacks used as containers for fertilizer

It is unlawful for any junk dealer or collector to have in his possession within the City, for a period in excess of one hour, any hides, bones, or sacks which have been previously used as containers for fertilizer.

(Ord. 638, 8-22-16)

Chapter 5.60
MOTOR BUSES
(Repealed by Ord. MC-1487, 4-18-18)

Chapter 5.64

MOTOR FUEL SALES¹⁰

Sections:

- 5.64.010 Signs to be posted**
- 5.64.020 Size of sign**
- 5.64.030 Compliance with City and State regulations**

5.64.010 Signs to be posted

Every person, firm, co-partnership, association or corporation offering for sale or selling any gasoline or other motor vehicle fuel to the public from any place of business in the City shall post or display a sign which is clearly visible from any entrance to such place of business, and which indicates the actual price per gallon, including all taxes, at which his grade of gasoline or other motor vehicle fuel is currently being offered for sale or sold.

(Ord. 3414, 4-04-74; Ord. 821, 8-09-1921)

5.64.020 Size of sign

When any such sign is portable, it shall not be more than twenty-four square feet or less than six square feet in size and shall not exceed six feet in height.

(Ord. 3414, 4-04-74; Ord. 821, 8-09-1921)

5.64.030 Compliance with City and State regulations

Any sign posted or displayed pursuant to this chapter shall not be inconsistent with the provisions of Article 8 of Chapter 7 of Division 8 (Sections 20880 et seq.) of the California Business and Professions Code, and shall be in compliance with the provisions of any City ordinance regulating size and construction of signs.

(Ord. 3414, 4-04-74; Ord. 821, 8-09-1921)

Chapter 5.68

PERSONAL PROPERTY SALES

(Repealed by Ord. MC-1339, 11-16-10)

¹⁰For statutory provisions on petroleum, see Bus. And Prof. Code §20700 et seq.

Chapter 5.72 SATELLITE HORSE RACE WAGERING

Sections:

- 5.72.010 City receipt of allocated share**
- 5.72.020 Tax and fee exemption of racing association**

5.72.010 City receipt of allocated share

Pursuant to the authority of Business and Professions Code Section 19610.4 the City of San Bernardino hereby elects to immediately receive its allocated share of the total parimutuel satellite wagers made at the National Orange Show grounds. This City's share currently is set at 0.33 of 1 percent but shall be adjusted automatically as the percentage is changed by the State law or regulation.

(Ord. MC-618, 2-17-88; Ord. MC-26, 1-20-81)

5.72.020 Tax and fee exemption of racing association

Any racing association which conducts a racing meeting at the National Orange Show grounds shall be, with respect to any racing event conducted by that racing association, exempt from levy or payment of any City license or excise tax or fee, including, but not limited to, any admission, parking or business tax, or any tax or fee levied solely upon the racing association conducting a racing meeting or satellite wagering or any patron.

(Ord. MC-618, 2-17-88; Ord. MC-26, 1-20-81)

Chapter 5.76 TAXICABS AND NON-EMERGENCY MEDICAL VEHICLES ¹¹

Sections:

- 5.76.010 Short title**
- 5.76.020 Definitions**
- 5.76.030 Permit-Required**
- 5.76.040 Permit-Petition for-Requirements-Filing fees**
- 5.76.050 Permit-Issuance - Hearings**
- 5.76.060 Permit-Issuance - Increase in Service**
- 5.76.070 Transfer of Certificates**

¹¹For statutory provisions authorizing local authorities to license and regulate vehicles for hire, see Vehicle Code §§16501, 21100, and 21112; for provisions on the financial responsibility of commercial passenger vehicles, see Vehicle Code §16500 et seq.; for provisions on privately owned and operated ambulances, see Vehicle Code §2500 et seq.

- 5.76.080 Notice of Amendments
- 5.76.090 Dial-a-ride service
- 5.76.100 Only Authorized Service Permitted
- 5.76.110 Revocation, Suspension and Cancellation of Permits-
Notice-Hearing
- 5.76.120 License-Fees-Reports on charter vehicle hire
- 5.76.130 Display of Permits
- 5.76.140 Insurance - Non-Emergency
Medical Transportation Vehicles
- 5.76.150 Insurance-Taxicabs
- 5.76.160 Numbering of vehicles
- 5.76.170 Advertising
- 5.76.180 Availability of Service
- 5.76.190 Cruising and Loading
- 5.76.200 Rates - Taxicab Service
- 5.76.210 Medical Transportation Rates
- 5.76.220 Rates-Minimum and maximum for limousine and
chartered vehicle service
- 5.76.230 Rates – Established
- 5.76.240 Change in rates
- 5.76.250 Discrimination of rates prohibited
- 5.76.260 Rates to be displayed
- 5.76.270 Refusal to Pay Fare
- 5.76.280 Drivers
- 5.76.290 Investigation of Drivers
- 5.76.300 Identification of Vehicles
- 5.76.310 Identity Lights
- 5.76.320 Route-Passenger Limit in Taxicabs
- 5.76.330 Equipment - Inspection
- 5.76.340 Taximeter required-Inspection – Operation
- 5.76.350 Waiting time-On-scene time-Ambulances
- 5.76.360 Receipt to be Given Upon Request
- 5.76.370 Transaction Records
- 5.76.380 Inspection of Records
- 5.76.390 Taxi Stands-Application for-Standing Restricted
- 5.76.400 Taxi Stands-Issuance of Permits
- 5.76.410 Taxi Stands-Permits subject to Revocation
- 5.76.420 Taxi Stands-Authorized Use Only
- 5.76.430 Taxi Stands-Application fee – Exemption

[\[Return to Municipal Code Contents\]](#)

- 5.76.440 Taxi Stand Maintenance Fee
- 5.76.450 Manner of giving notice
- 5.76.460 (Repealed by Ord. MC-277, 6-08-83)
- 5.76.470 (Repealed by Ord. MC-277, 6-08-83)
- 5.76.480 (Repealed by Ord. MC-277, 6-08-83)
- 5.76.490 (Repealed by Ord. MC-943, 6-06-95)
- 5.76.500 Medical transportation rates
- 5.76.510 Ambulance carrier requirements
- 5.76.520 Drivers and attendants of ambulances
- 5.76.530 Drivers of Wheelchair Passenger Transportation Vehicles or a Transportation Van for the Disabled
- 5.76.540 (Repealed by Ord. MC-943, 6-06-95)
- 5.76.550 (Repealed by Ord. MC-943, 6-06-95)
- 5.76.555 (Repealed by Ord. MC-943, 6-06-95)
- 5.76.560 (Repealed by Ord. MC-277, 6-08-83)
- 5.76.570 (Repealed by Ord. MC-460, 5-15-85)
- 5.76.575 Application to City
- 5.76.580 Enforcement
- 5.76.590 (Repealed by Ord. MC-460, 5-15-85)

5.76.010 Short title

The ordinance codified in this Chapter shall be known as the "Taxicab Ordinance."
(Ord. 1987, 7-07-53)

5.76.020 Definitions

For the purpose of this Chapter, the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

1. "Advertise" means to give public notice either by publication in a newspaper, or by means of handbills, placards, or other written public notice or call to the public attention by any means whatsoever.
2. "Ambulance" means any privately owned emergency motor vehicle equipped or used for the purpose of providing medical care and medical transportation, primarily intended for and used for emergency transportation, but shall not mean a funeral coach or hearse.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

3. "Carrier" means and includes every person, firm, corporation, partnership, joint venture or other form of business organization engaged in operating, or causing to be operated, any vehicle required by the provisions of this Chapter of the City, as amended, to be covered by a permit.
4. "City" means the City of San Bernardino, California.
5. "Compensation" as used in this Chapter means and includes any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid, accepted or received for transportation of a person or persons or for services rendered, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.
6. "Dialysis transportation vehicle" means any privately owned motor vehicle which is equipped and used exclusively for the purpose of medical transportation of passengers requiring treatment for end stage renal disease at any licensed Hemodialysis Unit.
7. "Driver" means and includes every person driving, operating or in charge of any vehicle regulated by this Chapter.
8. "Driver's permit" means the permit issued by the Chief of Police to any person operating or driving any vehicle regulated by this chapter.
9. "Disabled transportation van" means a vehicle equipped as a wheelchair transportation vehicle used for the public transportation of disabled persons over the streets of the City but not over defined routes pursuant to an agreement with the City.
10. "Medical transportation vehicle" means any vehicle included in the definition of an ambulance, a dialysis transportation vehicle or a wheelchair passenger transportation vehicle, which is used for medical transportation.
11. "Non-Emergency Medical transportation" means the transportation for hire, except by taxicab or ambulance, of any passengers who may be wounded, sick, injured, ill, incapacitated, infirm, an expectant mother, or dead person, to or from any office, facility or institution which regularly offers any type of non-emergency medical care or service.
12. "Person" means and includes persons, firms, corporations, associations, syndicates, joint ventures, joint stock companies, partnerships and any other form of business organization.

13. "Street" means and includes every public street, road, alley, place, way or highway in the City.
14. "Taxicab" means and includes every vehicle used for the public transportation of passengers over the streets of the City, but not over defined routes, irrespective of whether such operations extend beyond the City, whether or not compensation is paid for such transportation, and whether or not the charge to patrons is determined and indicated by the mechanical calculation of a taximeter as defined in subsection 15 of this section.
15. "Taximeter" means a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated, either for distance traveled, or for waiting time, or both, and upon which such charge is plainly registered by means of figures, indicating dollars and cents.
16. "Taxi stand" means a place on a public street designated by the City for the use, while awaiting employment, of a vehicle covered by this Chapter.
17. "Temporary driver's permit" means a permit issued by the Chief of Police to any person to temporarily operate or drive any vehicle regulated by this Chapter.
18. "Wheelchair passenger transportation vehicle" means any privately owned motor vehicle equipped or used for the purpose of medical transportation of passengers confined to a wheel chair who are unable to be transported in a normal manner by taxicab or private automobile, but do not require the use of a stretcher, litter or ambulance cot. The use of a stretcher, litter or ambulance cot or other device for the transportation of passengers in a reclining position is prohibited in a wheelchair passenger transportation vehicle.
19. "Taxi stand" means a place on a public street designated by the bureau for the use, while awaiting employment, of a vehicle covered by this Chapter.
20. "Temporary driver's permit" means a permit issued by the Chief of Police to any person to temporarily operate or drive any vehicle as defined by this Chapter.
21. (Repealed by Ord. MC-943, 6-06-95)
22. "Wheelchair passenger transportation vehicle" means any privately owned motor vehicle equipped or used for the purpose of medical transportation of passengers confined to a wheel chair who are unable to be transported in a normal manner by taxicab or private automobile, but do not require the use of a stretcher, litter or ambulance cot. The use of a stretcher, litter or ambulance cot or other device for the transportation of passengers in a reclining position is prohibited in a wheelchair passenger transportation vehicle.

[\[Return to Municipal Code Contents\]](#)

23. "Dialysis transportation vehicle" means any privately owned motor vehicle which is equipped and used exclusively for the purpose of medical transportation of passengers requiring treatment for end stage renal disease at any licensed Hemodialysis Unit.
24. "Medical transportation vehicle" means any vehicle included in the definition of an ambulance, a dialysis transportation vehicle or a wheelchair passenger transportation vehicle, which is used for medical transportation.

(Ord. MC-1480, 4-18-18;-Ord. 3943, 6-03-80; Ord. 3584, 7-06-76;
Ord. 3486, 3-19-75; Ord. 1987, 7-07-53)

5.76.030 Permit-Required

It is unlawful for any person to drive, operate or cause to be operated, or to employ, permit or allow another to drive, operate or cause to be operated, any taxicab, or non-emergency medical transportation vehicle over any street of this City regardless of whether such operation extends beyond the boundary limits of the City, or to advertise for, solicit, induce, persuade, invite, or procure such transportation of passengers, or sick or injured persons for non-emergency transportation without first obtaining a permit from the City, subject to the exceptions set forth in the following subsections:

- A. A vehicle or medical transportation vehicle which is lawfully transporting a passenger or a patient from a point outside the City to a destination within the City, or en route to a destination outside the City, is excepted; provided, that no such vehicle shall solicit or accept a passenger or patient from within the City for transportation to any destination whatsoever without such permit.
- B. Any private medical transportation vehicle accepting and transporting a patient within the City when such private medical transportation vehicle has been requested or summoned by any police, fire, or civil defense authority or has been informed by the person requesting such transportation that no permittee hereunder is willing or able to render such transportation and the Police Department of the City has been notified that such transportation will be made is excepted; provided, that the City may revoke the permit of any permittee refusing such transportation unless the following conditions exist:
 1. The permittee has notified the City in writing of the time and date of each such refusal and the reasons therefore on or before the tenth day of the following month; and
 2. The City finds that the permittee refusing service was not able by reason of unavailability of equipment and personnel to render such service. In making this finding, the City may require the permittee to furnish any further information reasonably necessary for such determination.

[\[Return to Municipal Code Contents\]](#)

- C. A vehicle being operated pursuant to franchise issued by the authority of the State Public Utilities Commission or Interstate Commerce Commission is excepted.
- D. A vehicle being operated for the purpose of transporting bona fide pupils attending an institution of learning between their homes and such institution is excepted.
- E. A vehicle being operated under what is commonly referred to as a "ride share" plan or arrangement, as where a person en route from his place of residence to his place of business, or vice versa, transports another person living and working in the same general vicinity upon payment of a sum estimated to cover the actual or approximate cost of operation of the vehicle is excepted.
- F. A vehicle rented or leased for self-operation by a person using such vehicle under a plan commonly known as "U-Drive" unless it is used by such person to transport other persons for compensation, is excepted.
- G. Any ambulance or medical transport vehicle maintained, owned or operated by any firm, corporation, copartnership or individual engaged in any business other than the ambulance business in this City, which ambulance or medical transport vehicle is maintained, owned or operated exclusively or primarily for the use and benefit of officers, servants or employees of such firm, corporation, co-partnership or individual is excepted.
- H. Any disabled transportation van operated pursuant to an agreement with the City subject to the terms, covenants and conditions of such agreement and any applicable rules and regulations adopted by the Mayor and City Council provided, that such rules and regulations may be modified or amended by the Mayor and City Council at any time.
- I. One handicapped transportation van for the handicapped operation pursuant to an agreement with the City subject to the terms, covenants and conditions of such agreement and any applicable rules and regulations adopted by the Bureau of Franchises; provided, that such rules and regulations may be modified or amended by the Mayor and Common Council at any time.

(Ord. MC-1480, 4-18-18; Ord. MC-947, 7-12-95; Ord. MC-943, 6-06-95;
Ord. MC-460, 5-15-85; Ord. 3486, 3-19-75; Ord. 2979, 3-18-69; Ord. 1987, 7-07-53)

5.76.040 Permit - Petition for - Requirements - Filing fees

- A. Any person desiring a permit to operate vehicles regulated by this Chapter shall file a petition therefore with the Finance Department. Such petition shall be verified by oath of the applicant, if a natural person; or by oath of an officer or partner of the applicant, if the applicant is a corporation, partnership, association or unincorporated company, and which petition shall set forth the name, age, and address of the petitioner, if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of all its officers together with their respective residence addresses; or if a partnership, association or unincorporated company, then the names of the partners or persons comprising the partnership, association or company, together with their respective ages and residence addresses. The petition shall also state the trade name or style, if any, under which the applicant proposes to operate; full information pertaining to the extent, character and nature of the proposed operation; and the manner in which such proposed operations are to be conducted; the type, model, capacity and condition of the vehicles proposed to be operated; a full statement of the petitioner's assets and liabilities; and such other or additional information as the Finance Department may require.
- B. The Finance Department shall, upon receipt of such petition, make full and complete inquiry into the facts set forth therein, hold a hearing thereon upon such notice to interested persons as it shall prescribe, and shall either grant or deny a permit upon the proposed terms, or upon terms other than those proposed. Such permit shall be for a specified number of vehicles which shall only be increased by authority of the Finance Director. Such permit may, at the pleasure of the City, be for a prescribed period or for an indefinite period; provided, that in either event the permit shall be subject to revocation, or suspension, as provided in this Chapter or other ordinances of the City. When issued, such permit shall constitute evidence of compliance with the terms of this Chapter, and shall authorize the permittee to operate vehicles under the conditions therein specified; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and shall become effective only upon payment of the fees required by the provisions of all ordinances or resolutions applicable thereto.
- C. At or before the time the petition is filed with the Finance Department, the petitioner shall pay to the Finance Department a filing fee of five hundred dollars, plus ten dollars for each vehicle proposed to be covered by the permit, or such amount as may subsequently be set by Resolution of the Mayor and City Council.

(Ord. MC-1480, 4-18-18; Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

[\[Return to Municipal Code Contents\]](#)

5.76.050 Permit - Issuance - Hearings

No permit shall be granted to any carrier, as defined in Section 5.76.020, except after a hearing thereon, conducted under and in accordance with such rules and regulations as may, from time to time, be prescribed therefore by the Mayor and City Council and until the Finance Department shall have determined that the public convenience and necessity require the operation proposed by the applicant for such permit. The Finance Department, in determining whether or not such facts exist, shall take into consideration the public demand for such service, the adequacy or inadequacy of service being rendered by other carriers, the effect of such service upon traffic, the financial responsibility of the applicant, the amount of wages to be paid to employees, the character of equipment proposed to be furnished, and any and all other facts which the Finance Department may deem relevant. Before granting any such permit, the Finance Department shall require its authorized officer to present an oral or written report which shall include his or her opinion as to the existence of public convenience and necessity for the operation proposed by the applicant. However, the burden of establishing the existence of public convenience and necessity shall always be borne by the applicant, and no permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by such applicant. The foregoing provisions and requirements shall also apply where an increase in service is requested.

(Ord. MC-1480, 4-18-18; Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.060 Permit - Issuance - Increase in Service

- A. If the Finance Department finds that further service in the nature of that proposed in the City is required by the public convenience and necessity, then each holder of a certificate to operate taxi and/or non-emergency medical transportation vehicles in said class shall be notified as to the total increase in the number of such vehicles for which the convenience and necessity is found. The Finance Department shall then determine, subject to approval, reversal or modification thereof by the City Manager, whether each such holder shall have the right to increase the number of such vehicles in the same proportions that the total increase bears to the number of such vehicles theretofore operated by the holder; or whether an applicant shall be granted a permit to provide such service in accordance with the procedures herein provided upon the condition that the applicant meets all the requirements of this Chapter.
- B. In making the above findings and determinations, the Finance Department shall be governed and limited by the following standards: Not more than one taxicab shall be permitted for each two thousand five hundred residents of the City, or major portion thereof.
- C. The number of residents of the City shall be determined by the current population estimate of the California Department of Finance.

[\[Return to Municipal Code Contents\]](#)

- D. The above limitation of not more than one vehicle for the indicated number of residents means one operating vehicle during each hour of any day.

(Ord. MC-1480, 4-18-18; Ord. MC-1027, 9-09-98; Ord. MC-119, 11-16-81)

5.76.070 Transfer of Certificates

- A. No permit or certificate of public convenience and necessity shall be sold, transferred, assigned, mortgaged or otherwise conveyed without the approval of the Finance Department, and the sale, assignment, mortgaging, transfer or otherwise conveying any such certificate without the approval of the Finance Department first had and obtained shall revoke the certificate. Any successor, transferee or assignee shall comply with each requirement and condition of the permit or certificate.
- B. Any aggrieved and interested party may appeal to the City Manager from a decision of the Finance Department made pursuant to this section, by filing a written notice of appeal with the Finance Department within ten (10) days of the challenged decision. The City Manager shall provide a hearing of such appeal, with notice and opportunity to present evidence, witnesses, and arguments. The formal rules of evidence shall not apply. The City Manager shall issue a written decision explaining the basis of his or her decision on the appeal and a copy of the written decision shall be mailed to the appellant.

(Ord. MC-1480, 4-18-18; Ord. MC-1017, 2-04-98;
Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.080 Notice of Amendments

Notice of current amendments to this Chapter and of scheduled hearings under Section 5.76.050 shall be given to applicants for permits or certificates and to firms and persons to whom operating permits and certificates have been issued; provided, that failure to give such notice shall not invalidate any decision made, or permit or certificate issued, pursuant to this Chapter.

(Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.090 Dial-a-ride service

- A. A person holding a taxicab permit under the provisions of this Chapter and having an agreement with the City authorizing a dial-a-ride service may drive, operate or cause to be driven or operated authorized vehicles on the public streets, subject to the terms, covenants and conditions of said agreement, this chapter and any applicable rules and regulations adopted by the Bureau of Franchises. The Bureau or its chairman shall issue a dial-a-ride permit upon execution of the agreement.

[Return to Municipal Code Contents]

- B. The Bureau may adopt rules and regulations governing the operation of such service after giving notice and an opportunity to be heard to all persons, firms, corporations and associations having operating permits or certificates issued under this Chapter and other interested persons; provided, that such rules and regulations shall not conflict with the provisions of the agreement and may be reversed or modified by the Mayor and Common Council at any time during the term of the agreement.

(Ord. 3585, 7-06-76; Ord. 1987, 7-07-53)

5.76.100 Only Authorized Service Permitted

It is unlawful for any carrier granted a permit under this Chapter to conduct any operation or give any service other than the service authorized by its permit granted by the City.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.110 Revocation, suspension and cancellation of permits - Notice - Hearing

- A. The Finance Department shall have the power to suspend or revoke any or all of the carrier permits granted under the provisions of this Chapter when it has determined that any of the provisions hereof have been violated, or that any holder of such a permit has failed to comply with the terms of such permit or the rules and regulations of the City pertaining to the operation, character and quality of the service, of any such vehicles. Before revocation of such permit, the carrier shall be entitled to a hearing thereon before the Director of Finance and shall be notified thereof.
- B. Notice of hearing on such proposed suspension or revocation shall be in writing and shall be served at least five days prior to the date of the hearing thereon, such service to be upon the holder of such permit, or its manager, or agent, and which notice shall state the grounds of complaint against the holder of such permit and shall also state the time when and the place where such hearing will be held. In the event the holder of such permit cannot be found, or service of such notice cannot be made upon it in the manner herein provided, then a copy of such notice shall be mailed, postage fully prepaid, addressed to such carrier at its last known address, at least five days prior to the date of such hearing

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.120 License - Fees - Reports on charter vehicle hire

- A. Each permit issued pursuant to this Chapter shall entitle the holder thereof to obtain a license to engage in the business described in the permit upon payment of the fees required by the City's license ordinance, provided the holder of such permit complies with all other applicable provisions of law or City ordinances.

[Return to Municipal Code Contents]

- B. Prior to issuance of any such license, the applicant therefor shall obtain from the Bureau a certificate showing that a permit is in effect authorizing the proposed service by the applicant, that issuance as required by ordinance is in effect and describing the vehicles so authorized to be used. The applicant shall file the certificate so issued by the Bureau with the license tax collector at the time the license is issued. The license tax collector shall retain such certificate so filed and shall indicate thereon the serial number of the license issued pursuant thereto.

- C. Any permittee holding a valid and effective permit for operation of a charter vehicle shall be entitled, provided all other applicable laws and ordinances are complied with, to obtain a license to engage in the business thereby permitted and shall, likewise, be entitled to receive a certificate from the Bureau that such permit, or permits are in effect. Each such licensee shall, not later than the tenth day of each month, file with the Bureau a verified report covering the operation of Charter vehicles by such licensee for the previous calendar month. Such report shall show the date, the place of origin, the ultimate destination, the name of the party employing the vehicle, the type, make, and state license number of the vehicle, such other data as may be required by the Bureau upon forms provided by it. A copy of each report shall be filed with the City license tax collector, and shall be accompanied by payment of the amount due.

- D. In the event any person required to file such monthly report fails to do so, or in the event such reports are found not to be complete, the Bureau may immediately terminate the permits held by such person under this Chapter.

(Ord. 1987, 7-07-53)

5.76.130 Display of Permits

- A. There shall be displayed upon each vehicle operated pursuant to the terms of this Chapter a numbered permit, for the current year, to be issued by the City upon payment of the required license fee. Each such permit shall be securely attached on the rear of any vehicle and shall be plainly visible at all times.

- B. In the event of loss or destruction of any such permit, a renewal permit shall be secured by payment to the Finance Department of a fee of two dollars for each such permit, or such fee as shall be subsequently set by Resolution of the Mayor and City Council, but no such renewal permit shall be issued except upon application to the Finance Department, and establishing by clear and satisfactory proof that the permit being replaced has been lost or destroyed.

[\[Return to Municipal Code Contents\]](#)

- C. A current and complete description of each vehicle on which a permit is attached or may be attached and displayed shall be filed on an approved form with the Finance Department.

(Ord. MC-1480, 4-18-18; Ord. 3002, 7-15-69; Ord. 1987, 7-07-53)

5.76.140 Insurance - Non-Emergency Medical Transportation Vehicles

No carrier which operates non-emergency medical transportation vehicles, wheelchair passenger transportation vehicles, disabled transportation van, or dialysis transportation vehicles shall operate, or permit to be operated, any vehicle under the provisions of this Chapter, unless and until such vehicle is covered by the insurance requirements set forth below, and the policy of such insurance or a certificate thereof, in an insurance company approved by the City, has been filed with the Finance Department. Such policy or certificate shall set forth with particularity the make, number and other identifying data of each vehicle covered by such policy, together with the expiration date of such policy, and any other information required by the Department of Finance. For non-emergency medical transportation vehicles, wheelchair passenger transportation vehicles, disabled transportation vans, or dialysis transportation vehicles, two million dollars combined single incident public liability and property damage insurance is required.

(Ord. MC-1480, 4-18-18; Ord. MC-943, 6-06-95; Ord. MC-424, 12-18-84;
Ord. 3943, 6-03-80; Ord. 1987, 7-07-53)

5.76.150 Insurance-Taxicabs

Each taxicab carrier and owner of a taxicab or vehicle used in the transportation of passengers for hire shall maintain, whenever he may be engaged in conducting such operations, ability to respond in damages resulting from the ownership or operation of the taxicab or vehicle and arising by reason of personal injury to, or death of, any one person, of at least \$100,000 and, subject to the limit of \$100,000 for each person injured or killed, of at least \$300,000 for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least \$50,000 resulting from any one accident. The minimum limits of the foregoing ability to respond in damages shall be maintained or increased to conform with Vehicle Code Section 16500. Ability to respond in damages may be maintained by either of the alternatives set forth in said Section 16500.

(Ord. MC-16, 12-09-80; Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.160 Numbering of vehicles

Each vehicle operated pursuant to the terms of this Chapter shall be numbered.

Such number shall be painted upon the body of the vehicle in numerals not less than

[Return to Municipal Code Contents]

four inches nor more than six inches in height in a position, or positions, approved by the Finance Department. A City permit shall be attached to each vehicle.

(Ord. MC-1480, 4-18-18; Ord. 2733, 4-05-66; Ord. 1987, 7-07-53)

5.76.170 Advertising

No advertising or advertising device shall be placed on or in any vehicle operated under this Chapter without the approval of the Department of Finance.

(Ord. MC-1480, 4-18-18; Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.180 Availability of service

Taxicab service shall be available at all times by telephone call, by engagement of the taxicab when standing at a regularly assigned stand, or when hailed from the street or curb. It is unlawful for any carrier or driver of a taxicab to refuse or neglect to transport any orderly person or persons upon request anywhere in the City when a taxicab or such carrier is standing in a regularly assigned taxi stand, and such service shall be rendered immediately upon request.

(Ord. 1987, 7-07-53)

5.76.190 Cruising and loading

It is unlawful for any driver of any vehicle licensed under this Chapter, while driving such vehicle, to cruise, loiter or stop on a public street for the purpose of soliciting passengers or seeking a place in a taxi stand which is already occupied. It shall be lawful, however, for such vehicle while proceeding to a regularly assigned taxi stand, regularly established call station, or to the carrier's principal place of business, to accept employment when hailed from the street or curb, provided that it is unlawful for such driver to accept passengers at any of the following places:

- A. In any marked or unmarked crosswalk;
- B. At any regularly established bus stop;
- C. At any place in a street except alongside a curb;
- D. Alongside any curb opposite a regularly established and marked traffic safety zone.

(Ord. 1987, 7-07-53)

[\[Return to Municipal Code Contents\]](#)

5.76.200 Rates - Taxicab Service

The rates or fares to be charged the public for taxicab service shall not be more than the maximum rates established by resolution of the Mayor and City Council.

(Ord. MC-1480, 4-18-18; Ord. MC-1172,05-03-04; Ord. MC-659, 5-15-89;
Ord. MC-497, 2-03-86; Ord. 3750, 8-21-78; Ord. 3585, 7-06-76;
Ord. 3412, 3-19-74; Ord. 3406, 3-04-74; Ord. 1987, 7-07-53)

5.76.210 Medical Transportation Rates

The rates which shall be charged the public by non-emergency medical transportation carriers shall be such as are prescribed in the carrier's permit, and shall not exceed the maximum rates sets forth in the schedule for such charges fixed by resolution adopted by the Mayor and City Council. All rate changes subsequently adopted shall be adopted only after a duly noticed public hearing is held relating thereto.

(Ord. MC-1480, 4-18-18; Ord. 3585, 7-06-76; Ord. 1987, 7-07-53)

5.76.220 Rates - Minimum and maximum for limousine and chartered vehicle service

- A. The rates or fares to be charged the public for chauffeured limousine and chartered vehicle service shall be in accordance with the carrier's permit and as prescribed by the Bureau and the Mayor and Common Council, and shall be not less than the minimum nor more than the maximum rates which are fixed in this section.
- B. The minimum rate shall be five dollars per hour or forty cents per mile, whichever is the greater, and hourly rate shall be computed in fractions of one-half hour. The minimum charge for chauffeured limousine service shall be the rate for the one-half hour.
- C. The maximum rate shall be seven dollars per hour or sixty cents per mile, whichever is the greater, and the hourly rate shall be computed in fraction of one-half hour.
- D. The foregoing rates shall apply to time or mileage whichever is the greater, upon departure from the carrier's principal place of business in the City and until return thereto.

(Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.230 Rates - Established

No rate or fare shall be placed in effect, charged, demanded or collected by any carrier for the transportation of passengers by vehicle for its services as regulated by this

[\[Return to Municipal Code Contents\]](#)

Chapter until the Mayor and City Council, after a hearing upon its own motion, or upon application, or complaint, has found and determined the rate to be just, reasonable and nondiscriminatory, nor in any way in violation of any provisions herein contained or any provisions of law. In establishing and authorizing such rates or fees, the City shall take into account, and give due and reasonable consideration to the cost of all comparable transportation services performed by all persons, firms or corporations engaged in such transportation services for compensation in the City, whether by virtue of any franchise granted by the Finance Department or otherwise, including length of haul, any additional transportation service performed, or of any accessory service, and to value of the facilities reasonably necessary to perform such transportation service.

(Ord. MC-1480, 4-18-18; Ord. MC-943, 6-06-95;
Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.240 Change in rates

The bureau shall have power, upon a hearing upon its own motion, or upon application, or complaint, to investigate a single rate or fare, or the entire schedule of fares in effect, charged, demanded or collected for the transportation services by vehicles covered by this Chapter, and with the approval of the Mayor and Common Council, establish a new rate, fare or schedule of fares in lieu thereof.

(Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.250 Discrimination of Rates Prohibited

It is unlawful for any carrier, or any agent or employee thereof, or any driver or operator of any vehicle regulated by this Chapter, to charge, collect, demand, receive, arrange, solicit, or bargain for any amount of compensation in excess of, or less than, the rates or fares established and authorized by the City.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.260 Rates to be Displayed

Every vehicle used or operated under this Chapter shall, at all times, have displayed therein, in a location and manner approved by the Finance Department, the rates to be charged for such service, and which rates shall always be visible.

(Ord. MC-1480, 4-18-18; Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.270 Refusal to pay fare

It is unlawful for any person to refuse to pay the authorized fare of any of the vehicles mentioned in this Chapter after having employed the same, and it is unlawful for any

[Return to Municipal Code Contents]

person to hire any vehicle defined in Section 5.76.020 with intent to defraud the person from whom it is hired or engaged, of the value of such service.

(Ord. 1987, 7-07-53)

5.76.280 Drivers

- A. Vehicles covered by this Chapter shall be operated only by the carrier, if a person, or by a person employed by the carrier, or by a person authorized by lease, contract or other arrangement with a carrier to operate a vehicle under such carrier's permit; each such authorized person shall be subject to and comply with all the applicable provisions of this Chapter, and no carrier shall impose upon such person any contractual terms or conditions inconsistent with those set forth in this Chapter. If the applicant is not an employee, the proposed arrangement, contract or lease under which such authority is to be exercised shall be submitted in writing to the Finance Department. The Finance Director shall, after he or she has conducted or caused to be conducted such review and investigation as he or she deems necessary, approve or reject the proposed arrangement, contract or lease and shall communicate his or her decision to the applicant within ten days after the proposed arrangement, contract, or lease has been submitted. If the Finance Director fails to communicate an adverse decision to the applicant within ten days after the proposed arrangement, contract, or lease has been submitted, it shall be deemed rejected. If the Finance Director rejects the proposed arrangement, contract, or lease, the applicant may request in writing a hearing before the City Manager. The request for a hearing shall be submitted to the City Clerk within five days after the decision of the Finance Director has been communicated to the applicant. The Finance Department shall promptly notify the applicant of the time and place of the hearing which shall not be more than thirty days after the request for hearing has been submitted. The hearing shall be conducted informally pursuant to the provisions of section 5.76.070(B) hereof. The decision of the City Manager shall be final. No arrangement, contract or lease shall be approved if any of the terms thereof are not in conformity with the provisions of this Chapter.
- B. Such approval may be withdrawn by the City Manager by the mailing of a ten-day notice of intention to the carrier and the driver, subject to the right to request a hearing under the same procedures and standards for the original approval. This provision permitting the withdrawal of approval shall be deemed to be a part of each such arrangement, contract or lease when so approved and neither the carrier nor the driver shall have any legal recourse or right of action arising out of such withdrawal of approval.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 5 Contents\]](#)

- C. A person authorized to operate under carrier's permit by arrangement, contract or lease shall be deemed to be an independent contractor and shall obtain a City business license.

(Ord. MC-1480, 4-18-18; Ord. 3877, 11-07-79; Ord. 3585, 7-06-76;
Ord. 2154, 1-22-57; Ord. 1987, 7-07-53)

5.76.290 Investigation of drivers

- A. The Chief of Police shall conduct an investigation concerning the background, conduct, behavior, and character of any applicant to drive a vehicle under a carrier's permit or of any driver while operating a vehicle under a carrier's permit in order to present facts or information to aid the Finance Director in determining whether the prospective or continued operation of a vehicle by a driver would be detrimental to the health, safety, peace, general welfare, or convenience of the public.
- B. The investigation report shall be forwarded to the Finance Director, who may utilize the report to determine whether to approve or reject an arrangement, contract or lease relating to an applicant or whether such approval should be withdrawn pursuant to Section 5.76.280.

(Ord. MC-1480, 4-18-18; Ord. 3877, 11-07-79;
Ord. 3585, 7-06-76; Ord. 1987, 7-07-53)

5.76.300 Identification of Vehicles

No permit shall be granted to any carrier to operate any vehicle covered by this Chapter whose color scheme, name, trade name, monogram or insignia shall be in conflict with, or in imitation of, any color scheme, name, trade name, monogram or insignia used by any other carrier as defined in Section 5.76.020, and which shall be of such character and nature as to be misleading or deceptive to the public.

(Ord. 1987, 7-07-53)

5.76.310 Identity lights

Every taxicab shall be equipped with an identity light attached to the top of such taxicab. The identity light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the words "For Hire," or as approved by the Finance Department. The overall dimensions of such identity light shall not exceed six inches in height by twenty inches in length. The lights of the identity light unit shall be operated automatically or manually to illuminate the identity light when the taximeter is not in operation, indicating the cab is vacant and for hire, and to extinguish the identity light when the taximeter is in operation. It is unlawful to drive or operate any taxicab with such identity light illuminated while carrying passengers for compensation, and it is unlawful to

[Return to Municipal Code Contents]

drive, operate or be in charge of, any taxicab unless such identity light is illuminated when such taxicab is for hire. None of the foregoing provisions requiring the identity light to be illuminated shall apply during daylight hours.

(Ord. MC-1480, 4-18-18; Ord. 2154, 1-22-57; Ord. 1987, 7-07-53)

5.76.320 Route - Passenger Limit in Taxicabs

- A. Every driver of a taxicab who is engaged to carry passengers shall take the most direct route possible that will carry the passengers safely and expeditiously to their destinations unless otherwise directed by the hirer.
- B. When a taxicab is engaged, the person or persons engaging such taxicab shall have the exclusive right to the full and complete use of the passenger compartment, and it is unlawful for the carrier, or driver of the taxicab to solicit, or carry additional passengers therein except with the express consent of each of said persons; provided, however, that where the Finance Department finds that public necessity requires the grouping of passengers in such taxicabs, the Finance Department may issue a special written permit, which permits shall specifically set forth the rules and regulations under which such passenger grouping is permitted. It is unlawful for any driver or carrier to operate, or permit to be operated, any taxicab in violation of any of the rules and regulations set forth in such special permits.
- C. The number of adult passengers which may be carried in any vehicle covered by this Chapter shall be limited to the seating capacity of such vehicle as specified by the manufacturer. The number of passengers consisting of children attending schools below the level of junior high schools, which may be carried in any vehicle covered by this Chapter shall be limited to the adult seating capacity of such vehicle, as specified by the manufacturer, plus one. No person shall be carried in such vehicle who is required to share in any way the seating space occupied by another, nor shall any person be carried who is not provided a seat.
- D. The provisions of subsections A and B of this section shall not apply to dial-a-ride taxicab.

(Ord. MC-1480, 4-18-18; Ord. 3585, 7-06-76;
Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.330 Equipment - Inspection

All vehicles operated by any carrier as defined in Section 5.76.020 shall, before being placed in service, be approved by the Finance Department. All such vehicles shall be of a design and type of construction as shall comply with orders and regulations pertaining to such equipment adopted from time to time by the Finance Department. Such vehicles shall at all times be kept in a clean and sanitary condition and in a good state of repair, and

[Return to Municipal Code Contents]

shall be subject to inspection at all times by the Finance Department, or its representative. Any vehicle which becomes unsafe, unclean, or unserviceable, or mechanically defective shall be retired from service upon order of the Finance Department, and no vehicle which has been so retired shall be again operated in such service except with approval of the Finance Department.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.340 Taximeter required - Inspection - Operation

- A. It is unlawful for any carrier to operate, or cause to be operated, any taxicab in the City unless and until such taxicab is equipped with a taximeter of a type and design approved by the Finance Department, and it shall be the duty of the carrier operating such taxicab, and also the driver thereof, to keep such meter operating at all times within such standard of accuracy as may be prescribed by the Finance Department. No passenger shall be carried in any such cab unless the taximeter is in operation. This provision shall apply regardless of whether the taxicab is engaged for a trip entirely within the boundaries of the City or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation; provided, that when the point of destination is outside the boundaries of the City from a point within the boundaries, the rate charged for the trip outside of the boundaries may be a flat rate in accordance with a schedule approved by the Mayor and City Council.
- B. The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to a passenger riding in any such taxicab.
- C. Every taximeter used in the operation of taxicabs shall be subject to inspection at any time by the Finance Department or any of its representatives. Upon discovery or notice from the Finance Department of any inaccuracy of such taximeter, the operator thereof shall remove, or cause to be removed, from service any vehicle equipped with the taximeter until such taximeter has been repaired and accurately adjusted or replaced with one approved by the Finance Department.
- D. The carrier shall cause each taximeter to be inspected and tested for accuracy at least once every six months. Upon the completion of such inspection and of any adjustments necessary to cause such taximeter to operate within the standards of accuracy approved by the San Bernardino County Department of Agriculture/Weights and Measures, the carrier shall cause to be placed upon such meter a gummed label having printed thereon the following: "This taximeter was inspected and tested on (date) and found to comply with the standard of accuracy prescribed by the San Bernardino County Department of Agriculture/Weights and Measures." The date on which such inspection was made shall be stamped in the blank space

[\[Return to Municipal Code Contents\]](#)

provided for that purpose. No such label shall be removed except at the time a subsequent inspection is made. The standard of accuracy prescribed by the Finance Department for each taximeter shall be the same standard established by the San Bernardino County Department of Agriculture/Weights and Measures.

- E. It is unlawful for any driver of any taxicab, while carrying passengers, to display the flag attached to the taximeter in such a position as to denote that such vehicle is not employed, or to fail to throw the flag of the taximeter to a position indicating the vehicle is unemployed at the termination of each and every service.
- F. All charges for taxicab service shall be calculated and indicated by a taximeter and at all times while the taxicab is engaged, the flag of the taximeter shall be thrown into a position to register charges for mileage, or into a position to register charges for waiting time. No taximeter shall be used whose mechanism will register a combined charge for mileage and waiting time in any single position, and no taximeter shall be so operated as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger, or passengers.
- G. The provisions of this section shall not apply to a dial-a-ride taxicab.

(Ord. MC-1480, 4-18-18; Ord. 3585, 7-06-76; Ord. 3022, 10-21-69;
Ord. 3002, 7-15-69; Ord. 1987, 7-07-53)

5.76.350 Waiting time - On-scene time - Ambulances

- A. Waiting time. For the purpose of this Chapter, "waiting time" means the time consumed while the taxicab is not in motion at the direction of a passenger, and also the time consumed while waiting for a passenger after having responded to a call; but no charge shall be made for the time consumed by the premature response to a call, or for the first three minutes following timely arrival of any location in response to a call or for time lost through traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver.
- B. On-Scene Time - Ambulances. On-scene time for ambulance service shall begin from the time of the arrival of the ambulance at the scene of a medical emergency and shall continue until the vehicle leaves the scene.

(Ord. MC-943, 6-06-95; Ord. 3584, 7-06-76; Ord. 2979, 3-18-69;
Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.360 Receipt to be given upon request

It is unlawful for the driver of any vehicle, upon receiving full payment for a fare as indicated by the taximeter, or for services rendered, to refuse to give a receipt upon

[\[Return to Municipal Code Contents\]](#)

the request of any person making such payment. When the taximeter is of the so-called "receipt type," a receipt shall always be offered the passenger upon receiving payment without a request therefor being made.

(Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.370 Transaction Records

The holder of a franchise covered by this Chapter shall keep a complete and accurate record of each trip showing the time and place of origin and destination of the trip, the number of passengers carried, the mileage and the amount of fare or charge collected.

(Ord. MC-1480, 4-18-18; Ord. 2154, 1-22-57; Ord. 1987, 7-07-53)

5.76.380 Inspection of Records

The Finance Department shall have the right to inspect any and all books and records of any carrier at any and all reasonable times, and any carrier under this Chapter shall keep adequate and complete books and records providing such detail as shall be required by the Finance Department, and failure to keep and maintain such books and records shall be grounds for suspension of any license or permit issued under this Chapter.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.390 Taxi stands - Application for - Standing Restricted

It is unlawful for any carrier, or driver of any vehicle operated pursuant to the terms of this Chapter, to stand, or permit to stand, any such vehicle while awaiting employment in front of any residential property, except when answering a call for service at such residential property, or to stand, or permit to stand, such vehicle at any other place designated by the Finance Department.

(Ord. MC-1480, 4-18-18; Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.400 Taxi stands - Issuance of permits

Permits may be issued by the Finance Department to carriers operating pursuant to the terms of this Chapter allowing the vehicles of such carriers, while awaiting employment, to stand at certain designated places upon the streets of the City; provided, however, that no such permit shall be granted except upon the written application of the carrier desiring such stand, filed with the Finance Department, stating the proposed location of such stand. Any application for a taxi stand may be acted upon by the Finance Department without notice providing such application is accompanied by the written consent of the occupant of the first floor of any building of that property in front of which it is desired to establish such vehicle stand, or if any such building is a hotel, the written consent of

[Return to Municipal Code Contents]

the manager of the hotel, or if there is no building on the premises in front of which it is desired that such vehicle shall stand, or if there is a building and the first floor is not occupied, then the written consent of the owner, agent, or lessee of such building or premises. In the event that the occupant, manager, owner, agent, or lessee hereinabove mentioned refuses, fails or neglects to grant consent to the establishing of a taxi stand at the location proposed, the Finance Department shall set a time of hearing on such application, which shall be not less than ten days nor more than thirty days from the time of filing such application, and each and every person qualified under these provisions to make or offer a formal objection to establishing such taxi stand at the location proposed shall be notified in writing not less than five days prior to said hearing, at which time he shall be given an opportunity to be heard. Notwithstanding the failure or refusal of the occupant, manager, owner, agent, or lessee as herein above mentioned to grant consent to the establishing of a taxi stand in front of the building or premises as proposed, or any formal objection offered thereto, the Finance Director, with input from the City's designated traffic engineer, and with the approval of the City Manager, shall have the right to grant or deny any application for a taxi stand.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.410 Taxi stands - Permits Subject to Revocation

All permits for taxi stands so issued shall contain a provision to the effect that they are and they shall be subject to revocation by the Finance Department with the approval of the City Manager at any time.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.420 Taxi stands - Authorized use only

It is unlawful for any vehicle to occupy any regularly established taxi stand unless such vehicle is one being operated by the carrier to which such taxi stand has been assigned as herein provided, except with the consent of the carrier assigned the taxi stand.

(Ord. 3022, 10-21-69; Ord. 1987, 7-07-53)

5.76.430 Taxi stands - Application fee - Exemption

All applications for taxi stands, or for relocations thereof, shall be accompanied by a fee of ten dollars for each stand to be established or relocated, or such fee as may be subsequently set by Resolution of the Mayor and City Council. Applications for relocation shall be processed in like manner as an original permit. In addition to the filing fee of ten dollars, or such fee as may be subsequently set by Resolution of the Mayor and City Council, each application shall contain an agreement on the part of the applicant to

[Return to Municipal Code Contents]

reimburse the City for all expenses incurred in locating or relocating a taxi stand, such reimbursement to be made promptly upon being billed by the City.

(Ord. MC-1480, 4-18-18; Ord. 2367, 7-05-61; Ord. 1987, 7-07-53)

5.76.440 Taxi stand maintenance fee

In addition to all other fees established by this Chapter, there shall become due and payable on November 1st and shall become delinquent on the following January 1st of each year a taxi stand maintenance fee of fifteen dollars per year, or such fee as may be subsequently set by Resolution of the Mayor and City Council, for each taxi stand assigned to such carrier in return for which the City shall cause each such taxi stand to be maintained by having them painted twice each year.

(Ord. MC-1480, 4-18-18; Ord. 2367, 7-05-61; Ord. 1987, 7-07-53)

5.76.450 Manner of giving notice

Whenever a notice is required to be given, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records, or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. Proof of giving such notice may be made by an affidavit of any person over the age of eighteen years, which affidavit shows service in conformity with this Chapter or other provisions of law applicable to the subject matter concerned.

(Ord. 1987, 7-07-53)

5.76.460; 5.76.470; 5.76.480 - Repealed by Ord. MC-277, 6-08-83

5.76.490 (Repealed by Ord. MC-943, 6-06-95)

5.76.500 Medical Transportation Rates

The rates which shall be charged the public by medical transportation carriers shall be such as are prescribed in the carrier's permit, and shall not exceed the maximum rates sets forth in the schedule for such charges fixed by resolution adopted by the Mayor and Common Council. All rate changes subsequently adopted shall be adopted only after a duly noticed public hearing is held relating thereto.

(Ord. MC-195, 8-03-82; Ord. MC-190, 7-13-82; Ord. 3943, 6-03-80;
Ord. 3878, 11-07-79; Ord. 3584, 7-06-76; Ord. 1987, 7-07-53)

[Return to Municipal Code Contents]

5.76.510 Ambulance carrier requirements

Every ambulance carrier shall:

- A. Use ambulances equipped with one side exit and rear exit sufficiently large for the placing and removing of patients; the length of an ambulance compartment shall provide adequate space at the head of the stretcher for an ambulance technician to perform proper patient airway maintenance procedures; the patient compartment shall provide space for the ambulance technician to perform external cardiac compression on one patient when positioned at a right angle to the side of the patient; the inside height of the patient compartment shall be a minimum dimension of fifty-two inches from floor to ceiling;
- B. Equip all ambulances with two stretchers, oxygen and first-aid kits, all of which shall be prescribed by the bureau;
- C. Render no free service under any conditions.

(Ord. 3584, 7-06-76; Ord. 2078, 11-08-55; Ord. 1987, 7-07-53)

5.76.520 Drivers and attendants of ambulances

No ambulance carrier shall operate or maintain any vehicle with a crew of less than two persons, one of whom shall be a qualified driver holding an unexpired permit issued under the provisions of this Chapter, and at least one member of each of said crews shall have had special experience or instructions in proper methods in moving and handling the sick and injured and first-aid treatment as shall meet the rules and regulations of the Health Officer of this City, and shall have obtained a certificate from the Health Officer that he is sufficiently proficient. These shall not take effect for sixty days after employment.

(Ord. 2979, 3-18-69; Ord. 1987, 7-07-53)

5.76.530 Drivers of wheelchair passenger transportation vehicles or a transportation van for the handicapped

Any person driving a wheelchair transportation vehicle or a van for transporting handicapped persons shall be a qualified driver holding an unexpired permit issued pursuant to the provisions of this Chapter, and shall have had special experience or instruction in proper methods in moving and handling handicapped persons and shall have completed a course in first-aid treatment as established by the American Red Cross or the United States Bureau of Mines.

(Ord. 3486, 3-19-75; Ord. 2979, 3-18-69; Ord. 1987, 7-07-53)

5.76.540; 5.76.550; 5.76.555 (Repealed by Ord. MC-943, 6-06-95)

[Return to Municipal Code Contents]

5.76.560 (Repealed by Ord. MC-277, 6-08-83)

5.76.570 (Repealed by Ord. MC-460, 5-15-85)

5.76.575 Application to City

This Chapter shall not be construed to apply to the City of San Bernardino or to city officers and employees acting in their capacity as such officers or employees.

(Ord. MC-879, 6-23-93)

5.76.580 Enforcement

Upon the granting of any permit to any carrier as provided by this Chapter, a copy of such permit shall be transmitted by the Finance Department to the Chief of Police, who is charged with the duty of enforcement of all provisions of this and other ordinances pertaining to the operation of vehicles for hire.

(Ord. MC-1480, 4-18-18; Ord. 1987, 7-07-53)

5.76.590 (Repealed by Ord. MC-460, 5-15-85)

Chapter 5.80
THEATERS - MOTION PICTURE AND ELECTRICAL EQUIPMENT

Sections:

- 5.80.010 Inspection and permit of theaters**
- 5.80.020 Smoking in theaters**
- 5.80.030 Fire extinguishers required**
- 5.80.040 (Repealed by Ord. MC-46, 4-27-81)**
- 5.80.050 Permit-Expiration and renewal**
- 5.80.060 Stage and theater electrician - Requirements**
- 5.80.070 Stage and theater electrician - Permit**
- 5.80.080 Apprentice operator or electrician - Permit**
- 5.80.090 Operator's permit revoked for violation of law**
- 5.80.100 Exception - Churches, school, etc.**
- 5.80.110 Rewinding film in closed cabinet**
- 5.80.120 Smoking or open flame in booth prohibited**
- 5.80.130 Automatically operated safety devices - Testing**
- 5.80.140 Projection rooms and booths**
- 5.80.150 Hazardous conditions**

[\[Return to Municipal Code Contents\]](#)

- 5.80.160 Employment of persons not duly registered to operate unlawful**
- 5.80.170 Use of defective or damaged film unlawful**
- 5.80.180 Use of open flame during performance unlawful - Other restrictions**
- 5.80.190 Violation of provisions unlawful**
- 5.80.200 Applicability of other laws**
- 5.80.210 Adult movies**
- 5.80.220 Theater permit**
- 5.80.230 (Repealed by Ord. MC-460, 5-15-85)**

5.80.010 Inspection and permit of theaters

- A. Any theater that has been closed for a continuous period of thirty days, and any theater that has been erected or structurally altered or enlarged, shall not be opened to the public for a performance without first having an inspection by, and the written permission of, the Development Services Department and the Fire Department of the City.
- B. Upon application by the owner, agent or lessee, the Development Services Department shall cause an inspection to be made of all the public safety devices of the theater building, and if they are found to comply with the requirements hereof, shall cause such written permission to be issued forthwith. In the event the public safety devices, appurtenances, exits, or stairways are not in a secure and safe condition, they must be put into such condition before any performance is given or before the building is opened to the public. The Development Services Department shall have the right to close any theater building when any owner, lessee, or manager, or his agent refuses to comply with the provisions hereof and such theater building shall remain closed until all such requirements applicable thereto shall have been complied with.

(Ord. MC-1027, 9-09-98; Ord. 2900, 4-23-68)

5.80.020 Smoking in theaters

Smoking shall not be permitted in the auditorium or balcony of any theater nor in any place where motion pictures are exhibited, except in toilets, lounges, dressing rooms or offices.

(Ord. 2900, 4-23-68)

5.80.030 Fire extinguishers required

In addition to the fire extinguishing equipment required in all Group A, B and C occupancies, as defined by the building codes of this City, there shall be installed not less

[\[Return to Municipal Code Contents\]](#)

than two Class A fire extinguishers, as defined in the State Fire Marshal's Code, on each floor, including the basement. Adjacent to main switchboards there shall be maintained not less than two Class C fire extinguishers as defined in the State Fire Marshal's Code. In addition thereto, there shall be installed such number of fire axes and fire hooks as the Bureau of Fire Prevention may order.

(Ord. 2900, 4-23-68)

5.80.040 (Repealed by Ord. MC-46, 4-27-81)

5.80.050 Permit - Expiration and renewal

All permits issued under the provision of this Chapter shall expire on the first day of January of each year. A renewal permit may be issued upon application to the chief electrical inspector and the payment of a renewal fee of five dollars. Any application for renewal must be made on or before the fifteenth day of January of each year. In the event of failure to so apply for the renewal of a permit on or before the fifteenth day of January, a person whose permit has expired must qualify as a new applicant and take the examination therefor. No renewal permit shall be issued unless the applicant submits satisfactory evidence to the chief electrical inspector that he has worked as a motion picture machine operator for not less than thirty days during the previous calendar year.

(Ord. 2900, 4-23-68)

5.80.060 Stage and theater electrician - Requirements

All electrical apparatus in a theater or motion picture house shall be in charge of a registered journeyman stage and theater electrician or motion picture operator. Theaters using the stage for other purposes than motion pictures shall have a registered stage and theater electrician in attendance at all times when the theater is open.

(Ord. 2900, 4-23-68)

5.80.070 Stage and theater electrician - Permit

The permit fees and procedures for motion picture operators as set forth in Sections 5.80.040 and 5.80.050 shall apply also to stage and theater electricians.

(Ord. 2900, 4-23-68)

5.80.080 Apprentice operator electrician - Permit

The chief electrical inspector may, in accordance with such rules and regulations as he may deem reasonably necessary, issue a permit to an individual to act as an apprentice motion picture operator or apprentice stage and theater electrician. A person desiring such

[\[Return to Municipal Code Contents\]](#)

a permit shall furnish to the chief electrical inspector a written request therefor signed by the manager or owner at the place where he intends to act as such an apprentice operator or electrician before such permit may be granted. The applicant shall also pay to the Development Services Department the sum of five dollars. A renewal permit, as in Section 5.40.050, may be issued with the payment of a renewal fee of two dollars and fifty cents. Such permit entitles the permittee to operate only under supervision, at all times, of a regularly licensed operator or electrician.

(Ord. MC-1027, 9-09-98; Ord. 2900, 4-23-68.)

5.80.090 Operator's permit revoked for violation of law

Any motion picture operator, stage and theater electrician or apprentice found guilty, by a court of competent jurisdiction, of violating any of the provisions of this Chapter, or of any other law or ordinance regulating motion picture machines, shall have his permit revoked by the chief electrical inspector, and shall not be allowed for a period of one year thereafter, to operate a motion picture machine or theater electrical equipment within the City.

(Ord. 2900, 4-23-68)

5.80.100 Exception - Churches, school, etc.

- A. The provisions of this Chapter relating to permits for motion picture machine operators shall not apply to churches, schools, colleges or institutions where the projection of films is used for educational purposes, nor shall the provisions of this Chapter relating to such permits apply to the projection of motion pictures in private dwellings.
- B. The chief electrical inspector may, and is authorized to, establish such rules and regulations as may best protect life and property in connection with the operation of motion picture machines, in such occupancies, but which shall not exceed requirements otherwise contained in this Chapter.

(Ord. 2900, 4-23-68)

5.80.110 Rewinding film in closed cabinet

All rewinding of film shall be done in an enclosed cabinet of a type approved by the fire prevention division. All film, records and other combustible material used in connection with the projection of pictures shall be kept in metal lockers or cabinets, except when in actual use.

(Ord. 2900, 4-23-68)

[\[Return to Municipal Code Contents\]](#)

5.80.120 Smoking or open flame in booth prohibited

No person shall smoke or maintain any open flame or other source of ignition within any motion picture machine booth. A sign bearing the words "No Smoking Permitted" shall be displayed in a conspicuous location within such motion picture machine booth.

(Ord. 2900, 4-23-68)

5.80.130 Automatically operated safety devices - Testing

The chief electrical inspector may require that all automatically operated safety devices be operated not less than once every thirty days to determine that they are in proper working condition.

(Ord. 2900, 4-23-68)

5.80.140 Projection rooms and booths

- A. No unauthorized person shall be allowed inside any motion picture machine booth when same is being used for the projection of motion pictures.
- B. The requirements for projection rooms shall be those requirements which are enumerated in the latest edition of the Uniform Building Code as adopted and amended by the City

(Ord. 3070, 5-12-70; Ord. 2900, 4-23-68)

5.80.150 Hazardous conditions

It is unlawful to admit or allow the admission of the public to a theater after receiving notice or knowledge of the existence of any hazardous condition within the theater which is injurious to the public health, safety or welfare. Such hazardous conditions may include, but are not limited to, loose or improperly attached fixtures, unsanitary conditions, damaged or defective seats, defects in or damage to the floor, floor covering or carpeting, obstructions in aisles, and insufficient illumination or inoperative light bulbs.

(Ord. 3070, 5-12-70; Ord. 2900, 4-23-68)

5.80.160 Employment of person not duly registered to operate unlawful

It is unlawful for any person, firm or corporation, either as owner, manager, agent or otherwise, to procure, employ, or permit or cause to be procured, employed or permitted, any person not duly registered, as provided in this Chapter, to operate, or assist in the operation of any motion picture projector or equipment of which such owner, firm or corporation has charge or control.

(Ord. 2900, 4-23-68)

[\[Return to Municipal Code Contents\]](#)

5.80.170 Use of defective or damaged film unlawful

It is unlawful for any one to operate or cause to be operated a motion picture projector with defective or damaged film which is likely to jeopardize public safety. It shall be the duty of the projectionist to give the owner or manager a written notice upon finding any film unsafe for use in the City and a duplicate of said notice shall be sent to the office of the chief electrical inspector and the fire prevention division.

(Ord. 2900, 4-23-68)

5.80.180 Use of open flame during performance unlawful - Other restrictions

It is unlawful to allow an open flame to be used upon any stage of any theater during any performance without first obtaining a permit in writing from the chief engineer of the fire department. When gas heaters are used for heating purposes in the auditorium, these must be of the forced air type. It is unlawful for any person, firm or corporation to allow any foliage, straw, hay or other combustible material upon any stage in any theater, until same is made fireproof by an application of fireproofing solution, and then only after inspection has been made by the chief engineer of the fire department, or his duly authorized representatives; and it is unlawful for any person, firm or corporation to allow any automobile, motorcycle, or any other gasoline driven vehicle upon any stage of any theater unless all gasoline is first removed from the tank thereof.

(Ord. 2900, 4-23-68)

5.80.190 Violation of provisions unlawful

It is unlawful for any person, firm or corporation owning, managing, conducting or in control of any theater or motion picture theater to allow, suffer or permit any violation of the provisions of this Chapter and any of the provisions of the Fire Prevention Code as promulgated by the National Board of Fire Underwriters which has been or may hereafter be established by the City and adopted as rules and regulations governing conditions hazardous to life and property from fire.

(Ord. 2900, 4-23-68)

5.80.200 Applicability of other laws

In addition to the requirements set forth in this Chapter, each owner or operator of a theater or motion picture house is subject to Article 1, Chapter 1, Part 9 of Division 2 of the Labor Code of the state (Sections 2260 et seq.) and any other applicable law or ordinance.

(Ord. 2900, 4-23-68)

[\[Return to Municipal Code Contents\]](#)

5.80.210 Adult movies

- A. The manager or any person in control or charge of a theater shall determine whether each motion picture is recommended for adult viewing only before such motion picture is shown or exhibited publicly, and knowingly shall not sell or permit the sale of any admission ticket to view such motion picture recommended for adult viewing only to, or permit the viewing thereof by, any unmarried minor person under the age of eighteen years unless such minor person is accompanied by his parent or guardian or presents written consent or permission therefor from and signed by such parent or guardian.
- B. Any advertisement or publication printed or distributed in the City concerning a motion picture which has been recommended for adult viewing only by the manager or any person in control or charge of a theater where such motion picture is exhibited or will be exhibited publicly, shall contain the phrase "Recommended For Adults Only" in letters as large and high as the majority of letters in such advertisement or publication.

(Ord. 2900, 4-23-68)

5.80.220 Theater permit

- A. The owner or manager of each theater where motion pictures or any picture projected from slides or films are publicly exhibited shall apply for a theater permit from the Chief of Police of the City within thirty days from the adoption of this section. The Chief shall issue the permit if he finds that the applicant has complied with each law or ordinance relating to theaters and the exhibition of motion pictures or any picture projected from films or slides.
- B. The Chief shall suspend any theater permit issued by him if he finds that the permittee or such permittee's agent or employee, has been or is knowingly violating any provision of this Chapter or other applicable ordinance or law. The determination of the Chief with regard to matters of suspension shall be appealable to the Mayor and Common Council in the same manner as set forth in Chapter 2.64.
- C. The Chief, in the case of such suspension, shall either personally serve, or serve by the United States mail, postage prepaid, addressed to the permittee a written order of suspension stating the reasons for such suspension. The order shall be effective twenty-four hours after the same is either personally served, or forty-eight hours after the same has been deposited in the course of the United States mail.
- D. An order of suspension from which an appeal is taken as provided in this section shall be of no force or effect until such appeal is fully determined.

(Ord. MC-410, 9-18-84; Ord. 2900, 4-23-68)

[\[Return to Municipal Code Contents\]](#)

5.80.230 (Repealed by Ord. MC-460, 5-15-85)

Chapter 5.82

OPERATOR PERMIT REGULATIONS

Sections:

- 5.82.010 Findings
- 5.82.020 Permit-Required
- 5.82.030 Permit-Application
- 5.82.040 Application for Permit - Investigation Fee
- 5.82.050 Investigation
- 5.82.060 Permit-Duration
- 5.82.070 Permit-Conditions
- 5.82.080 Permit-Denial
- 5.82.090 Notice of decision by Chief of Police
- 5.82.100 Right of appeal to City Manager
- 5.82.110 Notice of appeal - Time limit
- 5.82.120 Notice of appeal - Contents
- 5.82.130 Action by the City Clerk
- 5.82.140 Consideration by the City Manager
- 5.82.150 Notification of the City Manager's decision
- 5.82.160 Suspension or Revocation of Operator's permit
- 5.82.170 Notice of hearing
- 5.82.180 Failure to appear at the hearing
- 5.82.190 Suspension - Designated
- 5.82.195 Revocation
- 5.82.200 Notice of decision of City Manager
- 5.82.210 Permit - Abandonment
- 5.82.220 Permit-Transfer
- 5.82.230 Severability
- 5.82.240 Repealed by Ord. MC-1472, 3-07-18
- 5.82.250 Repealed by Ord. MC-1472, 3-07-18

5.82.010 Findings

The City of San Bernardino is endeavoring to reduce acts of sexual misconduct, drug trafficking, and "fencing" activities occurring in the City, and to improve the business environment in the City. In furtherance of these goals, and to promote the health, safety and welfare of the public, this Chapter requires regulatory permits for the purpose of ensuring that preventive action is taken to curb criminal activities from occurring on the

[\[Return to Municipal Code Contents\]](#)

business premises or from being involved with the employees or business operations. The criminal activities interfere with the safe operation of the businesses in the presence of patrons and visitors, and the continuance of the premises will be detrimental to the health, safety and welfare of the public. It is further found that such criminal activities have occurred and are likely to continue to occur on many business premises in the City.

(Ord. MC-502, 3-06-86)

5.82.020 Permit - Required

- A. It shall be unlawful for any person to commence, manage, or conduct any type of business enumerated herein, without a valid and unsuspended Operator's Permit issued hereunder and to not at all times commence, manage, or conduct such business in compliance with all regulations of such business imposed under or by this Chapter, including all conditions imposed by the Chief of Police by or under Section 5.82.070.
- B. The commencement, management, or conducting of any business regulated by this Chapter without an Operator's Permit as hereby required or in a manner that is not in compliance with all regulations imposed under or by this Chapter, including all conditions imposed by the Chief of Police by or under Section 5.82.070, shall constitute a separate violation of this Chapter for each and every day that such business is so commenced, managed, or conducted.
- C. For the purposes of this Chapter, "Person" shall include, but is not limited to, any individual who commences, manages, or conducts a business regulated by this Chapter, whether as principal or agent, clerk or employee, acting personally or for any other person, or for any corporate entity, or as an officer of any company, partnership or corporation, or otherwise.
- D. This Chapter shall apply to any person commencing, managing, or conducting any of the following businesses:
 - 1. Hotel;
 - 2. Motel.

(Ord. MC-1472, 3-07-18; Ord. MC-1305, 5-20-09; Ord. MC-809, 10-08-91;
Ord. MC-692, 12-19-89; Ord. MC-502, 3-06-86)

5.82.030 Permit - Application

An applicant for a permit for the operation of any such hotel or motel shall apply for and obtain an Operator's Permit. The application for such permit shall be filed with the Finance Department, shall be signed under penalty of perjury, and shall be upon a

[\[Return to Municipal Code Contents\]](#)

form supplied by the Finance Department. The application shall contain the true names, addresses, and criminal convictions during the ten (10) years immediately preceding the date of the application, if any (except for infractions of the Vehicle Code), of the applicant and all persons financially interested in the applicant's business, and such other information as may reasonably be deemed necessary by the Police Department.

(Ord. MC-1472, 3-07-18; Ord. MC-884, 9-08-93; Ord. MC-809, 10-08-91;
Ord. MC-962, 3-20-96; Ord. MC-502, 3-06-86)

5.82.040 Application for Permit - Investigation Fee

Each application for an operator's permit shall be accompanied by a nonrefundable investigative fee in an amount established by resolution of the Mayor and City Council.

(Ord. MC-1472, 3-07-18; Ord. MC-976, 7-31-96; Ord. MC-519, 5-20-86)

5.82.050 Investigation

The Chief of Police shall refer the application to a subordinate officer who shall fully investigate the applicant and the facts and circumstances concerning the application submitted, and who shall report in writing to the Police Chief, his/her recommendations and reasons therefor as to whether such Operator's Permit should be granted or denied.

The Chief of Police shall consider any relevant factual material relating to such applicant, and shall authorize the issuance of an Operator's Permit as required by this Chapter only upon finding that:

- A. During the ten (10) years immediately preceding the date of the application, the applicant has not been convicted of, or pled guilty or nolo contendere to any felony or crime of moral turpitude or been found in violation of laws or a regulation in a governmental quasi-judicial proceeding when the facts underlying such proceeding or conviction show a nexus between the crime or violation and the particular business operations or indicate the lack of qualities essential to protect the public health, safety and welfare in operations under the permit;
- B. The applicant is not required to register under Penal Code §290 or Health and Safety Code §11590;
- C. The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the permit application process, or on any document required by the City in conjunction therewith; and,

[\[Return to Municipal Code Contents\]](#)

- D. The location for which the permit is sought is compatible with the neighborhood and suitable for the type of operation proposed, and will not pose a public nuisance as defined in this Code in the neighborhood or disrupt the peace and solitude of a residential area.

(Ord. MC-1472, 3-07-18; Ord. MC-884, 9-08-93;
Ord. MC-505, 3-19-86; Ord. MC-502, 3-06-86)

5.82.060 Permit - Duration

Permits issued pursuant to this Chapter shall be valid until such time as there is a change of ownership of the business or until the permit is suspended, abandoned, or revoked.

(Ord. MC-696, 1-09-90; Ord. MC-519, 5-20-86; Ord. MC-502, 3-06-86)

5.82.070 Permit - Conditions

The Chief of Police may impose conditions of approval deemed necessary to ensure compliance with the provisions of this Chapter or to protect the health, safety and welfare of the public.

(Ord. MC-502, 3-06-86)

5.82.080 Permit - Denial

If the Chief of Police finds any of the facts prohibiting issuance of a permit as set forth in Section 5.82.050 exist, the Chief of Police shall deny the application.

(Ord. MC-502, 3-06-86)

5.82.090 Notice of decision by Chief of Police

Within forty-five calendar days of the date the application is filed, the Chief of Police shall give written notices of his or her decision to the applicant, to the Finance Department, and to any other person specifically requesting such notice.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.100 Right of appeal to City Manager

Any applicant aggrieved by the decision of the Chief of Police with reference to the issuance, conditional issuance, or denial of a permit may appeal therefrom by filing a written notice of appeal with the City Clerk directed to the City Manager.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

[\[Return to Municipal Code Contents\]](#)

5.82.110 Notice of appeal - Time limit

Any such notice of appeal shall not be valid and shall not be acted upon unless filed within fifteen calendar days after the date of the action or decision which is being appealed.

(Ord. MC-502, 3-06-86)

5.82.120 Notice of appeal - Contents

The notice of appeal shall be in writing and shall set forth (a) the specific action appealed from; (b) the specific grounds of appeal; and (c) the relief or action sought from the City Manager. In the event any notice of appeal fails to set forth any information required by this section, the City Clerk shall return the same to the appellant with a statement of the respects in which it is deficient, and the applicant shall thereafter be allowed five calendar days in which to perfect and refile his/her notice of appeal.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.130 Action by the City Clerk

Upon the timely filing of a notice of appeal in proper form, the City Clerk shall schedule the matter promptly and within forty-five days for hearing before the City Manager.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.140 Consideration by the City Manager

At the time of consideration of the appeal by the City Manager, the appellant shall present evidence limited to the specific grounds of appeal and matters set forth in his/her notice of appeal. The appellant shall have the burden of establishing cause why the action appealed from should be altered, reversed or modified. The Police Department shall have the opportunity to answer arguments made and rebut new evidence offered, if any. The City Manager shall review the evidence, findings and record relating to the decision or action and may, in his or her discretion, receive new or additional evidence. Formal rules of evidence shall not apply to any appeal hearing.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.150 Notification of the City Manager's decision

Within ten calendar days after reaching a determination on the appeal, the City Manager shall give written notice of his or her decision to the appellant, the Police Department, the Finance Department and to any other person specifically requesting such notice.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

[\[Return to Municipal Code Contents\]](#)

5.82.160 Suspension or Revocation of Operator's Permit

- A. Upon receipt of satisfactory evidence of any of the following grounds, the City Manager may hold a hearing to consider the suspension or revocation of a permit issued under this Chapter.
- B. For suspension the grounds are as follows:
 - 1. The permittee has failed to comply with any condition imposed on the permit.
 - 2. The permittee has failed to timely pay any license or permit fees that are provided for under the provisions of this Code.
 - 3. The existence of unsanitary conditions, noise, disturbances or other conditions at the premises and related to the business which causes a public nuisance, or which is detrimental to the public health, safety or welfare.
- C. For revocation the grounds are as follows:
 - 1. The permittee, operator or employee of the permittee has engaged in or permitted conduct at the business premises which constitutes a felony or crime of moral turpitude, and the permittee knew, or with the exercise of reasonable diligence should have known, of such criminal conduct and failed to take remedial or preventive action. Such conduct may include, but shall not be limited to, acts of sexual misconduct, illicit drug transactions or “fencing” of personal property occurring on the premises of the business.
 - 2. Permittee has made any material misstatement in the application for such permit or the permit was acquired by fraud.
 - 3. Any of the grounds that would warrant the denial of the issuance of such permit at the time of application.
 - 4. There have been two or more suspensions of the permit under this Chapter in the proceeding eighteen (18) months.
- D. The finding of any one of the above grounds shall be sufficient to support a suspension or revocation, respectively, of a permit.

(Ord. MC-1472, 3-07-18; Ord. MC-893, 1-12-94; Ord. MC-505, 3-19-86; Ord. MC-502, 3-06-86)

[\[Return to Municipal Code Contents\]](#)

5.82.170 Notice of Hearing

The permittee shall be notified in writing that a hearing which may result in suspension or revocation of the permit will be held, the place where the hearing will be held and the date and time thereof, which shall not be sooner than ten (10) calendar days after service of such notice of hearing. All notices provided for in this section shall be personally served upon the permittee, or by leaving such notice at the place of business or residence of such permittee in the presence of a competent member of the household or a person apparently in charge of permittee's place of business at least eighteen (18) years of age, who shall be informed of the contents thereof. In the event service cannot be made in the foregoing manner, then a copy of such notice shall be mailed, by certified mail, return receipt requested, addressed to the last known address of such permittee at his place of business or residence at least ten (10) calendar days prior to the date of such hearing. The notice shall also contain a general statement of the nature of the grounds of the proposed suspension and that the permittee may be represented by counsel at the hearing.

(Ord. MC-893, 1-12-94; Ord. MC-502, 3-06-86)

5.82.180 Failure to Appear at Hearing

In the event that the permittee, or counsel representing the permittee, fails to appear at the hearing, the evidence of the existence of facts which are presented and which constitute grounds for the suspension or revocation of the permit may be used by the City Manager as the basis of his or her decision.

(Ord. MC-1472, 3-07-18; Ord. MC-893, 1-12-94; Ord. MC-502, 3-06-86)

5.82.190 Suspension - Designated

If, after the conclusion of a hearing held to consider the suspension of a permit issued under this Chapter, it is determined that any of the grounds for suspension of an Operator's Permit exist, then said permit shall be suspended for one month for the first suspension; two months for the second suspension; and six months for each additional suspension thereof.

(Ord. MC-502, 3-06-86)

5.82.195 Revocation

If, after the conclusion of a hearing held to consider the revocation of a permit issued under this Chapter, it is determined that any of the grounds for revocation of an Operator's Permit exist, then such permit shall be revoked.

(Ord. MC-893, 1-12-94)

[\[Return to Municipal Code Contents\]](#)

5.82.200 Notice of decision of City Manager

A copy of the decision of the City Manager specifying findings of fact and conclusions for the decision shall be furnished to the permittee or permittee's designated representative. The decision of the City Manager shall be final when issued.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.210 Permit - Abandonment

A permit shall be deemed abandoned within the terms of this Chapter where the business or activity has had no reported sales or activity for a period of at least 180 consecutive days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

(Ord. MC-1472, 3-07-18; Ord. MC-893, 1-12-94; Ord. MC-502, 3-06-86)

5.82.220 Permit - Transfer

No permit issued pursuant to this Chapter shall be transferable.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.230 Severability

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this chapter is invalid or shall be held to be invalid, such invalidity shall not affect the validity of the remainder.

(Ord. MC-1472, 3-07-18; Ord. MC-502, 3-06-86)

5.82.240; 5.82.250 Repealed by Ord. MC-1472, 3-07-18

Chapter 5.84 ENFORCEMENT - CITING AUTHORITY

Sections:

- 5.84.010 Enforcement**
- 5.84.015 Penalties for violation**
- 5.84.020 Right of entry—Exhibition of license**

[\[Return to Municipal Code Contents\]](#)

5.84.010 Enforcement

It shall be the duty of the Department responsible for issuing a particular permit, or his or her authorized representatives, to enforce the provisions of this Title with respect to such permit.

(Ord. MC-1487, 4-18-18;Ord. MC-302, 9-07-83)

5.84.015 Penalties for violation

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Title other than those of Chapters 5.12, 5.36, 5.40, 5.48 and 5.52 is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of Chapters 5.12, 5.36, 5.40, 5.48 and 5.52, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85)

5.84.020 Right of entry - Exhibition of license

- A. The head of the Department issuing a particular permit, the Chief of Police, or his or her authorized representatives are empowered to enter, during business hours, free of charge, any place of business, or to approach any person apparently conducting or employed in the operation of the business, for which a license or permit is required pursuant to this Title, and to demand the exhibition of such license or permit for the current term. If such person then and there fails to exhibit such license or permit, the authorized representative or police officer is authorized and empowered to cite the person and issue a notice to appear pursuant to the provisions of this Title, relating to licensing of businesses within the City.

(Ord. MC-1487, 4-18-18)

- B. Such representatives and police officers shall ascertain the name of any person, firm, or corporation or association engaged in or carrying on any business, show, exhibition or game in the City who or which is liable to obtain and pay for a license and shall require that such license be obtained and that the appropriate fee or tax be paid. The Police Department and other departments of the City shall assist and cooperate as may be required to enable the fulfillment of the imposed duties and responsibilities hereunder.

(Ord. MC-302, 9-07-83)

[\[Return to Municipal Code Contents\]](#)

Title 6 ANIMALS¹

Chapters:

- 6.01 General Provisions
- 6.02 Noisy Animals
- 6.03 Keeping of Non-Equine Livestock
- 6.04 Horses
- 6.05 Fowl
- 6.06 Pigeons
- 6.07 Wild, Exotic, Dangerous or Non-Domestic
Animals in Captivity
- 6.08 Dogs
- 6.09 Vicious and Potentially Dangerous Dogs
- 6.10 Cats
- 6.11 Quarantine
- 6.12 Police Dogs
- 6.13 Enforcement – Penalty
- 6.14 Administrative Citations

¹For statutory provisions on animals generally, see Food and Agric. Code §16301 et seq.

Chapter 6.01 GENERAL PROVISIONS

Sections:

- 6.01.010 Findings
- 6.01.020 Definitions
- 6.01.030 Applicability of Title
- 6.01.040 Fee Schedules
- 6.01.050 Construction of Buildings to Prevent Escape
- 6.01.060 Care of Animals by Owner
- 6.01.070 Protection of Public
- 6.01.080 Ventilation
- 6.01.090 Commercial Animal Runs
- 6.01.100 Examination and Treatment by Veterinarian
- 6.01.110 Correction of Violations
- 6.01.120 Denial of License or Permit
- 6.01.130 Administration and Enforcement of Title
- 6.01.140 Abandonment of Animal
- 6.01.150 Authority to Apprehend Livestock – Fees
- 6.01.160 Mandatory Spay or Neutering of Dogs
- 6.01.170 Impoundment of Dogs
- 6.01.180 Denial or Revocation of Unaltered Dog License or Exempt Status
- 6.01.190 Allocation of Fees Collected

6.01.010 Findings

The Mayor and Common Council find that, in order to protect the residents of the City of San Bernardino, and in order to protect the welfare of the animals within the City, the following minimum standards of care for animals within the City of San Bernardino shall be established and enforced to encourage responsible animal ownership.

6.01.020 Definitions

The following words as used in this Title shall have the following meanings:

- A. “Abandon” means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in §6.01.060 for a period of 48 hours or more.

[\[Return to Municipal Code Contents\]](#)

- B. “Adequate care” or “care” means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, grooming, the provision of veterinary care when needed to prevent suffering or impairment of health and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal.
- C. “Adequate exercise” or “exercise” means the opportunity for the animal to sufficiently move to maintain normal muscle tone and mass for the age, species, size and condition of the animal.
- D. “Adequate feed” means access to, and the provision of, food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.
- E. “Adequate shelter” or “shelter” means provision of, and access to, shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, hail, direct sunlight, standing water, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this Title, kennels whose wire grid or slat floors do not protect the animal’s feet or toes from injury are not adequate shelter.
- F. “Adequate space” means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means a tether that permits the actions in (i) and (ii) and is appropriate to the age and size of the animal according to professionally accepted standards for the species; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least eight (8) feet in length, except when the animal is being walked on

a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

- G. “Adequate water” means provision of, and access to, clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.
- H. “Ambient temperature” means the temperature surrounding the animal.
- I. “Animal” means any non-human vertebrate species including fish except those fish captured and killed or disposed of in a manner consistent with contemporary practices.
- J. “Animal shelter” means a facility operated by any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated humane society or society for the prevention of cruelty to animals.
- K. “Collar” means a well-fitted device, appropriate to the age and size of the animal, attached to the animal’s neck in such a way as to prevent trauma or injury to the animal. A chain is not considered an acceptable collar except during training sessions under the direct supervision of an owner or handler.
- L. “Companion animal” means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this Title.
- M. “Direct and immediate threat” means any clear and immediate danger to an animal’s health, safety or life.

- N. “Emergency veterinary treatment” means veterinary treatment to prevent or alleviate suffering, stabilize a life-threatening condition, or to prevent further transmission or progression of disease.
- O. “Enclosure” means structure used to house or restrict animals from running at large or harming themselves and should be of appropriate size for the age, species and condition of the animal consistent with generally accepted husbandry standards for the species.
- P “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.
- Q. “Exhibitor” means any person or business who shows or handles any animals for public or private purposes.
- R. “Groomer” means any person, who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites, an animal.
- S. “Grooming” means maintaining an animal’s coat and body condition in an appropriate state for the age and species of the animal, including such things as cleaning, trimming, thinning, or brushing the coat, manicuring, and removing foreign objects.
- T. “Housing facility” means any room, building, or area used to contain a primary enclosure or enclosures.
- U. “Humane” means any action taken in consideration of, and with the intent to provide for, the animal’s behavioral and physical health and well being.
- V. “Kennel” means any establishment in which four or more canines, six or more felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.
- W. “Livestock” includes all domestic or domesticated: bovine animals (cattle type); equine animals (horse type); ovine animals (sheep type); porcine animals (pig type); cervine animals (deer like); caprine animals (goat type); ratite animals (ostrich type); enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

- X. "Owner" means any person who:
- (i) has a right of property in an animal,
 - (ii) keeps or harbors an animal,
 - (iii) has an animal in his care, or
 - (iv) acts as a custodian of an animal.
- Y. "Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.
- Z. "Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.
- AA "Poultry" includes all domestic fowl and game birds bred in captivity.
- BB. "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.
- CC. "Properly cleaned" means that carcasses, debris, food, waste, and excrement are removed from the yard, property, house and primary enclosure with sufficient frequency to minimize the animal's contact with the above-mentioned contaminants; that the primary enclosure is sanitized with sufficient frequency to minimize odors, insects, and the hazards of disease preventing the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.
- (Ord. MC-1214, 2-22-06)
- DD. "Properly lighted" means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the housing facility, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.
- EE. "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

- FF. "Transportation" or "transport" means the responsible handling, moving or shipping of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.
- GG. "Veterinary treatment" means treatment by, or on the order of, a duly licensed veterinarian.
- HH. "Wild, exotic, dangerous, poisonous or non-domestic animals" means any animals not specifically addressed within this Title.

(Ord. MC-1214, 2-22-06)

- II. "Registered Animal" means a purebred dog, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry.

(Ord. MC-1241, 3-06-07)

6.01.030 Applicability of Title

Every person, firm, corporation or other business enterprise within the City who owns, conducts, manages, or operates any animal establishment for which special authorization and a license is required by this Title shall comply with each of the conditions set forth in this Chapter. The owner, manager, or operator of any activity or facility subject to this Title shall be responsible for any violation of this Title by an employee.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.040 Fee Schedules

All fees assessed in conjunction with the enforcement of Title 6, Animals, shall be established by Resolution of the Mayor and Common Council.

(Ord. MC-815, 12-17-91; Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.050 Construction of Buildings to Prevent Escape

Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

6.01.060 Care of Animals by Owner

Each owner shall provide for each of his or her companion animals:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment, and transportation; and,
- (7) Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every animal shelter, dealer, pet shop, exhibitor, kennel, groomer and boarding establishment.

6.01.070 Protection of Public

All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.080 Ventilation

Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to physical needs of the animals and consistent with generally accepted husbandry practices.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.090 Commercial Animal Runs

Animal runs for commercial operations, such as veterinary clinics or boarding kennels, shall be of approved construction and shall be provided with adequate waste and manure disposal and for drainage into an approved sewer or individual sewer disposal installation.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

[Return to Municipal Code Contents]

6.01.100 Examination and Treatment by Veterinarian

All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Animal Control Officer.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.110 Correction of Violations

Every violation of applicable regulation shall be corrected within a reasonable time to be specified by the Animal Control Officer.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.120 Denial of License or Permit

Failure of the applicant for a license or permit to comply with any of the conditions enumerated in this Title shall be deemed just cause for the denial or revocation of any license or permit, whether original or renewal.

(Ord. 3334, 2-28-73; Ord. 821, 8-09-1921)

6.01.130 Administration and Enforcement of Title

- A. The Animal Control Division shall administer and enforce this Title and other Titles pertaining to animals or other species; and all provisions of the penal laws of the state relating to cruelty to animals.

- B. In the performance of his or her duties, the Animal Control Director, any Animal Control Officer, and any authorized employee of the Animal Control Division, shall have the power and authority to enforce the provisions of this Title and other Titles pertaining to animals or other species, including issuance of notices to appear pursuant to Chapters 5C and 5D of Part 2, Title 3 (commencing with §853.5) of the Penal Code, for any offense which is a violation of this Title relating to animals and fowl, or any Code of Regulations or penal law of the State of California relating to animals and fowl or cruelty to animals.

(Ord. MC-1214, 2-22-06; Ord. MC-460, 5-15-85; Ord. 3968, 9-23-80;
Ord. 3926, 4-14-80; Ord. 3301, 10-24-72; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

6.01.140 Abandonment of Animal

No person shall abandon any animal. Nothing in this section shall be construed to prohibit the release of an animal, by its owner, to an animal shelter, humane society, SPCA or other private animal rescue group.

(Ord. MC-1214, 2-22-06)

6.01.150 Authority to Apprehend Livestock - Fees

- A. Any livestock other than bovine animals found running at large in the City shall be apprehended by the Animal Control Officer. The owner of any apprehended livestock shall pay apprehension fees and daily board and care fees prior to recovering the livestock from the Animal Control Officer. Apprehension fees and board and care fees shall be set by Resolution of the Mayor and Common Council. Unclaimed livestock may be disposed of by a public sale by sealed bids. The livestock shall be sold to the highest bidder. The Director of Animal Control shall determine minimum bid amounts. Unclaimed livestock not disposed of by a public sale by sealed bids may be destroyed after seven calendar days.
- B. Any bovine animal found running at large in the City shall be apprehended by the Animal Control Officer. Within five days of the apprehension, the owner of any apprehended bovine animal shall pay apprehension fees and daily board and care fees prior to recovering the bovine animal from the Animal Control Office. Apprehension fees and board and care fees shall be set by Resolution of the Mayor and Common Council.
- C. Notice to State Director; Delivery of Unclaimed Bovine Animals to State. Within five days from the date of apprehension, the Director of Animal Control shall notify the State Director of Food and Agriculture of any unclaimed bovine animal, horse, mule, or burro, and shall turn over to the State Director of Food and Agriculture any bovine animal, pursuant to the provisions of Food and Agricultural Code §§17001, et seq.

(Ord. MC-145, 3-16-82; Ord. MC-21, 1-07-81)

6.01.160 Mandatory Spay Or Neutering of Dogs

- A. No person may own, keep, harbor, or maintain a dog over the age of four months which has not been spayed or neutered unless the dog is exempt as follows:
 - (1) The dog is a registered purebred as defined in Section 6.01.120, and has competed in at least one dog show or sporting competition sanctioned by a national registry within the last 365 calendar days or has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry.

[\[Return to Municipal Code Contents\]](#)

(2) The animal is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity. The owner or custodian must obtain written confirmation to that effect from a licensed veterinarian. The statement must also include the date by which the animal may be safely spayed or neutered, if at all possible.

(3) Dogs used by law enforcement agencies.

B. After the effective date of this ordinance, pet owners will have 60 days to come into compliance. New pet owners or pet owners new to the city, will have 60 days to come into compliance.

6.01.170 Impoundment of dogs

A. When a dog is impounded, the owner or custodian may reclaim the animal provided one of the following occurs:

(1) The owner shows proof the animal is spayed or neutered.

(2) The owner shall pay a spay/neuter deposit of \$100 and shall then have 30 days to have the animal spayed or neutered. Upon proof of the spaying or neutering the \$100 deposit will be refunded to the pet owner. Failure to have the animal spayed or neutered in that time frame will result in forfeiture of the deposit.

(3) Exempt animals whose status was denied or revoked under the provisions of 6.01.180 will be required to comply with Section A(1) above.

B. Costs for impoundment.

(1) The owner of an unaltered animal shall be responsible for the costs of impoundment including outstanding fines, fees or any amount set by the Mayor and Common Council.

(2) If any person does not provide proof of the animal owner's identity or provide satisfactory proof of ownership, claim the animal and pay any sums due prior to the expiration of the holding period prescribed by state law, the animal shall become the property of the City.

6.01.180 Denial or Revocation of Unaltered Dog License or Exempt Status

- A. The department may deny or revoke an unaltered dog license or exempt status for one or more of the following reasons:
- (1) The pet owner is not in compliance with all of the requirements of Section 6.01.160A(1).
 - (2) The department has received at least one complaint, in writing, by a complainant and verified by the department, that the pet owner has allowed the dog to run loose or escape.
 - (3) The pet owner was previously cited for violating a state law, county code or other municipal provision relating to the care and control of animals;
 - (4) The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous or vicious;

6.01.190 Allocation of Fees Collected

All fines and forfeited deposits collected under Section 6.01.160 shall be paid to the Spay/Neuter Trust for the purpose of providing assistance to the public in the spaying and neutering of dogs and cats.

(Ord. MC-1241, 3-06-07; Ord. MC-1214, 2-22-06)

Chapter 6.02 NOISY ANIMALS

Sections:

- 6.02.010 Findings**
- 6.02.020 Declaration of a Noisy Animal as a Public Nuisance**
- 6.02.030 Noisy Animal Warning Notice**
- 6.02.040 Fines and Limits; Appeal**
- 6.02.050 Other Penalties and Violations**

6.02.010 Findings

The Mayor and Common Council do hereby find, determine, and declare that the City has become so closely built up with buildings occupied by human beings for business and dwelling purposes, and has become so thickly populated that the keeping therein of noisy animals has become injurious to health, offensive to the senses, and an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life and property by the entire community and neighborhood, and by a considerable number of persons therein.

6.02.020 Declaration of a Noisy Animal as a Public Nuisance

- A. It is unlawful for any person owning, keeping, harboring or having in his or her care or custody any dog or other animal, to cause, or permit to be made or caused by such dog or other animal, barking or making of any noises or other sounds, so as to annoy and become offensive to resident(s) in the vicinity in which the dog or other animal is kept thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person(s) of normal sensitivity residing in the area, unless such noise or sound is made by an official police dog or fire dog while on duty.

- B. If, in violation of the provisions of subsection A, any dog or other animal persistently emits any noise or sound in such a manner as to annoy and become offensive to resident(s) in the vicinity in which the dog or other animal is kept, the Animal Control Division may notify the owner of the dog or other animal, by issuing a written warning notice advising the owner of a possible public nuisance. If, within a period of seven days after the issuance of such notice, the person owning, keeping, harboring, or having in his care or custody said dog or other animal, has not abated the nuisance, such person shall be liable to enforcement of the provisions of this Title.

- C. It is unlawful for any person, after being informed in writing pursuant to the provisions of subsection B that his or her dog or other animal may be declared a public nuisance, to fail, refuse or neglect to take whatever steps or use whatever means are necessary to assure that such dog or other animal does not again disturb residents in the vicinity in which the dog or other animal is kept.

6.02.030 Noisy Animal Warning Notice

When the City of San Bernardino Animal Control Division is notified or alerted of a possible noisy dog or other animal, the Animal Control Division may issue a Noisy Animal Warning Notice. Such notice shall specify that the dog or other animal is in possible violation of the San Bernardino Municipal Code and that the noisy dog or animal nuisance must be abated to avoid further City action.

6.02.040 Fines and Limits; Appeal

Any person who neglects or refuses to abate the condition within the time specified in the Noisy Animal Warning Notice, or fails to Request a Hearing before the Hearing Officer pursuant to the procedure established in §6.14.080, is guilty of an infraction punishable under San Bernardino Municipal Code §1.12.010. Any person aggrieved by the decision of the Hearing Officer may bring an appeal to the Animal Control Commission by filing an appeal pursuant to the procedure established in §6.14.100 herein. The Animal Control Commission's decision shall be made in accordance with, and shall be subject to, all of the provisions of §6.14.110 herein.

6.02.050 Other Penalties and Violations

Nothing in the foregoing section shall be deemed to prevent the City Attorney from commencing a civil or criminal proceeding to abate a public nuisance under other applicable law.

Chapter 6.03 KEEPING OF NON-EQUINE LIVESTOCK

Sections:

- 6.03.010 Findings
- 6.03.020 Bovine, Ratite, Caprine, or Ovine Animals - Not Authorized on Property Less Than One Acre
- 6.03.025 Bovine, Ratite, Caprine, or Ovine Animals - on Property Greater Than One Acre
- 6.03.030 Hogs, Sow, Gilt or Boar
- 6.03.040 Rabbits and Guinea Pigs

6.03.010 Findings

The Mayor and Common Council do hereby find, determine, and declare that the City has become so closely built up with buildings occupied by human beings for business and dwelling purposes, and has become so thickly populated that the keeping therein of livestock, wild, exotic, dangerous or non-domestic animals and domestic fowl has become injurious to health, indecent, offensive to the senses, and an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life and property by the entire community and neighborhood, and by a considerable number of persons therein.

(Ord. 1003, 11-14-23; Ord. 821, 8-09-1921)

6.03.020 Bovine, Ratite, Caprine, or Ovine Animals - Not Authorized on Property Less Than One Acre

It is unlawful for any person, firm or corporation to stable, pasture or keep or cause to be stabled, pastured or kept, any bovine (e.g., cow, steer), ratite (e.g., ostrich, emu), caprine (e.g., goat), or ovine (e.g., sheep) animal, or like animal at a place which has an area of less than one acre (43,560 square feet).

(Ord. MC-1214, 2-22-06; Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.03.025 Bovine, Ratite, Caprine, or Ovine Animals - On Property Greater Than One Acre

It is unlawful for any person, firm or corporation to stable, pasture, or keep or cause to be kept, more than four of any combination of ratite, bovine, caprine, or ovine at any place in the City provided that a person, firm or corporation having contiguous land of more than five acres, may keep one additional bovine, caprine, or ovine for each acre in excess of such five acres, but not to exceed eighteen animals at any lot. Said animal(s)

[\[Return to Municipal Code Contents\]](#)

shall not be kept within one hundred fifty feet of a building or structure used or intended for human occupancy and said animal(s) shall not be kept within fifty feet of any neighboring property line or street line.

(Ord. MC-1214, 2-22-06)

6.03.030 Hogs, Sow, Gilt or Boar

It is unlawful for any person, firm or corporation to keep or cause to be kept, any hog, sow, gilt or boar, at any place in the City.

(Ord. MC-462, 5-21-85; Ord. MC-418, 10-16-84;
Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.03.040 Rabbits and Guinea Pigs

- A. It is unlawful for any person, firm or corporation to keep, or cause to be kept, more than twelve rabbits or guinea pigs, or any combination of each totaling twelve, within one hundred feet of any building or structure used or intended for human occupancy.
- B. It is unlawful for any person, firm or corporation to keep, or cause to be kept, more than four rabbits or guinea pigs within fifty feet of any building or structure used or intended for human occupancy.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

Chapter 6.04 HORSES

Sections:

- 6.04.010 Definitions
- 6.04.020 Equine Stables - Distance from Human Occupancies
- 6.04.030 Number of Equine Permitted in Stable Within City
- 6.04.040 Number of Equine Permitted on Area Between Twenty Thousand Square Feet and One Acre
- 6.04.050 Stabling Equine on Property Less Than Twenty Thousand Square Feet in Size
- 6.04.060 Stabling of Uncastrated Equines
- 6.04.070 Removal of Manure
- 6.04.080 Registration of Horses

6.04.010 Definitions

- A. “Equine” as used in this Chapter, includes any horse-like animal including mules and burros.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.04.020 Equine Stables - Distance from Human Occupancies

It is unlawful for any person, firm or corporation to stable, pasture or keep, or cause to be stabled, pastured or kept, within one hundred feet of a building or structure used or intended for human occupancy, any equine.

(Ord. MC-1264, 2-19-08; Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.04.030 Number of Equine Permitted in Stable Within City

It is unlawful for any person, firm or corporation to stable, pasture or keep, or cause to be stabled, pastured or kept, more than five equines at any place in the City, except at approved riding stables or academies; provided, that a person, firm or corporation having contiguous land of more than five acres may keep one additional equine for each acre in excess of such five acres, but not to exceed eighteen equines at any one place.

(Ord. 3582, 6-21-76; Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

6.04.040 Number of Equine Permitted on Area Between Twenty Thousand Square Feet and One Acre

It is unlawful for any person, firm or corporation to stable, pasture or keep, or cause to be stabled, pastured or kept, more than three equines at a place that has an area less than between twenty thousand square feet and one acre.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.04.050 Stabling Equine on Property Less Than Twenty Thousand Square Feet in Size

It is unlawful for any person, firm or corporation to stable, pasture or keep, or cause to be stabled, pastured or kept, any equine at a place which has an area of less than twenty thousand square feet or within ten feet of any adjoining property not used for grazing, pasturing or stabling, or in any required front yard area or in a side yard area of a corner lot.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.04.060 Stabling of Uncastrated Equines

It is unlawful for any person, firm or corporation to stable, pasture or keep, or cause to be stabled, pastured or kept, within fifty feet of any property line, any uncastrated equine. Any uncastrated equine so kept shall be confined by an enclosure with a minimum height of six feet that is constructed in such a manner as to prevent the animal's escape.

6.04.070 Removal of Manure

Manure shall be removed from said place or premises every three days or shall be spread at a place which has an area of twenty thousand square feet or more in a sanitary manner approved by the San Bernardino County Director of the Department of Public Health (hereinafter referred to as "Health Officer"), his or her designated deputy, or any City employee designated by the Mayor and approved by the Health Officer, or shall be maintained in an approved moisture and fly-proof manner. It shall not be kept within fifty feet of any adjoining property line.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.04.080 Registration of Horses

Each person, firm or corporation who stables, pastures or keeps, or causes or permits the stabling, pasturing or keeping of, any equine in the City shall register in the Division of Animal Control, and shall provide data concerning the number of equines, the location of such equines and such other relevant information as said Division may require.

(Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

[Return to Municipal Code Contents]

Chapter 6.05 FOWL

Sections:

- 6.05.010 Definitions
- 6.05.020 Domestic Fowl Not Permitted Within Fifty Feet of Human Dwelling
- 6.05.030 Domestic Fowl Permitted If Kept More Than Fifty Feet Away From Human Dwelling
- 6.05.040 Roosters and Peacocks Not Permitted Within 200 Feet of Human Dwelling
- 6.05.050 (Repealed by Ord. MC-1214, 2-22-06)
- 6.05.060 Domestic Fowl at Large

6.05.010 Definitions

- A. “Domestic Fowl”, as used in this Chapter, shall mean any birds of the order Galliformes. This shall include chickens, ducks, geese, turkey, pheasants and similar domesticated birds or fowl.

6.05.020 Domestic Fowl Not Permitted Within Fifty Feet of Human Dwelling

It is unlawful for any person, firm, or corporation to keep, or cause to be kept, or allow to roam, any domestic fowl within fifty feet of any building or structure used or intended for human occupancy.

(Ord. MC-1214, 2-22-06; Ord. MC-217, 11-02-82;
Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.05.030 Domestic Fowl Permitted If Kept More than Fifty Feet Away From Human Dwelling

It is unlawful for any person, firm or corporation to keep, or cause to be kept or allowed to roam, more than two domestic fowls between fifty and one hundred feet of any building or structure used or intended for human occupancy. The maximum number of domestic fowl on any lot is twenty-four fowl.

(Ord. MC-1214, 2-22-06; Ord. MC-217, 11-02-82;
Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

6.05.040 Roosters and Peacocks Not Permitted Within 200 feet of Human Dwelling

It is unlawful for any person, firm, or corporation to keep any rooster or peacock within two hundred feet of any building or structure used or intended for human occupancy. No more than one peacock or rooster is permitted per lot.

(Ord. MC-1214, 2-22-06; Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

6.05.050 (Repealed by Ord. MC-1214, 2-22-06)

6.05.060 Domestic Fowl at Large

It is unlawful for any person, firm or corporation having custody or control of any domestic bird or fowl to permit such bird or fowl to be present upon any public street, sidewalk, school ground, public park, playground or any public place, or any unenclosed private property not owned or lawfully possessed by such person, or upon any private property without the consent of the owner or lawful possessor thereof.

Chapter 6.06 PIGEONS

Sections:

- 6.06.010 Definitions
- 6.06.020 Conditions
- 6.06.030 Permit

6.06.010 Definitions

- A. “Pigeon”, as used in this Chapter, means a member of the family Columbidae, and shall include “Racing Pigeons”, “Fancy Pigeons”, and “Sporting Pigeons.”
- B. “Racing Pigeon” means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. This type of pigeon may also be commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon.
- C. “Fancy Pigeon” means a pigeon which, through selective past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples include, but are not limited to, Fantails, Pouters, and Trumpeters.
- D. “Sporting Pigeon” means a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples include, but are not limited to, Rollers and Tipplers.
- E. “Loft” means the structure(s) for the keeping or housing of pigeons permitted by this Chapter.
- F. “Mature Pigeon” means a pigeon aged six months or older.
- G. “Owner” means the owner of pigeons subject to this Chapter.

6.06.020 Conditions

The keeping, breeding, maintenance and flying of pigeons shall be permitted on the following conditions:

- A. The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
- B. There shall be at least one (1) square foot of floor space for each mature pigeon kept in any loft.
- C. The construction and location of the loft shall not conflict with the requirements of any building code or zoning code of the City.
- D. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other pests.
- E. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
- F. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
- G. All pigeons shall be fed within the confines of the loft.
- H. No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:
 - (1) The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.
 - (2) Pigeons which have been fed within the previous four hours will not be released for flying.
- I. Pigeons shall be banded and registered with one of the national pigeon associations/registries.

[\[Return to Municipal Code Contents\]](#)

6.06.030 Permit

On application signed by the owner, on such a form as shall be provided by the City, wherein the owner shall certify that his loft(s) comply with applicable building and zoning codes, and upon payment of a fee as set by the Mayor and Common Council, a permit shall be issued to the owner, which shall remain in full force and effect unless suspended or revoked, or unless the use of the loft be discontinued for a period of one year. A condition of the permit shall be that the Animal Control Officer shall be granted permission to inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this Chapter. The Animal Control Officer may report violators to any local or nationally recognized pigeon club for the purposes of educating and assisting any owner who is in violation of this Chapter.

Chapter 6.07

WILD, EXOTIC, DANGEROUS OR NON-DOMESTIC ANIMALS IN CAPTIVITY

Sections:

- 6.07.010 Definitions
- 6.07.020 Animals Prohibited
- 6.07.030 (Repealed by Ord. MC-1214, 2-22-06)
- 6.07.040 (Repealed by Ord. MC-1214, 2-22-06)
- 6.07.050 (Repealed by Ord. MC-1214, 2-22-06)
- 6.07.060 (Repealed by Ord. MC-1214, 2-22-06)
- 6.07.070 (Repealed by Ord. MC-1214, 2-22-06)
- 6.07.080 (Repealed by Ord. MC-1214, 2-22-06)

6.07.010 Definitions

- A. “Wild, exotic, dangerous or non-domestic animals” means any animals not specifically addressed within this Title.

6.07.020 Animals Prohibited

No person shall have, keep, maintain, breed, sell or trade any dangerous or poisonous animal within the City limits. No person shall have, keep, maintain, breed, sell or trade any wild, exotic, or non-domestic animal that is prohibited by applicable state and/or federal law within the City limits.

(Ord. MC-1214, 2-22-06)

6.07.030 (Repealed by Ord. MC-1214, 2-22-06)

6.07.040 (Repealed by Ord. MC-1214, 2-22-06)

6.07.050 (Repealed by Ord. MC-1214, 2-22-06)

6.07.060 (Repealed by Ord. MC-1214, 2-22-06)

6.07.070 (Repealed by Ord. MC-1214, 2-22-06)

6.07.080 (Repealed by Ord. MC-1214, 2-22-06)

[\[Return to Municipal Code Contents\]](#)

Chapter 6.08 DOGS

Sections:

- 6.08.010 Findings
- 6.08.020 Number of Dogs Permitted
- 6.08.030 License Required
- 6.08.040 License and Tag Required - Fees
- 6.08.050 License - Application
- 6.08.060 License-Issuance
- 6.08.070 (Repealed by Ord. MC-1214, 2-22-06)
- 6.08.080 Applicability of Chapter
- 6.08.090 Ban on the Sale of Research Animals
- 6.08.100 Rabies Vaccination Required-Certificates
- 6.08.110 Vaccination Requirement
- 6.08.120 Exemption from Rabies Vaccination During Illness
- 6.08.130 Running at Large - Impoundment
- 6.08.140 Running at Large
- 6.08.145 Methods of Restraint - Improper Restraint
- 6.08.150 Vaccination of Other Animals
- 6.08.160 Reporting of Animal Bites
- 6.08.170 Confinement or Destruction of Dogs and Cats Suspected of Having Rabies
- 6.08.180 Confinement or Destruction of Dogs and Cats Which Have Bitten a Person
- 6.08.190 Confinement or Destruction of Other Animals
- 6.08.200 Concealment or Withholding of Animals
- 6.08.210 Animals and Vehicles
- 6.08.220 Animal Bite

6.08.010 Findings

The Mayor and Common Council find that local governments are required to adopt policies for the protection of the public against rabies pursuant to the California Rabies Control Program and Health and Safety Code §121690. In order to maintain compliance with relevant State and County requirements, the following Chapter is enacted.

6.08.020 Number of Dogs Permitted

It is unlawful for any person, firm or corporation to own, harbor or keep on or at any lot, premises or place more than three dogs which are four or more months of age, except as may be permitted by the provisions of Title 19.

(Ord. MC-460, 5-15-85; Ord. 3613, 12-20-76; Ord. 2926, 7-30-68; Ord. 821, 8-09-1921)

6.08.030 License Required

It is unlawful for any person, firm or corporation to own or harbor any dog within the City, except as provided in this Chapter, without securing a license therefor, and maintaining a tag thereon, as specified in this Chapter.

(Ord. MC-639, 9-22-88)

6.08.040 License and Tag Required – Fees

- A. Each person, firm or corporation owning, harboring or having custody or control of a dog of the age of four months or more within the City shall obtain at least annually a license and tag for the dog. License and tag fees are payable in advance. If the appropriate fee is not paid when due, a delinquency penalty shall be added to the fee. A fee shall be charged for any additional tag issued to replace a lost, stolen, misplaced or damaged tag and shall be charged for the transfer of ownership of a licensed dog to a new owner in lieu of a fee for a new license for the remainder of the licensing period in which the transfer occurs. If a dog has a current license from another licensing jurisdiction and has a current rabies vaccination, said license shall be recognized by the City upon a payment of a transfer fee.
- B. If any person, firm or corporation acquires the ownership, custody or control of a dog, the new owner shall obtain the license required by this Title within 30 days after acquiring the ownership, custody or control of such dog, if the dog is then of the age of four months or more, or within 30 days after such dog attains the age of four months. The license shall expire the same month as the month the rabies vaccination expires. The first license fee for a dog may be prorated to expire at the same time as the rabies vaccination expires.
- C. Moneys received during the current year for a license shall be first applied to the payment of delinquent fees, sums and penalties due during the preceding year(s), and any balance remaining thereafter shall be applied to the payment of the current license fees and penalties. A license issued during any prior year to the

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 6 Contents\]](#)

same owner for license shall be prima facie evidence in any court or administrative proceeding that the dog was continuously owned by the same owner from the prior year to the current year.

(Ord. MC-1214, 2-22-06; Ord. MC-639, 9-22-88; Ord. MC-528, 7-09-86; Ord. MC-363, 4-17-84; Ord. MC-50, 5-07-81; Ord. 3937, 5-12-80; Ord. 3577, 6-07-76; Ord. 821, 8-09-1921)

6.08.050 License - Application

No license to own or harbor a dog, as provided in this Chapter, shall be issued except upon an application to authorized employees of the City setting forth the name and address of the owner or possessor of the dog, a brief description of the dog, and proof of the vaccination of the dog to prevent rabies.

(Ord. 3452, 10-30-74; Ord. 821, 8-09-1921)

6.08.060 License - Issuance

Authorized employees of the City, upon the receipt of such application and the license fee aforesaid, shall issue and deliver to such owner or possessor a license certifying the payment of the license fee, and setting forth the name and address of the applicant and a brief description of the dog, and the number allotted to such dog, and upon receipt of the requisite fees, shall deliver to the applicant a tag which shall set forth the date of the license, and the number allotted to such dog, which tag shall at all times be affixed to the collar, harness or other article worn by such dog; provided, however, that no license for a dog shall be issued unless the owner shall have paid the license fee required therefor and shall have exhibited to authorized employees of the City a certificate of the vaccination of the dog to prevent rabies, signed by a duly licensed veterinarian.

(Ord. 3307, 11-09-72; Ord. 1482, 10-20-31; Ord. 821, 8-09-1921)

6.08.070 (Repealed by Ord. MC-1214, 2-22-06)

6.08.080 Applicability of Chapter

This Chapter shall not be applicable to dogs under the age of four months, and which are kept within enclosures and are not permitted to run at large.

(Ord. 2561, 3-03-64; Ord. 821, 8-09-1921)

6.08.090 Ban on the Sale of Research Animals

City shall not sell, for research purposes, any animal to any person or organization.
(Ord. MC-266, 4-21-83 ; Ord. MC-145, 3-16-82; Ord. MC-88, 8-04-81; Ord. MC-50, 5-07-81;
Ord. 3965, 9-10-80; Ord. 3827, 5-22-79; Ord. 3803, 2-08-79;
Ord. 3185, 7-13-71; Ord. 821, 8-09-1921)

6.08.100 Rabies Vaccination Required - Certificates

- A. Every person, firm or corporation who owns, harbors, keeps or possesses, or has in his or her care, charge, custody or control any dog over four months of age shall cause such dog to be vaccinated against rabies by or under the direction of any duly licensed veterinarian, with a rabies vaccine approved by the State Department of Health Services for use in dogs. Such vaccinations shall be repeated at intervals specified by the State Department of Health Services in order to maintain adequate immunity. Compliance with the rabies vaccination provisions shall be a condition to the issuance or renewal of a dog license.
- B. Each duly licensed veterinarian who vaccinates or causes or directs to be vaccinated any animal with a rabies vaccine shall complete and sign a rabies certificate in triplicate. The veterinarian shall keep one copy and shall give one copy to the owner or keeper of the vaccinated animal. The veterinarian shall submit to Animal Control a legible copy of each certificate within five days of the beginning of each month, for any animal so vaccinated during the previous month.

(Ord. MC-833, 5-19-92; Ord. MC-639, 9-22-88;
Ord. 2561, 3-03-64; Ord. 821, 8-09-1921)

6.08.110 Vaccination Requirement

It is unlawful for any person, firm or corporation to own or harbor any dog that has not been vaccinated as required by, and in the manner set forth in, §6.08.100.

(Ord. MC-639, 9-22-88; Ord. MC-460, 5-15-85; Ord. 3465, 12-17-74;
Ord. 2171, 5-13-57; Ord. 821, 8-09-1921)

6.08.120 Exemption From Rabies Vaccination During Illness

Notwithstanding any other provisions of this Chapter, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness or condition. Old age, debility, and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval of the Animal Control Division and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt the dog from the licensing requirement.

(Ord. MC-833, 5-19-92)

6.08.130 Running at Large - Impoundment

The Animal Control Officer or authorized City employee shall impound, for a period of time as prescribed by state law, any dog found running at large or unrestrained in the City. If any person does not provide proof of the owner's identity or satisfactory proof of ownership and claim the dog and pay any sums due, including outstanding fines or fees for violations of this Title, license fees, or fees set by the Mayor and Common Council, prior to the expiration of the period prescribed by state law, the dog shall become the property of the City and may be disposed of by authorized employees of the City.

(Ord. MC-625, 5-04-88; Ord. MC-528, 7-09-86; Ord. MC-50, 5-07-81;
Ord. 3452, 10-30-74; Ord. 821, 8-09-1921)

6.08.140 Running at Large

- A. Persons owning, having control or custody of any dog or other animal shall, at all times, keep the animal on a leash (except in an authorized off-leash dog park) or secured by the other suitable means of restraint or confined by a fence on their property or the private property of another, with the permission of the owner of that property, so as to prevent the animal from being at large, biting or harassing any person engaged in a lawful act, interfering with the use of public property or with the use of another person's private property, or being in violation of any other section of this Title.
- B. The provisions of paragraph A of this Section shall not apply to the following:
 - (1) Any dog used by a law enforcement agency.
 - (2) Any dog while participating in a formal dog obedience training program or any dog participating in a dog show or other program expressly permitted or sponsored by the City.

[\[Return to Municipal Code Contents\]](#)

- (3) Any dog within a posted off-leash area in any City park, as established by Resolution of the Mayor and Common Council; provided, however, that nothing herein shall relieve the owner or person having charge, custody, care and/or control of such dog from the responsibility to maintain proper control over the dog nor shall this paragraph be construed as relieving such person from any liability for any damages arising out of his or her use of an off-leash area.

C. In order to be subject to the exemption set forth in paragraph B(3) of this Section, all persons must comply with all requirements of law and the following rules and regulations when utilizing any off-leash area:

- (1) No dog is permitted in an off-leash area except when in the care, custody, and control of a person at least (13) years old. Any person under thirteen (13) years of age must be accompanied by, and be under the direct supervision of, an adult. No person may have more than two dogs in an off-leash area at any one time. No dogs are permitted in the off-leash area except during posted hours of operation.
- (2) All dogs must be at least four months of age, vaccinated for rabies, and currently licensed by the City's Animal Control Division. No dog that is sick, in heat, injured, or less than four (4) months of age, or which displays aggressive behavior towards other dogs or humans is permitted in any off-leash area.
- (3) Any person having care, custody or control of a dog in an off-leash area shall quiet or remove the dog if it barks and shall promptly remove and properly dispose of any waste deposited by such dog.
- (4) No animals other than dogs are permitted in any off-leash area.
- (5) The designated hours of use for the off-leash area shall coincide with the regular hours of the park as designated by §12.68.020 of this Code.
- (6) As a condition of admission to an off-leash area, the owner or person in custody of the dog shall carry a suitable container or instrument for the removal and disposal of dog feces.
- (7) Any person having care, custody or control of a dog in the off-leash area must have in his or her possession a leash for such dog which shall be worn by the dog at all times the dog is not in the off-leash area.
- (8) All persons will otherwise comply with all rules governing City parks and all relevant parking regulations.

(9) The use of an off-leash area by any dog shall constitute consent of the dog's owner or any person having the care, custody or control of the dog, to strictly follow the rules in §6.08.140 and shall constitute a waiver of liability to the City, its elected officials, officers and employees, an assumption of all risks, and an agreement and undertaking to protect, indemnify, defend and hold harmless the City, its elected officials, officers and employees, for any injury or damage to persons or property during any time that the dog is in the off-leash area.

- D. Any person violating any provisions of this section, including, but not limited to, violation of any rules applicable to use of off-leash areas, shall be guilty of an infraction, punishable as set forth in Chapter 1.12 of this Code.
- E. Civil Remedies Available. The violation of any of the provisions of this Ordinance shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

(Ord. MC-1214, 2-22-06)

6.08.145 Methods of Restraint - Improper Restraint

- A. Any person walking a dog on a leash on public property including sidewalks, and the private property of others, must keep the dog on a leash and under physical control being able to restrain the movement of the dog with the leash at all times. The leash must be kept in good condition; of sufficient strength to prevent breaking under pressure; and of material generally resistant to chewing or gnawing by an animal. The leash must be of a length to control the dog from harassing pedestrians or other animals at all times.
- B. Fencing must be adequate in terms of size to the number of dog(s) contained in the fenced area to prevent the dog(s) from escaping, of recognized construction methods, and in compliance with all other sections of the San Bernardino Municipal Code. Gates must be properly secured by a latching or locking mechanism and the height and condition of the fence must be able to prevent the dog(s) from escaping.

A fence should be at least two and one-half (2 ½) times the height of the dog's shoulder when the dog is standing on four (4) legs and be in compliance with all other sections of the San Bernardino Municipal Code. However, should a dog be able to escape from a fenced yard, either by climbing, jumping or digging, additional fencing height, kennels, or other restraint methods may be required in addition to fencing. Fencing must be maintained in continued good condition. Existing fencing

[\[Return to Municipal Code Contents\]](#)

regardless of height will be considered an acceptable means of restraint unless and until a written complaint is filed with the Division of Animal Control and evaluated, or if fencing allows dogs to reach over and harass people on adjacent private property or people on the public right of way.

- C. Invisible fencing may be used as an alternative to traditional fencing as long as the system is installed by an authorized dealer of such products and set up and maintained in the following manner:
 - (1) The owner and handler of the dog receive training regarding the use and maintenance of said system.
 - (2) The owner or handler must post signs visible from the public streets or driveways sufficient to alert the general public upon approaching the property where the fencing is located.
 - (3) Two (2) signs are required stating that the “Dog is confined by electronic device,” the name, address and telephone number of the company, any trademark and/ or logo of either the company that installed the system or the company that maintains the system. Signs shall be at least six (6) inches by eight (8) inches and be displayed in a prominent and visible location.
- D. Dog kennels must be tall enough to prevent the dog(s) from jumping over, or have a secure top, and must be able to prevent dog(s) from digging out. Kennels must have a minimum of 100 square feet for one dog, plus an additional 25 square feet for each additional dog in the same enclosure.
- E. Cable runs are authorized as an alternative to fencing or kennel runs. Cable runs must allow the animal freedom of motion to move about at will within a protected area on the property without becoming tangled in obstacles. The cable runs shall be located in the yard area so as to prevent the dog from traversing upon another person’s property, public sidewalks or public property, and from charging and harassing persons and pedestrians utilizing these properties. Cables must be sized according to the manufacturer’s specifications for the weight of the animal.
- F. Tie-outs must be of sufficient length to allow the animal freedom of movement without becoming tangled, but never less than eight (8) feet in length, excluding the length of the collar. Tie-outs must be made of a nonrigid material. Tie-outs shall not be the primary means of restraint and no animal shall be kept in this manner for more than 3 hours a day.
- G. It is unlawful to use a weighted chain collar as a method of restraint.

- H. No person shall use a dog as a weapon or to threaten or harass other person(s) or animal(s), or keep a dog in such a manner wherein the dog charges a fence, leaps up and reaches across the fence in an assaultive manner to a pedestrian on public property or a neighbor legally on private property.
- I. If a dog is found running at large by the City of San Bernardino Animal Control, the incident shall constitute prima facie evidence that current restraint methods are inadequate, and the owner shall be required to correct any conditions that permitted the dog to run-at-large, and provide such additional restraints as are necessary to secure and maintain the future restraint of the dog.

(Ord. MC-1264, 2-19-08; Ord. MC-1214, 2-22-06)

6.08.150 Vaccination of Other Animals

- A. The same vaccination procedure and exemption shall apply to other animals if the Director of Animal Control or designated officer shall deem this prudent to ensure the safety of the public based on the recommendations of the State Department of Health Services.
- B. Animals shall be vaccinated against rabies with a vaccine currently licensed for use in such animal(s) in the United States and approved for use in such animal by the State Department of Health Services.

(Ord. MC-833, 5-19-92)

6.08.160 Reporting of Animal Bites

- A. Any person having knowledge of an animal bite to a human being shall report such bite to the Animal Control Division immediately.
- B. An owner or custodian of any dog or cat which is known to have been bitten by or having contact with a rabid animal or by an animal suspected of having rabies shall immediately notify the Animal Control Division.

(Ord. MC-833, 5-19-92)

6.08.170 Confinement or Destruction of Dogs and Cats Suspected of Having Rabies

- A. Any dog or cat found within the City reasonably suspected of having rabies, having contact with a rabid or suspected rabid animal, or exhibiting the common symptoms of such disease shall be taken into custody immediately by the Animal Control Officer and confined in the City animal shelter or at a private veterinarian establishment approved by the Director. The animal shall be kept in solitary confinement for such time as recommended by the State Department of Health Services to determine whether the animal is afflicted with rabies.
- B. At the time any such animal is impounded, an attempt shall be made to discover whether the animal has been vaccinated previously against rabies. If it is found that such animal has not been vaccinated effectively, then such animal shall be vaccinated by a licensed veterinarian after the last day of the observation period described in paragraph (A) above, unless the animal is humanely destroyed pursuant to paragraph (C) below.
- C. The Animal Control Officer may cause to be humanely destroyed any dog or cat which, in the opinion of a veterinarian or animal health technician, has rabies, or is in need of confinement pursuant to paragraph (A) above, but such confinement is impossible or impractical. In such circumstance, the Animal Control Officer shall arrange to have the head of such dog or cat examined for the purpose of confirming rabies. If the opinion of a veterinarian or animal health technician is not reasonably obtainable, the Officer may act on his or her own opinion.
- D. All expenses incurred with the enforcement of the provisions of this Section shall be borne by the owner or custodian of the dog or cat.

(Ord. MC-833, 5-19-92)

6.08.180 Confinement or Destruction of Dogs and Cats Which Have Bitten a Person

- A. Every dog or cat which has bitten a person, or is suspected of having bitten a person, shall be quarantined away from other animals for a period of ten (10) days from the date of the bite, or other period of time as determined by the State Department of Health Services. The Animal Control Officer may order the animal quarantined at the shelter, at a private veterinarian clinic, or at the home of the owner, depending on the conditions of the bite, the severity of the bite, previous bite history, the owner's ability to satisfy quarantine orders, and whether or not local ordinances were in observance at the time of the bite.

[Return to Municipal Code Contents]

- B. If the animal does not have a current rabies vaccination, it shall not be vaccinated until the end of the quarantine period.
- C. The Animal Control Officer may cause to be humanely destroyed any dog or cat when, in the opinion of a veterinarian or animal health technician, such confinement as described in paragraph (A) is impossible or impractical. In such cases, the Animal Control Officer shall arrange to have the head of such dog or cat examined for rabies. If the opinion of a veterinarian or animal health technician is not reasonably obtainable, the Officer may act on his or her own opinion.
- D. All expenses incurred with the enforcement of the provisions of this Section shall be borne by the owner or custodian of the dog or cat.

(Ord. MC-833, 5-19-92)

6.08.190 Confinement or Destruction of Other Animals

Any animal, other than a dog or cat, which has bitten a person, has had contact with a rabid or suspected rabid animal, is reasonably suspected of having rabies, or exhibiting the common symptoms of rabies, shall be confined for quarantine purposes or destroyed in accordance with the recommendations of the State Department of Health Services or the local Health Officer.

(Ord. MC-833, 5-19-92)

6.08.200 Concealment or Withholding of Animals

It is unlawful to conceal, withhold or refuse to surrender any animal that is suspected of being rabid, has been bitten by a rabid or suspected rabid animal, or that has bitten a person to prevent it from being confined or destroyed in accordance with this Chapter.

(Ord. MC-833, 5-19-92)

6.08.210 Animals and Vehicles

- A. No person shall transport or carry, on any public highway or public roadway, any dog(s) or other animal(s) in a motor vehicle, unless the animal is safely enclosed within the vehicle or protected by a cap or container, cage or other device, that is adequately ventilated and that will prevent the dog(s) or other animal(s) from falling from, being thrown from, or jumping from the motor vehicle.
- B. No person shall leave a dog or any other animal in an unattended vehicle without adequate ventilation, or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health or welfare.

[Return to Municipal Code Contents]

6.08.220 Animal Bite

No person shall fail to control or restrain an animal thereby allowing it to bite a person or domestic animal on public property or lawfully on private property. A bite is defined as a puncture wound that breaks the skin.

(Ord. MC-1264, 2-19-08; Ord. MC-1214, 2-22-06)

Chapter 6.09 VICIOUS AND POTENTIALLY DANGEROUS DOGS

Sections:

- 6.09.010 Findings**
- 6.09.020 Definitions**
- 6.09.030 Hearing on Declaration of Dog as Potentially Dangerous or Vicious**
- 6.09.040 Determination and Orders; Notice; Compliance**
- 6.09.050 Hearing Officer's Decision Final - Notice**
- 6.09.060 Seizure and Impoundment Pending Hearing**
- 6.09.070 Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous or Vicious**
- 6.09.080 Potentially Dangerous Designation Maintained in Registration Records**
- 6.09.090 Muzzling and Vaccination**
- 6.09.100 Keeping and Controlling Potentially Dangerous Dogs**
- 6.09.110 Death, Sale, Transfer or Permanent Removal; Notice**
- 6.09.120 Posting Property**
- 6.09.130 Removal From List of Potentially Dangerous Dogs**
- 6.09.140 Keeping and Controlling Vicious Dogs**
- 6.09.150 Destruction; Non-Destruction, Conditions; Enclosures**
- 6.09.160 Prohibition of Owning, Possessing, Controlling or Having Custody**
- 6.09.170 Fines and Limits**
- 6.09.180 Severability**

6.09.010 Findings

The Mayor and City Council find that dogs that threaten or injure residents of the City of San Bernardino constitute a public safety threat and shall be controlled by the provisions of this Chapter

(Ord. MC-1470, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

6.09.020 Definitions

A. “Potentially dangerous dog” means any of the following:

- (1) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
- (2) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined by Vicious Dog in Subsection B..
- (3) Any dog which, when unprovoked, attacks and inflicts a severe injury on another domestic animal when off the property of the owner or keeper of the dog or any dog when unprovoked, on two separate occasions in a 36 month period, has bitten or injured a domestic animal when off the property of the owner or keeper.
- (4) Any dog off the property of the owner or keeper of the dog, when unprovoked, has killed a domestic animal.

B. “Vicious dog” means any of the following:

- (1) Any dog seized under Penal Code §599aa and upon the sustaining of a conviction of the owner or keeper under Penal Code §597.5(a).
- (2) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- (3) Any dog previously determined to be, and currently listed as, a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in §6.09.020 or is maintained in violation of Section 6.09.080, 6.09.090, or 6.09.100.

C. “Severe injury” means any physical injury to a human being that results in muscle tears or lacerations or requires multiple sutures, or corrective surgery

(Ord. MC-1264, 2-19-08)

6.09.030 Hearing on Declaration of Dog as Potentially Dangerous or Vicious

If an Animal Control Officer or a law enforcement officer determines that probable cause exists to believe a dog is potentially dangerous or vicious, the officer or his or her immediate supervisor may file a petition with the Hearing Officer for a hearing, as

[Return to Municipal Code Contents]

provided in §6.14.080 of this Code, to determine whether or not the dog in question should be declared potentially dangerous or vicious. Whenever possible, any complaint received from a member of the public shall be sworn to and verified by the complainant and attached to the petition. The Animal Control Division shall notify the owner or keeper of the dog that a hearing will be held and that the owner or keeper may present evidence at the hearing. The Animal Control Division shall serve upon the owner or keeper of the dog the notice of the hearing and a copy of the petition either personally or by first class mail with return receipt requested. The hearing shall be open to the public and held not less than five (5) working days, nor more than fourteen (14) working days, after service of the notice upon the owner or keeper of the dog. The Hearing Officer may admit all relevant evidence, including incident reports and affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The Hearing Officer may decide all issues even if the owner or keeper fails to appear at the hearing. The Hearing Officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this Chapter.

6.09.040 Determination and Orders; Notice; Compliance

After the hearing conducted pursuant to §6.09.030, the owner or keeper of the dog shall be notified, either personally or by first-class mail, postage prepaid, in writing of the determination and orders issued. If the Hearing Officer determines that the dog is potentially dangerous or vicious, the owner or keeper shall comply with §§6.09.080 through 6.09.140 within ten (10) days after the date of the order or as specified by the Hearing Officer.

6.09.050 Hearing Officer's Decision Final - Notice

The written decision of the Hearing Officer shall be final, subject to the right to judicial review of any aggrieved party pursuant to Food and Agriculture Code section 31622. The City shall cause notice of the Hearing Officer's decision to be served upon the owner of the dog either personally, or by first class mail, postage prepaid, forthwith upon issuance.

(Ord. MC-1470, 3-07-18)

6.09.060 Seizure and Impoundment Pending Hearing

If the Animal Control Officer or law enforcement officer determines that probable cause exists to believe the dog in question poses an immediate threat to public safety, or if the animal was previously declared potentially dangerous or vicious and the owner is found to be in violation of the hearing order or of any provisions of this chapter and probable cause exists to believe the dog poses an immediate threat, he or she may seize and impound the dog pending the hearings held pursuant to this Chapter. If the dog is later adjudicated potentially dangerous or vicious or if the owner is found to be in violation

[\[Return to Municipal Code Contents\]](#)

of this chapter, the owner or keeper of the dog will be liable for costs and expenses of impounding the dog. If the Animal Control Officer determines that the impoundment is not contrary to public safety, he or she shall permit the animal to be confined in a City-approved kennel or veterinary facility, at the owner's expense.

(Ord. MC-1214, 2-22-06)

6.09.070 Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous or Vicious

- A. The Hearing Officer may not declare a dog potentially dangerous or vicious if the dog inflicted injury or damage to a person committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.
- B. The dog may not be declared potentially dangerous or vicious if it was protecting or defending a person within the dog's immediate vicinity from an unjustified attack or assault.
- C. A dog may not be declared potentially dangerous or vicious if the injury or damage was sustained by a domestic animal that was teasing, tormenting, abusing or assaulting the dog.
- D. A dog may not be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner or keeper, and the damage or injury was to a type of domestic animal appropriate to the dog's work.

6.09.080 Potentially Dangerous Designation Maintained in Registration Records

Notwithstanding the provisions of Chapter 6.08 regarding licensing and vaccination, all potentially dangerous dogs shall be properly licensed and vaccinated. A dog determined to be potentially dangerous will be so designated in its registration records. The City may charge a potentially dangerous dog or vicious dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog. Any fees regarding this section shall be set by Resolution of the Mayor and City Council.

(Ord. MC-1470, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

6.09.090 Muzzling and Vaccination

The Hearing Officer may, by order, require the muzzling of any dog owned or harbored within the City that is found to be potentially dangerous or vicious, and may specify the period of time during which such dog shall be so muzzled. Any dogs running at large which are not vaccinated, or which are not muzzled, pursuant to such order, shall be forthwith put to death by authorized employees of the City. Such muzzling must not cause injury to the dog or interfere with the animal's vision, respiration or its ability to drink.

6.09.100 Keeping and Controlling Potentially Dangerous Dogs

The owner or keeper of a potentially dangerous dog must keep the dog indoors or in a securely fenced enclosure from which the dog cannot escape and into which children cannot trespass. A potentially dangerous dog may be off the owner or keeper's premises only if it is restrained by a substantial leash, not to exceed six (6) feet in length, and if it is under the direct physical control of a responsible adult.

6.09.110 Death, Sale, Transfer or Permanent Removal; Notice.

The owner or keeper of a potentially dangerous dog must notify the Animal Control Division if the potentially dangerous dog dies, is sold, transferred, or permanently removed from the City of San Bernardino.

6.09.120 Posting Property

The Hearing Officer may order that the owner of a potentially dangerous or vicious dog conspicuously post the property with warning signs where the potentially dangerous or vicious dog is housed.

6.09.130 Removal From List of Potentially Dangerous Dogs

Upon receipt of a petition from the dog owner, the Hearing Officer may remove a dog from the list of potentially dangerous dogs if no additional instances of behavior described in Chapter 6.09 occur within a thirty-six month period from the date of designation as a potentially dangerous dog.

6.09.140 Keeping and Controlling Vicious Dogs

The owner or keeper of a vicious dog shall maintain the dog pursuant to the conditions imposed by §6.01.060 and the provisions of this Chapter.

6.09.150 Destruction; Non-Destruction, Conditions; Enclosures

A vicious dog may be destroyed if the Hearing Officer determines that the release of the dog would create a significant threat to the public health, safety and welfare. If the

[\[Return to Municipal Code Contents\]](#)

Hearing Officer determines that the vicious dog should not be destroyed, the Hearing Officer must impose conditions upon the dog's owner or keeper that will protect the public health, safety, and welfare. If one of the conditions is to require that the vicious dog be confined in an enclosure, the enclosure must be designed in order to prevent the animal from escaping and include a fence or structure suitable to prevent children from entering.

6.09.160 Prohibition of Owning, Possessing, Controlling or Having Custody

The City of San Bernardino may prohibit the owner of a vicious dog from owning, possessing, controlling or having custody of any dog for a period of up to three years if the Hearing Officer finds, after proceedings conducted under §§6.09.030 through 6.09.050, that such ownership or possession would create a significant threat to the public health, safety and welfare.

6.09.170 Fines and Limits

Any violation of this Chapter involving a declared potentially dangerous dog or a declared vicious dog shall be punishable as a misdemeanor.

6.09.180 Severability

If any provision of this Title or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the Title which can be given effect without the invalid provision or application, and, to this end, the provisions of this Title are severable.

Chapter 6.10 CATS

Sections:

- 6.10.010 Findings**
- 6.10.020 Number of Cats Permitted**
- 6.10.030 Cat Fancier Permit**

6.10.010 Findings

The Mayor and Common Council find that cat owners who allow their cat(s) to cause a public nuisance shall be responsible for maintaining their cat(s) in such a manner as to prevent their cat(s) from interfering with the comfortable enjoyment of life and property by the surrounding community.

6.10.020 Number of Cats Permitted

It is unlawful for any person, firm or corporation to own, harbor or keep on or at any lot, premises or place more than five cats which are four or more months of age, except as may be permitted by the provisions of Title 19 or as may be permitted by this Chapter.

6.10.030 Cat Fancier Permit

It is unlawful for any person, firm or corporation to own, harbor or care for more than five cats over the age of four months without obtaining a fancier permit from the Division of Animal Control. The Division of Animal Control may issue a fancier permit under the following conditions:

- (1) All cats owned, harbored or cared for shall be kept in compliance with §6.01.060 of this Title and any sections of this Title relating to cats.
- (2) The fee, or fees, for a fancier permit shall be set by Resolution of the Mayor and Common Council and shall be in addition to any other permits, licenses or fees required by this Title.
- (3) The number of cats permitted per residence shall be based upon the following criteria:
 - (a) Property up to 10,000 square feet: a maximum of ten (10) cats.
 - (b) Property between 10,001 square feet and 15,000 square feet: a maximum of fifteen (15) cats.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 6 Contents\]](#)

- (c) Property between 15,001 square feet and 20,000 square feet: a maximum of twenty (20) cats.
 - (d) No property shall exceed twenty cats (20) cats.
 - (e) No person residing at the property where the permit is to be issued may have two or more convictions of this Title, any conviction of anti-cruelty laws, or any conviction of animal fighting laws that have occurred in the eighteen (18) month period prior to the application for the permit.
- (4) The Animal Control Officer shall be admitted to enter and inspect any property or premises at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this Title or State animal law.
 - (5) Any violation of this Title or any State animal law shall constitute reasonable grounds for the revocation of a fancier permit.
 - (6) Failure to pay fines associated with any animal violations, failure to pay any associated permit fees, refusal of an inspection by an authorized Animal Control Officer or a conviction of animal cruelty laws shall constitute reasonable grounds for the revocation of a fancier permit.

Chapter 6.11 QUARANTINE

Sections:

6.11.010 Skunks

6.11.010 Skunks

- A. Pursuant to Health and Safety Code §§121575 through 121635, and as directed by, and in accordance with §2606.8 of the California Code of Regulations, Title 17, there is established a quarantine prohibiting in the City:
- (1) The trapping or capture of skunks for pets;
 - (2) The trapping, capture, holding in captivity, or breeding of skunks for sale, barter, exchange or gift; and,
 - (3) The transportation of all skunks from or into the City is prohibited except by permit from the State Department of Health Services to recognized zoological gardens or research institutions.
- B. This quarantine shall continue as long as skunk rabies remains a problem in California and until revoked by the County Health Officer.
- C. The Health Officer of the County is authorized and directed to enforce the provisions of this Chapter.

(Ord. MC-460, 5-15-85; Ord. 2968, 1-21-69; Ord. 821, 8-09-1921)

Chapter 6.12 POLICE DOGS

Sections:

6.12.010 Interference with Police Dogs

6.12.010 Interference with Police Dogs

It is unlawful for any person, in a manner not otherwise prohibited by Penal Code §597, to tease, harass, agitate, provoke, beat, kick, strike, injure, or in any way interfere with any dog being used by any police officer in the performance of his or her official duties.

(Ord. MC-388, 7-11-84)

Chapter 6.13 ENFORCEMENT - PENALTY

Sections:

6.13.010 Penalty for Violation

6.13.020 General Penalties

6.13.010 Penalty for Violation

Any person, firm or corporation violating, or causing the violation of, any provision of this Title is guilty of an infraction, unless otherwise stated, which, upon conviction thereof, is punishable in accordance with the provisions of §1.12.010 of this Code.

(Ord. MC-460, 5-15-85)

6.13.020 General Penalties

Each method of enforcement set forth is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violation exists constitutes a separate offense.

- A. Administrative Citation. If a Police Officer, Animal Control Officer, Animal License Checker, or any person designated by Chapter 9.90 of Title 9 of the Municipal Code to enforce the various provisions of this Title believes that a violation exists, he or she may issue an Administrative Citation under the provisions of Chapter 6.14 of the San Bernardino Municipal Code. Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

[\[Return to Municipal Code Contents\]](#)

CHAPTER 6.14

ADMINISTRATIVE CITATIONS

Sections:

- 6.14.010 Legislative Findings; Statement of Purpose**
- 6.14.020 Definitions**
- 6.14.030 Use of the Administrative Citation**
- 6.14.040 Violation; Authority; Fines**
- 6.14.050 Service Procedures**
- 6.14.060 Contents of Citation**
- 6.14.070 Satisfaction of the Administrative Citation**
- 6.14.080 Request for Hearing on an Administrative Citation**
- 6.14.090 Failure to Pay Fines**
- 6.14.100 Hearing Officer's Decision Final - Notice**
- 6.14.110 Severability**
- 6.14.115 Repealed by Ord. MC-1469, 3-07-18**
- 6.14.120 Severability**

6.14.010 Legislative Findings; Statement of Purpose

- A. The Mayor and City Council hereby find that there is a need for an alternative method of enforcement for certain violations of Title 6 of this Code and applicable state codes. The Mayor and City Council further find that an appropriate alternative method of enforcement for animal control violations is an Administrative Citation Program as authorized by Government Code section 53069.4, which is consistent with the City of San Bernardino's authority as a Charter City.
- B. The procedures established in this Chapter shall be in addition to criminal, civil, or any other legal remedy established by law, which may be pursued to address violations of Title 6 of the San Bernardino Municipal Code or applicable state codes.
- C. It is the desire of the Mayor and City Council to secure compliance with Title 6 of the San Bernardino Municipal Code. Such compliance is a matter of local concern and serves an important public purpose.
- D. Adoption of an Administrative Citation Program will achieve the following goals:
 - (1) To protect the public health, safety and welfare of the citizens of the City of San Bernardino;
 - (2) To gain compliance with Title 6 of the San Bernardino Municipal Code in a timely and efficient manner;

[\[Return to Municipal Code Contents\]](#)

- (3) To provide for an administrative procedure to request a hearing on the imposition of administrative citations and fines; and,
- (4) To provide an additional method to hold parties responsible when they fail or refuse to comply with the provisions of Title 6 of the San Bernardino Municipal Code.

(Ord. MC-1469, 3-07-18)

6.14.020 Definitions

- A. “Responsible person” means any of the following:
 - (1) Any person who causes a violation of Title 6 to occur.
 - (2) Any person who maintains or allows an animal violation to continue by his or her acts or failure to act; or,
 - (3) Any person described below whose agent or employee causes or permits a violation to exist or to continue to exist by his or her acts or failure to act:
 - (a) A person who is the owner and/or a person who is a lessee or sub lessee with the current right of possession of real property where an animal related violation occurs; or,
 - (b) A person who is the on-site manager of a business and is responsible for the activities on such premises.
- B. “Animal Control Officer, or, other authorized officer” shall mean any officer or employee with the authority to enforce Title 6 of the San Bernardino Municipal Code as provided in Chapter 9.90 of this Code.
- C. “Applicant” means any responsible person who requests a hearing pursuant to §6.14.080 herein.

6.14.030 Use of the Administrative Citation

- A. Use of the administrative citation is limited to violations of Title 6 of the San Bernardino Municipal Code.
- B. The procedures established in this section shall be in addition to any criminal, civil, or any other legal remedy established by law which may be pursued to address violations of Title 6 of the San Bernardino Municipal Code. The use of the

[\[Return to Municipal Code Contents\]](#)

administrative citation in place of other remedies shall be subject to the approval of the Office of the City Attorney. Issuance of an administrative citation shall not be deemed a waiver of any other enforcement remedies found within this Code.

6.14.040 Violation; Authority; Fines

- A. Any person violating any provision of Title 6 of the San Bernardino Municipal Code may be issued an administrative citation by an Animal Control Officer, or other authorized officer, as provided in this Chapter.
- B. Each and every day a violation of any provision of Title 6 of the San Bernardino Municipal Code exists constitutes a separate and distinct offense. Each section of Title 6 of the San Bernardino Municipal Code violated constitutes a separate and distinct violation.
- C. Any fine assessed by means of an administrative citation issued by the Animal Control Officer, or other authorized officer, shall be payable directly to the City of San Bernardino.
- D. Any person who receives an administrative citation shall be required to pay a fine in the following amounts:
 - (1) A fine not exceeding One Hundred Dollars (\$100.00) for the first administrative citation;
 - (2) A fine not exceeding Two Hundred Dollars (\$200.00) for a second administrative citation for violation of the same ordinance if issued within a twelve (12) month period;
 - (3) A fine not exceeding Five Hundred Dollars (\$500.00) for any subsequent issued administrative citation for violation of the same ordinance within a twelve (12) month period.

6.14.050 Service Procedures

In any case where an administrative citation is issued, service of the citation shall be made by complying with the following:

- A. Personal Service. The Animal Control Officer, or other authorized officer, shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign

[\[Return to Municipal Code Contents\]](#)

shall not affect the validity of the administrative citation or of subsequent proceedings; or, if the responsible person cannot be contacted and personally served after reasonable efforts to do so have failed, service may be effected by certified mail.

- B. Mail and Posting. The responsible person, shall be served by certified mail, return receipt requested. Simultaneously, the citation shall be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

6.14.060 Contents of Citation

- A. Each administrative citation shall contain the following information:
 - (1) Date, approximate time, and address or definite description of the location where the violation(s) was/were observed;
 - (2) The Title 6 Code section(s) violated and a description of the violation(s);
 - (3) The amount of the fine for the violation(s);
 - (4) An explanation of how the fine shall be paid and the time period by which it shall be paid;
 - (5) Identification of rights to a hearing, including the time within which the hearing may be requested;
 - (6) The name and signature of the Animal Control Officer, or other authorized officer, issuing the citation; and,
 - (7) A schedule of late fees.
- B. If the violation is one which is continuing, a notice to correct the violation and an explanation of the consequences for failing to correct the violation shall be issued concurrently with the citation.

6.14.070 Satisfaction of the Administrative Citation

Upon receipt of a citation, the responsible person must:

- (A) Pay the fine to the City within fifteen (15) days from the issue date of the administrative citation. All fines assessed shall be payable to the City of San Bernardino. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the City; or,
- (B) File a Request for Hearing pursuant to §6.14.080.

6.14.080 Request for Hearing on an Administrative Citation

- A. Time to file a Request for Hearing.

Any recipient of an administrative citation may contest the citation by completing a Request for Hearing form and returning it to the City Clerk within fifteen (15) days from the date the citation is served or deemed to have been served. A failure to file a timely Request for Hearing shall be deemed a waiver of the right to a hearing on the citation and a failure to exhaust administrative remedies.

- B. Hearing Officer.

The Hearing Officer shall be a neutral contracted by the City to hear such matters.

- C. Hearing procedure.

- (1) No hearing to contest an administrative citation before a Hearing Officer shall be held unless and until a Request for Hearing form has been completed and submitted within the time limits set forth above.
- (2) After receipt of the Request for Hearing form, a hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15), and not more than sixty (60), days from the date that the request for a hearing is filed in accordance with the provisions of this Chapter. The applicant shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- (3) The applicant shall be given the opportunity to testify and present evidence concerning the administrative citation.
- (4) Formal rules of evidence shall not apply.

- D. The administrative citation and any additional documents submitted by the Animal Control Officer, or other authorized officer, shall constitute prima facie evidence of the respective facts contained in those documents.

[\[Return to Municipal Code Contents\]](#)

- E. If the Animal Control Officer, or other authorized officer, submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least ten (10) days prior to the date of the hearing.
- F. At least ten (10) days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the reports and other documents submitted or relied upon by the Animal Control Officer, or other authorized officer. The hearing shall not be conducted according to formal rules of evidence or procedure, but shall be conducted in a manner generally consistent with the Administrative Procedure Act, Government Code §§ 11370, et seq.
- G. The Hearing Officer may continue the hearing and request additional information from the issuing Animal Control Officer, or other authorized officer, or the recipient of the administrative citation prior to issuing findings of fact and statement of decision.
- H. Any person who has filed a “Request for Hearing” and has been notified of the time and date for a hearing pursuant to this Chapter who does not appear at said hearing and does not seek a continuance prior to the hearing shall be deemed to have waived the right to be present at the hearing, and the hearing shall proceed in their absence.
- I. Hearing Officer’s Decision. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer may immediately issue a verbal decision or may issue a written decision within ten (10) working days of the hearing. The decision shall include the reasons therefor and the amount of any fine imposed. Said decision shall also include any conditions pertaining to the correction of the violation(s) and any time limits set for said corrections. If a verbal decision is issued at the hearing, a written decision shall be prepared by the Hearing Officer and mailed to the applicant within ten (10) working days of the hearing. The effective date of the decision shall be the mailing date of the written decision to the applicant.

(Ord. MC-1469, 3-07-18)

6.14.090 Failure to Pay Fines

- A. Failure of any person to pay a fine assessed by administrative citation within the time specified on the citation, or designated by the Hearing Officer as a result of a hearing, shall result in an assessment of an additional late fee in accordance with the following late fee schedule:
 - (1) Failure to pay the administrative citation, if no appeal is filed, within 15 days after the date the citation was issued by an officer shall result in a Twenty-Five Dollar (\$25.00) late penalty assessed.

[Return to Municipal Code Contents]

(2) Any fines and late fees which remain outstanding, when no appeal is filed, thirty (30) days beyond the date the citation was issued by an officer shall have assessed an additional Twenty-Five Dollar (\$25.00) late penalty, for a total of a Fifty Dollar (\$50.00) late fee.

B. The failure of any person to pay an administrative fine within the time frames specified on the citation, or upon the hearing as ordered by the Hearing Officer, shall be considered a debt to the City. To enforce that debt, the Director of Animal Control may file a small claims action or pursue any other legal remedy to collect such money. The City may also recover its collection costs, along with fines assessed, as established by proof of the cost of attempts to collect the debt.

C. It shall be unlawful for any person to fail to abide by any decision of the Hearing Officer.

6.14.100 Hearing Officer’s Decision Final - Notice

The decision of the Hearing Officer shall be issued in writing and shall be final, subject to the right to judicial review of any aggrieved party pursuant to by filing an appeal with the Superior Court of the State of California, County of San Bernardino, in accordance with the time lines and provisions set forth in Government Code § 53069.4.

(Ord. MC-1469, 3-07-18)

6.14.110 Severability

The provisions of this Chapter are severable, and, if any sentence, section, phrase, word or other part of the Title should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1469, 3-07-18)

6.14.115 Repealed by Ord. MC-1469, 3-06-18

6.14.120 Severability

The provisions of this Title are severable, and, if any sentence, section, or other part of the Title should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1114, 1-08-02)

[\[Return to Municipal Code Contents\]](#)

Title 8 HEALTH AND SAFETY¹

Chapters:

- 8.01 Environmental Health Code (EHC)
- 8.02 Inspection Grading of Food Establishments
- 8.03 Apiaries
- 8.05 Collection of Rent for Buildings Ordered Vacated
- 8.06 Distribution of Medicine, Pills or Drugs
- 8.07 (Repealed by Ord. MC-460, 5-15-85)
- 8.09 Treatment of Wounded Persons
- 8.12 (Repealed by Ord. MC-460, 5-15-85)
- 8.14 Yard Sales
- 8.15 Litter
- 8.18 Accumulation of Combustible and Noncombustible Materials
- 8.19 Abatement of Fire Hazards and Hazardous Trees
- 8.21 (Repealed by Ord. MC-1232, 10-03-06)
- 8.24 Solid Waste Collection, Removal, Disposal, Processing and Recycling
- 8.24.5 (Repealed by Ord. MC-1431, 11-10-16)
- 8.25 (Repealed by Ord. MC-1431, 11-10-16)
- 8.27 (Repealed by Ord. MC-1418, 10-05-15)
- 8.30 Public Nuisances
- 8.33 (Repealed by Ord. MC-807, 9-18-91)
- 8.35 (Repealed by Ord. MC-1260, 12-04-07)
- 8.36 Abandoned Vehicles
- 8.38 Signs on Vacant Properties
- 8.39 Seizure and Forfeiture of Nuisance Vehicles
- 8.42 (Repealed by Ord. MC-613, 12-21-87)
- 8.45 (Repealed by Ord. MC-613, 12-21-87)
- 8.48 Hotels and Lodging Houses
- 8.50 Venereal Diseases
- 8.51 Mufflers
- 8.54 Noise Control
- 8.57 Sound Vehicles

¹ For charter provisions authorizing the Common Council to make and enforce all such local, police, sanitary and regulations as pertain to municipal affairs, see Charter §40(b).

- 8.60 Fireworks
- 8.61 Prohibited Fireworks
- 8.63 Explosives and Fires
- 8.65 Destruction of weapons
- 8.66 Moving of Buildings and Oversize Loads
- 8.68 Etching Cream, Aerosol Containers and Certain Marker Pens
- 8.69 Graffiti
- 8.72 (Repealed by Ord. MC-1121, 3-19-02)
- 8.73 No Smoking In Parks
- 8.75 (Repealed by Ord. MC-511, 4-22-86)
- 8.78 Automatic Dialing and Taped Message Alarm Systems
- 8.80 Storm Water Drainage System
- 8.81 Security Alarm Systems
- 8.82 Establishment of Extraordinary Law Enforcement Services
- 8.83 Social Host Accountability
- 8.84 Castor Bean Plants
- 8.87 Railroad Companies
- 8.90 Mobile Home Rents
- 8.93 Bicycles Prohibited in Certain Public Buildings
- 8.95 Animals Prohibited in City Buildings
- 8.97 Smoking Cannabis in Public Places
- 8.99 Personal Cultivation of Cannabis

Chapter 8.01
ENVIRONMENTAL HEALTH CODE (EHC)

Sections:

- 8.01.010 Purpose
- 8.01.020 Exceptions to adopted Code
- 8.01.030 Remedies/Penalties

8.01.010 Purpose

Pursuant to California Health and Safety Code Section 480 et seq., 500 et seq., 1155.5, Title 17 of the California Administrative Code, [now California Code of Regulations] and other relevant state law, for the protection of the environmental public health, the issuance of permits and collection of fees, and providing penalties and remedies for the violation of such regulations, there is hereby adopted by the City of San Bernardino as its Environmental Health Code, that certain Code known as the Uniform Environmental

[\[Return to Municipal Code Contents\]](#)

Health Code, being Chapters 1-11, Division 3, Title III of the San Bernardino County Code, except as provided in Section 8.01.020 following. This Code also specifically adopts Title III, Division 8, Chapters 1 through 11, inclusive, of the San Bernardino County Code, entitled "Underground Storage of Hazardous Substances". The City of San Bernardino designates both the City of San Bernardino, and any employee thereof, and the San Bernardino County Department of Environmental Health Services (DEHS) as the enforcement agencies for the purpose of this Environmental Health Code and all state law pertaining to environmental health. Pursuant to California Government Code Section 50022.6, a copy of said Code is on file in the office of the City Clerk of the City of San Bernardino and the same is hereby adopted and incorporated as fully as if set out at length herein.

(Ord. MC-1545, 10-07-20; Ord. MC-613, 12-21-87)

8.01.020 Exceptions to adopted Code

The Environmental Health Code is amended, changed, or deleted as follows:

Chapter 8 - Article 1 - Refuse Storage is deleted.

Chapter 8 - Article 2 - Refuse collection is deleted.

Chapter 8 - Article 6 - Designated Maintenance Areas is deleted.

(Ord. MC-613, 12-21-87)

8.01.030 Remedies/Penalties

It shall be unlawful for any person or entity to deny access, interfere with, prevent, restrict, obstruct, or hinder either the City of San Bernardino or the Department of Environmental Health Services' (DEHS) employees or agents acting within the scope of their duty or agency. It shall be unlawful for any person to fail to identify oneself upon lawful request by either the City of San Bernardino or the Department of Environmental Health Services (DEHS) employees or agents acting within the scope of their duty or agency. Offering physical resistance or bodily attack upon authorized representative of the City of San Bernardino or DEHS acting within the scope of their duty or agency is a misdemeanor, punishable by imprisonment in the County jail for not less than ten (10) days, without the alternative of a fine.

In addition to criminal prosecution, civil action, and every other remedy or penalty provided by law, public nuisance may be abated or enjoined in an action brought by either the City of San Bernardino or DEHS, or under circumstances immediately dangerous to public health or safety may be summarily abated by either the City of San Bernardino or DEHS enforcement officers as provided herein or otherwise in the manner provided by law for the summary abatement of public nuisances.

[Return to Municipal Code Contents]

Except where punishable as a misdemeanor or felony under state law or herein, any person or entity who violates any provision of this Environmental Health Code (EHC) shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) but not exceeding one hundred dollars (\$100.00) for a first violation, a fine not exceeding two hundred dollars (\$200.00) for a second conviction, within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for the third conviction within one (1) year, the fourth and additional convictions within one (1) year shall be punishable as misdemeanors and shall be punished by a fine not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the County jail for a term not exceeding six (6) months, or both, and such convicted person or entity may in the discretion of the court be adjudged in addition to the above penalties, to be liable to the City of San Bernardino and/or DEHS for all necessary costs incurred in investigation, discovery, analysis, inspection, clean-up and other actual costs incurred by the City of San Bernardino and/or DEHS or its agents pertaining to the violation.

Each day or portion thereof in violation shall be considered a separate and distinct offense. The owner, manager, and operator of every activity or facility subject to the jurisdiction of this EHC shall be responsible for any violation by any employee of any of its provisions. Payment of any penalty or serving any term of imprisonment herein provided shall not relieve any person or entity from the responsibility of correcting the condition constituting the violation.

Unless otherwise stated in this Chapter, any violation of this Chapter may be prosecuted by the City Attorney and be punishable as an infraction or a misdemeanor in accordance with Chapter 1.12 of the San Bernardino Municipal Code.

(Ord. MC-1545, 10-07-20; Ord. MC-613, 12-21-87)

Chapter 8.02

INSPECTION GRADING OF FOOD ESTABLISHMENTS

Sections:

- 8.02.010 Adoption of the San Bernardino County Code**
- 8.02.020 Administering Agency Designated**
- 8.02.030 Schedule and Collection of Fees**
- 8.02.040 Violations - Penalty**

8.02.010 Adoption of the San Bernardino County Code

- A. The City adopts by reference, and makes a part of this Chapter, San Bernardino County Code Chapter 14 of Division 3 of Title 3, entitled “Inspection Grading of Food Establishments” (attached and incorporated herein as Exhibit “A”), with the following exceptions (shown with additions underlined and deletions lined-out):

[\[Return to Municipal Code Contents\]](#)

1. Section 33.1403 Grading, Subsection (c). is amended to read as follows:

(c) Any food establishment that fails to attain at least a “B” grade, as defined herein, shall be issued written notice, through an OIR, by the health official. The food establishment must correct the deficiencies listed in the OIR and must file a written request for a re-score inspection with the health official within 30 days of the OIR. A re-score inspection shall be conducted by the health official and be subject to a re-score inspection fee as provided in the Code, Schedule of Fees. The health official will complete the re-score inspection within ten (10) County business days of food establishment’s filing of a written request for a re-score inspection. A food establishment failing to comply with the OIR, or failing to attain at least a “B” grade on the re-score inspection, may be immediately closed by the health official pursuant to State law and remain closed until at least a “B” grade is achieved on a re-score inspection. Nothing in this provision shall prohibit the health official from immediately closing any food establishment if, at his discretion, immediate closure is necessary to protect the public health pursuant to State law.

2. Section 33.1404 Notice of Closure, is amended to read as follows:

“Notice of Closure” means a public notice that shall be posted by the health official at a food establishment upon suspension or revocation of the food establishment’s public health permit and that results in the closure of the food establishment and the discontinuance of all operations of the food establishment, by order of the health official, because of violations of applicable federal, state, and local laws and regulations relating to the protection of public health. The Notice of Closure shall remain posted until removed by the health official. Removal of the Notice of Closure by any person other than the health official or the refusal of a food establishment to close upon issuance of the written notice of suspension of the public health permit is a violation of this Chapter and may result in the revocation of the food establishment’s public health permit and shall be prosecuted by the City Attorney and be punishable as a misdemeanor as specified in section 33.0112 of this Code Chapter 1.12 of the San Bernardino Municipal Code.

3. Section 33.1406 Posting Requirements -Penalty for Non-Compliance- Documents Available for Public Review, Subsection (c), is amended to read as follows:

(c) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food establishment unless the Letter Grade Card is posted. Removal of the Letter Grade Card or any other signs posted by the health official, is a violation of this Chapter and may

[\[Return to Municipal Code Contents\]](#)

result in the suspension or revocation of the public health permit and shall be prosecuted by the City Attorney and be punishable as an infraction or a misdemeanor as specified in section 33.0112 of this Code Chapter 1.12 of the San Bernardino Municipal Code.

- B. The aforementioned Sections of the San Bernardino County Code, as amended herein, are hereby adopted as the Inspection Grading of Food Establishments Program for the City of San Bernardino.

8.02.020 Administering Agency Designated

The County of San Bernardino Department of Public Health is designated as the administering agency for the City and is authorized to provide the qualified personnel necessary to implement the provisions of this Chapter.

8.02.030 Schedule and Collection of Fees

The schedule of fees contained within the provisions of the San Bernardino County Code, adopted herein, and as which may be modified in the future by the County, is hereby adopted as the fees in effect in the City, and shall be applicable within the City to provide for the administration of this Chapter. The County of San Bernardino shall administer and collect these fees for deposit with the County Treasurer to offset the costs assumed by the County in administering this program.

8.02.040 Violations - Penalty

Unless otherwise stated in this Chapter, any violation of this Chapter may be punishable as an infraction or a misdemeanor in accordance with Chapter 1.12 of the San Bernardino Municipal Code.


(Ord. MC-1271, 5-21-08)

○

Letter Grade Card

Facility: _____

Address: _____



GRADE

A

BLUE

NO CORRECTIVE ACTION REQUIRED MINOR VIOLATION(S) OBSERVED

MAJOR VIOLATIONS OBSERVED IN THE FOLLOWING AREAS:

<ul style="list-style-type: none"> <input type="checkbox"/> Employee Health & Hygienic Practices <input type="checkbox"/> Preventing Contamination by Hands <input type="checkbox"/> Time and Temperature Relationships <input type="checkbox"/> Protection From Contamination <input type="checkbox"/> Food From Approved Sources 	<ul style="list-style-type: none"> <input type="checkbox"/> Highly Susceptible Populations <input type="checkbox"/> Water / Hot Water <input type="checkbox"/> Liquid Waste Disposal <input type="checkbox"/> Vermin
---	--

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY UPON
REQUEST AND IS AVAILABLE AT ENVIRONMENTAL HEALTH SERVICES

TO VIEW ALL FOOD FACILITY SCORES/GRADES, VISIT OUR WEB SITE:
www.sbcounty.gov/dehs

ENVIRONMENTAL HEALTH SPECIALIST

DATE

ENVIRONMENTAL HEALTH SERVICES OFFICES

Central Valley Region	
San Bernardino	951-857-4000
West Valley Region	
San Luis Obispo	805-491-4000
Southwest Region	
San Diego	619-441-4000
Imperial	760-959-4000

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF SBCC § 148004

H2170421 (04/2012)

FIGURE 1

Letter Grade Card

Facility: _____

Address: _____



GRADE

B
GREEN

NO CORRECTIVE ACTION REQUIRED MINOR VIOLATION(S) OBSERVED

MAJOR VIOLATIONS OBSERVED IN THE FOLLOWING AREAS:

- Employee Health & Hygienic Practices
- Preventing Contamination by Hands
- Time and Temperature Relationships
- Protection From Contamination
- Food From Approved Sources
- Highly Susceptible Populations
- Water / Hot Water
- Liquid Waste Disposal
- Vermin

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY UPON REQUEST AND IS AVAILABLE AT ENVIRONMENTAL HEALTH SERVICES

TO VIEW ALL FOOD FACILITY SCORES/GRADES, VISIT OUR WEB SITE:

www.sbcounty.gov/dehs

ENVIRONMENTAL HEALTH SPECIALIST

DATE

ENVIRONMENTAL HEALTH SERVICES OFFICES

- Central Valley Region
- San Bernardino (951) 367-4000
- West Valley Region
- Rancho Cucamonga (951) 368-4000
- Desert Region
- Imperial (760) 939-4100

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF SBCCS 25.149(b)(1)

16-2170-0210 rev. 2/12


FIGURE 2

○

Letter Grade Card

Facility: _____

Address: _____



GRADE

C

RED

NO CORRECTIVE ACTION REQUIRED MINOR VIOLATION(S) OBSERVED

MAJOR VIOLATIONS OBSERVED IN THE FOLLOWING AREAS:

<ul style="list-style-type: none"> <input type="checkbox"/> Employee Health & Hygienic Practices <input type="checkbox"/> Preventing Contamination by Hands <input type="checkbox"/> Time and Temperature Relationships <input type="checkbox"/> Protection From Contamination <input type="checkbox"/> Food From Approved Sources 	<ul style="list-style-type: none"> <input type="checkbox"/> Highly Susceptible Populations <input type="checkbox"/> Water / Hot Water <input type="checkbox"/> Liquid Waste Disposal <input type="checkbox"/> Vermin
---	--

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY UPON
REQUEST AND IS AVAILABLE AT ENVIRONMENTAL HEALTH SERVICES

TO VIEW ALL FOOD FACILITY SCORES/GRADES, VISIT OUR WEB SITE:
www.sbcounty.gov/dehs

ENVIRONMENTAL HEALTH SPECIALIST

DATE

ENVIRONMENTAL HEALTH SERVICES OFFICES

Central Valley Region	
San Bernardino	951-357-4555
West Valley Region	
Riverside/Concepcion	951-340-5510
Imperial Region	
Imperial	760-365-6100

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF SBCCS 149610

16/2/2021 Rev. 2/12

FIGURE 3

Chapter 8.03 APIARIES²

Sections:

- 8.03.010 Nuisance**
- 8.03.020 Maintenance of more than two swarms unlawful**
- 8.03.030 Violation - Penalty**

8.03.010 Nuisance

The Mayor and Common Council do hereby determine and declare that the maintenance of apiaries and the keeping of bees in larger numbers than two stands or swarms within the City has become and is dangerous to the inhabitants of the City, and become and is an obstruction to the free use of property in the City, so as to interfere with and prevent the comfortable enjoyment of life and property of a considerable number of persons, residents of the City; and the maintenance of apiaries and the keeping of bees in larger numbers than two stands or swarms at any one place within the City is a public nuisance.

(Ord. 421, 9-13-1909)

8.03.020 Maintenance of more than two swarms unlawful

It is unlawful for any person, firm or corporation to keep or maintain an apiary or keep or maintain more than two stands or swarms of bees at any one place within the corporate limits of the City.

(Ord. 421, 9-13-1909)

8.03.030 Violation - Penalty

Any person, firm or corporation violating any provision of this chapter is guilty of infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code

(Ord. MC-460, 5-15-85; Ord. 421, 9-13-1909)

² For statutory provisions on bees, see Food and Agricultural Code §29000, et seq.

Chapter 8.05

COLLECTION OF RENT FOR BUILDINGS ORDERED VACATED

Section:

8.05.010 Collection of rent

8.05.010 Collection of rent

It shall be unlawful for any property owner, landlord, manager or agent to demand, accept, receive or retain any payment of rent if the building or portion thereof for which the rent is paid has been ordered vacated by the building official due to the existence of unsafe or dangerous building conditions, unless a lease or rental agreement executed before the effective date of this Chapter provides otherwise, until a new Certificate of Occupancy is issued.

(Ord. MC-804, 8-20-91)

Chapter 8.06

DISTRIBUTION OF MEDICINE, PILLS OR DRUGS

Sections:

8.06.010 Unlawful distribution

8.06.020 Violation - Penalty

8.06.010 Unlawful distribution

It is unlawful for any person, persons, association or corporation, whether as principal, officer, clerk, agent or employee, either for themselves or any other person, persons, association or corporation or otherwise, to distribute or place in any private place, or at or near any residence, or upon any private doorstep, except in the hand of some adult person, any samples or patent medicine, pills or drugs, either in bottle or boxes, or otherwise.

(Ord. 294, 11-17-1903)

8.06.020 Violation - Penalty

Every person, association or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 294, 11-17-1903)

[\[Return to Municipal Code Contents\]](#)

Chapter 8.07
(Repealed By Ord. MC-460, 5-15-85)

Chapter 8.09
TREATMENT OF WOUNDED PERSONS

Sections:

- 8.09.010 Notice to Chief of Police when**
- 8.09.020 Failure to notify an infraction**

8.09.010 Notice to Chief of Police when

Every physician, surgeon, osteopath or other person within the corporate limits of the City of San Bernardino who dresses or treats or prescribes for any wound of any human being, or human beings, who has been wounded, which such wound may have been caused or made by a sharp or blunt instrument or by a bullet or bullets from a gun or pistol, shall immediately notify the Chief of Police or other police officer of the City of San Bernardino that he has so dressed, treated or prescribed for, such wound of a human being.

(Ord. 625, 12-21-16)

8.09.020 Failure to notify an infraction

Every such physician, surgeon, osteopath or other person who fails to so notify the Chief of Police or other police officer of the City that he or she has so dressed, treated or prescribed for such wound of a human being is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 625, 12-21-16)

Chapter 8.12
(Repealed By Ord. MC-460, 5-15-85)

Chapter 8.14 YARD SALES

Sections:

- 8.14.010 Definitions
- 8.14.020 Frequency, Duration, Hours and Permissible Dates
- 8.14.030 Display of Personal Property
- 8.14.040 Signs
- 8.14.050 Estate Sale Exemption
- 8.14.060 Non-Profit Organization Exemption
- 8.14.070 Violation – Penalty

8.14.010 Definitions

- A. “Department” means the Community Development Department of the City of San Bernardino.
- B. “Estate Sale” or “Estate Liquidation” is a type of Yard Sale or auction to dispose of a substantial portion of the materials owned by a person who is recently deceased, or who must dispose of his or her personal property to facilitate a move necessitated by the relocation of the owner due to advanced age or disability and which sale is conducted by a person or entity that has legal authority to make such sale.
- C. "Personal Property" means property which is owned, utilized or maintained by an individual or members of a residence or family and acquired in the normal course of living in or maintaining a residence. It does not include new merchandise or merchandise which was purchased for resale or obtained on consignment.
- D. “Seller” means any of the following:
 - 1. The person authorized by the premises owner to sell the personal property at the Yard Sale;
 - 2. The tenant of the premises where the Yard Sale is conducted;
 - 3. The owner of the premises where the Yard Sale is conducted.
- E. "Yard Sale" means the offer of sale of personal property, open to the public, conducted from or on a premise in any residential or commercial zone. The term “Yard Sale” includes, but is not limited to, all sales entitled, advertised or called "garage sale," "lawn sale," "yard sale," "porch sale," "patio sale”, “estate sale”, “moving sale”, "flea market" or "rummage" sale.

[Return to Municipal Code Contents]

- F. As used in this chapter, the term “Residential Zone” includes any residentially zoned property as defined by the City’s zoning ordinances, or property used for residential purposes as permitted by the City’s Development Code, or premises zoned for another use, providing the actual and principal current use of such premises is for residential purposes. The definition includes both single-family and multiple-family residential

8.14.020 Frequency, Duration, Hours and Permissible Dates

- A. Subject to the additional limitations imposed by paragraphs B and C of this section, no Yard Sale shall be conducted by any Seller or at any location more frequently than twelve (12) times in any calendar year. For purposes of this section, “calendar year” means the twelve (12) month period from January through December, inclusive.
- B. Yard Sales may be conducted up to a maximum period of three (3) consecutive days.
- C. Yard Sales may be conducted only during daylight hours.
- D. Yard Sales shall only be conducted on the third weekend of each month. For purposes of this subsection the term “weekend” means Friday, Saturday and Sunday.

8.14.030 Display of Personal Property

No items other than Personal Property may be sold at any yard sale. Personal Property may not be displayed in the public right-of-way, and all Personal Property shall be arranged so that fire safety service and other officials may have access for inspection at all times during the sale. Personal Property may only be displayed on the days of and between the hours of Yard Sales as provided in this chapter.

8.14.040 Signs

- A. Three unlighted signs shall be permitted not exceeding four (4) square feet in area advertising such Yard Sale. Such signs shall be displayed only during the period of the Yard Sale. The signs shall be permitted only on the property where such Yard Sale is located. Such signs may be posted twenty-four (24) hours prior to the Yard Sale and must be removed immediately following the Yard Sale.

- B. Directional signs not larger than two (2) square feet may be placed on private property provided the person conducting the Yard Sale has obtained the prior consent from the owner or occupant of the premises where the directional sign is placed. There shall be no more than four such directional signs erected for any Yard Sale permitted pursuant to this chapter.
- C. Any signage allowed by this section is prohibited on the public rights-of-way.

8.14.050 Estate Sale Exemption

The child, survivor, or heir of the owner of Personal Property, or a person with legal authority over the Personal Property of another, who is the Seller at an Estate Sale of such Personal Property, and who attests that the Estate Sale is necessitated by the relocation of the owner due to advanced age or disability, or is necessitated by the death of the owner, shall not be subject to the limitations of section 8.14.020 (A) and (D) regarding the permissible dates on which such Yard Sale may be conducted. The person(s) conducting such an Estate Sale shall be required to obtain a permit and shall be subject to all other regulations established herein.

8.14.060 Non-Profit Organization Exemption

Non-profit organizations shall not be subject to the limitations of section 8.14.020(A) and (D) regarding the permissible dates on which such Yard Sale may be conducted provided that the sale is conducted on property owned or leased by said non-profit organization.

8.14.070 Violation – Penalty

- A. Any person who violates or causes violation of any provision of this Chapter shall be deemed guilty of an infraction or misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

A violation of this chapter may be enforced or punished in any manner prescribed by law or through any other process or procedure established or allowed by this code or applicable law.

(Ord. MC-1344, 1-11-11; Ord. MC-1339, 11-16-10)

Chapter 8.15 LITTER³

Sections:

- 8.15.010 Short title
- 8.15.020 Definitions
- 8.15.030 Litter in public places
- 8.15.040 Placement of litter in receptacles so as to prevent scattering
- 8.15.050 Sweeping litter into gutters prohibited
- 8.15.060 Litter in parks
- 8.15.070 Throwing or distributing handbills in public places
- 8.15.080 Placing commercial and noncommercial handbills on vehicles
- 8.15.090 Depositing commercial and noncommercial handbills on uninhabited or vacant premises
- 8.15.100 Prohibiting distribution of handbills where properly posted
- 8.15.110 Distributing commercial and noncommercial handbills at inhabited private premises
- 8.15.120 Dropping litter from aircraft
- 8.15.130 (Repealed by Ord. MC-1343, 12-20-10)
- 8.15.140 Litter on occupied private property
- 8.15.150 Owner to maintain premises free of litter
- 8.15.160 Litter on vacant lots
- 8.15.170 Violation-Penalty

8.15.010 Short title

The ordinance codified in this Chapter shall be known and may be cited as the "Anti-litter Ordinance."

(Ord. 2732, 4-05-66)

8.15.020 Definitions

For the purposes of this Chapter only, 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, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

³ For statutory provisions on littering, see Penal Code §§374-374.b.5.

[Return to Municipal Code Contents]

- A. "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. "Aircraft" shall include helicopters, lighter-than-air powered craft, and balloons.
- B. "City" means the City of San Bernardino.
- C. "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:
 - 1. Which advertises for sale any merchandise, product, commodity, or thing; or
 - 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or taken place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or
 - 4. Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- D. "Garbage" means and includes table refuse, swill, and offal, and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, fruit and includes all animal and vegetable refuse from kitchens and all household waste that has been prepared from or intended to be used as food, or has resulted from the preparation of food and also includes all vegetable trimmings from markets or stores. Articles and things not hereinbefore enumerated are not included in the term "garbage":

dead animals over five pounds in weight, dish or waste water, paper and other combustible or inflammable material, crockery, glass, cans, tins, ashes, wire and sweepings and like materials.

- E. "Litter" means garbage, refuse, and rubbish, as defined in this section, and including, but not limited to, animal excrement, and in addition, all other waste material, if thrown or deposited as prohibited in this chapter, which tends to create a public nuisance.
- F. "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by, general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public, and any current periodical or newspaper which has not been adjudicated as a newspaper of general circulation pursuant to Government Code, Division 7, Chapter 1, but which is nevertheless printed, published, and circulated at regular daily, weekly or monthly periods and which devotes at least fifteen percent of its printed matter to news subjects.
- G. "Noncommercial handbill" means any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- H. "Park" means any public area, owned or used by the City, devoted to active or passive recreation, including, but not limited to, a reservation, playground, recreation center or any other public area in the City.
- I. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- J. "Private premises" means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
- K. "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including but not limited to, garbage, rubbish, ashes, residue from street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.

[\[Return to Municipal Code Contents\]](#)

- L. "Rubbish" means nonputrescable solid wastes consisting of both combustible and noncombustible wastes, including but not limited to, paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, wood, glass, plastic, cloth, bedding, crockery, and similar materials."

(Ord. MC-1194, 5-03-05; Ord. 2747, 5-24-66; Ord. 2732, 4-05-66)

8.15.030 Litter in public places

It is unlawful for any person to throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles for collection, or in official City dumps.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

(Definition of rubbish - In re Pedrosian (1932) 124 Cal.App. 692, 694, 698)

8.15.040 Placement of litter in receptacles so as to prevent scattering

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.

(Ord. 2732, 4-05-66)

8.15.050 Sweeping litter into gutters prohibited

It is unlawful for any person to sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.060 Litter in parks

It is unlawful for any person to throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

[\[Return to Municipal Code Contents\]](#)

8.15.070 Throwing or distributing handbills in public places

It is unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. It is unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful on any sidewalk, street, or other public place within the City for any person to hand out or distribute without charge to the receiver thereof any noncommercial handbill to any person willing to accept it.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.080 Placing commercial and noncommercial handbills on vehicles

It is unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it is lawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.090 Depositing commercial and noncommercial handbills on uninhabited or vacant premises

It is unlawful for any person to throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.100 Prohibiting distribution of handbills where properly posted

It is unlawful for any person to throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if required by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing", "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

[\[Return to Municipal Code Contents\]](#)

8.15.110 Distributing commercial and noncommercial handbills at inhabited private premises

It is unlawful for any person to throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this Chapter, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. The provisions of this section shall not apply to the distribution of mail by the United States, or to newspapers.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.120 Dropping litter from aircraft

It is unlawful for any person in an aircraft to throw out, drop or deposit any object within the City.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.130 Posting notices prohibited (Repealed by Ord. MC-1343, 12-20-10)

8.15.140 Litter on occupied private property

It is unlawful for any person to throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.150 Owner to maintain premises free of litter

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized receptacles for collection.

(Ord. 2732, 4-05-66)

[\[Return to Municipal Code Contents\]](#)

8.15.160 Litter on vacant lots

It is unlawful for any person to throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

(Ord. MC-460, 5-15-85; Ord. 2732, 4-05-66)

8.15.170 Violation - Penalty

- A. Any person, firm or corporation violating or causing or permitting the violation of any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- B. Any officer authorized by law to enforce the San Bernardino Municipal Code, and any person authorized by San Bernardino Municipal Code Chapter 9.90 may enforce this Chapter.

(Ord. MC-1194, 5-03-05; Ord. MC-460, 5-15-85; Ord. MC-254, 3-09-83;
Ord. 3703, 2-09-78; Ord. 3703, 2-09-78; Ord. 2732, 4-05-66)

Chapter 8.18
ACCUMULATION OF COMBUSTIBLE
AND NONCOMBUSTIBLE MATERIALS⁴
(as amended by Ord. MC-1449, 11-01-17)

Sections:

8.18.010	Nuisance determined - Right of entry
8.18.020	Definitions
8.18.030	Notice to property owner - Refusal of owner to comply - Violation a misdemeanor or an infraction
8.18.040	Contents of notice - Appeal
8.18.050	Abatement of nuisance
8.18.060	Report of abatement costs
8.18.061	Recovery of attorneys' fees and report of attorneys' fees
8.18.062	Treble damages
8.18.063	Protest of abatement costs
8.18.065	Council action
8.18.066	Imposition of special assessment lien and notice
8.18.067	Record of nuisance abatement lien
8.18.068	Collection of costs and attorney's fees prior to hearing
8.18.070	Inventory of salvageable matter
8.18.080	Urgent public nuisance-Notice to property owner
8.18.082	Summary abatement of nuisance per se without notice
8.18.090	Penalty for violation

8.18.010 Nuisance determined- Right of entry

- A. The accumulation of any of the following in any yard, lot, or upon any premises within the City except within buildings or in containers or receptacles designed for such storage and accumulation, is unlawful and a public nuisance and dangerous to public health and safety of the inhabitants of the City: rubbish, refuse, debris, waste material and other matter including but not limited to rocks, bricks, scrap metal and other pieces of metal, ferrous and nonferrous, furniture or parts thereof, vegetation, cans, boxes, barrels, bottles, stores of commercial supplies, and other matter whether usable or not, straw, shavings, sacks, bags, litter, weeds, dry grass, dead trees or shrubs or branches thereof, used lumber or wood, combustible waste, fragments of any nature or kind, sawdust, excelsior, printed matter, paper,

⁴ For statutory provisions authorizing cities to compel property owners or occupants to remove weeds and rubbish, See Gov. Code §39501 et seq.

pasteboard, cardboard, cardboard boxes or crockery. No person, firm or corporation shall allow or permit the aforesaid matter to accumulate or be upon her, his or its premises or upon premises controlled by them except within buildings or in appropriate containers or receptacles.

- B. The Fire Chief or his authorized representative, hereinafter called "Fire Chief", or the Community Development Director and his authorized representative, hereinafter called "Director", shall have the right to enter upon private property to determine whether such a public nuisance exists.

(Ord. MC-1449, 11-01-17; Ord. MC-241, 12-21-82; Ord. 3701, 1-24-78; Ord. 3367, 8-22-73)

8.18.020 Definitions

Whenever in this Chapter the following terms are used they shall mean as follows:

- A. "Neglected or abandoned orchard " means an orchard, or part thereof, where trees, or a substantial portion thereof, are in such a condition that the limbs are moribund, with the leaves or branches of the limbs being dead, and where the individual in charge of the orchard is not taking such ordinary care of the orchard as is required for a harvested orchard and is not or has not been watering, discing or spraying such trees for a period of at least six months. The six-month period of time need not be continuous. Neglected or abandoned orchards in the City are places where the trees constitute a fire hazard, or where vagrants or dissolute persons can dwell, and which constitute ugly and unsightly conditions which adversely affect the neighboring properties, and are places from which agricultural pests develop and spread. Such orchards are public nuisances and dangerous to public health and safety, and shall be abated as a public nuisance utilizing the methods and procedures hereinafter set forth in this Chapter.
- B. "Orchard" means any ten or more trees that are of the type that bear stone fruits, citrus fruits or pome fruits, situated together in a grove.
- C. "Fire Chief" means the Fire Chief of the San Bernardino County Fire Protection District and his or her designated representatives within the San Bernardino County Fire Protection District.
- D. "Director" means the Community Development Director and his or her designated representatives.

(Ord. MC-1449, 11-01-17; Ord. 3518, 8-19-75; Ord. 3367, 8-22-73)

8.18.030 Notice to property owner- Refusal of owner to comply- Violation a misdemeanor or an infraction

- A. The Fire Chief or Director shall notify the owner, occupant or agent thereof, or person in charge or control of the property, each hereinafter referred to as "owner", personally or by certified mail of such accumulation and shall conspicuously post such notice in writing on any lot or premises upon which the Fire Chief or Director determines after investigation that such public nuisance exists. Such notice shall bear a title with the words "Notice To Clean Premises" in letters not less than one inch in height, and it shall direct the abatement of the nuisance and refer to this Chapter for particulars. Such notice shall require the owner to commence the abatement within five days and to complete such abatement within ten days from the date of the notice. Notices which are served by certified mail shall be addressed to the owner of the property at the address ascertained from title company records or as otherwise known. Service by certified mail shall be deemed complete upon deposit in a public receptacle for United States mail. The notices shall specify that a failure to comply with the notice is a misdemeanor or an infraction.
- B. Any firm, corporation, owner, agent, occupant, or person in charge or control of real property who refuses or neglects to remove and abate any accumulation of matter described in Section 8.18.010 within the ten-day period set forth in any "Notice To Clean Premises" served upon them shall be guilty of a misdemeanor or an infraction. Each succeeding day that a person, firm or corporation refuses or neglects to remove and abate the matters determined to be a nuisance shall constitute a separate misdemeanor or infraction under this section. In the case of an appeal filed pursuant to Section 8.18.040, the time period for required removal and abatement shall be extended as set forth in Section 8.18.040.
- C. The Fire Chief or Director shall enforce the provisions of this Chapter and are authorized to make arrests and issue notices pursuant to Chapter SC of Part 2 Title 3 of the Penal Code of the State of California.
- D. Any person, firm or corporation violating any provision of this Chapter is guilty of a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- E. The conviction of a misdemeanor or an infraction under this Chapter shall have no effect on any abatement process or procedure followed by the City

(Ord. MC-1449, 11-01-17; Ord. MC-460, 5-15-85; Ord. MC-241, 12-21-82;
Ord. 3701, 1-24-78; Ord. 3367, 8-22-73)

[\[Return to Municipal Code Contents\]](#)

8.18.040 Contents of notice- Appeal

- A. Any notice issued by the Director (i.e., City) shall state that any time within ten days from the date of posting and service of such notice any person may appeal the decision of the Director by filing written objections thereto with the City Clerk. The Director shall then cause the matter to be set for hearing before a Hearing Officer contracted by the City to hear such matters.
- B. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than fifteen days from the date when notice of the hearing is given to the appellant and to the Director.
- C. At the time fixed in the notice, the Administrative Hearing Officer shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance.
- D. At the conclusion of the hearing, the Hearing Officer shall determine whether or not a nuisance exists, and if the Hearing Officer so concludes, he or she may declare the conditions existing to be a nuisance and direct the person owning the property upon which the nuisance exists to abate it within ten days after the date of posting on the premises a notice of the Hearing Officer's order. The Hearing Officer may amend time to abate the nuisance, if in his or her opinion, there exists good cause for the amendment of time to abate.
- E. The decision of the Hearing Officer on the determination of nuisance is final. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time.
- F. Any notice issued by the Fire Chief (i.e., County) shall be appealable pursuant to the Appeal Procedure set forth under Section 23.310 of the San Bernardino County, California Code of Ordinances.

(Ord. MC-1449, 11-01-17; Ord. MC-344, 2-22-84; Ord. 3838, 6-19-79;
Ord. 3701, 1-24-78; Ord. 3367, 8-22-73)

8.18.050 Abatement of nuisance

In the event the nuisance is not abated by the owner, the Fire Chief or Director is authorized to cause such nuisance to be abated by removing the rubbish, refuse, debris, waste material, and other matter including but not limited to rocks, bricks, scrap metal and other pieces of metal, both ferrous and nonferrous, furniture or parts thereof, vegetation, cans, boxes, barrels, bottles, stores of commercial supplies, and other matter, whether usable or not, straw, shavings, sacks, bags, litter, weeds, dry grass, dead trees or shrubs

[Return to Municipal Code Contents]

or branches thereof, used lumber or wood, combustible waste, fragments of any nature or kind, sawdust, excelsior, printed matter, paper, pasteboard, cardboard, cardboard boxes or crockery. The Fire Chief or Director and any contractor hired by the City for such purpose shall have the right to enter upon private property to abate the public nuisance.

(Ord. MC-1449, 11-01-17; Ord. MC-344, 2-22-84; Ord. 3838, 6-19-79;
Ord. 3701, 1-24-78; Ord. 3367, 8-22-73)

8.18.060 Report of abatement costs

- A. The Fire Chief or Director shall thereafter cause a report of the action and an accurate account of the costs to be filed with the City Clerk of the City of San Bernardino.
- B. The statement shall be accompanied by a notice to the owner that the cost of abatement may be protested as set forth in Section 8.18.063

(Ord. MC-1449, 11-01-17; Ord. MC-1418, 10-05-15; Ord. MC-344, 2-22-84;
Ord. MC-178, 7-07-82; Ord. 3367, 8-22-73)

8.18.061 Recovery of attorneys' fees and report of attorneys' fees

In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorneys' fees. The recovery of attorneys' fees by the prevailing party shall be 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 attorneys' fees.

In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. The City Attorney's Office shall thereafter cause a report of the action and an accurate account of costs to be filed with the City Clerk of the City of San Bernardino.

(Ord. MC-1449, 11-01-17)

8.18.062 Treble damages

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this ordinance, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, related to substandard buildings, the court may order the owner to pay treble the costs of the abatement.

(Ord. MC-1449, 11-01-17)

[Return to Municipal Code Contents]

8.18.063 Protest of abatement costs

- A. The property owner may protest the cost of abatement by filing a written request for a hearing on the abatement costs with the Fire Chief or Director, whoever caused the nuisance to be abated, and the Fire Chief or Director shall cause a hearing to be set before the Administrative Hearing Officer. At the time fixed for the hearing on the statement of abatement costs, the Administrative Hearing Officer shall consider the statement and protests or objections raised by the person liable to be assessed for the cost of the abatement.
- B. The Hearing Officer may revise, correct or modify the statement as the Hearing Officer considers just and thereafter shall confirm the cost.
- C. The decision of the Hearing Officer shall be in writing and shall be served by mail. The decision of the Hearing Officer on the abatement costs shall be final.
- D. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time

(Ord. MC-1449, 11-01-17)

8.18.065 Council action

- A. If the property owner does not pay the cost of abating the nuisance within thirty calendar days after the cost becomes final or the hearing officer confirms the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the date of confirmation of the statement until payment. The assessment may 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 the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.
- B. The Director shall notify the property owner in writing of the property owner's right to be publicly heard by City Council prior to City Council adopting a resolution assessing such unpaid costs of abatement as liens upon the respective parcels of land. The notice shall include the date, time, and location of the public hearing.
- C. The City Council shall adopt a resolution at a public hearing assessing such unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

(Ord. MC-1449, 11-01-17)

[\[Return to Municipal Code Contents\]](#)

8.18.066 Imposition of special assessment lien and notice

- A. The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land, adopted pursuant to the preceding section.
- B. Notice of lien shall be mailed by certified mail to the property owner, if the property owner's identity can be determined from the County Assessor's or County Recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three 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.
- C. The County Auditor shall enter each assessment on the County tax roll upon the parcel of land. The 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 procedure 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 a 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. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

(Ord. MC-1449, 11-01-17)

8.18.067 Record of nuisance abatement lien

As an additional remedy, the Director may cause a nuisance abatement lien for costs related to abatements, other than dangerous building abatements, to be recorded with the San Bernardino County Recorder's Officer, pursuant to the provisions of Government Code Section 38773.1.

(Ord. MC-1449, 11-01-17)

[\[Return to Municipal Code Contents\]](#)

8.18.068 Collection of costs and attorney's fees prior to hearing

The City may accept payment of any amount due at any time prior to the filing of a certified copy of the City Council resolution assessing the abatement costs with the County Auditor.

(Ord. MC-1449, 11-01-17)

8.18.070 Inventory of salvageable matter

- A. When any of the matter referred to in Section 8.18.010 or other materials have been removed from the yard, lot or premises pursuant to the abatement procedures set forth in Sections 8.18.050 and 8.18.060 and have been determined by the Director to be salvageable, the matter and materials shall be inventoried and held and retained by the Director for a period of at least thirty days after written notice that the matter and materials are being held at a specified place for delivery to the owner thereof and a copy of the inventory has been served, by certified mail, to the last address of record, postage prepaid, or by personal delivery, upon the owner.

- B. In the event the owner does not take possession of and remove at his own expense the matter and materials from the place where stored by the Director within thirty days after the service upon him, the City shall have a lien against the matter and materials for storage charges for the thirty day period, and the matter and materials shall thereafter be appropriated for the use of the City or disposed of or sold at public auction as follows:
 - 1 Notice of such sale describing the matter and material in sufficient detail for its identification shall be published once by the Director at least five days before the time fixed for the sale in a regularly published newspaper of general circulation in the City.
 - 2 The matter and materials offered for sale shall be sold to the highest bidder for cash, provided that the Director may, at his discretion, fix a minimum sale price and may refuse to sell unless the minimum price is offered.
 - 3 Proceeds of the auction sale or sales shall be applied towards the cost of abatement of the nuisance and the remainder, if any, shall be deposited with the Finance Department, to be placed in the general fund thereof; provided, that in the event the costs of conducting the auction sale or sales and the storage charges, combined with the costs of abatement, are less than the proceeds, then the balance or difference between the costs and the total proceeds shall be refunded to the owner.

(Ord. MC-1449, 11-01-17; Ord. MC-344, 2-22-84; Ord. 3367, 8-22-73)

[Return to Municipal Code Contents]

8.18.080 Urgent public nuisance - Notice to property owner

If the Fire Chief or Director determines that a nuisance consisting of any or all matter referred to in Section 8.18.010 constitutes an urgent public nuisance, he shall notify the owner or occupant of the lot or premises to abate the same, and if the nuisance is not abated within forty eight hours after service or posting of notice and no appeal to the Fire Chief or Director is pending, then the Fire Chief or Director shall cause the lot or premises to be cleared of all such matter and the nuisance to be abated, and the expense of such clearing shall be a lien on the lot.

The notice given shall state that the finding of an urgent nuisance may be appealed to the City Clerk within forty-eight hours of receipt. If abatement is ordered upon appeal to the Fire Chief or Director, the abatement shall be completed within forty-eight hours of the decision.

In any case, the Fire Chief or Director may extend the time within which the nuisance is to be abated if abatement cannot be completed within forty-eight hours. The notice required under this section shall be in writing and shall be delivered to the owner at the address appearing in records of a title company or as may be known, except if the owner cannot be located after a reasonable, good faith effort, then notice may be delivered to the occupant of the premises or conspicuously posted on such lot or premises. If the owner does not reside within the City of San Bernardino, the notice of nuisance may be sent by special delivery mail, and shall be effective twenty-four hours after mailing. Actual notice by telephone, supplemented by mailing, shall be effective as of the time of the telephoned notice.

The procedures to be followed with respect to the assessment of the expenses of abatement shall be the same as those set forth in Section 8.18.060 and Chapter 8.30.

"Urgent public nuisance" as employed in this section means a condition of property which is a menace to public health or safety or constitutes a fire hazard under conditions which would be judicially determined to be a nuisance per se or a nuisance in fact, or where the destruction or removal of the objectionable items is reasonably necessary under the circumstances to prevent immediate harm to the public.

(Ord. MC-1449, 11-01-17; Ord. MC-1418, 10-05-15; Ord. MC-279, 6-21-83;
Ord. MC-241, 12-21-82; Ord. MC-178, 7-07-82; Ord. 3367, 8-22-73)

8.18.082 Summary abatement of nuisance per se without notice

In cases where the Fire Chief or the Director finds the existence of a public emergency or threatening public calamity or where immediate action is essential, he may order the abatement of any or all matter referred to in Section 8.18.010 without notice or hearing, and the expense of such abatement shall be a lien on the lot.

[\[Return to Municipal Code Contents\]](#)

The matter referred to in Section 8.18.010 which may be abated pursuant to this section shall be those things which are by the common or statute law declared to be nuisances per se, or which are in their very nature palpably and indisputably such.

The procedures to be followed with respect to the assessment of the expense of abatement shall be the same as those set forth in Section 8.18.060 and Chapter 8.30.

(Ord. MC-1449, 11-01-17; Ord. MC-1418, 10-05-15; Ord. MC-280, 6-21-83)

8.18.090 Penalty for violation

Any person, partnership, firm or corporation, whether as principal, agent, employee, or otherwise, interfering, obstructing or preventing or causing the interference, obstruction or prevention, of or with, the enforcement or performance of any of the provisions of this Chapter by the Fire Chief, Director, or other authorized person is guilty of a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1449, 11-01-17; Ord. MC-460, 5-15-85; Ord. 3367, 8-22-73)

Chapter 8.19 **Abatement of Fire Hazards and Hazardous Trees** **(added by Ord. MC-1445, 5-15-17)**

Sections:

- 8.19.010 Adoption by Reference**
- 8.19.020 Interpretation of County Weed Abatement Code as applied to City**
- 8.19.030 Amendments, additions, and deletions to County Weed Abatement Code**
- 8.19.040 Remedies and Penalties**

8.19.010 Adoption by Reference

Chapter 3 of Division 3 of Title 2 of the San Bernardino County Code entitled "Abatement of Fire Hazards and Hazardous Trees" (§§23.0301-23.0319) ("County Weed Abatement Code") is adopted by reference under the authority of Gov. Code, §§ 50020 to 50022.9.

8.19.020 Interpretation of County Weed Abatement Code as applied to City

Whenever "County," "County of San Bernardino," or "unincorporated area of the County of San Bernardino" is used, it shall mean the City of San Bernardino unless a different geographical area is clearly indicated by the context.

[\[Return to Municipal Code Contents\]](#)

8.19.030 Amendments, additions, and deletions to County Weed Abatement Code

The County Weed Abatement Code as adopted by Section 8.19.010 is effective with the changes, additions, and deletions as set forth in this Section:

(A) §23.0307 is hereby amended to read as follows:

For the purpose of enforcing this Chapter, the County Fire Chief/Fire Warden may designate any person as his or her deputy in the performance of the duties enjoined upon him or her by this Chapter. In addition, each of the following officers is hereby designated to perform the same duties within the City of San Bernardino. Whenever the term County Fire Chief/Fire Warden is used in this Chapter, the following officers are included in the meaning of such phrase, except that the County Fire Chief/Fire Warden shall coordinate all such officers in the performance of these duties:

- (a) The City of San Bernardino Code Enforcement Division Manager and their designees.
- (b) Other officers hereafter designated by the Mayor and City Council or the County Fire Chief/Fire Warden.

8.19.040 Remedies and Penalties

- (A) All remedies and penalties provided for in this Chapter shall be cumulative and discretionary, and not exclusive, in accordance with this Section and in the same manner as provided by § 11.0202 of the San Bernardino County Code.
- (B) All persons authorized to enforce the provisions of this Chapter are authorized to conduct investigations and inspections in accordance with this Section and in the same manner as provided by § 11.0203 of the San Bernardino County
- (C) Each and every day, and any portion of which, any violation of this Chapter is committed, continued, or permitted shall be deemed a new and separate offense and shall be punishable or actionable as set forth in this Section.
- (D) Whenever in this Chapter any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- (E) Criminal Penalties for Violations. It is unlawful for any person, firm, partnership, corporation or other entity (hereafter "person") to violate any provision of this Chapter constituting a public offense. Any person violating any such provision, unless as otherwise specified for certain sections, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. To any person so convicted the following shall apply:
- (1) A first offense, shall constitute an infraction offense and punished by a base fine not exceeding \$100.00 and not less than \$50.00.
 - (2) A second offense within one year shall constitute an infraction offense and punished by a base fine not exceeding \$200.00 and not less than \$100.00.
 - (3) The third and any additional offense within one year, shall constitute either an infraction or a misdemeanor offense, and if it is an infraction offense, shall be punishable by a base fine not exceeding \$500.00, or if a misdemeanor offense, punishable by up to six months in jail, and/or base fine not exceeding \$1,000.00.
 - (4) Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine (Government Code § 25132).
 - (5) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor, punishable by up to six months in jail, and/or base fine not exceeding \$1,000.00.
 - (6) Payment of any fine or service of a jail sentence shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.
- (F) Criminal Citations. Criminal citations shall be issued in the same manner and under the same authority as provided by § 11.0206(b) of this Code.
- (G) All violations of this Chapter may be subject to enforcement through the initiation of a civil action in accordance with this Section and in the same manner and under the same authority as provided at § 11.0207 of the San Bernardino County Code.
- (H) As an alternative to the criminal or civil enforcement of this Chapter, all violations of this Chapter may be subject to enforcement through the use of administrative citations in accordance with Government Code § 53069.4 and this Section, and in the same manner and under the same authority as provided at § 11.0208 of the San Bernardino County Code.

[\[Return to Municipal Code Contents\]](#)

Chapter 8.21
(Repealed by Ord. MC-1232, 10-03-06)

Chapter 8.24
Solid Waste Collection, Removal, Disposal, Processing and Recycling

Sections:

8.24.010	Definitions
8.24.020	Authority of City Manager to make rules and regulations
8.24.030	Applicability
8.24.040	General Provisions
8.24.050	Failure to Pay
8.24.060	Storage and Ownership
8.24.070	Nuisance
8.24.080	Scrap Tires
8.24.090	Mandatory Residential, Commercial & Multi-Family Recycling and Organic Recycling
8.24.095	Mandatory Commercial Edible Food Recovery.
8.24.100	Construction and Demolition Debris Recycling Program
8.24.110	Containers
8.24.120	Illegal Dumping
8.24.130	Enforcement
8.24.140	Forms, Regulations and Guidelines

8.24.010 Definitions

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

- A. "ADC" or "Alternative Daily Cover" means cover material used to cover compacted Solid Waste in a disposal site, other than at least six (6) inches of earthen material, placed on the surface of the active face of the Solid Waste fill area at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging, as defined in Section 20164 of the California Code of Regulations as may be amended from time to time.

- B. "Applicant" means any individual, firm, Limited Liability Company, association partnership, political subdivision, government agency, municipality, industry public or private corporation, or any other entity whatsoever who applies, or is required to apply, to the City for permit(s) to undertake a construction, demolition, or renovation project within the city.
- C. "Bin" or "Bins" means those 2, 3, 4, and 6 cubic yard containers provided by franchised hauler for the collection of Solid Waste.
- D. "Bulky waste" means large and small household appliances, furniture, carpets, mattresses, white goods, brown goods, clothing, automobile tires, and oversized yard waste such as tree trunks and large branches if no larger than two feet in diameter and four feet in length and similar large items, or any other solid waste item requiring special handling, discarded by residential customers. Bulky waste is a form of Solid Waste when discarded by the generator into the waste stream. The term "Bulky waste" does not include consumer electronics, such as televisions, radios, computers, monitors, and the like, which are regarded as universal waste electronic devices, the disposal of which is governed by regulation of the Department of Toxic Substances Control.
- E. "Byproducts" means and includes:
 - 1. All materials produced, developed or generated incidental to the operation of any business, which is not the principal object of production of such business, but which material, due to its nature, can be sold by the producer thereof at a price greater than the cost of hauling such material to the point of delivery or sale;
 - 2. All material which, due to its nature, can be sold by the producer thereof, at the point of production, for valuable consideration; and
 - 3. All such material as the City Manager designates as byproducts.
- F. "City" means the City of San Bernardino.
- G. "City Manager" means the City Manager of the City of San Bernardino, or his/her designee, including City employees or entities hired by the City to implement the requirements of this Ordinance.
- H. "City Project Construction & Demolition (C&D) Waste Policy" means the City's standards for recycling C&D Waste from landfills for City Contracted projects, set forth in a resolution of the Mayor and Common Council.

- I. "Commercial" means premises in the City, other than residential and City premises, where Solid Waste is generated or accumulated. The term "Commercial" includes, but is not limited to, stores; offices; restaurants; rooming houses; hotels; motels; industrial and manufacturing, processing, or assembly shops or plants; hospitals, clinics, convalescent centers and nursing homes (non-medical waste).
- J. "Commercial facility" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services and multi-family dwelling units located within the boundaries of the City.
- K. "Commercial generator" means a commercial facility or business which generates Garbage, Organic Waste or Recyclable Materials as a result of its business, commercial facility or property activity. Commercial generator also means any multi-family residential property of four (4) or more units and multi-family residential properties under four (4) units that share Solid Waste collection services. Commercial generator may also include tenants, property managers for facilities with leased space, employees and contractors of commercial generator. Commercial generator also includes the City, its facilities, and its non-residential properties.
- L. "Construction" means the act of assembly, erection, demolition, addition, alteration or remodel, and similar and related activities, of any facility, structure, improvement, or any portion thereof or appurtenance thereto.
- M. "Construction contractor" means any state licensed construction contractor performing construction at a job site. Construction contractor includes the general contractor and any subcontractors at the site. A person or company employed, whether for a fee or otherwise, to haul Recyclable Materials and C&D Waste generated by a Construction contractor is not a Construction contractor for purposes of this chapter.
- N. "Construction and demolition debris" or "C&D Waste" or "C&D" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, Byproducts, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, houses, commercial buildings and other structures. Construction and demolition debris does not include exempt waste.

[\[Return to Municipal Code Contents\]](#)

- O. "Construction and Demolition (C&D) Diversion Requirement" means the minimum percentage of C&D for each Project to be diverted from landfills, as set forth in a resolution of the Mayor and Common Council.
- P. "Construction and Demolition (C&D) Waste Recycling and Disposal Report Summary" means a form submitted by the applicant or any Covered Project after completion of a Project. The documentation shall include actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, contractors and/or landfill and disposal companies.
- Q. "County Health Officer" means the San Bernardino County Health Department's designee who serves to advise and lead a team of professionals on matters of public health importance.
- R. "Covered Project" means any Project that meets or exceeds the Covered Project threshold set forth by resolution of the Mayor and Common Council.
- S. "Container" means any heavy plastic or galvanized metal box, can, cart, barrel, bin, hopper, roll off, compactor or similar type container used for the accumulation of Garbage, Recyclable Materials, Organic Waste, or C&D.
- T. "Customer" means the owner and/or occupant of any property within the City that is required to participate in the City's Solid Waste collection programs.
- U. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- V. "Divert" or "Diversion" means a reduction of the amount of waste being disposed in landfills by any of the following methods.
1. On-site re-use of the materials/waste.
 2. Delivery of the waste from the site to a Recycling Facility.
 3. Other methods as approved by the City Manager.
- W. "Dump" means to throw or deposit litter and other solid waste items in or upon any street, sidewalk or other place within the City, except the placement of litter and other solid waste items in proper containers for collection.

- X. "Enforcement Officer" means any individual appointed by City Manager of the City of San Bernardino, or his/her designee, who has authority to issue criminal or administrative citations pursuant to Chapters 9.90, 9.92 and 9.93.
- Y. "E-waste" means any electronic product nearing the end of its useful life and includes, but is not limited to computers and their components, televisions, VCRs, stereos, copiers, and fax machines.
- Z. "Exempt waste" means hazardous waste, sludge, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.
- AA. "Food waste" means food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, incidental food packaging and incidental food soiled paper products.
- BB. "Franchised hauler" means a hauler holding a franchise, contract, license or permit issued by the City which authorizes the exclusive or non-exclusive right to provide Solid Waste handling services within all or part of the jurisdictional boundaries of the City.
- CC. "Garbage" means all Solid Waste that is not otherwise Recyclable Material or Organic Waste and to normal activities of a solid waste generator. Garbage must be generated by and at the premises wherein the Garbage is collected. Garbage does not include Recyclable Materials, Organic Waste, construction and demolition debris, bulky waste, E-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.
- DD. "Generator" means any commercial generator or residential generator of Solid Waste.
- EE. "Hazardous waste" means any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such as local, state or federal law or regulations may be amended from time to time.
- FF. "Hearing Officer" shall mean any individual appointed by the City Manager of the City of San Bernardino, or his/her designee, to hear the appeal on a determination of a nuisance.

- GG. "Household hazardous waste" means dry cell household batteries, cell phones and PDAs; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; E-Waste; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, strips, and adhesives; auto batteries; and universal waste.
- HH. "Job Site" means a location at which Solid Waste and C&D Waste are generated by a Construction contractor.
- II. "Occupant" means and includes every owner of and every tenant or person who is in possession of, is the inhabitant of, or has care and control of, a residence or commercial building. For the purpose of this definition, a residence or commercial building shall be presumed to be inhabited if gas, electric, telephone and water utility service is being furnished thereto.
- JJ. "Occupied premises" are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premise is occupied during periods when Solid Waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that electric services were not being provided to the premises during such periods.
- KK. "Organic Waste" means Organic Waste and food waste. Organic Waste is a form of Solid Waste when discarded into the waste stream. Organic Waste includes, but is not limited to the following:
1. Plant material (branches, grass clippings, natural Christmas trees, palm fronds, leaves, shrubbery, tree trimmings, weeds);
 2. Wood (non-toxic wood products without paint and foreign objects of appropriate size for the container);
 3. Food waste (cooked and uncooked food matter, incidental food packaging and incidental food soiled paper products for commercial customers); and
 4. Byproducts.
- LL. "Person" includes any natural person, individual, firm, Limited Liability Company, partnership, public or Private Corporation or association or any other entity whatsoever.

- MM. "Project" means any activity that requires an application for a building or demolition permit from the City.
- NN. "Residence" or "Residential" means any and all dwelling units, as defined in the Land Use Zoning Ordinance of the City of San Bernardino, and other buildings used for residential or dwelling purposes.
- OO. "Residential generator" means an owner, tenant or resident of any residential property which generates Garbage, Organic Waste or Recyclable Materials as a result of occupancy or property activity, including all generators not otherwise meeting the definition of commercial generator.
- PP. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting divertible Solid Waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.
- QQ. "Recyclable C&D" means all C&D Waste that is used within any of the following categories:
1. Masonry building materials including but not limited to, asphalt, concrete, rock, stone, and brick.
 2. Wood materials including any and all dimensional lumber, fencing, or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated, or painted.
 3. Vegetable materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site as part of the Project.
 4. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames, and fences.
 5. Roofing materials including wood shingles as well as asphalt, stone, and slate based roofing material.
 6. Salvageable materials includes all salvageable materials and structures including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs, and appliances.
 7. Any other C&D Waste that is non-hazardous and available for Recycling or reuse.

[\[Return to Municipal Code Contents\]](#)

RR. "Recyclable Materials" are a part of the waste stream that can be reused or processed into a form suitable for reuse through reprocessing or remanufacture, consistent with the requirements of AB 939. Recyclable Materials includes, but is not limited to the following:

1. Plastics (all numbered plastics);
2. Metals (aluminum cans, aluminum foil, empty aerosol cans, pie tins, tin cans);
3. Fiber materials (cardboard, cereal boxes, envelopes, file folders, frozen food boxes, junk mail, magazines, mixed paper, office paper, newspaper, telephone books, white paper);
4. Glass (all colors of glass jars and bottles, except light bulbs, mirror and window glass); and
5. Byproducts.

SS. "Recycling Facility" means a recycling, composting, materials recovery, or reuse facility that has obtained all applicable federal, state, and local licensing, certification, and permitting and that is operating in full compliance with all applicable regulations. The City Manager shall maintain a list of approved facilities for reference by the Applicant. The Applicant may use an unlisted facility of their choice if the Applicant, prior to beginning a Project, provides documentation demonstrating that the unlisted facility qualifies as a Recycling Facility under this definition.

TT. "Renovation" means any change, addition, or modification in an existing structure.

UU. "Responsible party" means the individual or entity responsible for the generator's management of Solid Waste at the generator's commercial facility, business, or nonresidential property.

VV. "Roll-off" means a metal container that is normally loaded onto a motor vehicle and transported to an appropriate facility.

WW. "Salvage" means the controlled removal of C&D Waste from a Project site for the purpose of recycling, reuse or storage for later recycling or reuse.

XX. "Security Deposit" means the cash or cash equivalent deposit required as security for all Covered Projects. The amount of the Security Deposit shall be set forth in a resolution of the Mayor and Common Council.

[\[Return to Municipal Code Contents\]](#)

- YY. "Self-haul" means when a responsible party collects Recyclable Materials and/or Organic Waste materials at their place of business for the purpose of hauling those materials in their own vehicles to a permitted recycling or Organic Waste processing facility in compliance with the requirements of this Ordinance.
- ZZ. "Seller" means any person, business, corporation, partnership or any other business entity that engages in the sale and/or exchange of new and/or used tires as a regular part of their business, including but not limited to wholesale and retail tire dealers, automotive service centers, automotive repair centers, new and used automotive dealers, new and used automotive parts vendors and automotive dismantlers.
- AAA. "Sharps" means needles, scalpels, blades, broken medical glass, broken capillary tubes, and ends of dental wires.
- BBB. "Sludge" means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.
- CCC. "Special Services" means any Solid Waste or Solid Waste related services that are not provided in the City's normal course of Solid Waste related services including but not limited to pick-up service for bulky waste, container repair, container exchange and/or replacement, roll-out service and additional unscheduled collection.
- DDD. "Solid Waste" means and includes any materials defined as Solid Waste by Section 40191 of the California Public Resources Code, and specifically includes, without limitation, C&D Waste, Recyclable Materials, Organic Waste, bulky waste, byproducts, and all other non-hazardous materials, excluding universal waste, that are discarded into the waste stream by the generator, or collected in exchange for a fee or any other consideration, regardless of form or amount.
- EEE. "Solid Waste collection services" means the collection, transportation, processing, recycling, composting, conversion, retention and disposal of all Garbage, Organic Waste, (including commercial Organic Waste, food waste, and Organic Waste), Recyclable Materials, construction and demolition debris, bulky waste, household hazardous waste, and universal waste, produced, generated and/or accumulated within the City.

FFF. "Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.

GGG. "Universal waste" means and includes, but is not limited to, Universal Waste Electronic Devices" or "UWEDs," (i.e., electronic devices subject to the regulation of the Department of Toxic Substances Control, 23 CCR §§ 66273.1, et seq.), and other universal wastes, including, but not limited to non-empty aerosol cans, fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamp exhibiting a characteristic of a hazardous waste, batteries (rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries [burglar alarm and emergency light batteries] alkaline batteries, carbon-zinc batteries and any other batteries which exhibit the characteristic of a hazardous waste), mercury thermometers, mercury-containing switches.

(Ord. MC-1431, 11-10-16)

8.24.020 Authority of City Manager to make rules and regulations

The City Manager shall have the authority to make reasonable rules and regulations concerning the storage, collection, transportation and disposal of Solid Waste by persons as he or she shall find necessary and to place additional limitations not specifically addressed herein on types and quantities of waste which may be placed in containers when the City Manager determines that such rules and regulations are necessary to protect the health and safety of the general public or City employees, or to comply with State or Federal law or regulations.

(Ord. MC-1431, 11-10-16)

8.24.030 Applicability

The chapter shall apply to all users of the City's Solid Waste services within the City and to users outside the City who are by permit, contract, or agreement with the City, users of the City's Solid Waste collection services or are conducting business or activities within the City which fall under the provisions of this chapter.

(Ord. MC-1431, 11-10-16)

8.24.040 General Provisions

A. Provision of Solid Waste Services.

1. Solid Waste related activities within the City shall be performed under the direction of the City Manager, and for such purposes, the City may use City personnel, enter into contract agreements with private hauling firms, or approve franchise agreements to perform such activities. Solid waste enterprises operating pursuant to such a contract or franchise agreement shall meet the terms, rates, standards and services specified in the contract or franchise agreement. However, the City Manager may authorize any person to collect, remove, and disperse Garbage, Recyclable Materials and Organic Waste under such terms, conditions, and limitations deemed necessary in the interests of the public health, safety, and welfare.
2. No person, Solid Waste enterprise or the agents, servants or employees thereof, shall provide Solid Waste collection services within the City without approval, which shall be issued only on a vote of the Common Council. All recycling, Organic Waste and Garbage collections shall be made as quietly as possible, and the City Manager may fix and determine the hours for collection.
3. Except as expressly called out in the franchise agreement, the franchised hauler is granted the exclusive franchise, duty, right and privilege to collect, transfer, transport, recycle, process, and dispose of Garbage, Organic Waste and Recyclable Materials generated within the boundaries of City subject to the terms and conditions set forth in the franchise agreement.

B. Subscription Required.

The property owner or tenant of each occupied premises shall have at least the minimum level of Solid Waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the City and the franchised hauler. At its discretion, the City may require a higher level of Solid Waste collection service if the current level of service is deemed insufficient. The charges for Solid Waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any Solid Waste to be collected on any particular collection date during such occupancy. Nothing in this Chapter is intended to prevent an arrangement, or the continuance of an arrangement, under which payments for Solid Waste collection service are made by a tenant or

tenants, or any agent or other person, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to pay for Solid Waste collection service as provided herein.

C. Commencement of Solid Waste Collection Service.

The property owner or tenant shall commence Solid Waste collection service within seven (7) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the City Manager may give written notice to the owner or tenant that Solid Waste collection service is required. If service is not initiated by the property owner or tenant within seven (7) days after the date of mailing the notice, the City Manager shall authorize the franchised hauler to begin and continue providing the minimum level of Solid Waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

D. Charge for Solid Waste Collection Service.

Any and all charges for Solid Waste collection service shall be set forth in the franchise agreement, contract or the Collection Service Agreement between the City and its franchised hauler.

E. Special Services.

Customers requiring special services shall contact the franchised hauler to arrange for such service. Charges for such special services shall be set forth in the franchise agreement.

F. Exemption from Service.

Any customer may make an application for exemption from Solid Waste collection services on the basis that a developed property is unoccupied, and that no Garbage, Organic Waste or Recyclable Materials shall be placed or offered for collection by the City or its authorized franchised hauler, from such property. The City Manager may temporarily exempt such property from participation in the City's Solid Waste collection program for the limited period while the property is unoccupied; provided, that any such statement or representation shall be made in affidavit form, fully sworn to by the person making such statement or representation and filed with the City Manager. An exemption shall be valid only for the time that the statements made in the affidavit continue to be true. Any violation of provisions of the exemption shall result in termination of the exemption and shall require the customer to subscribe to the Solid Waste collection services in accordance with this chapter.

[\[Return to Municipal Code Contents\]](#)

G. City Manager May Restrict Self-Haul.

Nothing in this Chapter is intended to prevent residents, that subscribe and pay for Solid Waste collection services with the franchised hauler, from self-hauling Garbage, Recyclable Materials or Organic Waste to permitted Solid Waste facilities, and other Solid Wastes (excluding Garbage, Recyclable Materials and Organic Waste) in excess of their normal subscription level to facilities that accept and responsibly process those materials, as may be necessary from time-to-time. However, the City Manager may restrict or prohibit self-hauling by individual generators if the City Manager determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this Chapter or any other applicable law or regulation.

H. Organics Prohibited from Use as Alternative Daily Cover.

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) the franchised hauler, and any generators who self-haul Organic Waste, may not direct their Organic Waste for use as ADC. If the City Manager determines that the franchised hauler or any other generator has directed any Organic Waste for use as ADC, the City Manager will notify the franchised hauler or generator of the requirements of this provision. Repeated instances of directing Organic Waste for use as ADC may result in enforcement action as per 8.24.130.

(Ord. MC-1431, 11-10-16)

8.24.050 Failure to Pay

A. Failure to Pay for Solid Waste Collection Service.

The franchised hauler shall be entitled to payment from the property owner, tenant or any other subscribing person on behalf of the property owner for any services rendered or to be rendered. Solid waste collection service shall not be discontinued for residential customers by reason of any failure to pay the charges for such service. The franchised hauler may temporarily suspend services if a commercial customer has been delinquent in payment for a period of at least forty-five (45) days in accordance with the terms of the franchise agreement

B. Notification of Delinquency.

1. Customers (owners or tenants) who have not remitted required payment within forty-five (45) days after the date of billing shall be notified by the franchised hauler on forms that contain a statement that if payment is not received within fifteen (15) days from the date of the notice, the delinquent

[Return to Municipal Code Contents]

and unpaid charges, including a 10% penalty and 1.5% monthly interest, may be placed on the San Bernardino County annual secured property tax rolls and that any amount owing would then become a lien on the property. Contractor shall provide such notice to customers via U.S. Mail to the current billing address on file.

2. All notices pursuant to this division shall be made to the property owner, if the property owner is the subscriber, or else to the property owner and tenant or any other subscribing person on behalf of the property owner. The form of delinquency notice shall be approved by the City Manager.

C. Assignment of Delinquent Account.

In the event the bill for Solid Waste collection service together with any late charge thereon is not paid in full within thirty (30) days after the date of mailing the notice of delinquency to the property owner and tenant pursuant to Chapter 8.24.050(B), the franchised hauler may assign such bill to the City for collection through the initiation of lien and special assessment proceedings. The assignment shall include the name and address of the property owner and tenant, the assessor's parcel number of the premises, the period of Solid Waste collection service covered by the bill, the amount owed for such service, the amount of any late charge and such other information as requested by the City Manager, together with a copy of the notices of delinquency mailed or otherwise delivered to the property owner and tenant with proof of service.

D. Initiation of Special Assessment and Lien.

Upon the City's receipt of the assignment from the franchised hauler, the City Manager shall prepare a report of delinquent Solid Waste collection service charges and initiate proceedings to create a special assessment and lien on the premises to which the Solid Waste collection service was provided. The City Manager shall fix a time, date and place for an administrative hearing by the City Manager to consider any objections or protests to his or her report.

E. Notice of Administrative Hearing on Special Assessment and Lien.

The City Manager shall send written notice of the administrative hearing to the property owner and tenant of the premises against which the special assessment and lien will be imposed at least ten (10) days prior to the hearing date. The notice shall be mailed to each person to whom such premises is assessed in the latest equalized assessment roll available on the date the notice is mailed, at the address shown on said assessment roll or as known to the City Manager.

A copy of the notice shall also be mailed to the franchised hauler. Said notice shall set forth the amount of delinquent Solid Waste collection service charges, the amount of any late charge thereon, and shall inform the recipient of the possible levy of a special assessment and lien on the premises and administrative charges as provided in this division. Said notice shall also inform the property owner and tenant of the time, date and place of the administrative hearing and the subsequent public hearing to be conducted by the Common Council, include a link to the webpage on which the administrative hearing order and final report in 8.24.050(F) will be posted and advise the property owner and tenant of his or her right to appear at both the administrative hearing and the public hearing to state his or her objections to the report or the proposed special assessment and lien

F. Administrative Hearing on Special Assessment and Lien.

At the time and place fixed for the administrative hearing, the City Manager shall hear and consider any objections or protests to his or her report. The City Manager may correct or modify the report as he or she deems appropriate, based upon the evidence presented at the hearing, and shall post a copy of the decision on the City website. The City Manager shall thereupon submit a final report to the Common Council for confirmation and shall post a copy of such final report on the City website.

G. Public Hearing on Special Assessment and Lien.

The Common Council shall conduct a public hearing to consider the City Manager's final report at the time and place set forth in notice described in Chapter 8.24.050(E). At such hearing, any interested person shall be afforded the opportunity to appear and present evidence as to why the final report, or any portion thereof, should not be confirmed. The Common Council's review shall be limited to the administrative record and evidence presented at the City Manager's administrative hearing. The Common Council may adopt, revise, reduce or modify any charge shown in the final report or overrule any or all objections as it deems appropriate, based upon the evidence presented at the hearing. If the Common Council is satisfied with the final report as rendered or modified, the Common Council shall confirm such final report by resolution. The decision by the Common Council on the final report and any objections or protests thereto, shall be final and conclusive.

H. Recording of Lien.

Upon confirmation by the Common Council of the final report, the City Manager shall cause to be recorded in the office of the recorder for San Bernardino, a lien against each premises described in the final report for the amount of delinquent Solid Waste collection service charges and late charges as confirmed by the

[\[Return to Municipal Code Contents\]](#)

Common Council by resolution. The lien shall also include such additional administrative charges as established by resolution of the Common Council. All affected property owners shall be notified by the City Manager that the delinquent Solid Waste collection service charges, late charges and administrative charges are due and payable to the City and that said lien has been recorded.

I. Levy of Special Assessment.

Upon confirmation by the Common Council of the City Manager's final report, as rendered or modified, the delinquent Solid Waste collection service charges, late charges and administrative charges contained therein shall constitute a special assessment levied upon the premises against which such charges have been imposed. The City Manager shall file a copy of the final report, together with a certified copy of the resolution by the Common Council confirming the same, with the tax collector for San Bernardino County with instructions to enter the delinquent Solid Waste collection service charges, late charges and administrative charges as special assessments against the respective premises described in the City Manager's lien report. The tax collector shall include such special assessment on the next regular bill for secured property taxes sent to the property owner.

J. Collection of Special Assessment.

The special assessment shall be collected at the same time in the same manner and frequency and by the same persons as ordinary municipal taxes, and shall be subject to the same interest and penalties and the same procedure of sale as provided for delinquent ordinary municipal taxes. The special assessment shall be subordinate to all existing special assessment liens previously imposed upon the premises and paramount to all other liens except those for state, county and municipal taxes, with which it shall be upon parity. Each special assessment shall continue until all of the delinquent Solid Waste collection service charges, late charges and administrative charges due and payable thereon are paid in full. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment

(Ord. MC-1612, 3-15-23; Ord. MC-1431, 11-10-16)

8.24.060 Storage and Ownership

A. Sufficient Container Capacity and Storage of Containers.

All persons occupying or maintaining any premises within the City where Garbage, Organic Waste and Recyclable Materials are created, produced or accumulated

[\[Return to Municipal Code Contents\]](#)

shall maintain sufficient standard containers for receiving and holding all Garbage, Organic Waste and/or Recyclable Materials which are produced, created or accumulated on such premises. No containers shall be allowed to be stored in the public streets or rights-of way. Except on days established for collection, all Solid Waste containers shall be placed out of sight of the public right-of-way, except for temporary containers, as described below. Containers may be stored in alleys but must not cause obstruction for emergency, Solid Waste collection, or other vehicles. Containers may be temporarily stored in public streets or rights-of way. In commercial areas of the City that have limited space for the placement of containers, upon written request of the property owner or occupant, the City may allow the bins or carts as provided by the franchised hauler to be placed in public parking lots expressly for the purpose of normal weekly collection by the franchised hauler.

B. Design Review.

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage of Garbage, Organic Waste and Recyclable Materials and which will allow for efficient and safe waste removal or collection. The design shall be submitted for approval to the Development Environmental Review Committee and shall meet all applicable regulations.

C. Ownership of Solid Waste Materials.

All Solid Waste placed in containers provided by any franchised hauler for collection shall be considered owned by and be the responsibility of the franchised hauler. All materials placed in containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a franchised hauler's designated point of collection and in containers described in 8.24.010. The occupant, business owner, or his authorized agent, may retrieve or remove any materials from the container, prior to collection.

D. Unlawful Collection.

It shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of Recyclable Materials without being a franchised hauler. Nothing in this Chapter limits the right of any person to donate or sell his or her Recyclable Materials, including to recognized non profit charitable organizations conducting fundraising events for a public purpose. No cost or fees of any sort including those for hauling services or use of containers may be charged. Additionally, containers provided by the franchised hauler may not be used for the storage of Recyclable

Materials that the occupant intends to donate, sell or otherwise dispose of through a party other than the franchised hauler.

E. Posting of Signs.

Signs which state, in both English and Spanish, that removal of Recyclable Materials from containers is illegal and punishable by a fine of up to \$1,000 or up to six months in jail, or both, shall be posted at each of the following locations:

1. On all Commercial Recycling Bins;
2. At the entrance to buy-back centers; and,
3. Vending machine-type containers located within the City of San Bernardino.
(Ord. MC-1431, 11-10-16)

8.24.070 Nuisance

A. Nuisance Prohibited.

No person shall accumulate Solid Waste in any amount that creates a nuisance. If accumulation of Solid Waste creates a nuisance, the City Manager may require a more frequent collection schedule and/or removal of the accumulated Solid Waste. Furthermore:

1. Putrescible Solid Waste including Garbage and Organic Waste shall not be allowed to remain on the premises for more than seven (7) days.
2. The occupant of any property may not dispose of Solid Waste on their property (with the exception of Organic Wastes that are composted on-site via backyard composting).
3. No person shall throw or deposit, or cause to be thrown or deposited, any Solid Waste upon any premises whatsoever except at permitted Solid Waste facilities (for Garbage and Organic Waste) or facilities that accept and responsibly process other Solid Wastes (excluding Garbage and Organic Waste).
4. It is unlawful for any person to burn, or cause to be burned, any Solid Waste within the City.

5. It is unlawful for any person to dispose of any burning ash or embers in Solid Waste containers.
6. It is unlawful for any person to place in any container identified for Recyclable Materials or Organic Waste any material that would inhibit its ability to be recycled or composted. Containers set aside for Recyclable Materials or Organic Waste shall be used only for Recyclable Materials or Organic Waste and no other materials.
7. No person shall place or deposit in any Garbage, Recycling or Organic Waste container for collection pursuant to the provisions of this chapter any unbroken and exposed hypodermic needles, medicines, pills, poisons, caustic acids, explosives or similar dangerous substances which may cause human injury or harm.
8. No person shall place or deposit in any Garbage, Recycling or Organic Waste container for collection pursuant to the provisions of this chapter wearing apparel, bedding or other articles from any home or place where any infectious or contagious disease has prevailed. The occupant of any premises where an infectious or contagious disease has prevailed shall forthwith notify the San Bernardino County Health Officer and shall dispose of such articles in accordance with his or her directions.
9. No person shall place or deposit in or upon any container or container within the City any E waste, but shall deposit such E-waste with an authorized recycler of E-waste products.

B. Containers Must Be Covered and Kept Clean.

All Solid Waste set out by generators on the street or other designated location for collection by the franchised hauler shall be placed in covered containers. No container shall be loaded beyond its capacity. It shall be the responsible parties' responsibility to keep the containers used for the storage and collection of Solid Waste material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No Solid Waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection.

C. Damage to or removal of containers.

It is unlawful for any person to mar, injure, damage or destroy, or to take or remove any container furnished or provided pursuant to this Chapter.

[\[Return to Municipal Code Contents\]](#)

D. Hauling and Transport.

No generator, self-hauler or franchised hauler shall transport Solid Waste over any public street, alley, right-of-way or parking plaza unless Solid Waste is contained and covered in such a manner as to prevent the dropping or spilling of any Solid Waste, litter, or liquid upon the public street, alley, right-of-way or parking plaza.

(Ord. MC-1431, 11-10-16)

8.24.080 Scrap Tires

A. Disposal of Scrap Tires.

Every seller of new or used tires within the City upon request by an authorized agent or employee of the City must demonstrate that each such tire has been disposed of properly by one of the following methods:

1. Manifest provided by a state-permitted waste tire hauler company;
2. Any alternative methods formally approved by CalRecycle.

The City shall provide copies of manifest forms to any seller of new or used tires within the City upon request from the seller to the City. Any seller of new or used tires within the City who cannot adequately demonstrate to City Manager that each whole tire was disposed of properly by one of the above methods, shall be in violation of this Chapter, and subject to civil and/or criminal prosecution by the City.

B. Penalty for Unlawful Disposal of Whole Tires.

It shall be unlawful to dispose of whole tires in any of the following manners within the City:

1. Placement of whole tires in or around any regular commercial, industrial or residential container within the City. A residential customer may contact the franchised hauler to arrange for on-call collection of up to two {2} whole tires twice per calendar year, with a maximum of four {4} tires per calendar year.
2. Placement of whole tires on any public or private property within the City, unless said property is a registered waste tire facility as set forth in Public Resources Code 42800 to 42859, et seq.

Any seller of new or used tires within the City who willfully and knowingly places whole tires in or around any regular commercial, industrial or residential Solid Waste container within the City or along any public or private property, or who allows or directs another party to willfully and knowingly place whole tires in any regular commercial, industrial or residential container within the City or along any public or private property, shall be guilty of a violation of this Chapter, and subject to civil and/or criminal prosecution by the City.

C. Posting of Notice.

Every seller of new or used tires within the City must post the following notice:

"NOTICE: Every tire left with this facility for disposal is assessed a surcharge established by California Public Resources Code 42885. This surcharge is for the costs of disposal and for development of new uses for scrap tires. Other charges may also be imposed by this operator to cover actual disposal or recycling costs.

In order to prevent the illegal disposal of used tires within the City of San Bernardino, if you elect to keep your used tires for private use or disposal, you will be required to sign a Certificate of Removal stating the number of tires that you removed, your name, address and California Driver's License Number. This information will be furnished to the City of San Bernardino. Illegal disposal of whole tires is a violation of Chapter 8.24.080 of the City of San Bernardino Municipal Code, and may result in fines and penalties."

(Ord. MC-1431, 11-10-16)

8.24.090 Mandatory Residential, Commercial & Multi-Family Recycling and Organic Recycling

A. All Solid Waste Generators Responsible for Compliance.

Each generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this Chapter.

B. Recycling and Organics Collection Required.

Each generator shall subscribe to a level of service with the franchised hauler that is sufficient to handle the volume of Recyclable Materials and Organic Waste generated or accumulated on the premises. Additionally, each generator shall ensure the proper separation of Solid Waste, as established by the franchised hauler, by placing each type of material in designated containers or containers,

[\[Return to Municipal Code Contents\]](#)

and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site conduct proper separation of Solid Waste.

C. Implementation.

Each generator shall use containers provided by the franchised hauler to collect and store Recyclable Materials and Organic Waste, and shall designate areas to collect and/or store these materials. Each generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where Recyclable Materials and Organic Waste are collected and/or stored that specify the materials to be recycled and how to recycle such material. The City shall notify and instruct generators in writing of applicable recycling and Organic Waste requirements. Upon request by generators, the City will also provide outreach and training to commercial generator employees and tenants regarding what materials are required to be recycled and how to recycle such material. Additionally:

1. The City Manager shall annually work with the franchised hauler to identify generators subject to the requirements in this Ordinance.
2. The City Manager shall review franchised hauler data to confirm whether all commercial generators are compliant with the requirements of this Ordinance by reviewing subscription levels of Garbage, Organic Waste and recycling collection services. Those generators who do not subscribe to the required collection services with the franchised hauler will be notified of the requirement to subscribe Organic Waste and Recyclable Materials.
3. The City Manager shall work with the franchised hauler to conduct site visits with select commercial generators each year, covering all commercial generators every five years, in order to document whether generators participate in the required recycling and Organic Waste collection programs (not just subscribe) and are therefore in compliance with the requirements of this Chapter.
4. The City Manager shall annually work with any non-compliant generators in order to bring them into compliance with the requirements of this Ordinance by providing outreach, education, and technical assistance to facilitate compliance.
5. All generators shall be responsible for ensuring and demonstrating compliance with the requirements of this Chapter within 30 days of notification of non-compliance. Failure to demonstrate compliance with the requirements of this Ordinance shall be cause for enforcement.

(Ord. MC-1566, 12-01-21; Ord. MC-1431, 11-10-16)

[\[Return to Municipal Code Contents\]](#)

8.24.095 Mandatory Commercial Edible Food Recovery.

A. Definitions

- (1) "Commercial edible food generator" includes a Tier One or a Tier Two commercial edible food generator as defined in (18) and (19) of this section 8.24.095(A).
- (2) "Designee" means an entity that the City contracts with or otherwise arranges to carry out any responsibilities of this chapter. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (3) "Edible food" means unsold or unserved food that is fit for human consumption, even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. For the purposes of this section, "edible food" is not solid waste if it is recovered and not discarded.
- (4) "Food" has the same meaning as in Section 113781 of the Health and Safety Code.
- (5) "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (6) "Food recovery" means actions to collect and distribute food for human consumption which otherwise would be disposed.
- (7) "Food Recovery Organization" means an entity that primarily engages in the collection or receipt of excess edible food from edible food generators and distributes that edible food to the public for consumption, including, but not limited to:
 - (A) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

- (8) “Food Recovery Service” means a person or entity that collects and transports edible food from an edible food generator to a food recovery organization or other entities for food recovery.
- (9) “Food service distributor” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- (10) “Grocery store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments. Grocery store includes convenience stores.
- (11) “Health facility” has the same meaning as in Section 1250 of the Health and Safety Code.
- (12) “Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.
- (13) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.
- (14) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Section, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Section, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site is a single large venue.
- (15) “Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste.

[\[Return to Municipal Code Contents\]](#)

- (16) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on premises or immediate consumption.
- (17) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.
- (18) “Tier One commercial edible food generator” means a commercial edible food generator that is one of the following:
- (A) Supermarket.
 - (B) Grocery store with a total facility size equal to or greater than 7,500 square feet.
 - (C) Food service distributor.
 - (D) Wholesale food market.
- (19) “Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:
- (A) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - (B) Hotel with an onsite food facility and 200 or more rooms.
 - (C) Health facility with an on-site food facility and 100 or more beds.
 - (D) Large venue.
 - (E) Large event.
 - (F) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - (G) A Local Education Agency facility with an on-site food facility.
- (20) “Wholesale food market” means a food establishment in which food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.

- B. Commercial Edible Food Generators Responsible for Compliance.
1. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 8.24 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
 2. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Commercial Edible Food Generators shall comply with the following requirements:
1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 4. Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

[\[Return to Municipal Code Contents\]](#)

- c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - iii. The established frequency that food will be collected or self-hauled.
 - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. Requirements for Food Recovery Organizations and Services

- 1. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - a. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - b. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - d. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- 2. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

- a. The name, address, and contact information for each Commercial Edible Food Generator from which the organization collects Edible Food.
 - b. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c. The name, address, and contact information for each Food Recovery Service that the organization transports Edible Food to for Food Recovery.
3. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than March 31st of every calendar year.
4. Food Recovery Capacity Planning
 - a. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County of San Bernardino, City, or other regional agencies that provide solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City or its franchise hauler shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.”

(Ord. MC-1566, 12-01-21)

8.24.100 Construction and Demolition Debris Recycling Program

A. Covered and Non-Covered Projects.

Covered Projects are required to divert Recyclable C&D from landfills. The minimum C&D Diversion Requirement is established by resolution of the Mayor and Common Council. Applicants for construction, demolition, addition, alteration, and remodel projects within the City that are not Covered Projects are encouraged to divert the minimum C&D Diversion Requirement.

B. City Projects.

City-contracted Construction shall adhere to the City Project C&D Waste Policy established by resolution of the Mayor and Common Council.

C. Security Deposit Required.

Except as otherwise specified in this chapter, each Applicant for a building or demolition permit for a Covered Project, shall remit a Security Deposit in the amount established by resolution of the Mayor and Common Council. The Security Deposit shall be remitted prior to permit issuance.

D. Exemptions.

Neither a C&D Waste Recycling and Disposal Report Summary nor a Security Deposit shall be required for the following:

1. Work for which only a plumbing permit, electrical, mechanical permit or a combination thereof is required;
2. Seismic tie-down projects;
3. Installation of a patio or awning;
4. Installation of pre-fabricated accessories such as signs or antennas;
5. Residential pools and spas;
6. Re-roof projects, block walls, and retaining walls;
7. City Owned Projects;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

8. Other work that the City Manager determines will not produce significant quantities of construction or demolition waste.

An Applicant for Projects may submit an application for exemption on the grounds that the Project will not generate more than 35 gallons of C&D Waste. The application shall be submitted to the City Manager who shall determine if the Exemption is in compliance with this Chapter.

E. Refund of Security Deposit.

The City Manager may authorize the refund of any Security Deposit that was erroneously paid or collected. The City Manager may authorize the refund of any Security Deposit when the building permit application is withdrawn or cancelled before any work has begun. The City Manager may authorize the refund of a Security Deposit when the Applicant has satisfactorily submitted the C&D Waste Recycling and Disposal Report Summary, and at least the minimum C&D Diversion Requirement is met. If the minimum C&D Diversion Requirement is not realized, the amount of the refund shall correspond to the percentage of C&D Waste recycled, reused, or diverted from the landfill. If the Applicant fails to submit the documentation required by Chapter 8.24.100 within the required time period, the Security Deposit shall be forfeited to the City.

F. Administrative Fee.

As a part of any application for, and prior to the issuance of, any building or demolition permit, every Applicant for a Covered Project, unless otherwise exempt, shall pay an Administrative Fee sufficient to compensate the City for all expenses incurred in reviewing the project and reviewing performance. The amount of this fee shall be set forth in a resolution of the Mayor and Common Council.

G. Reporting.

Within sixty (60) days following the completion of a demolition project and/or a Covered Project, the Applicant shall, as a condition precedent to release of the Security Deposit, submit a C&D Waste Recycling Disposal Report Summary to the City Manager.

H. Appeal.

Any appellant aggrieved by the decision of the City Manager relating to a Security Deposit under Section 8.24.100(D) or Section 8.24.100(E) may appeal the decision to the hearing officer in the manner provided in Chapter 9.94 of this Code.

[\[Return to Municipal Code Contents\]](#)

I. Construction Debris Self-Hauling.

A Construction contractor may self-haul Recyclable Materials or C&D Waste generated by the Construction contractor at the Job Site. When acting as a general contractor, the Construction contractor may haul these same materials for any Construction contractor acting as a subcontractor at the same Job Site. The right of a Construction contractor to self-haul or haul hereunder is subject to the following conditions:

1. All Construction contractors generating any of the Recyclable Materials or C&D Waste to be self- hauled or hauled shall have a valid City business registration certificate;
2. The Construction contractor owns or leases the self-hauling or hauling equipment (excluding containers) and the equipment is clearly marked with the identity of the Construction contractor including, as a minimum threshold requirement, the company name, address, and phone number;
3. The Construction contractor must be performing construction and demolition work on the permitted job site;
4. The Construction contractor cannot serve solely as a hauler of debris from the job site;
5. The Construction contractor provides proof of insurance for said vehicle;
6. The Construction contractor's equipment shall be operated by an employee of the Construction contractor at all times during any self-haul or haul to a disposal or processing facility in a manner consistent with all appropriate laws and regulations;
7. The Construction contractor performing the self-haul; or haul holds a current Building and Demolition Permit which covers all Recyclable Materials or construction and demolition debris for which the Construction contractor will be performing self-hauling or hauling, and the Construction contractor complies with the Construction and Demolition provisions of the City;
8. The Construction contractor shall hold for a Self-Hauling Permit Fee as set by the Mayor and Common Council;
9. Regardless of the valuation of the project the Construction contractor performing the haul or self-haul must comply with this Article and shall submit an Application fee, Security Deposit as set by the Mayor and Common

[Return to Municipal Code Contents]

Council and obtain a C&D permit for Projects as defined in San Bernardino Municipal Code Chapter 8.24.010.

(Ord. MC-1521, 9-18-19; Ord. MC-1431, 11-10-16)

8.24.110 Containers

A. Containers- Franchise Required.

The franchised hauler is the exclusive provider of containers for the collection of C&D, Garbage, Recyclable Materials, Organic Waste and large items. This includes any and all containers placed in the public right-of-way, on City property, private property, or elsewhere in the service area, for collection of C&D, Garbage, Recyclable Materials, Organic Waste and large items and subsequent delivery to a permitted Solid Waste facility. Collection utilizing containers may be on a temporary or permanent basis, in accordance with the terms of the franchise agreement between the City and the franchised hauler. Any containers left on the public right-of-way, public property, or private property by a company or person without a contract or franchise agreement with the City to provide such services shall be deemed illegal and subject to removal pursuant to these provisions.

B. Notice to Remove.

Upon determination that a container is illegal, the owner of the container will be called and notified of such violation, if it is marked, and the owner will be given twenty-four hours to remove the container. A "Notice to Remove Container" shall be posted on the container and mailed to the owner, if the owner's address is known or easily ascertainable. If the container is unmarked and the owner is unknown, a twenty-four (24) hour posting of the notice to remove the illegal container shall be deemed sufficient notice. The notice shall be in substantially the following form:

"NOTICE IS HEREBY GIVEN pursuant to Chapter 8.24.110 of the San Bernardino Municipal Code that the City Manager, or his or her designee, has determined that this container was placed in the City of San Bernardino without the necessary contract or franchise agreement and is hereby deemed illegal and that the removal of the container is required. This container must be removed from the City of San Bernardino within twenty-four (24) hours of the date and time of this Notice. Failure to remove this container will result in the seizure of the bin by the City of San Bernardino or the franchised hauler. A hearing may be requested within fifteen (15) days of the seizure to reclaim the container. If no hearing is requested within fifteen (15) days, the container will become the property of the City of San Bernardino. The owner may waive a hearing by paying the costs for removal, storage, and disposal, if any, of the container. The total amount of costs to be paid may be obtained from the City."

[\[Return to Municipal Code Contents\]](#)

C. Notice to Remove - Exemptions.

The City may waive the 24-hour notice to remove a container in the event that the owner of the illegally placed containers can be identified and the City possesses documentation of at least two (2) prior instances of issuing notices to remove and subsequent removal of containers owned by the same owner in the prior twelve (12) months.

D. Cost of Removal of Containers.

The cost of removal of and illegally placed container, including all costs for removal, storage and disposal of the container and its contents will be set by the City via Resolution. Payment of those costs will be the responsibility of the owner of the illegally placed container.

E. Removal Hearing and Appeal Process.

1. Any illegal container that has been removed by the City or franchised hauler shall be stored pending a hearing before the City Manager. Said hearing must be requested within fifteen days and scheduled within thirty days following the removal of the container.
2. The owner of the container may waive the hearing and pay the City's costs for removal, storage, and disposal of the container and claim the container. The amount of costs will be determined by the City Manager.
3. If the container is not claimed and no hearing is requested within fifteen days of removal of the container, the container will become the property of the City and the City may dispose of or use the container as the City may deem appropriate.
4. If a hearing is timely requested, the City Manager shall determine whether the owner of the container had a contract or franchise agreement with the City. If the City Manager determines that the owner of the container did not have the requisite contract or franchise agreement with the City, the City Manager may order the container returned to the owner after payment of the costs for removal, storage and disposal of the container. If the City Manager determines that the owner did have the requisite contract or franchise agreement with the City, the container shall be returned to the owner at no cost to the owner.
5. The owner of a container that is the subject of a timely hearing may appeal the City Manager's decision to the Hearing Officer within ten days of the City Manager's decision. The Hearing Officer's decision shall be final. Any

[\[Return to Municipal Code Contents\]](#)

person aggrieved by the decision of the Hearing Officer may obtain review of such decision by filing an appeal with the Superior Court of the State of California, County of San Bernardino, in accordance with the time lines and provisions set forth in Government Code 53069.4 and Code of Civil Procedure 1094.5 and 1094.6.

(Ord. MC-1431, 11-10-16)

8.24.120 Illegal Dumping

A. Accumulations.

1. Every person owning or occupying any building, lot or premises in the City shall keep such property in a clean and sanitary condition; this includes keeping the area around a container free of excessive Solid Waste and preventing the placement of material in the container that requires special handling, such as furniture and electronic appliances, e-waste or hazardous materials. The occupant shall not cause or permit combustible or putrescible Solid Waste to collect or accumulate for more than one {1} week, or cause or permit any other non combustible Solid Waste to accumulate for a period in excess of one {1} month; provided, however, the provisions of this Chapter shall not be construed to interfere with any occupant keeping building materials upon premises during construction, reconstruction, or repair of a building or structure thereon under a valid building permit, nor with the keeping of wood neatly piled upon such premises for household use.
2. Any violation of this chapter may be reported to the City's Code Enforcement Department or Public Works Department. If a designated employee of the City who has the authority to issue criminal or administrative citations pursuant to Chapters 9.90, 9.92 and 9.93 determines that a violation of this chapter exists, the designated employee will post a notice of violation (NOV) requiring the property owner or occupant to bring the property into compliance. If the occupant does not respond to or comply with the notice of violation, the City will take the necessary steps to bring the property into compliance, including, if necessary, cleaning and sanitizing the container area. The occupant shall be held responsible for all fees and costs incurred as a result of the City bringing the property into compliance.

B. Burning Solid Waste.

No Garbage, Recyclable Materials, Organic Waste or any Solid Waste shall be burned in the open air within the City limits unless such burning is conducted in a properly built sanitary incinerator meeting all federal, state, and local air emissions regulations.

[\[Return to Municipal Code Contents\]](#)

C. Dumping and burying.

1. No person shall dump, place or deposit upon or bury in any lot, land, street, alley, water or waterway within the City any Garbage, Recyclable Materials, Organic Waste or substance condemned by the San Bernardino County Health Department or any other deleterious or offensive substance; provided, however, the provisions of this Chapter shall not apply to any land used by San Bernardino County or its agents as a public landfill.
2. It is unlawful to collect, dump, or deposit any Garbage, Recyclable Materials, Organic Waste upon any property located within the City belonging to another either with or without the consent of the owner thereof, including but not limited to any property, public or private, any highway, off-ramp, street, sidewalk, curb, gutter, or other property; and it is unlawful to establish or maintain a place for dumping Garbage, Recyclable Materials, Organic Waste in the City, or to collect, receive, and dump any Garbage, Recyclable Materials, Organic Waste on one's own property, save and except such Solid Waste as shall reasonably accumulate upon such property in the reasonable and lawful use thereof.

D. Contamination of Recyclable Materials and Organic Waste.

No person shall place in any container identified for Recyclable Materials or Organic Waste any material that would inhibit its recyclability or compostability. Containers set aside for Recyclable Materials or Organic Waste shall be used only for Recyclable Materials or Organic Waste and no other materials. No glass, paper, plastic, razor blades, metal, chemicals or other substances rendering such Organic Waste unfit for the consumption of animals or production of soil amendments or compost shall be mixed therewith.

E. Dangerous and infected substances.

1. No person shall place or deposit in any Garbage, Recyclable Materials, Organic Waste container for collection pursuant to the provisions of this chapter any unbroken and exposed hypodermic needles, medicines, pills, poisons, caustic acids, explosives or similar dangerous substances which may cause human injury or harm. Customers may contact the City for information regarding the City's sharps collection program.
2. No person shall place or deposit in any Garbage, Recyclable Materials, Organic Waste container for collection pursuant to the provisions of this chapter wearing apparel, bedding or other articles from any home or place where any infectious or contagious disease has prevailed. The occupant of

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

any premises where an infectious or contagious disease has prevailed shall forthwith notify the San Bernardino County Health Officer and shall dispose of such articles in accordance with his or her directions.

F. E-waste.

No person shall dump, place or deposit in or upon any container within the City any E-waste, but shall deposit such E-waste with an authorized recycler of E-waste products.

8.24.130 Enforcement

A. City Manager Authorization.

The City Manager is authorized to administer and enforce the provisions of this Chapter. The City Manager, or anyone designated by the City Manager to be an Enforcement Officer, may exercise such enforcement powers. If the City Manager determines that a Solid Waste generator is in violation of this Chapter or of any rule or regulation adopted pursuant to this Chapter, the City Manager may begin enforcement proceedings. Public nuisance proceedings and/or code enforcement proceedings under the City's code shall apply, in addition to the administrative penalties approved by resolution of the Common Council, as modified from time to time. Enforcement proceedings may include issuing notices of violation, requiring changes in subscription service levels or assessing administrative fines.

B. Administrative Citations and Orders.

A violation of this chapter shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Chapter 1.12.010, Chapter 9.92 and Chapter 9.93.

For purposes of Chapter 1.12.010, Chapter 9.92 and Chapter 9.93, each violation of this Chapter by the same person or entity, regardless of the location of the violation shall be considered a subsequent or repeat offense. The City's procedures on imposition of administrative fines are hereby incorporated in its entirety and shall govern the imposition, enforcement, collection and review of administrative citations or orders issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter, provided, however, that the City Manager may adopt regulations providing for lesser penalty amounts. The City Manager has the authority to impose administrative penalties for the notices of violations.

[\[Return to Municipal Code Contents\]](#)

Failure to pay administrative penalties or fines shall result in the recording of a lien of the property that is the subject of the citation pursuant to Chapters 9.92.090 and Chapter 9.93.170.

C. Additional Remedies.

The City Attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties. All administrative civil penalties collected from actions pursuant to this Chapter shall be paid to the City and shall be deposited into a Solid Waste administrative account that is available to fund activities to implement the applicable provisions of this Chapter. Any remedy provided under this Chapter is cumulative to any other remedy provided in equity or at law. Nothing in this Chapter shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this Chapter shall constitute a civil debt and liability owing to the City from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law. Nothing in this Chapter shall be deemed to impose any liability upon the City or upon any of its employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This Chapter does not do any of the following:

1. Otherwise affect the authority of the City Manager to take any other action authorized by any other provision of law.
2. Restrict the power of a City Attorney, District Attorney or the Attorney General to bring in the name of the People of California, any criminal proceeding otherwise authorized by law.
3. Prevent the City Manager from cooperating with, or participating in, a proceeding specified in Chapter 8.24.
4. Affect in any way existing contractual arrangements, including franchises, permits or licenses, previously granted or entered into between the franchised hauler and City.

(Ord. MC-1431, 11-10-16)

8.24.140 Forms, Regulations and Guidelines

The City Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this Chapter. The City may provide information on its website regarding

[\[Return to Municipal Code Contents\]](#)

what materials are accepted as Recyclable Materials, Organic Waste, and Garbage under this Chapter.

(Ord. MC-1431, 11-10-16)

Chapter 8.24.5
CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM
(Repealed by Ord. MC-1431, 11-10-16)

Chapter 8.25
SCRAP TIRES
(Repealed by Ord. MC-1431, 11-10-16)

Chapter 8.27
NUISANCES
(Repealed by Ord. MC-1418, 10-05-15)

Chapter 8.30 PUBLIC NUISANCES⁵

Sections:

- 8.30.010 Purpose
- 8.30.015 Definitions
- 8.30.020 Declaration of nuisances
- 8.30.021 Summary/Emergency Abatement
- 8.30.022 Summary/Emergency Abatement Post-Abatement Hearing
- 8.30.023 Method of giving notice
- 8.30.025 Determination of nuisance
- 8.30.026 Additional Requirements for Demolition of Buildings or Structures
- 8.30.030 Appeal
- 8.30.035 Time limit for compliance
- 8.30.040 Abatement by City
- 8.30.041 Report of abatement costs
- 8.30.042 Recovery of attorneys' fees and report of attorneys' fees
- 8.30.043 Treble damages
- 8.30.045 Hearing on nuisance abatement costs
- 8.30.050 Council action
- 8.30.055 Imposition of special assessment lien and notice
- 8.30.056 Recording of nuisance abatement lien
- 8.30.060 Collection of costs and attorney' s fees prior to hearing
- 8.30.065 Alternative remedies
- 8.30.070 Violation - Penalty

8.30.010 Purpose

It is hereby declared to be in the public interest to promote the health, safety and welfare of the residents of the City of San Bernardino by providing procedures for the abatement of nuisances as declared by the Mayor and Common Council of the City of San Bernardino, which abatement procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law.

(Ord. MC-1418, 10-05-15)

⁵ For charter provisions authorizing the Common Council to define nuisances and provide for their removal, see Charter §40(c).

8.30.015 Definitions

For the purpose of this Chapter the following words and phrases shall have the meanings given herein:

- a) "Abandoned vehicle" means a physically inoperable vehicle.
- b) "Abatement" means the demolition, removal, repair, maintenance, construction, reconstruction, replacement, or reconditioning of structures, appliances or equipment; or the removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of harboring, breeding, or attracting rodents or insects or producing odors or blight.
- c) "Administrative Hearing Officer" or "Hearing Officer" shall mean any individual appointed by the City Manager of the City of San Bernardino, or his/her designee, to hear the appeal under this Chapter.
- d) "Agricultural groves" means any grove of ten or more trees on a parcel or lot.
- e) "Attractive nuisance" means any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril which exists, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. Attractive nuisances may include, but shall not be limited to:
 - 1. Abandoned and/ or broken equipment;
 - 2. Swimming pools being used as fish ponds or other uses contrary to permitted swimming or other pool uses, subject to state or local regulations requiring, without limitation, that drains be visible from the water' s surface and that the water be filtered;
 - 3. Hazardous and/ or unmaintained pools, ponds, culverts, excavations; and
 - 4. Neglected machinery.
- f) "Building" means any structure including, but not limited to any house, garage, duplex, apartment, condominium, stock cooperative, mobile home, or other residential structure or any portion thereof, which is designed, built, rented or leased to be occupied or otherwise is intended for supporting or sheltering any use or occupancy, and any commercial, industrial, or other establishment, warehouse, kiosk, or other structures affixed to or upon real property, used for the purpose of conducting a business, storage or other activity.

[\[Return to Municipal Code Contents\]](#)

- g) "Construction material" means any discarded material from the building or destruction of structures, road and bridges including concrete, rocks, asphalt, plasterboard, wood and other related material.
- h) "Code Enforcement Director" shall mean the Chief of Police for the City of San Bernardino, or his or her designee.
- i) "Excavation" means any wells, shafts, basements, cesspools, septic tanks, fish ponds, and other like or similar conditions more than six inches in diameter and three feet in depth.
- j) "Foul" means very offensive to the senses.
- k) "Garbage" means any putrescible animal, fish, fowl, food, fruit, or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of the substance.
- l) "Hazardous materials and waste" means any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State of California as a "hazardous waste" as defined in 40 C. F. R. 261. 1 through 261. 33, except that for purposes of this Chapter, hazardous waste also shall include household waste as defined in 40 C. F.R. 261.4(B)(1).
- m) "Inoperable vehicle" means mechanically incapable of being driven or prohibited from being operated on a public street or highway pursuant to Vehicle Code Sections 4000, 5202, 24002, 40001, concerning license plates, registration, equipment, safety and related matters.
- n) "Noxious" means hurtful or unwholesome.
- o) "Odor" means any smell, scent, or fragrance.
- p) "Owner" means any person, agent, firm or corporation having legal or equitable interest in the property.
- q) "Premises" means any lot or parcel of land upon which a building is situated, including any portion thereof improved or unimproved, and adjacent streets, sidewalks, parkways and parking areas.
- r) "Property" means any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement.

- s) "Refuse" means any putrescible and non-putrescible solid waste, except sewerage, whether combustible or noncombustible and includes garbage and rubbish.
- t) "Stagnant water": Water which is allowed to become stagnant contained in ditches, pools, ponds, streams excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, tires, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.
- u) "Unmerchantable" means unsalable.
- v) "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway, or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.
- w) "Violator" means any responsible party, including the landowner, or lessee, tenant, or any other person who had possession or custody of the property.
- x) "Waste matter" means any rubbish or construction material.
- y) "Weeds" means useless and troublesome plants generally accepted as having no value and frequently of uncontrolled growth.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

8.30.020 Declaration of nuisances

It is unlawful and is hereby declared a nuisance for any person owning, leasing, occupying or having charge or possession of any property and any vehicles thereon, in the City to maintain the property in such a manner that any of the following conditions are present:

- A. The existence of any garbage, rubbish, refuse or waste matter upon the premises contrary to the provisions of the San Bernardino Municipal Code.
- B. The existence of weeds upon the premises, including public sidewalks, streets or alleys between said premises and the centerline of any public street or alley.
- C. The existence of overgrown, dead, decayed, diseased or hazardous trees, and other vegetation, including but not limited to dead agricultural groves which are:
 - (1) likely to attract rodents, vermin or other nuisances, or

[\[Return to Municipal Code Contents\]](#)

- (2) constitutes a fire hazard, or
 - (3) is dangerous to the public safety and welfare.
- D. Overgrown vegetation including trees, shrubbery, ground cover, lawns and decorative plantings which substantially detract from the aesthetic and property values of neighboring properties.
 - E. Any abandoned or discarded furniture, stove, refrigerator, freezer, sink, toilet, cabinet, or other household fixture or equipment visible from a public right-of-way.
 - F. The existence of any abandoned, wrecked, dismantled or inoperative motor vehicle upon the premises contrary to the provisions of the San Bernardino Municipal Code.
 - G. The storage or parking of certain vehicles as follows:
 - 1. The storage or parking of trucks exceeding the manufacturer's gross vehicle weight rating of 10, 000 pounds on all areas of all residential zones, and the storage or parking of other vehicles on the landscaped front and street side yard setback area of all residential zones, including but not limited to the front lawn areas, contrary to the provisions of the San Bernardino Municipal Code.
 - 2. The storage or parking of vehicles on any unpaved parcel of property where such vehicle is
 - (a) likely to disrupt traffic flow in the City;
 - (b) stir up dust from driving on the unimproved surface;
 - (c) negatively impact the aesthetics of the City;
 - (d) allow oils and other unwanted substances to drip onto the untreated dirt surface; and/ or
 - (e) cause traffic obstructions by impeding the line of vision of drivers at intersections.

Vehicles parked in conjunction with a temporary use as permitted under San Bernardino Municipal Code are excepted.

- H. The outdoor storage of personal property on private property as follows:
 - 1. Any furniture (except for furniture specifically designed for outdoor use), on porches, balconies, sun decks, front, side and/ or rear yards, any other personal property not designed for outdoor use and in good working order;
 - 2. The existence of any hay, straw, lumber, papers, or other substances, junk, packing boxes, recyclable materials, salvage materials, building/construction materials, equipment; unless necessarily kept or stored under validly permitted, current construction; appliances, commercial/industrial machinery and/or equipment(whether operable or inoperable); and
 - 3. Any item causing an unsightly appearance which is visible from the public right-of way or sites of neighboring properties or which provides a harborage for rats and/ or other vermin, or creates any other potential health hazard or nuisance.
- I. The outdoor storage of personal property on public property as follows:
 - 1. The use of public property to store, maintain, place or abandon any personal property, on any public street, any public sidewalk, any parking lot or public area, improved or unimproved, any public park, parkway, median or greenbelt, except as otherwise provided.
 - 2. Any personal property stored, maintained, placed or abandoned in violation of this section may be removed and discarded at the discretion of the Public Works Director, Code Enforcement Director or their designees.
- J. Any dangerous or substandard building, whether or not occupied, abandoned, boarded- up or partially destroyed contrary to the provisions of the Uniform Fire Code, Uniform Building Code, Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, and/ or the San Bernardino Municipal Code.
- K. Peeling or blistering paint on any building or structure such that the condition is plainly visible from a public right-of-way.
- L. The existence of loud or unusual noises, or foul or noxious odors which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons.
- M. The existence of hazardous substances and waste unlawfully released, discharged, or deposited upon any premises onto any City property.

[\[Return to Municipal Code Contents\]](#)

- N. The existence of any stagnant water or water contained in hazardous and/or unmaintained swimming or other pools which obscure required visibility and proper filtering.
- O. Any vacant commercial or industrial property on which are located signs related to uses no longer conducted or products no longer sold on the premises, provided that outdoor advertising displays which are located in permitted zoning districts or which are otherwise legally permitted are excepted herefrom;
- P. Automobile service stations, and the buildings and premises thereof, that have been vacant or abandoned for a period in excess of one hundred and eighty (180) consecutive days without being reestablished and which have been maintained in such a condition as to become so defective, unsightly, or in such a condition of deterioration or disrepair that the same cause appreciable diminution of the property values of surrounding properties, or are materially and economically detrimental to the neighboring properties and improvements.
- Q. Underground or aboveground storage vessels or tanks that have remained for more than six (6) months after the use of such tanks or vessels ceases;
- R. Any attractive nuisance.
- S. Any other condition which is contrary to the public peace, health and safety.
- T. Any other violation of the San Bernardino Municipal Code.

(Ord. MC-1418, 10-05-15)

8.30.021 Summary/Emergency Abatement

Notwithstanding any other provision of this Chapter with reference to the abatement of public nuisance, the Code Enforcement Director, Fire Chief, Chief of Police, City Engineer, Director of Public Works, Building Official, or their designees, shall have the authority to immediately cause the abatement of any public nuisance if it is determined that the nuisance presents an immediate threat to public health or safety, or an imminent hazard to real or personal property, in their sole discretion. Any such abatement activity may be conducted without observance of any notice requirements described in this chapter. The City is entitled to recover all abatement costs incurred in the abatement of an imminent threat or hazard as set forth in this chapter.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

8.30.022 Summary/Emergency Abatement Post-Abatement Hearing

- A. Within 10 business days, or as soon as reasonably possible under the circumstances, following any summary abatement action by the City to abate an immediate threat to public health or safety, or imminent hazard to real or personal property, the City must provide the owner and any other responsible person with a “Notice of Summary Abatement.”
- B. The Notice of Summary Abatement shall be served in accordance with Section 8.30.023 of this Chapter and contain the following information:
 - 1) A brief description of the condition and reasons why it constituted an imminent threat or hazard;
 - 2) A brief description of the law prohibiting or pertaining to the imminent threat or hazard;
 - 3) A brief description of the actions the City took to abate the imminent threat or hazard; and
 - 4) An itemized invoice identifying all nuisance abatement costs related to the summary abatement. The invoice shall further indicate that any unpaid amounts may become a lien and special assessment against the property.
- C. The City’s determination that a public nuisance constituted an imminent threat or hazard may be appealed as set forth in Section 8.30.030. The invoice of abatement costs may be appealed as set forth in Section 8.30.045. Any party to whom an invoice has been issued shall have 45 calendar days from the date of the invoice to remit full payment of the invoice to the City. If the owner or other responsible person fails to make timely, full payment of the abatement costs within 45 days of issuance of the Notice of Summary Abatement or as ordered by the hearing officer after any appeal, the City may then proceed to collect its abatement costs in any manner allowed by law, including as set forth in Section 8.30.055.
- D. Omission of any of the foregoing provisions in a Notice of Summary Abatement, whether in whole or in part, or the failure of an owner or responsible person to receive this document, does not render it defective or render any proceeding or action pursuant to this chapter invalid.
- E. The decision of the Hearing Officer on the determination of nuisance is final. Any appeal of the Hearing Officer’s decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

8.30.023 Method of giving notice

Any notice required by this chapter may be served in any one of the following methods:

- 1) by personal service on the owner, occupant, or person in charge or control of the property;
- 2) by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned; or
- 3) by posting in a conspicuous place on the premises or abutting public right-of-way, or
- 4) in the alternative, insertion of a legal advertisement at least once a week for the period of two weeks in a newspaper of general circulation in the City of San Bernardino.
- 5) The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Chapter.

(Ord. MC-1418, 10-05-15)

8.30.025 Determination of nuisance

- A. The Code Enforcement Director, or his or her designee, may determine that any premises within the City may constitute a public nuisance pursuant to any provisions of Section 8.30.020 and may initiate abatement proceedings pursuant to this Chapter. The Code Enforcement Director or the authorized representative thereof shall set forth in such determination in a notice to abate which shall identify the premises and state the conditions which may constitute the nuisance and shall require that such conditions be corrected within such time periods set forth in the notice to abate.
- B. The notice to abate to the owner or person in control or charge of the property shall include
 - (1) the condition or conditions on the premises creating the nuisance;

[Return to Municipal Code Contents]

- (2) a reasonable time limit to abate the nuisance; and
- (3) the right to appeal.

The notice shall direct the abatement of the nuisance and refer to this chapter for particulars.

- C. The notice shall be served not less than ten calendar days before the date of the scheduled abatement. Failure of the owner to accept or otherwise receive such notice shall not affect the validity of any proceeding pursuant to this Chapter.
- D. "Owner" as used in this chapter shall mean any person in possession and also any person having or claiming to have any legal or equitable interest in said premises, as disclosed by a current title search from any accredited title company.

(Ord. MC-1418, 10-05-15)

8.30.026 Additional Requirements for Demolition of Buildings or Structures

- A. Whenever the Code Enforcement Director, or designee, intends to abate a public nuisance by demolition of a building or structure, the City must comply with the following additional requirements:
 - (1) The Notice to Abate must contain a statement that the City intends to abate the nuisance with City personnel or contractors by demolition of a building or structure if the nuisance conditions are not repaired, rehabilitated, removed, terminated, or demolished within the compliance deadline set forth in the Notice to Abate.
 - (2) The City shall serve the Notice to Abate on all secured lienholders of record with the San Bernardino County Recorder's Office;
 - (3) Entry onto any real property to abate a public nuisance by demolition of a building or structure must be pursuant to a warrant or other order issued by a court of competent jurisdiction
- B. The provisions of this section do not apply in cases involving summary or emergency abatement under Section 8.30.021 of this Code.

(Ord. MC-1521, 9-18-19)

[Return to Municipal Code Contents]

8.30.030 Appeal

- A. Within ten days from the date of giving notice to abate, the violator may file an appeal to the determination of the nuisance with the City Clerk. Such appeal shall be in writing and shall identify the property subject to the Notice to Abate. The City Clerk shall then cause the matter to be set for hearing before a Hearing Officer contracted by the City to hear such matters
- B. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than fifteen days from the date when notice of the hearing is given to the appellant and to the Code Enforcement Division.
- C. At the time fixed in the notice, the Administrative Hearing Officer shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance.
- D. At the conclusion of the hearing, the Hearing Officer shall determine whether or not a nuisance exists, and if the Hearing Officer so concludes, he may declare the conditions existing to be a nuisance and direct the person owning the property upon which the nuisance exists to abate it within ten days after the date of posting on the premises a notice of the Hearing Officer's order. The Hearing Officer may amend time to abate the nuisance, if in his or her opinion, there exists good cause for the amendment of time to abate. If the City is the prevailing party, the Hearing Officer's decision shall order the responsible parties to pay the confirmed nuisance abatement costs to the City within 30 calendar days, and shall specify that any confirmed nuisance abatement costs not paid within 30 calendar days shall become a lien and special assessment against the property
- E. The decision of the Hearing Officer on the determination of nuisance is final. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094.6 or such section as may be amended from time to time.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

8.30.035 Time limit for compliance

The violator must abate the nuisance within the period of time set forth in the Notice to Abate, or, in case of an appeal, within ten days from the finding of the Hearing Officer or such longer period as may be determined by the Administrative Hearing Officer.

Unless an emergency situation exists, the violator shall be given at least ten days to abate the nuisance.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

[Return to Municipal Code Contents]

8.30.040 Abatement by City

- A. If the nuisance is not abated by the violator within the time limits set forth above in Section 8.30.035, the City, by its employees or any hired contractor, may cause the nuisance to be abated.

(Ord. MC-1418, 10-05-15)

8.30.041 Report of abatement costs

- A. In accordance with this Chapter, the City shall serve upon each responsible party and each interested party an invoice identifying all nuisance abatement costs related to a nuisance abatement action.
- B. Any party to whom an invoice has been issued shall have 45 calendar days from the date of the invoice to remit full payment of the invoice to the City. Payment shall be submitted to the City as specified in the invoice. The invoice shall further indicate that any unpaid amounts may become a lien and special assessment against the property.
- C. The statement shall be accompanied by a notice to the owner that the cost of abatement may be protested as set forth in Section 8.30.045. If the cost is not protested within 15 calendar days after service, it shall be deemed final.

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

8.30.042 Recovery of attorneys' fees and report of attorneys' fees

In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorneys' fees. The recovery of attorneys' fees by the prevailing party shall be 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 attorneys' fees.

In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. The City Attorney's Office shall thereafter cause a report of the action and an accurate account of costs to be filed with the City Clerk of the City of San Bernardino.

(Ord. MC-1418, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

8.30.043 Treble damages

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this ordinance, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, related to substandard buildings, the court may order the owner to pay treble the costs of the abatement.

(Ord. MC-1418, 10-05-15)

8.30.045 Hearing on nuisance abatement costs

- A. Any responsible party or interested party to whom an invoice has been issued may, within 15 calendar days from the date of the invoice, request a hearing to protest the cost of abatement by filing a written request for a hearing on the abatement costs with the City Clerk. The request for hearing must contain the following information:
- (1) The requestor's full legal name;
 - (2) The requestor's mailing address and telephone number;
 - (3) The amount of nuisance abatement costs disputed;
 - (4) The specific legal and factual grounds for all disputes of the invoice and nuisance abatement costs.
- B. The failure of any party to properly and timely request a hearing is a waiver of the right to contest the invoice, a waiver of the right to a hearing, a failure to exhaust administrative remedies, and a bar to any further challenge to the City's invoice and nuisance abatement costs.
- C. If a hearing is timely and properly requested, the City Clerk shall cause a Hearing to be set before the Hearing Officer. The City shall provide notice of the date, time, and location of the hearing to all parties at least 10 calendar days before the hearing. At the time fixed for the hearing, the Hearing Officer shall hold an informal hearing to consider the invoice and protests or objections raised by the requestor.
- D. At the conclusion of the hearing, or within 5 days thereafter, the Hearing Officer shall issue a decision approving, denying, or modifying the amount of the nuisance abatement costs that the City is entitled to recover.

[Return to Municipal Code Contents]

[Return to Title 8 Contents]

- E. The decision of the Hearing Officer shall be in writing and shall be served by mail. The decision of the Hearing Officer on the abatement costs shall be final. If any cost recovery is upheld, even in part, the City shall be the prevailing party. If cost recovery is entirely denied, the requesting parties shall be the prevailing parties.
- F. Any appeal of the Hearing Officer's decision shall be governed by California Code of Civil Procedure Section 1094. 6 or such section as may be amended from time to time

(Ord. MC-1521, 9-18-19; Ord. MC-1418, 10-05-15)

8.30.050 Council action

- A. If the property owner does not pay the cost of abating the nuisance within thirty calendar days after the cost becomes final or the hearing officer confirms the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the date of confirmation of the statement until payment. The assessment may 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 the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.
- B. The City Council shall adopt a resolution assessing such unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

(Ord. MC-1418, 10-05-15)

8.30.055 Imposition of special assessment lien and notice

- A. The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land, adopted pursuant to the preceding section.
- B. Notice of lien shall be mailed by certified mail to the property owner, if the property owner's identity can be determined from the County Assessor's or County Recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three it 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.

[Return to Municipal Code Contents]

- C. The County Auditor shall enter each assessment on the County tax roll upon the parcel of land. The 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 procedure 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 a 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. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

(Ord. MC-1418, 10-05-15)

8.30.056 Recording of nuisance abatement lien

As an additional remedy, the Code Enforcement Director may cause a nuisance abatement lien for costs related to abatements, other than dangerous building abatements, to be recorded with the San Bernardino County Recorder's Office, pursuant to the provisions of Government Code Section 38773.1.

(Ord. MC-1418, 10-05-15)

8.30.060 Collection of costs and attorney' s fees prior to hearing

The City may accept payment of any amount due at any time prior to the filing of a certified copy of the City Council resolution assessing the abatements costs with the County Auditor.

(Ord. MC-1418, 10-05-15)

8.30.065 Alternative remedies

The procedures established in this Chapter shall be in addition to criminal, civil or other legal or equitable remedies established by law which may be pursued to address violations of this Code or applicable state codes and the use of this Chapter shall be at the sole discretion of the City.

(Ord. MC-1418, 10-05-15)

[Return to Municipal Code Contents]

8.30.070 Violation—Penalty

- A. The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this Chapter, or who violates an order of abatement made pursuant to §8.30.030 is guilty of a misdemeanor.
- B. Any occupant or lessee in possession of any building or structure contrary to an order given as provided in this Chapter is guilty of a misdemeanor.
- C. No person shall obstruct, impede or interfere with any representative of the City or with any representative of a City department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed, or with any person to whom any such building has been lawfully sold pursuant to the provisions of this Code whenever any such representative of the City Council, representative of the City, purchaser or person having any interest or estate in the building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Chapter.

(Ord. MC-1418, 10-05-15)

Chapter 8.33
(Repealed by Ord. MC-807, 9-18-91)

Chapter 8.35
(Repealed by Ord. MC-1260, 12-04-07)

Chapter 8.36 ABANDONED VEHICLES⁶

Sections:

- 8.36.010 Findings
- 8.36.020 Definitions
- 8.36.030 Applicability
- 8.36.040 Chapter not exclusive
- 8.36.050 Administration and enforcement
- 8.36.060 Rights of franchisee to enter private property
- 8.36.070 Assessment of administrative costs
- 8.36.080 Abatement authority
- 8.36.090 Ten-day notice required
- 8.36.100 Public hearing
- 8.36.110 Hearings to be held before Hearing Officer
- 8.36.120 [Reserved]
- 8.36.130 Removal of vehicle to scrapyard
- 8.36.140 Notice to Department of Motor Vehicles of removed vehicles
- 8.36.150 Assessment of charges against land
- 8.36.160 Violation - Penalty

8.36.010 Findings

In addition to and in accordance with the determination made and the authority granted by the State under Sections 22660 through 22664 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the Mayor and Common Council hereby make the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof on private or public property not including highways, except as expressly hereinafter permitted, is a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

(Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

⁶ For statutory provisions on the removal of parked and abandoned vehicles, see Vehicle Code §22650 et seq.

[Return to Municipal Code Contents]

8.36.020 Definitions

As used in this Chapter:

- A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes street.
- B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- C. "Owner of the vehicle" means the last registered owner and legal owner of record.
- D. "Public property" does not include "highway."
- E. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

8.36.030 Applicability

This Chapter shall not apply to:

- A. A vehicle or a part thereof which is completely enclosed within a building, in a lawful manner where it is not visible from the street or other public or private property.

(Ord. MC-636, 9-07-88)

- B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law.

(Ord. MC-153, 4-20-82; Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

8.36.040 Chapter not exclusive

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory Codes, statutes and ordinances heretofore or hereafter enacted by the City, the State or any other legal entity or agency having jurisdiction.

(Ord. 2969, 1-21-69)

[Return to Municipal Code Contents]

8.36.050 Administration and enforcement

Except as otherwise provided in this Chapter, the provisions of this Chapter shall be administered and enforced by the Code Compliance Director, or his representatives, except that the removal of vehicle(s) or parts(s) thereof from property may be by any other duly authorized person. Any such authorized person may enter upon private property for the purposes specified in this Chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle part thereof declared to be a nuisance pursuant to this Chapter.

(Ord. MC-1069, 4-18-00; Ord. MC-645, 12-07-88; Ord. MC-498, 2-18-86;
Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

8.36.060 Right of franchisee to enter private property

When the Mayor and Common Council have contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

(Ord. 2969, 1-21-69)

8.36.070 Assessment of administrative costs

The Mayor and Common Council shall from time to time determine and fix an amount to be assessed as administrative fees under this Chapter including fees for response to demands for information regarding liens imposed hereunder.

(Ord. MC-1307, 6-02-09; Ord. 2969, 1-21-69)

8.36.080 Abatement authority

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the City, the Superintendent of Public Buildings, or his representatives, under the supervision of the Department Head, shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this Chapter.

(Ord. MC-645, 12-07-88; Ord. MC-498, 2-18-86; Ord. 3419, 4-19-74, Ord. 2969, 1-21-69)

8.36.090 Ten-day notice required

A ten-day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be issued. Such ten-day notice of intention to abate shall be mailed by certified mail or registered mail, return receipt requested, to the owner of the land,

[Return to Municipal Code Contents]

as shown on the last equalized assessment roll, and to the last registered owner and/or legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. All notices must identify the vehicle. Notices mailed to the owner of land must advise that failure to comply with the notice may result in abatement by the City, and costs being assessed against the property. All notices must advise that an aggrieved party may appeal and describe the procedures for filing an appeal.

(Ord. MC-1521, 9-18-19; Ord. MC-645, 12-07-88; Ord. MC-498, 2-18-86;
Ord. 3685, 11-09-77; Ord. 3419, 4-19-74; Ord. 2969, 1-21-69)

8.36.100 Public hearing

- A. The owner of the vehicle or owner of the land that is the subject of a ten-day notice issued under this Chapter may appeal the notice to a hearing officer in the manner provided in Chapter 9.94 of this Code.
- B. The appeal must be filed within 10 days following issuance of the ten-day notice. If such a request for hearing is not received by the City within said ten days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Ord. MC-1521, 9-18-19; Ord. MC-1070, 4-18-00; Ord. MC-645, 12-07-88;
Ord. MC-498, 2-18-86; Ord. 3419, 4-19-74; Ord. 3267, 5-17-72; Ord. 2969, 1-21-69)

8.36.110 Hearings to be held before Hearing Officer

- A. The hearing officer may impose such conditions and take such other action as the hearing officer deems appropriate under the circumstances to carry out the purpose of this Chapter. The hearing officer may delay the time for removal of the vehicle or part thereof if, in the hearing officer's opinion, the circumstances justify it. At the conclusion of the public hearing, the hearing officer may find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property, and may order the same removed from the property as a public nuisance and disposed of as hereinafter provided, and may determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle if available at the site.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- B. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that he has not subsequently acquiesced in its presence, the hearing officer shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.
- C. The decision of the hearing officer in an appeal under Chapter 9.94 of this Code is final.

(Ord. MC-1521, 9-18-19; Ord. MC-645, 12-07-88; Ord. 3419, 4-19-74; Ord. 2969, 1-21-69)

8.36.120 [Reserved]

(Ord. MC-1521, 9-18-19; Ord. MC-1071, 4-18-00; Ord. MC-742, 9-17-90; Ord. MC-645, 12-07-88; Ord. MC-410, 9-18-84; Ord. 3419, 4-19-74; Ord. 2969, 1-21-69)

8.36.130 Removal of vehicle to scrapyard

Five days after adoption of the order declaring the vehicle or part thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 8.36.110, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or part thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable.

(Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

8.36.140 Notice to Department of Motor Vehicles of removed vehicles

Within five days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

(Ord. 3685, 11-09-77; Ord. 2969, 1-21-69)

8.36.150 Assessment of charges against land

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 8.36.110 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be

[\[Return to Municipal Code Contents\]](#)

assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the county auditor for collection. The assessment shall have the same priority as other City taxes.

(Ord. 2969, 1-21-69)

8.36.160 Violation - Penalty

Any person, partnership, firm or corporation whether as principal, agent, employee or otherwise violating any provision of this Chapter is guilty of an infraction which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-584, 2-17-87)

Chapter 8.38 SIGNS ON VACANT PROPERTIES

Sections:

- 8.38.010 Signs**
- 8.38.020 Signs on Unimproved or Abandoned Property**
- 8.38.030 Violation; Removal**
- 8.38.040 Violation; Penalty**

8.38.010 Signs

Any sign, as defined in Section 19.60.020 of this Code, placed after the effective date of this Chapter on any unimproved or abandoned property within the City limits of the City of San Bernardino shall display the name, address, and telephone number of the person, firm or corporation responsible for placing the sign.

(Ord. MC-757, 11-21-90)

8.38.020 Signs on Unimproved or Abandoned Property

No sign, as defined in Section 19.60.020 of this Code, may be placed or maintained on any unimproved or abandoned property after the effective date of this Chapter, when such property is in violation of Chapters 8.18, 8.24, 8.27⁷, 8.30, 8.33 or 8.36 of this Code.

(Ord. MC-1418, 10-05-15; Ord. MC-757, 11-21-90)

⁷Ord. MC-1418, 10-05-15 repealed/deleted Ch. 8.27 and stated that any remaining provisions of the San Bernardino Municipal Code that reference it should now be deemed to instead reference Ch. 8.30, which it also amended.

8.38.030 Violation; Removal

Violation of Section 8.38.020 of this Chapter shall allow the City to remove said sign at the cost of the person, firm or corporation responsible for the sign, after giving 72 hours telephone notice to said person, firm or corporation.

(Ord. MC-757, 11-21-90)

8.38.040 Violation; Penalty

Any person, firm or corporation who violates Section 8.38.020 of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code, in addition to any other civil or administrative remedies provided by law.

(Ord. MC-757, 11-21-90)

Chapter 8.39 SEIZURE AND FORFEITURE OF NUISANCE VEHICLES

Sections:

- 8.39.010 Findings, Purpose, and Intent**
- 8.39.020 Nuisance Vehicles**
- 8.39.030 Right, Title and Interest in Vehicle**
- 8.39.040 Process**
- 8.39.050 Receipts**
- 8.39.060 Evidence**
- 8.39.070 Forfeiture**
- 8.39.080 Innocent Parties; Return of Vehicle**
- 8.39.090 Interest Claim**
- 8.39.100 Alternative Settlement Procedures**
- 8.39.110 Sale of Vehicles**
- 8.39.120 Nonexclusive Remedy**
- 8.39.130 Severability**

8.39.010 Findings, Purpose, and Intent

The Mayor and Common Council has determined that persons who operate vehicles and use them to illegally deposit, discard, dump, and/or place garbage, rubbish, recyclable discards, and/or green waste, bring decay and cause nuisances to local neighborhoods where they so deposit, discard, dump, and/or place such matter. The Mayor and Common Council has further determined that seizing the vehicles of persons who so illegally

[\[Return to Municipal Code Contents\]](#)

deposit, discard, dump, and/or place such garbage, rubbish, recyclable discards, and/or green waste in the City of San Bernardino will deter said nuisances from occurring if their vehicles are subject to seizure and forfeiture. The Mayor and Common Council finds that there is a need to provide for the abatement of such nuisance vehicles.

8.39.020 Nuisance Vehicles

Any vehicle used to illegally deposit, discard, dump, and/or place garbage, rubbish, recyclable discards, or green waste in violation of San Bernardino Municipal Code section 8.24.070(C) is declared a nuisance vehicle, and the vehicle shall be subject to seizure and forfeiture as provided in this Chapter. “Garbage,” “rubbish,” “recyclable discards,” and “green waste” shall be defined as set forth in San Bernardino Municipal Code section 8.24.060. Any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or as an officer or agent for a corporation, or otherwise, who owns, leases, possesses, conducts, uses or maintains any vehicle (hereinafter referred to as “Vehicle”), used for any of the purposes or acts set forth in this section is guilty of a nuisance.

(Ord. MC-1235, 10-03-06)

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1235, 10-03-06)

8.39.030 Right, Title and Interest in Vehicle

All right, title and interest in any Vehicle described in Section 8.39.020 shall vest in the City upon commission of the act giving rise to the nuisance under this Chapter.

8.39.040 Process

Vehicles subject to forfeiture under this Chapter may be seized by any peace officer upon process issued by any court having jurisdiction over the Vehicle. Under this Chapter, seizure without process may be made if any of the following situations exist:

- A. The seizure is incident to an arrest or a search pursuant to a search warrant; or

[\[Return to Municipal Code Contents\]](#)

- B. There is probable cause to believe that the Vehicle was used in violation of this Chapter.
- C. All seized vehicles shall be towed pursuant to this section.

8.39.050 Receipts

Receipts for vehicles seized pursuant to this Chapter shall be delivered to any person arrested out of whose possession such vehicle was seized, in accordance with Penal Code section 1412.

8.39.060 Evidence

Property seized pursuant to Section 8.39.040, where appropriate, may be held for evidence. The City Attorney shall institute and maintain the proceedings pursuant to section 8.39.070.

8.39.070 Forfeiture

- A. Except as provided in subsection H of this section, or Section 8.39.100, if the City Attorney determines that the factual circumstances warrant that the Vehicle described in Section 8.39.020 is subject for forfeiture, the City Attorney shall file a petition for forfeiture with the Superior Court of San Bernardino County.
- B. A petition for forfeiture under this subdivision shall be filed as soon as practicable, but in any case within six (6) months of the seizure of the Vehicle which is subject to forfeiture.
- C. Within thirty (30) days from the seizure, the City Attorney shall cause a notice of the seizure and of the intended forfeiture proceedings, as well as notice stating that any interested party may file a verified claim with the Superior Court in San Bernardino County, to be served by personal delivery or by registered mail upon any person who has an interest in the Vehicle. Whenever a notice is delivered pursuant to this section, it shall be accompanied by a claim form as described in Section 8.39.090 and directions for the filing and service of a claim. Notice shall also be published once in a newspaper of general circulation in San Bernardino County. The City Attorney shall provide notice of the proceedings under this subsection, including the following information:
 - 1. A description of the Vehicle;
 - 2. The date and place of seizure;

[\[Return to Municipal Code Contents\]](#)

3. The violation of law alleged with respect to forfeiture of the property;
 4. The instruction for filing and serving a claim with the City Attorney pursuant to section 8.39.090 and time limits for filing a claim.
- D. An investigation shall be made by the San Bernardino Police Department as to any claimant to the Vehicle whose right, title, interest, or lien is of record in the Department of Motor Vehicles or appropriate federal agency. If the San Bernardino Police Department finds that any person, other than the registered owner, is the legal owner thereof, and such ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the Vehicle, it shall immediately send a notice to the legal owner at his or her address appearing on the records of the Department of Motor Vehicles or appropriate federal agency.
 - E. All notices shall set forth the time within which a claim of interest in the Vehicle seized or subject to forfeiture is required to be filed pursuant to Section 8.39.090.
 - F. With respect to a Vehicle described in Section 8.39.020 for which forfeiture is sought and as to which forfeiture is contested, the City of San Bernardino shall have the burden of proving by a preponderance of the evidence that the Vehicle was used as set forth in Section 8.39.020. Trial shall be before the court or by jury. The presiding judge of the Superior Court shall assign the action brought pursuant to this Chapter for trial.
 - G. Upon proof by a preponderance of the evidence that the Vehicle was used for any of the purposes set forth in Section 8.39.020 of this Chapter, the court shall declare the Vehicle a nuisance and order that the Vehicle be seized, if not previously seized and held by the Police Department, forfeited and sold and the proceeds distributed in accordance with this Chapter.
 - H. If no claims are filed, the City Attorney shall prepare a written declaration of forfeiture of the Vehicle to the court and dispose of the Vehicle in accordance with this Chapter. A written declaration of forfeiture signed by the City Attorney under this section shall be deemed to provide good and sufficient title to the forfeited Vehicle. The City Attorney shall provide a copy of the declaration of forfeiture to any person who received notice of the forfeiture proceedings.
 - I. If a claim is timely filed, then the City Attorney shall file a petition for forfeiture pursuant to this section within thirty (30) days of the receipt of the claim.

8.39.080 Innocent Parties; Return of Vehicle

Notwithstanding the provisions of this Chapter, the San Bernardino Police Department shall return a seized Vehicle upon the filing of a timely claim pursuant to section 8.39.090 and upon a showing by the claimant that:

- A. The Vehicle is owned by two or more persons and there is a community property interest in the Vehicle by a person other than the person who used or maintained the Vehicle to illegally deposit, discard, dump and/or place garbage, rubbish, recyclable discards, and/or green waste, and the Vehicle is the sole vehicle available to the person's immediate family; or
- B. The Vehicle is owned by the employer of the person who used or maintained the Vehicle for illegally depositing, discarding, dumping and/or placing garbage, rubbish, recyclable discards, and/or green waste, and the employer files and serves on the City Attorney a declaration or affidavit under penalty of perjury that he or she had no knowledge of said illegal activity; or
- C. The Vehicle is owned by a rental car agency with a duly executed contract with the person who used or maintained the Vehicle for illegally depositing, discarding, dumping and/or placing said garbage, rubbish, recyclable discards, and/or green waste.

8.39.090 Interest Claim

Any person claiming an interest in a Vehicle seized pursuant to Section 8.39.020 must, at any time within ten (10) days from the date of the notice of seizure, file with the Superior Court of the State of California, County of San Bernardino, San Bernardino District, a claim, verified in accordance with Section 446 of the Code of Civil Procedure, stating his or her interest in the Vehicle. An endorsed copy of the claim shall be served by the claimant on the City Attorney within ten (10) days of the filing of the claim.

- A. If a verified claim is filed, the forfeiture proceeding shall be set for hearing on a day not less than thirty (30) days therefrom.
- B. The hearing shall be before the court or by jury.
- C. The provisions of the Code of Civil Procedure shall apply to proceedings under this Chapter unless otherwise inconsistent with the provisions or procedures set forth in this Chapter. However, in proceedings under this Chapter, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this Chapter.

[\[Return to Municipal Code Contents\]](#)

8.39.100 Alternative Settlement Procedures

Any person, or his or her servant, agent or employee who owns, leases, conducts, uses or maintains any vehicle for illegally depositing, discarding, dumping and/or placing garbage, rubbish, recyclable discards, and/or green waste, and whose vehicle has been seized in accordance with this Chapter may request to execute a voluntary settlement agreement with the City for the return of the Vehicle. However, nothing in this Section shall require the City to follow these alternative settlement procedures.

Such request shall be made in writing to the City Attorney. The minimum amount of the settlement agreement shall be sufficient to cover all of the City's reasonable administrative costs, including attorneys' fees and personnel time for the seizure and forfeiture action. The costs, salary and expenses of the City Attorney and members of the City Attorney's office in enforcing this ordinance on behalf of the City shall be considered as "attorneys' fees" for the purposes of this section. The executed settlement agreement shall be accompanied by the appropriate settlement fee amount in the form of a money order, cash or cashier's check. All settlement funds shall be distributed as set forth in section 8.39.110(B) and (C).

8.39.110 Sale of Vehicles

In all cases where a Vehicle seized pursuant to this Chapter is forfeited to the City, the Vehicle shall be sold by the Police Department, their agent, or designee, and the proceeds of the sale shall be distributed and appropriated as follows:

- A. To the bona fide or innocent purchaser, conditional vendor, mortgagee or lien holder of the Vehicle, if any, up to the amount of his or her interest in the Vehicle, when the court or City Attorney declaring the forfeiture and sale of the Vehicle orders a distribution to that person.
- B. To the City for all expenditures made or incurred by it in connection with the publication of the notices set forth in this Chapter, and sale of the Vehicle, including expenditures for any necessary repairs, storage or transportation of any Vehicle seized under this Chapter.
- C. The remaining funds shall be placed in the General Fund of the City of San Bernardino, subject to appropriate accounting controls and financial audits for all deposits and expenditures.
- D. All the funds placed in the General Fund pursuant to this Chapter shall not supplant any funds that would, in the absence of this Chapter, be made available to support the law enforcement and prosecutorial efforts of the Police Department or the City Attorney's Office.

[\[Return to Municipal Code Contents\]](#)

8.39.120 Nonexclusive Remedy

This Chapter is not the exclusive regulation or penalty for the illegal depositing, discarding, dumping and/or placing of garbage, rubbish, recyclable discards, and/or green waste. Nothing in this Chapter shall be deemed to prevent the City Attorney from commencing a civil action to abate a nuisance in addition to, alternatively to, or in conjunction with the proceeding set forth in this Chapter, nor shall anything in this Chapter be deemed to prevent the City from commencing a criminal action with respect to the nuisance in addition to alternatively to, or in conjunction with the proceedings set forth in this Chapter, or other ordinance, statute or state law.

8.39.130 Severability

If any provision of this Chapter is determined by any court of competent jurisdiction, or by any federal or state agency having jurisdiction over its subject matter, to be invalid and in conflict with any paramount federal or state law or regulation now or hereafter in effect, or is determined by that court or agency to require modification in order to conform to the requirements of that paramount law or regulation, then that provision will be deemed a separate, distinct, and independent part of this chapter, and such determination will not affect the validity and enforceability of any other provisions. If that paramount federal or state law or regulation is subsequently repealed or amended so that the provision of this chapter determined to be invalid or subject to modification is no longer in conflict with that law or regulation, then that provision will again become effective and will thereafter be binding.

(Ord. MC-1177, 8-17-04)

Chapter 8.42
(Repealed By Ord. MC-613, 12-21-87)

Chapter 8.45
(Repealed By Ord. MC-613, 12-21-87)

Chapter 8.48 HOTELS AND LODGING HOUSES

Sections:

- 8.48.010 Register required
- 8.48.020 Registration of guests required
- 8.48.030 Violation - Penalty

8.48.010 Register required

Every hotel and lodging house keeper shall at all times keep a register in which the name of each lodger or person renting or occupying a room shall be entered, together with the address of such person. The register shall be open at all times to the inspection of the police and to all authorized officials of the City.

(Ord. 442, 8-15-10)

8.48.020 Registration of guests required

It is unlawful for any hotel keeper or lodging house keeper to rent any room to any person, or allowing or permitting any person to occupy any room, except such person so renting or occupying such room shall first register his or her name and address in the register kept for that purpose.

(Ord. 442, 8-15-10)

8.48.030 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 442, 8-15-10)

Chapter 8.50 VENEREAL DISEASES

Sections.

- 8.50.010 Control of venereal diseases
- 8.50.020 Administration
- 8.50.030 Rules and regulations
- 8.50.040 Violation-Penalty
- 8.50.050 Validity
- 8.50.060 Supplementation of State law

8.50.010 Control of venereal diseases

- A. In order to supplement state legislation and to control the spread of infectious venereal disease in the City of San Bernardino, pursuant to Health and Safety Code Section 3194, certain arrested persons reasonably believed to be infected with an infectious venereal disease and certain other persons not arrested but reasonably believed to be so infected may be ordered to report to the San Bernardino County Department of Public Health or to a physician and undergo examination and testing for infectious venereal disease, and to provide evidence to the City of having had such examination and testing.
- B. When, in the judgment of an authorized individual, it is necessary to protect the public health, a person in either of the following categories may be reasonably believed to have an infectious venereal disease:
 - 1. (a) Any person who is arrested for an offense in the nature of solicitation or prostitution of the type punishable under Penal Code Section 647
 - (1) for solicitation in prostitution related cases or
 - (2) for prostitution; or
 - (b) Any person who is convicted of any such offense.
- 2. Any person who, within the past twelve months, has had any such infectious venereal disease, or has been convicted of any offense of the kind herein specified within twelve months past and who fails to present satisfactory evidence of examination and testing for infectious venereal disease, and who is reasonably believed to be engaged in any activity in the nature of prostitution or solicitation.

- C. A person in the foregoing categories who is reasonably believed to have an infectious venereal disease may be ordered in writing by the San Bernardino County Director of the Department of Public Health (hereinafter referred to as "Health Officer"), his authorized deputy, or any City employee designated by the Mayor and approved by the Health Officer, to report to either his or her own physician, the San Bernardino County Department of Public Health or an authorized physician retained by the City, if any, at that person's option, and to be examined and tested for the purpose of determining whether such person is, in fact, infected with an infectious venereal disease. Each such person shall submit to such examination and testing as are necessary and are authorized by law and shall permit specimens to be taken for laboratory analysis. The provisions hereof are for health purposes and shall not be utilized as, or construed to be, a penalty or punishment.
- D. If any such person is found to have an infectious venereal disease of a type which is amenable to treatment, he or she shall be referred for such treatment as is consented to or is otherwise authorized by law. If such disease is not amenable to treatment, such person shall be referred for counseling under rules of the Health Officer.
- E. Examination and testing shall occur not later than ten days after the arrest, service of an order to be examined for infectious venereal disease, or release from custody, whichever last occurs. Within ten days after such examination and testing, each person ordered to be examined for infectious venereal disease shall obtain a medical report setting forth the results of examination and testing for infectious venereal disease and shall deliver or transmit the report to the Health Officer and additionally shall provide evidence of having had such examination and testing to the City or County issuing the order, which evidence shall not be publicly disclosed pursuant to Government Code Sections 6254(c) (k) or 6255 or other law.

(Ord. MC-209, 9-20-82)

8.50.020 Administration

The Health Officer, his authorized deputy, and any City employee designated by the Mayor and approved by the Health Officer under §8.50.010.c, are authorized and empowered to implement the purposes of Section 8.50.010 by personally serving upon any person reasonably believed to have an infectious venereal disease an order for examination and testing incident to an arrest or notice to appear for the charge of prostitution or solicitation of the type punishable under Penal Code Section 647(a) or (b), or incident to other activity as set forth in Section 8.50.010 (B)(1) or(2)

(Ord. MC-209, 9-20-82)

[\[Return to Municipal Code Contents\]](#)

8.50.030 Rules and regulations

The Health Officer may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this Chapter and to govern administrative procedures hereunder. These rules and regulations shall be consistent with this Chapter and other applicable law.

(Ord. MC-209, 9-20-82)

8.50.040 Violation - Penalty

Any person having been served with an order to present himself or herself for examination and testing for infectious venereal disease who fails to present himself or herself for such examination and testing in the manner and within the time specified, or who violates any other order issued pursuant to §8.50.010, or any other provision of this Chapter, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of §1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-209, 9-20-82)

8.50.050 Validity

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of a court of competent jurisdiction or conflicts with any state law or regulation, such decision or such conflict shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses or phrases thereof be declared invalid or unconstitutional or might conflict with any state law or regulation.

(Ord. MC-209, 9-20-82)

8.50.060 Supplementation of state law

This Chapter is enacted with the intention of supplementing provisions of the Health and Safety Code and Administrative Code of the State of California concerning the control of venereal disease by local health officers and any provision hereof which might conflict with such State Codes shall be interpreted to comply with and as subordinate to such State Codes. The provisions hereof have been enacted after consultation with and the approval of the Director of Public Health of the County of San Bernardino. The need of and rational basis for the ordinance have been established and based upon statistical evidence provided by the San Bernardino County Department of Public Health and deductions therefrom, studies and programs

[\[Return to Municipal Code Contents\]](#)

in Colorado Springs and Denver, Colorado, and elsewhere, and the successful results of a similar experimental program in operation since 1976 under the jurisdiction of the Department of Public Health of the County of Monterey with the active assistance of the Department of Health Services, State of California.

(Ord. MC-209, 9-20-82)

Chapter 8.51 MUFFLERS

Sections:

8.51.010 Muffler required

8.51.020 Violation - Penalty

8.51.010 Muffler required

It shall be unlawful for any person, firm or corporation to use, run, or operate any stationary engine driven by means of internal combustion of gases therein, within the City of San Bernardino without placing upon the exhaust thereof a muffler or other device so as to silence the noise or report caused by the escaping of such gases from and through such exhaust.

(Ord. 465, 9-05-11)

8.51.020 Violation - Penalty

Any person, firm or corporation violating any provision of this chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of §1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 465, 9-05-11)

Chapter 8.54 NOISE CONTROL

Sections:

- 8.54.010 Purpose and Intent
- 8.54.020 Prohibited Acts
- 8.54.030 Issuance of Written Notice and Impoundment
- 8.54.040 Cost Recovery for Second Response
- 8.54.050 Controlled Hours of Operation
- 8.54.060 Exemptions
- 8.54.070 Disturbances From Construction Activity
- 8.54.080 Violation - Penalty
- 8.54.090 Severability

8.54.010 Purpose and Intent

- A. It is the purpose and intent of these regulations to establish community-wide noise standards. It is further the purpose of these regulations to recognize that the existence of excessive noise within the City is a condition which is detrimental to the health, safety, welfare, and quality of life of the citizens and shall be regulated in the public interest.
- B. In furtherance of the foregoing purpose, it is found and declared as follows:
 - 1. The making, creation, or maintenance of such loud, unnecessary, unnatural, or unusual noises that are prolonged, unusual, annoying, disturbing and unnatural in their time, place, and use are a detriment to public health, comfort, convenience, safety, general welfare, and the peace and quiet of the City and its inhabitants; and
 - 2. The public interest and necessity of the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of, and for the purpose of, securing and promoting the public health, comfort, convenience, safety, general welfare and property, and the peace and quiet of the City and its inhabitants.

(Ord. MC-1246, 5-23-07; Ord. 1925, 11-06-51)

[\[Return to Municipal Code Contents\]](#)

8.54.020 Prohibited Acts

It shall be unlawful for any person to engage in the following activities:

- A. Sounding any horn or signal device on any automobile, motorcycle, bus, or other motor vehicle in any other manner or circumstances or for any other purpose than required or permitted by the California Vehicle Code, or other laws, for an unnecessary or unreasonable period of time;
- B. Racing the engine of any motor vehicle while the vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting, or testing the same.
- C. Operating or permitting the use of any motor vehicle on any public right-of-way or public place or on private property within a residential zone for which the exhaust muffler, intake muffler, or any other noise abatement device has been modified or changed in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured.
- D. Using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other sound amplification or production equipment for producing or reproducing sound in such a manner as to disturb the peace, quiet, or comfort of neighboring persons, or at any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle, or other enclosure in which such machine or device is operated, and who are voluntary listeners thereto and that is:
 - 1. Plainly audible across property boundaries;
 - 2. Plainly audible through partitions common to two residences within a building;
 - 3. Plainly audible at a distance of 50 feet in any direction from the source of the music or sound between the hours of 8:00 a.m. and 10:00 p.m.; or
 - 4. Plainly audible at a distance of 25 feet in any direction from the source of the music or sound between the hours of 10:00 p.m. and 8:00 a.m.
- E. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or any motor vehicle burglar alarm, except for emergency purposes or for testing, unless such alarm is terminated within fifteen minutes of activation.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- F. Yelling, shouting, whistling, or singing in a loud and boisterous manner on the public streets so as to disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or neighborhood.
- G. The keeping of any animal, fowl, or bird which by causing frequent or long continued noise disturbs the comfort, quiet, or repose of any person or neighborhood.
- H. The unnecessary or excessive blowing of whistles, sounding of horns, ringing of bells, or use of signaling devices by operators of trains, motor trucks, and other transportation equipment.
- I. The creation of loud and excessive noise in connection with the loading or unloading of motor trucks and other vehicles.
- J. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of any considerable number of persons or neighborhood.
- K. The doing of automobile, automotive body or fender repair work, or other work on metal objects and metal parts in a residential district so as to cause loud and excessive noise which disturbs the peace, quiet, and repose of any person occupying adjoining or closely situated property or neighborhood.
- L. The operation or use between the hours of 10:00 p.m. and 8:00 a.m. of any pile driver, steam shovel, pneumatic hammers, derrick, steam or electric hoist, power driven saw, or any other tool or apparatus, the use of which is attended by loud and excessive noise, except with the approval of the City.
- M. Creating excessive noise adjacent to any school, church, court, or library while the same is in use, or adjacent to any hospital or care facility, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating the presence of a school, institution of learning, church, court, or hospital.
- N. Making or knowingly and unreasonably permitting to be made any unreasonably loud, unnecessary, or unusual noise that disturbs the comfort, repose, health, peace and quiet, or which causes discomfort or annoyance to any reasonable person of normal sensitivity. The characteristics and conditions that may be considered in determining whether this section has been violated include, but are not limited to, the following:

- 1. The level of noise;

2. The level of background noise;
3. The proximity of the noise to sleeping facilities;
4. The nature and zoning of the areas within which the noise emanates;
5. The density of the inhabitation of the area within which the noise emanates;
6. The time of day or night the noise occurs;
7. The duration of the noise;
8. Whether the noise is recurrent, intermittent, or constant; and
9. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. MC-1246, 5-23-07; Ord. 2102, 4-03-56; Ord. 1925, 11-06-51)

8.54.030 Issuance of Written Notice and Impoundment

- A. Any officer who encounters a violation of this section may issue a written notice to the Responsible Person demanding immediate abatement of the violation. The written notice shall inform the recipient that a second violation of the same provision within a seventy two (72) hour period may result in the issuance of a criminal citation, the imposition of criminal and civil penalties, and confiscation and impoundment, as evidence, of the components that are amplifying or transmitting the prohibited noise.
 1. Responsible Person means (a) any person who owns, leases, or is lawfully in charge of the property or motor vehicle where the noise violation takes place, or (b) any person who owns or controls the source of the noise or violation. If the Responsible Person is a minor, then the parent or guardian who has custody of the child at the time of the violation shall be the Responsible Person who is liable under this chapter.
- B. Any officer who encounters a second violation of this chapter within a seventy two (72) hour period following the issuance of a written notice is empowered to confiscate and impound, as evidence, any or all of the components amplifying or transmitting the sound. The immediate confiscation of a motor vehicle to which a component is attached may be made if the same may not be removed without causing harm to the vehicle or component.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- C. Any person claiming legal ownership of the items confiscated and impounded under this chapter may request the return of the item by filing a written request with the police department within seven (7) calendar days of the confiscation. Such requests shall be processed in accordance with the procedures adopted by the department.

(Ord. MC-1246, 5-23-07; Ord. MC-649, 1-04-89; Ord. 1925, 11-06-51)

8.54.040 Cost Recovery for Second Response

- A. Whenever any officer issues a written notice to a responsible person to discontinue a noise violation, the Responsible Person shall be liable for the actual cost of each subsequent response required to abate the violation within seventy two (72) hours of the issuance of the written warning.
- B. The bill for the response charge shall be served upon the Responsible Person within thirty (30) days after the violation. If the Responsible Person has no last known business or residence address, the location of the violation shall be deemed to be the proper address for service. The bill shall include a notice of the right of the person being charged to request a hearing to dispute the imposition of the response charge or the amount of the charge.
- C. The response charge shall be deemed to be a civil debt to the City.

(Ord. MC-1246, 5-23-07; Ord. MC-460, 5-15-85; Ord. 1925, 11-06-51)

8.54.050 Controlled Hours of Operation

It shall be unlawful for any person to engage in the following activities other than between the hours of 8:00 a.m. and 8:00 p.m. in residential zones and other than between the hours of 7:00 a.m. and 8:00 p.m. in all other zones:

- A. Operate or permit the use of powered model vehicles and planes.
- B. Load or unload any vehicle, or operate or permit the use of dollies, carts, forklifts, or other wheeled equipment that causes any impulsive sound, raucous, or unnecessary noise within one thousand (1,000) feet of a residence.
- C. Operate or permit the use of domestic power tools, or machinery or any other equipment or tool in any garage, workshop, house, or any other structure.
- D. Operate or permit the use of gasoline or electric powered leaf blowers, such as commonly used by gardeners and other persons for cleaning lawns, yards, driveways, gutters, and other property.

[\[Return to Municipal Code Contents\]](#)

- E. Operate or permit the use of privately operated street/parking lot sweepers or vacuums, except that emergency work and/or work necessitated by unusual conditions may be performed with the written consent of the City Manager.
- F. Operate or permit the use of electrically operated compressor, fan, and other similar devices.
- G. Operate or permit the use of any motor vehicle with a gross vehicle weight rating in excess of ten thousand (10,000) pounds, or of any auxiliary equipment attached to such a vehicle, including, but not limited to, refrigerated truck compressors for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary and on a public right-of-way or public space except when movement of said vehicle is restricted by other traffic.
- H. Repair, rebuild, reconstruct, or dismantle any motor vehicle or other mechanical equipment or devices in a manner so as to be plainly audible across property lines.

(Ord. MC-1246, 5-23-07)

8.54.060 Exemptions

The following activities and noise sources shall be exempt from the provisions of this chapter:

- A. The use of horns, sirens, or other signaling or warning devices by persons vested with legal authority to use the same, and in pursuit of their lawful duties, such as on ambulances, fire, police, or other governmental or official equipment.
- B. Such noises as are an accompaniment and effect of a lawful business, commercial or industrial enterprise carried on in an area zoned for that purpose, except where there is evidence that such noise is a nuisance and that such a nuisance is a result of the employment of unnecessary and injurious methods of operation.
- C. Activities conducted on the grounds of any public or private school during regular hours of operation.
- D. Outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are authorized by the City.
- E. Activities conducted at public spaces during regular hours of operation.
- F. Any mechanical devices, apparatus, or equipment used, related to, or connected with emergency machinery, vehicle, or work.

[\[Return to Municipal Code Contents\]](#)

- G. Construction, repair, or excavation necessary for the immediate preservation of life or property.
- H. Construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including, but not limited to, trash collection and those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.
- I. Construction, repair, or excavation work performed pursuant to a valid written agreement with the City, or any of its political subdivisions, which provides for noise mitigation measures.
- J. Any activity to the extent that regulation thereof has been preempted by State or Federal law.
- K. Sounds generated in connection with speech or communication protected by the United States Constitution or the California Constitution, except to the extent such sounds are subject to permissible time, place, and manner restrictions.

(Ord. MC-1246, 5-23-07)

8.54.070 Disturbances from Construction Activity

No person shall be engaged or employed, or cause any other person to be engaged or employed, in any work of construction, erection, alteration, repair, addition, movement, demolition, or improvement to any building or structure except within the hours of 7:00 a.m. and 8:00 p.m.

(Ord. MC-1246, 5-23-07)

8.54.080 Violation - Penalty

Any person violating any of the provisions of this Chapter is guilty of an infraction or a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this code.

(Ord. MC-1246, 5-23-07)

8.54.090 Severability

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1246, 5-23-07)

[\[Return to Municipal Code Contents\]](#)

Chapter 8.57 SOUND VEHICLES

Sections:

- 8.57.010 Definitions
- 8.57.020 Exclusions and exceptions
- 8.57.030 Sound vehicles prohibited in certain places
- 8.57.040 Registration required
- 8.57.050 Filing changes in application
- 8.57.060 Registration and identification
- 8.57.070 Regulation for use
- 8.57.080 Commercial advertising by sound truck prohibited
- 8.57.090 Violation-Penalty

8.57.010 Definitions

- A. "Person" as used in this Chapter includes the singular and the plural and also means and includes any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. "Sound vehicle" means any vehicle which carries or is equipped with any instrument or device for the production or reproduction of music, spoken words or other sounds, or any loudspeaker, or other sound-amplifying device designed to enlarge the volume of sound produced by any instrument or by the human voice, which instrument or device is used or intended to be used for the purpose of advertising or calling attention to any article, thing or event, or for the purpose of addressing the public or of attracting the attention of the public, along or upon the public streets or ways along which such vehicle travels.

(Ord. 2096, 2-21-56)

8.57.020 Exclusions and exceptions

The definition set forth in Section 8.57.010 shall not be deemed to include:

- A. Vehicles used only in a parade conducted pursuant to a permit issued by the Common Council;
- B. A vehicle equipped with a siren or horn designed and used for the purpose of warning traffic because of such equipment or use, nor any vehicle operated by any governmental agency within the course of its public functions;

[\[Return to Municipal Code Contents\]](#)

- C. Persons who are licensed by the City to sell goods, wares and merchandise from vehicles and whose vehicles are equipped with sound apparatus emitting music only, providing the sound of such music does not exceed ninety decibels measured at a distance of ten feet from the speaker of the apparatus in that area of the City between Mt. Vernon Avenue and "E" Street and Marshall Boulevard and the west City limits thereof and ninety-five decibels elsewhere in the City.

(Ord. 2096, 2-21-56)

8.57.030 Sound vehicles prohibited in certain places

It is unlawful for any person to drive, operate, propel or park any sound vehicle with the sound-making device, sound-amplifying device, or loudspeaker thereof in use or operation:

- A. Within three hundred feet of any hospital or school, at any time;
- B. Upon any public street or way between the hours of six-thirty p.m. and nine a.m. of the following day;
- C. Upon any public street or way on any Sunday;
- D. Upon Arrowhead, "D", "E", and "F" Streets between Second Street and Sixth Street inclusive, including both sides of the street;
- E. Upon Third, Court, Fourth, Fifth and Church Streets between Arrowhead and "F" Streets inclusive, including both sides of the street;
- F. Upon Highland Avenue between Sierra Way and "I" Street including both sides of the street.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)

8.57.040 Registration required

It is unlawful for any person to use, or cause to be used, a sound vehicle with its sound-amplifying equipment in operation for noncommercial purposes in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate not less than seven days nor more than thirty days before the date of the proposed use of such vehicle and shall include the following information:

- A. Name, home address and telephone number of the applicant;

[\[Return to Municipal Code Contents\]](#)

- B. Business address, telephone number and nature of applicant's business or the organization which he represents;
- C. Make of vehicle and license and motor numbers thereof; and a description of the vehicle to be used;
- D. Name, address and telephone number of the legal and registered owner of the vehicle;
- E. Name, address and telephone number of person or persons who will be present and in control or in direct charge of the vehicle;
- F. Name, address and telephone number of all persons who will use or operate such vehicle as driver, speaker or sound operator;
- G. The general purpose, nature and type of program which will be used;
- H. A general statement as to the route and section or sections of the City in which the vehicle will be used;
- I. The proposed hours of operation of the vehicle;
- J. The number and designation of the days, weeks or months of proposed operation and use of such vehicles;
- K. A specific description of the sound-amplifying equipment to be used;
- L. The minimum and maximum sound producing power of the sound-amplifying equipment;
- M. The wattage and voltage capacity of the sound-amplifying equipment;
- N. The volume range in decibels of the sound which can be produced by said sound-amplifying equipment;
- O. The approximate minimum and maximum distances for which sound may be thrown from the vehicle;
- P. The address and time where and when such vehicle may be inspected;
- Q. The size and type of sign to be displayed and a description of its subject; and

[\[Return to Municipal Code Contents\]](#)

- R. Each application shall have attached thereto three photographs of not less than four by five inches in size showing the front, sides, and back of the vehicle, with all exterior equipment and signs clearly visible on said photographs.

(Ord. MC-460, 5-15-85; Ord. 3300, 10-24-72; Ord. 2096, 2-21-56)

8.57.050 Filing changes in application

Upon any change in the information as to any matter set forth in the application, the applicant shall, within forty-eight hours after such change, file an amended application. An amended application filed within five days before the proposed using date shall automatically postpone the using date for an additional thirty days.

(Ord. 2096, 2-21-56)

8.57.060 Registration and identification

The City Clerk shall return to each applicant under Section 8.57.040 one copy of the registration statement duly certified by the City Clerk as a correct copy of the application. The certified copy of the application shall be in the possession of any person operating the sound vehicle at all times while the sound vehicle's sound amplifying equipment is in operation, and the copy shall be promptly displayed and shown to any policeman of the City upon request.

(Ord. 2096, 2-21-56)

8.57.070 Regulations for use

Noncommercial use of sound vehicles with sound-amplifying equipment in operation in the City shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operation is permitted for a period of four hours each day except Sundays when no operation shall be permitted.
- C. The permitted hours of operation shall be between the hours of eleven-thirty a.m. and one-thirty p.m.; and between the hours of four-thirty p.m. and six-thirty p.m.
- D. Sound-amplifying equipment shall not be operated unless the vehicle upon which equipment is mounted, or from which sound is emitted, is operated and propelled at a speed of at least fifteen miles per hour, except when the vehicle is stopped or impeded by traffic. When stopped by traffic or otherwise impeded, the sound-

[Return to Municipal Code Contents]

amplifying equipment shall not be operated for a period longer than one minute at each stop and the sound-amplifying equipment shall not again be operated until the vehicle has progressed three hundred feet from each of such stopping places.

- E. Sound-amplifying equipment shall not be operated or sound emitted therefrom within three hundred feet of hospitals, schools, churches or courthouses.
- F. The human speech or recorded voice amplified shall not be profane, lewd, indecent, offensive or slanderous, and the words used shall not be such as to incite riot, unlawfulness, breaches of the peace, or force or violence.
- G. The volume of sound shall be controlled so that it will not be audible for a distance in excess of three hundred feet from the sound vehicle in any direction.
- H. No sound-amplifying equipment shall be operated in excess of fifteen watts of power in the last stages of amplification.
- I. The vehicle shall at all times be operated so as not to interfere with the normal movement of traffic of vehicles and pedestrians, and shall be stopped both in movement and operation of sound-amplifying equipment upon the approach of authorized emergency vehicles.
- J. The movement of such vehicles shall at all times comply with the provisions of the Vehicle Code and this Code relating to traffic regulations.
- K. A statement that applicant, if granted a permit, will not permit, suffer or allow the use and operation of the vehicle in any manner other than as set forth in the application, or the use of any other equipment apparatus or device other than as described and referred to in the application.
- L. The vehicle with sound-amplifying equipment shall not be operated within three hundred feet of any hall, auditorium, coliseum or other place wherein a meeting or other public event is in progress and more than one hundred persons are in attendance.

(Ord. 2096, 2-21-56)

8.57.080 Commercial advertising by sound truck prohibited

It is unlawful for any person to operate, or cause to be operated, any sound vehicle for commercial sound advertising purposes in the City with sound-amplifying equipment in operation.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)

[\[Return to Municipal Code Contents\]](#)

8.57.090 Violation - Penalty

Any person who violates any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of §1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2096, 2-21-56)

Chapter 8.60 FIREWORKS

Sections:

- 8.60.010 Location of Sales and Discharge of Fireworks
- 8.60.015 Sale of Fireworks to Minors Prohibited; Identification Required
- 8.60.020 License - Required
- 8.60.030 License - Application - Public liability insurance
- 8.60.040 License - Notice of granting or rejection
- 8.60.050 License - Prerequisites to issuance
- 8.60.060 Suspension of license - Appeal procedure
- 8.60.070 Operation of temporary fireworks stand
- 8.60.080 Requirements for Fireworks Supplier
- 8.60.090 License tax
- 8.60.095 Regulatory Fee for Licensee and Fireworks Supplier
- 8.60.100 Temporary sales tax permit required
- 8.60.110 Display of license and sales tax permit
- 8.60.120 Permissible locations for discharge
- 8.60.130 Prohibitions on sale or discharge
- 8.60.140 (Repealed by Ord. MC-1269, 4-22-08)
- 8.60.150 Violation - Penalty
- 8.60.155 Reward Fund
- 8.60.160 Financial Reporting
- 8.60.170 Residential Storage of Fireworks

8.60.010 Location of Sales and Discharge of Fireworks

Safe and sane fireworks as defined by Section 12529 of the Health and Safety Code of the state may be sold, stored, possessed and discharged within the City subject to the requirements of this Chapter, except that such sale, storage, possession or discharge shall not be allowed in the following designated areas. Such areas are depicted on a map entitled "[Location of Sales and Discharge of Fireworks](#)" on file in the City Clerk's Office and incorporated herein by reference, a reduced copy of which is attached to this Chapter.

Such areas are designated as follows:

[\[Return to Municipal Code Contents\]](#)

- A. That area within the City lying north of a line extending from the west City limits at Highland Avenue to the east City limits and bounded on the south side by streets and highways as follows:

Commencing from the west City limits at the centerline of Highland Avenue thence easterly to the intersection of Highland Avenue and the 210/30 Freeway; thence easterly following the 210/30 Freeway to the interchange of Highway 330; thence north-easterly following Highway 330 to the intersection of Highland Avenue, east of Boulder; thence easterly from the intersection of Highland Ave. and Highway 330 along the centerline of Highland Avenue; thence continuing south-easterly along the centerline of Highland Avenue and its south-easterly prolongation to the intersection of the southerly prolongation of the most easterly border-line of the City of San Bernardino, as depicted on the previously referenced map on file in the City Clerk's Office, a reduced copy of which is attached to this Chapter.

- B. That area within the City, whether contiguous or not, which lies north or northwest of a line from the west City limits at Highland Avenue, in a westerly direction on Highland Avenue to the 210 Freeway, and then west on the 210 Freeway to the 1-15 Freeway. That area within the City, whether contiguous or not, which lies north or northeast of the intersection of the I-15 Freeway and the 215 Freeway, as depicted on the previously referenced map on file in the City Clerk's Office, a reduced copy of which is attached to this Chapter.
- C. Inclusive of the area within the City limits beginning at the intersection of Highland Avenue and Boulder Avenue; Highland Avenue west to Victoria Avenue; Victoria Avenue south to Baseline Street; Baseline Street east to Boulder Avenue; Boulder Avenue north to Highland Avenue, as depicted on the previously referenced map on file in the City Clerk's office, a reduced copy of which is attached to this Chapter.
- D. Inclusive of the area beginning at the intersection of Pacific Street and Del Rosa Avenue; Pacific Street west to Perris Hill Park Road; Perris Hill Park Road north to an imaginary line extending north from Perris Hill Park Road to intersect Highland Avenue; Highland Avenue east to Del Rosa Avenue; Del Rosa Avenue south to Pacific Street, as depicted on the previously referenced map on file in the City Clerk's office, a reduced copy of which is attached to this Chapter.

(Ord. MC-1578, 5-18-22; Ord. MC-1138, 2-19-03; Ord. MC-1022, 5-19-98,
Ord. MC-219, 11-02-82; Ord. 2884, 2-06-68)

8.60.015 Sale of Fireworks to Minors Prohibited; Identification Required

The sale of fireworks to anyone under the age of 18 is prohibited. A valid form of identification is required at time of purchase.

(Ord. MC-1138, 2-19-03; Ord. MC-1022, 5-19-98)

[Return to Municipal Code Contents]

8.60.020 License - Required

Except as provided in this Chapter, it is unlawful for any person, organization, group or association, etc. to offer for sale or sell at retail any fireworks of any kind in the City without having first applied for and received a license from the Finance Department.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. MC-460, 5-15-85; Ord. 2884, 2-06-68)

8.60.030 License - Application - Public liability insurance

All applications for a license to sell fireworks shall:

- A. Be made in writing and accompanied by the tax set forth in Section 8.60.090 in addition to a non-refundable fireworks administrative fee of fifty dollars, or such other amount as shall be subsequently set by Resolution of the Mayor and City Council. The fee will be used to defray the administrative costs of the fireworks program. Applications shall be made between the first day and the last day of March of each year except when the last day falls on a Saturday, Sunday or legal holiday, the following business day shall be determined to be the last day;
- B. Set forth the proposed location of the fireworks stand applied for. The stands must be on private property located in Commercial General (CG) or Commercial Regional (CR) General Plan Land Use Districts and the written permission of the owner of record or lessee must accompany the application;
- C. Be accompanied by an assurance that if the license is issued to applicant, applicant shall, at the time of receipt of the license, deliver to the Finance Department a minimum of one-million dollars public liability and property damage insurance policies with riders attached to the policies designating the City as an additional insured under this Chapter, and a copy of the requisite permit from the State Fire Marshal.
- D. Include a copy of the applicant's current 501(c)(3),(4),(5),(6),(8),(10),(19), (20), or 501(d) verification of nonprofit status, or demonstrate that it is a non-profit organization, group, association, etc., which is organized primarily for veteran, patriotic, welfare, civic or social betterment (including public or private school clubs, groups, organizations or such other public or private school affiliates), or charitable purposes.
- E. All applicants shall be required to demonstrate how revenues received would benefit the citizens of San Bernardino by submitting official board minutes detailing the intent and authorization to sell fireworks. Such minutes shall detail what sites, populations, or projects within the City will benefit and for what purposes;

- F. Have attached a completed financial statement form that describes anticipated revenues, expenses, and profits. Such form will be provided by the Finance Department to each applicant. The information contained in this form shall furthermore detail how much money will be provided to the projects mentioned pursuant to subsection (E) above. No less than ninety percent of the net profits derived from the sale of fireworks in the City by the applicant shall be utilized for the direct advancement of the applicant's stated non-profit purposes within the City of San Bernardino in accordance with subsection (E) above.

(Ord. MC-1578, 5-18-22; Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

8.60.040 Licenses - Notice of granting or rejection

Applicants for any such license shall be notified by the Finance Department by April 15th of the granting or rejection of such application for a license. No license shall be issued if the applicant fails to provide all the information or fails to meet all the criteria specified in Section 8.60.030, or any other provision of this Chapter. The decision of the Finance Department may be appealed to the Mayor and City Council under the provisions of Chapter 2.64. The decision of the Mayor and City Council shall be final.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

8.60.050 License - Prerequisites to issuance

The following qualifications must be met by each applicant for a license issued under this Chapter:

- A. No license shall be issued to any applicant except a nonprofit organization, group, association, etc., organized and operating within the City limits of San Bernardino in conformity with Section 8.60.030 (D), (E) & (F).
- B. Each such applicant must have its principal and permanent meeting place in the corporate limits of the City and must have been organized and established in the City's corporate limits for a minimum of one year continuously preceding the filing of the application for the license, and must have a bona fide membership of at least twenty members.
- C. No applicant may receive more than one license or participate in more than one fireworks stand during any one calendar year. The maximum number of licenses that may be issued during any one calendar year shall be 35. All applicants shall be reviewed for compliance with this Chapter. All qualified applicants who held a license during 2002 whether as an individual or as part of a joint venture, shall have priority for the available licenses in 2003. Priority will also

[\[Return to Municipal Code Contents\]](#)

be given in 2003 to any joint venture which has at least one qualified applicant who held a license during 2002. Any remaining licenses in 2003, after deducting priority applicants, shall be determined by lottery and shall be granted by a drawing supervised by the City Clerk.

- D. One license may be issued to two or more qualified applicants as a joint venture provided that the application for the joint venture is submitted prior to the application deadline. Each qualified applicant in a joint venture which is granted a license is deemed to be a co-licensee and shall have the same benefits, duties and liabilities under the license.
- E. All qualified applicants who held a license the immediate previous year, whether as an individual or as part of a joint venture, shall have priority for the available licenses for the immediate next year. However, if the total number of qualified applicants who were licensees or co-licensees from said previous year exceeds 35 licenses because the membership(s) of joint venture(s) has changed or the joint venture ceases to exist, then those qualified applicants which were part of such joint venture(s) shall lose their priority and shall be placed in a lottery drawing for any remaining available licenses after all other qualified applicants from the immediate previous year are granted licenses. If the total number of qualified applicants who were licensees or co-licensees from the immediate previous year does not exceed 35 licenses, then any remaining licenses shall be determined by lottery and shall be granted by a drawing supervised by the Finance Director. Any prior licensee, the license of which has been suspended under the provisions of Section 8.60.060, shall be eligible for a new license only upon satisfying the Fire Chief or the Police Chief that suitable arrangements have been made to preclude future violations.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. MC-219, 11-02-82;
Ord. 3236, 2-25-72; Ord. 2884, 2-06-68)

8.60.060 Suspension of license - Appeal procedure

- A. The Fire Chief or his/her designee and the Police Chief or his/her designee shall each be authorized to suspend immediately and without notice or formal hearing the license of any licensee which violates any rule, regulation or ordinance while operating or preparing to operate a fireworks stand during or immediately preceding any period of sale. If the Fire Chief or his/her designee or the Police Chief or his/her designee establishes that a violation has occurred too late to suspend the license during the period of sale, he/she shall have power to suspend the licensee from future licenses, and to suspend the priority of the licensee, for any such violation found to have occurred during or immediately preceding or immediately following the authorized period of sale.

[\[Return to Municipal Code Contents\]](#)

- B. The decision of the Fire Chief or his/her designee or the Police Chief or his/her designee to suspend the license of any licensee shall be subject to review by the City Manager. In view of the limited sales period each year, for suspensions affecting the sale period, such hearing shall be held at the earliest possible time that the licensee, the City Manager or his/her designee, and the representative of the Fire Chief or Police Chief can schedule such hearing, provided that in every case, said hearing shall be held within 72 hours of the Fire Chief's or Police Chief's decision. For suspensions after the sale period, the hearing shall be held within one month after the request for hearing, which request must be made within fifteen days after notice of the suspension. The City Manager is authorized to set aside the suspension, or to modify the suspension by limiting its effect to only one or more days, or by setting aside the forfeiture of priority status for future years. The decision of the City Manager may be appealed to the Mayor and City Council under the provisions of Chapter 2.64. The decision of the Mayor and City Council shall be final.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. MC-219, 11-02-82)

8.60.070 Operation of temporary fireworks stand

The license entity, the person(s) who signs the application for the license, and the supervisor or manager on the license present in charge of each fireworks stand shall comply and ensure compliance with the following:

- A. No person, organization, group, association, etc. other than the licensee entity shall be allowed to operate the stand for which the license is issued or to otherwise participate in the profits of the operation of such stand.
- B. No person, organization, group, association, etc. other than the individuals who are members of the licensee entity, or the spouses or adult children of such members, shall be allowed to sell or otherwise participate in the sale of fireworks at such stand.
- C. No consideration shall be paid to any person for selling or otherwise participating in the sale of fireworks at such stand.
- D. No person under eighteen years of age shall be permitted in the stand and signage shall be prominently displayed in/on the stands stating that no person under eighteen years of age shall be permitted in the stand.
- E. No person shall consume alcoholic beverages within twenty-five feet of any stand.
- F. An emergency contact telephone number shall be posted on the exterior and interior surfaces of all exit doors.

[\[Return to Municipal Code Contents\]](#)

- G. All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and sales from any other building or structure is hereby prohibited.
- H. No fireworks stand shall be located within twenty-five feet of any other building nor within one hundred feet of any gasoline pump.
- I. Fireworks stands need not comply with the provisions of the building code of the City provided that all stands shall be erected under the supervision of the Director of the Department of Development Services or his/her designee, who shall require that stands be constructed in a manner that will reasonably ensure the safety of attendants and patrons. In addition, each stand and its location shall be inspected and approved by the Fire Marshall prior to commencing storage or sales of fireworks therein.
- J. No stand shall have a floor area in excess of three hundred square feet.
- K. Each stand in excess of twenty-four feet in length must have at least two exits; and each stand in excess of forty feet in length must have at least three exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty-four feet.
- L. Each stand shall be provided with two 2½ gallon water pressure type fire extinguishers, underwriter approved, in good working order and easily accessible for use in case of fire, at all times during the storage/sales of fireworks.
- M. All weeds and combustible material shall be cleared from the location of the stand including a distance of at least twenty feet surrounding the stand.
- N. "No Smoking" signs shall be prominently displayed on the fireworks stand, and no smoking shall be permitted within twenty-five feet of any fireworks stand.
- O. Each stand shall have a person present and designated as supervisor or manager in charge thereof at all times, who is listed on the license, while fireworks are stored or sold therein. Sleeping or remaining in the stand after close of business each day is forbidden.
- P. The sale, use, storage, or possession of fireworks shall not begin before twelve noon on the 1st day of July and shall not continue after midnight on the 4th day of July.

(Ord. MC-1578, 5-18-22; Ord. MC-1194, 4-04-05)

[\[Return to Municipal Code Contents\]](#)

- Q. Each stand shall post for public viewing, a copy of the map identified in Section 8.60.010 (Location of Sales and Discharge of Fireworks) and shall also provide a copy of this map to each purchaser of fireworks. The costs of copying such maps shall be borne by the licensee.
- R. All unsold stock and accompanying litter shall be removed from the location by five p.m. on the 5th day of July.
- S. The fireworks stand shall be removed from the temporary location by twelve noon on the 15th day of July, and all accompanying litter shall be cleared from the location by said time and date.

(Ord. MC-1138, 2-19-03; Ord. MC-460, 5-15-85; Ord. 2884, 2-06-68)

8.60.080 Requirements for Fireworks Supplier

Prior to the issuance of a license, each applicant shall file with the Finance Department a cash deposit, certificate of deposit or a surety bond posted by the fireworks supplier and made payable to the City in the amount of three hundred dollars (\$300.00), or such other amount as may be subsequently set by Resolution of the Mayor and City Council to ensure compliance with the provisions of this Chapter. Such deposit or certificate shall be refundable upon compliance with the provisions and requirements of this Chapter, including but not limited to the removal of the stand and the cleaning of the site. In the event the fireworks supplier does not so comply to remove the stand or clean the site in the manner required by the Community Development Department, the City may do so, or cause the same to be done by other persons, and the reasonable cost thereof shall be a charge against the fireworks supplier and his/her surety and the deposit, certificate or bond.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. MC-1027, 9-09-98; Ord. 2884, 2-06-68)

8.60.090 License tax

As set by Ordinance No. 2884, the license tax for the selling of fireworks within the City shall be two hundred dollars per year per stand which tax must be paid at the time application for a stand is filed with the Finance Department.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

8.60.095 Regulatory Fee for Licensee and Fireworks Supplier

- A. The City shall assess a regulatory fee based on the gross sales of fireworks on all fireworks sales that occur within the City of San Bernardino. One half of the regulatory fee shall be paid by the licensee and the remaining one half shall be

[Return to Municipal Code Contents]

paid by the fireworks supplier. The purpose of the regulatory fee is to raise sufficient funds for the City to pay for fireworks public education and an awareness campaign about fireworks, and for enforcing the provisions of this Chapter, including extra personnel time for fire inspection and enforcement duties.

- B. Prior to imposing the fee, the City shall prepare a study of the anticipated cost for fireworks education, awareness and enforcement. After preparing the study, the Mayor and Common Council shall adopt a Resolution setting the regulatory fee rate no later than 7:00p.m. on July 1 of each year. The regulatory fee rate shall not exceed ten (10) percent of the total gross sales of the fireworks sold in the City by licensees during the period set forth in Section 8.60.070(P).
- C. The Finance Department, each year, shall determine the amount of the regulatory fee based on the licensee's fireworks sales financial statements. Each licensee shall provide its fireworks sales financial statement and their fireworks supplier's information to the City no later than August 31st for the period set forth in section 8.60.070(P). After the Finance Department receives the financial statements, the Finance Department shall invoice each licensee and each fireworks supplier for their share of the total annual regulatory fee. Payment of the regulatory fee by each licensee and each fireworks supplier shall be due to the City thirty (30) days following the issuance of the invoice.
- D. Failure by any licensee or fireworks supplier to pay the amount invoiced by the City's Finance Department shall be cause to disqualify the licensee from obtaining a license to sell fireworks and disqualify the fireworks supplier from providing their products for sale in the City in the future. In the event that the regulatory fee is not paid by the due date, it shall be subject to a ten (10) percent penalty for each month or portion of a month that it is overdue. If not paid by the due date, the amount becomes a debt owed to the City subject to collection by any legal means available.
- E. Any person who violates or causes violation of any provision of this Section shall be deemed guilty of an infraction or a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1390, 7-01-13; Ord. MC-1308, 6-16-09; Ord. MC-1194, 4-04-05)

8.60.100 Temporary sales tax permit required.

Applicants licensed for the selling of fireworks are required to obtain a temporary sales tax permit from the State Board of Equalization.

(Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

[Return to Municipal Code Contents]

8.60.110 Display of license and sales tax permit

The license to sell fireworks and temporary sales tax permit shall be displayed in a prominent place in the fireworks stand.

(Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

8.60.120 Permissible locations for discharge

The use of fireworks in the City shall be limited to private property except as otherwise provided in this Chapter. No fireworks shall be discharged on public or private unpaved open areas such as vacant lots or fields, or in a public street or right-of way, or in public parks except when specifically permitted for public display, and except those areas approved by the Fire Chief.

(Ord. MC-1138, 2-19-03; Ord. MC-966, 4-16-96; Ord. MC-965, 4-03-96;
Ord. MC-788, 6-04-91; Ord. MC-785, 5-21-91)

8.60.130 Prohibitions on sale and discharge

- A. It is unlawful for any person, organization, group, association, etc., to sell, use, store, or possess any fireworks except during the time period specified in Subsection P of 8.60.070.
- B. It is unlawful for any person, organization, group, association, etc., to sell, use, store, or possess any fireworks at any time in any of the areas described in Section 8.60.010.
- C. It is unlawful for any person, organization, group, association, etc., to store, possess, ignite, explode, project or otherwise fire or use, any fireworks, or permit the ignition, explosion, or projection thereof, except during the period specified in Subsection P of Section 8.60.070.”
- D. It is unlawful for any person, organization, group, association, etc., to store, possess, ignite, explode, project, or otherwise fire or use, any fireworks, or permit the ignition, explosion or projection thereof, in any of the areas described in Section 8.60.010, or upon or over or onto the property of another without his/her consent, or to ignite, explode, project, or otherwise fire or make use of any fireworks within ten feet of any resident dwelling or other structure used as a place of habitation by human beings.

(Ord. MC-1578, 5-18-22; Ord. MC-1194, 4-04-05; Ord. MC-1138, 2-19-03; Ord. 2884, 2-06-68)

8.60.140 (Repealed by Ord. MC-1269, 4-22-08)

[\[Return to Municipal Code Contents\]](#)

8.60.150 Violation - Penalty

- A. Any person, organization, group, association, etc., violating any provision of this Chapter is guilty of an infraction or a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- B. In addition to any other penalties provided by law, any person, organization, group association, etc. violating any provisions of this Chapter shall be subject to an Administrative Civil Penalty of:
 - 1. One-thousand dollars (\$1,000) for the first offense; and
 - 2. Two-thousand five hundred dollars (\$2,500) for the second offense within 36 months; and
 - 3. Five-thousand dollars (\$5,000) for each subsequent offense within 36 months.”

(Ord. MC-1535, 5-06-20; Ord. MC-1269, 4-22-08; Ord. MC-1138, 2-19-03;
Ord. MC-1073, 5-03-00; Ord. MC-1022, 5-19-98; Ord. MC-460, 5-15-85; Ord. 2884, 2-06-68)

8.60.155 Reward Fund

The City Manager may establish a special fund consisting of fines collected from firework violations to pay rewards in the amount of no more than two-hundred and fifty dollars (\$250) to individuals providing information leading to the identification and successful criminal or civil prosecution of any person violating this Municipal Code related to the unlawful possession, sale, or discharge of fireworks.

(Ord. MC-1535, 5-06-20)

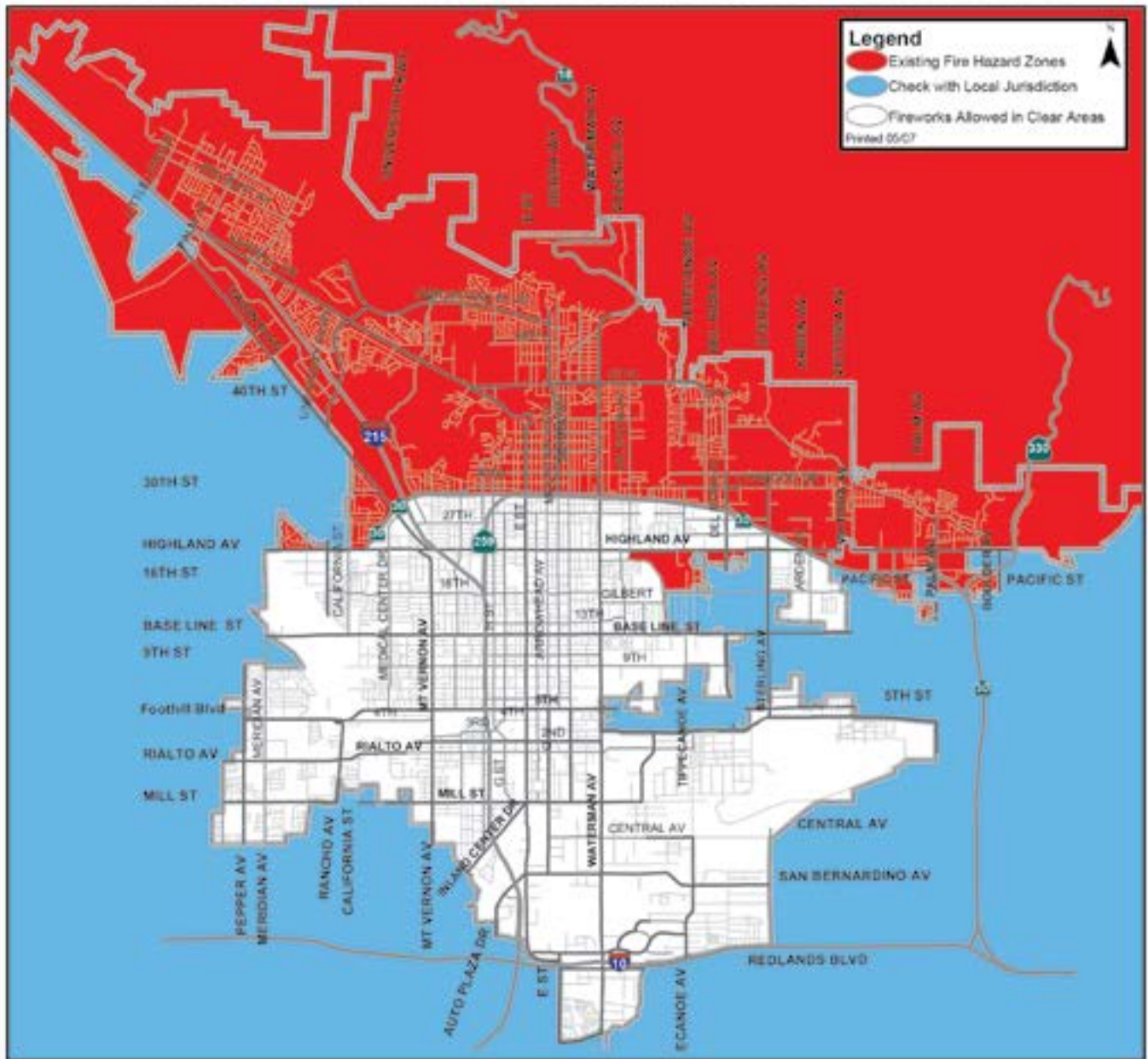
8.60.160 Financial Reporting

No later than August 31st of each year (or the next working day if August 31 falls on a Saturday, Sunday or legal holiday), each licensee operating a stand or participating in a joint venture shall submit to the Finance Department a financial summary of the total sales from fireworks on the financial summary form provided by the Finance Department. The financial summary shall have a summary of actual expenses, revenues, and profit for that year and shall have receipts attached for all expenses for each stand as well as any incentive payments, gifts, or other financial consideration provided to members of the licensee or its volunteers. Licensees failing to comply with the afore-mentioned financial summary deadline of August 31st shall be ineligible to receive a license for the sale of fireworks the following year either as an individual licensee or as a member of a joint venture.

(Ord. MC-1484, 4-18-18; Ord. MC-1138, 2-19-03)

[Return to Municipal Code Contents]

LOCATION OF SALES AND DISCHARGE OF FIREWORKS



IT IS UNLAWFUL FOR ANY PERSON, ORGANIZATION, GROUP, ASSOCIATION, ETC., TO SELL OR IGNITE, EXPLODE, PROJECT, OR OTHERWISE FIRE OR USE, ANY FIREWORKS, OR PERMIT THE IGNITION, EXPLOSION OR PROJECTION THEREOF, AT ALL IN ANY OF THE SHADED AREAS OF THE MAP, OR IN THE CLEAR AREA, IF UPON OR OVER OR ONTO THE PROPERTY OF ANOTHER WITHOUT HIS/HER CONSENT, OR TO IGNITE, EXPLODE, PROJECT, OR OTHERWISE FIRE OR MAKE USE OF ANY FIREWORKS WITHIN TEN FEET OF ANY RESIDENT DWELLING OR OTHER STRUCTURE USED AS A PLACE OF HABITATION BY HUMAN BEINGS. YOU MUST BE 18 YEARS OF AGE OR OLDER TO PURCHASE FIREWORKS.

OFFENDERS ARE SUBJECT TO A FINE AND/OR JAIL.



[Return to Municipal Code Contents]

[Return to Title 8 Contents]

8.60.170 Residential Storage of Fireworks

It is unlawful for any person or persons to store any fireworks inside a residence, garage, or structure on residential property in the City.

(Ord. MC-1578, 5-18-22)

Chapter 8.61 PROHIBITED FIREWORKS

Sections:

- 8.61.010 Dangerous Fireworks Prohibited**
- 8.61.020 Dangerous Fireworks Defined**
- 8.61.030 Violation - Penalty**
- 8.61.040 State-Law Limitations**

8.61.010 Dangerous Fireworks Prohibited

In accordance with state law, it is unlawful for any person, organization, group, association, etc., to possess, sell, use, or discharge any “dangerous fireworks” in the City of San Bernardino, without a permit or license granted by the State Fire Marshal.

8.61.020 Dangerous Fireworks Defined

“Dangerous fireworks,” as that term is used in this chapter, shall mean and carry the same definition as provided in California Health and Safety Code Section 12505, as amended by the State Legislature from time to time.

8.61.030 Violation - Penalty

- A. Any person, organization, group, association, etc., violating any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- B. In addition to any other penalties provided by law, any person, organization, group or association, etc. violating any provisions of this Chapter shall be subject to an Administrative Civil Penalty of:
 - 1. Two-thousand five hundred dollars (\$2,500) for the first offense; and
 - 2. Five-thousand dollars (\$5,000) for the second offense within 36 months; and

[\[Return to Municipal Code Contents\]](#)

3. Ten-thousand dollars (\$10,000) for each subsequent offense within 36 months
(Ord. MC-1535, 5-06-20)

8.61.040 State-Law Limitations

- A. Any administrative fine or administrative civil penalty assessed pursuant to this Chapter 8.61, shall provide for cost reimbursement to the Office of the State Fire Marshal and the collection of disposal costs pursuant to Health and Safety Code Section 12557.
- B. Chapter 8.61 shall be limited to apply only to a person, organization, group, association, etc., who possesses or the seizure of 25 pounds or less of dangerous fireworks.
- C. Any administrative fine or administrative civil penalty collected pursuant to this Chapter 8.61, shall not be subject to Health and Safety Code Section 12706, Disposition of Fines and Forfeitures.

(Ord. MC-1269, 4-22-08)

Chapter 8.63 EXPLOSIVES AND FIRES

Sections:

- 8.63.010 Permit - Required when**
- 8.63.020 Compliance with permit required**
- 8.63.030 Fires to be kept under control**
- 8.63.040 Permit required in Hazardous Fire Area**
- 8.63.050 Fires on brush or grasslands or forest covered lands**
- 8.63.060 Blasting - Permit required**
- 8.63.070 Smoking within Hazardous Fire Area**
- 8.63.080 Removal and disposition of ashes in Hazardous Fire Area**
- 8.63.090 Use of chimney or heat producing appliance in Hazardous Fire Area**
- 8.63.100 Maintenance of fire protection of firebreak required when**
- 8.63.110 (Repealed by Ord. MC-28, 2-03-81)**
- 8.63.120 Placement of inflammable material in Hazardous Fire Area**
- 8.63.130 Hazardous Fire Area described**
- 8.63.140 Violation - Penalty**

[\[Return to Municipal Code Contents\]](#)

8.63.010 Permit - Required when

It is unlawful for any person, firm or corporation at any time to light a fire or fires or use fire for the clearing of land or to burn brush, slash, fallen timber, grass, or other inflammable material, within the City, without first having obtained a written permit from the City Fire Department; that nothing in this section shall prevent the use of proper and lawful fires for safe domestic purposes; further provided, that no permit will be necessary to burn inflammable material in properly constructed incinerators, outdoor water heating units, cooking grills and other similar devices having chimneys covered with spark arresters consisting of galvanized or copper screening of a mesh not larger than a quarter of an inch, and openings such as doors, to be spark tight and otherwise approved by the Fire Department, and where the land around such incinerator, outdoor water heating units, cooking grills and other similar devices is cleared of all inflammable material within a radius of at least ten feet.

(Ord. 1988, 7-21-53)

8.63.020 Compliance with permit required

It is unlawful for any person, firm or corporation after having obtained a written permit as provided in Section 8.63.010 to burn at any time or in any place or in any manner other than that set forth in such permit.

(Ord. 2192, 10-22-57; Ord. 1988, 7-21-53)

8.63.030 Fires to be kept under control

It is unlawful for any person, firm or corporation in the City to allow or permit any fire attended by him or it to escape from his or its control.

(Ord. 1988, 7-21-53)

8.63.040 Permit required in Hazardous Fire Area

It is unlawful for any person, firm or corporation within the City, within the Hazardous Fire Area, as defined in Section 8.63.130, to make, kindle, ignite, light or build or use any camp fire, bonfire, or any other out-of-door fire without first obtaining a written permit from the City Fire Department.

(Ord. 1988, 7-21-53)

8.63.050 Fires on brush or grasslands or forest covered lands

It is unlawful for any person, firm or corporation, in the City, to set or ignite camp fires or other fires on any brush or grasslands or forest covered lands, or upon any public

[\[Return to Municipal Code Contents\]](#)

roads or highways, except at such places as are or may be designated by the City Fire Department, and a permit issued therefor in writing.

(Ord. 1988, 7-21-53)

8.63.060 Blasting - Permit required

It is unlawful for any person, firm or corporation, within the City, at any time to blast with dynamite, powder or other explosive without first having obtained a written permit from the Fire Department.

(Ord. 1988, 7-21-53)

8.63.070 Smoking within Hazardous Fire Area

It is unlawful for any person, firm or corporation, within the boundaries of the Hazardous Fire Area described in Section 8.63.130 between the 1st day of May and the last day of December of each and every year to smoke a cigar, cigarette, tobacco, or any other substance in any form, except at designated and improved camp grounds, or occupied places of habitation; provided, however, that such designated and improved camp grounds, and places of habitation, within the meaning of this Chapter, will only include those portions of designated and improved camp grounds and places of habitation which are cleared of all inflammable materials and vegetation, as provided in Section 8.63.100; and it is unlawful for any person in the City to throw, place or cause to be placed upon any grass, brush or forest covered lands, or upon any road or trail traversing such grass, brush or forest covered lands, any lighted or burning match, cigar, cigarette, or any burning substance without first extinguishing the same.

(Ord. 1988, 7-21-53)

8.63.080 Removal and disposition of ashes in Hazardous Fire Area

It is unlawful for any person, firm or corporation, within the Hazardous Fire Area to remove ashes from stoves, fireplaces, heaters, grills, or any other like device in which burning has been done, and to dispose of such ashes or waste from such device out of doors, until such ashes or waste have been placed in a metal or other fireproof receptacle and soaked in water for at least twenty-four hours.

(Ord. 1988, 7-21-53)

8.63.090 Use of chimney or heat producing appliance in Hazardous Fire Area

It is unlawful for any person, firm or corporation within the City, within the Hazardous Fire Area, as defined in Section 8.63.130, to use any chimney in conjunction with any fireplace, incinerator or any heat producing appliance in which solid fuel is used upon

[Return to Municipal Code Contents]

any cabin, house, hotel, building, structure, or premises unless maintained with a spark arrester constructed with heavy wire, mesh or other noncombustible material of at least nineteen gauge, with openings not to exceed one-half inch, mounted in or over all outside flue openings in a vertical or near vertical position visible from the ground.

(Ord. 3155, 3-09-71; Ord. 1988, 7-21-53)

8.63.100 Maintenance of fire protection or firebreak required when

Any person, firm or corporation, owning, leasing, using, controlling, or operating any cabin, house, hotel, house trailer, apiary, or other building, structure or improvement in the Hazardous Fire Area, shall at all times maintain upon his said land or adjacent to the cabin, house, improvement or structure, an effective fire protection or firebreak; such fire protection or firebreak is to be made by removing all inflammable vegetation or growth or other inflammable materials or vegetation from the ground around the buildings, structures and improvements for a distance of not less than thirty feet from the exterior walls of the buildings, structures, house trailers and improvements, the aforementioned fire protections or firebreak shall cover all lands situated between the building structures and the property boundary; provided, however, that this section shall not apply to trees, except where dead or where the foliage of the trees are within ten feet of the chimney, nor shall it apply to evergreen vegetation where growing and presented for decorative effect.

(Ord. 1988, 7-21-53)

8.63.110 (Repealed by Ord. MC-28, 2-03-81)

8.63.120 Placement of inflammable material in Hazardous Fire Area

- A. It is unlawful for any person, firm or corporation in the Hazardous Fire Area, as defined in Section 8.63.130, to place or cause to be placed on his own land, or on the land of another, any rubbish, paper, sawdust, shavings, boxes, petroleum products not in closed containers, or residue, fallen timber, slash, limb wood, branches of trees, brush, grass, litter or other inflammable material, except at places and in the manner designated by the City Fire Department, and all such inflammable material shall be effectively destroyed by fire at such time and in such a manner as shall be designated by the Fire Department after securing a permit from said Department.
- B. Any such rubbish, paper, sawdust, shavings, boxes, petroleum products or residue, fallen limbs, slash, limb wood, branches of trees, brush, grass, litter or other inflammable material placed, caused to be placed or existing on any land, contrary to the provisions of this Chapter is a public nuisance and shall be abated pursuant to law.

(Ord. 1988, 7-21-53)

[\[Return to Municipal Code Contents\]](#)

8.63.130 Hazardous Fire Area described

HAZARDOUS FIRE AREA is land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated as follows:

- A. All that area within the City lying north of a line extending easterly from the west City limits to the east City limits and bounded on the south side by streets and highways as follows: Barstow Freeway from West City limits to the intersection of Palm Avenue and the Barstow Freeway; Northerly from the Barstow Freeway on Palm Avenue to Kendall Drive; Easterly on Kendall Drive to 40th Street and transition Easterly from the intersection of Kendall Drive and 40th Street; on 40th Street; and continue Easterly to Mountain Avenue; from the intersection of 40th Street and Mountain Avenue; Southerly on Mountain Avenue to 39th Street; Easterly on 39th Street to Del Rosa Avenue; Southerly from the intersection of 39th Street to Marshall Boulevard; Easterly from the intersection of Del Rosa Avenue and Marshall Boulevard on Marshall Boulevard; Marshall Boulevard to Victoria Avenue; Victoria Avenue to Piedmont Drive; Piedmont Drive East to Diablo Drive; Diablo Drive East to El Toro Street extending East to Highway 330; Highway 330 South to Highland Avenue; thence East and South-easterly along the centerline of Highland Avenue to the centerline of Church Street.
- B. Inclusive of area beginning at the intersection of Pacific Street and Del Rosa Avenue; Pacific Street West to Perris Hill Park Road; Perris Hill Park Road North in a line to intersect Highland Avenue; Highland Avenue East to Del Rosa Avenue; Del Rosa Avenue South to Pacific Street.
- C. Inclusive of area beginning at the intersection of Little Mountain Drive and Kendall Drive; Kendall Drive East to 40th Street; 40th Street East to Electric Avenue; Electric Avenue South to Thompson Place; Thompson Place West to Mayfield Avenue; Mayfield Avenue South to 36th Street; 36th Street West to "F" Street; "F" Street South to 33rd Street; 33rd Street West to "H" Street; "H" Street South to Marshall Boulevard; Marshall Boulevard West in a line to intersect Cajon Boulevard; Cajon Boulevard West to University Parkway/State Street; University Parkway North to State Street; State Street North to Morgan Road; Morgan Road East to Little Mountain Drive; Little Mountain Drive North to Kendall Drive.
- D. Hazardous Fire Areas shall be inclusive of any additional land area, whether publicly or privately owned, which the Fire Chief of the Fire Department determines to be so situated or so inaccessible that fire upon said land could present an abnormally difficult task of fire suppression. Such additional land areas shall be

[\[Return to Municipal Code Contents\]](#)

designated on a map available to the public and maintained by the Fire Department at the Central Fire Station, 200 East Third Street, San Bernardino. The Fire Chief shall provide a written description of the boundaries of any additional land area to the City Clerk who shall provide for publication of notice thereof pursuant to the provisions of California Government Code Section 6061.

(Ord. MC-488, 12-18-85; Ord. 3869, 9-18-79; Ord. 3611, 12-20-76;
Ord. 3155, 3-09-71; Ord. 1988, 7-21-53)

8.63.140 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1073, 5-03-00; Ord. MC-460, 5-15-85; Ord. 1988, 7-21-53)

Chapter 8.65 DESTRUCTION OF WEAPONS

Sections:

- 8.65.010 Destruction of Weapons in Custody of Police Department**
- 8.65.020 Lost or Stolen Weapons**
- 8.65.030 Alternatives to Destruction**
- 8.65.040 Notice to Department of Justice**
- 8.65.050 Temporary Custody of Certain Firearms**
- 8.65.060 Retention as Evidence**
- 8.65.070 Definition of Firearm**

8.65.010 Destruction of Weapons in Custody of Police Department

Any weapon which is determined to be a nuisance pursuant to Penal Code §12028 and is in the possession of the San Bernardino Police Department shall annually in the month of July, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, be destroyed so that it can no longer be used as such a weapon except upon the certificate of a judge of a court of record, or of the San Bernardino County District Attorney or of the San Bernardino City Attorney, that the retention of it is necessary or proper to the ends of justice.

(Ord. MC-892, 1-12-94)

8.65.020 Lost or Stolen Weapons

If any weapon has been lost or stolen and is thereafter recovered, or is used in such a manner as to constitute a nuisance pursuant to Penal Code §12028 and §8.65.010 of this Chapter, without the prior knowledge of its lawful owner that it would be so used, it shall not be destroyed but shall be restored to the lawful owner, if his or her identity and address can be reasonably ascertained, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership. Sufficient identification of ownership shall include, but shall not be limited to, a police report made at or near the time of loss or theft, or at or near the time of discovery of the loss or theft. A police report by itself listing the lost or stolen weapon is sufficient identification of ownership.

(Ord. MC-892, 1-12-94)

8.65.030 Alternatives to Destruction

- (a) Pursuant to the authority of Penal Code §12030, when the Police Department has custody of any firearms which may be useful to the California National Guard, the Coast Guard Auxiliary, or to any military or naval agency of the federal or state government, including but not limited to, the California National Guard military museum and resource center, it may, upon the authority of the Mayor and Common Council and the approval of the Adjutant General, deliver the firearms to the commanding officer of a unit of the California National Guard, the Coast Guard Auxiliary, or any other military agency of the state or federal government in lieu of destruction as required by this Chapter. The Police Department shall take a receipt for the firearms containing a complete description thereof and shall keep the receipt on file as a public record.
- (b) When the Police Department has custody of any firearms, or any parts of any firearms, which are subject to destruction as required by this Chapter it may, in lieu of destroying the weapons, retain and use any of them as may be useful in carrying out the official duties of the Department, or upon approval of a court, may release them to any other law enforcement agency for use in carrying out the official duties of that agency, or may turn over to the criminalistics laboratory of the Department of Justice or the criminalistics laboratory of any other police department, sheriff's office, or district attorney's office any weapons which may be useful in carrying out the official duties of their respective agencies.
- (c) Any firearm, or part of any firearm, which, rather than being destroyed, is used for official purposes pursuant to this section shall be destroyed by the Department or other agency using the weapon when it is no longer needed for use in carrying out official duties, and shall only be turned over to another agency pursuant to this Chapter if the Agency agrees in writing to not sell said firearm.

[Return to Municipal Code Contents]

- (d) The Police Department may, in lieu of destroying any firearms as required by this Chapter, obtain an order from the Superior Court directing the release of the firearms to the sheriff. The sheriff shall record a description of such firearms and release them to a basic training academy as provided in Penal Code §12030(d)

(Ord. MC-894, 1-26-94; Ord. MC-892, 1-12-94)

8.65.040 Notice to Department of Justice

Pursuant to Penal Code §12030 (e), when the Police Department retains or destroys a firearm pursuant to this Chapter it shall notify the Department of Justice of the retention or destruction. The notification of each firearm, including the name of the manufacturer or brand name, model, caliber, and serial number.

(Ord. MC-892, 1-12-94)

8.65.050 Temporary Custody of Certain Firearms

This Chapter shall not apply to those firearms taken into temporary custody at the scene of domestic violence. Such weapons shall be disposed of as provided in Penal Code §12028.5 except that when such firearms are not claimed by or returned to the owners they shall not be sold but shall be destroyed as provided in this Chapter.

(Ord. MC-892, 1-12-94)

8.65.060 Retention as Evidence

The provisions of this Chapter shall not apply to those weapons which are or may be evidence in either a criminal or civil case, which weapons shall be retained pending a final decision in such case.

(Ord. MC-892, 1-12-94)

8.65.070 Definition of Firearm

For the purposes of this Chapter, weapon and firearm shall be synonymous and firearm shall have the definition provided in Penal Code §12401.

(Ord. MC-892, 1-12-94)

Chapter 8.66
MOVING OF BUILDINGS AND OVERSIZE LOADS

Sections:

8.66.010	Definitions
8.66.020	Permit-Required
8.66.030	Permit - Application
8.66.040	Permit - Issuance
8.66.050	Fees
8.66.060	Warning Flags, lights or reflectors required - Flagman required
8.66.070	Surety bond required
8.66.080	Violation - Penalty

8.66.010 Definitions

The following words and phrases are definitions and shall be construed as set forth in this section:

- A. "Building" means any type of structure normally used as a place of habitation, business, storage or for the shelter of animals.
- B. "Oversize loads" means any load other than a building carried on a vehicle which exceeds a height of thirteen feet six inches from the surface of the pavement to the top of the load, or exceeds a width of ninety-six inches, or the length authorized by the California Vehicle Code, and the exceptions therein authorized.

(Ord. 2005, 11-24-53)

8.66.020 Permit - Required

It is unlawful for any person, firm or corporation to move, or cause to be moved, any building or oversize load on, over or across any public street, place or alley within the City without first obtaining a permit to do so from the Director of Public Services of the City, or for any person, firm or corporation to fail, neglect or refuse to obey or comply with any term or condition of such permit.

(Ord. MC-344, 2-22-84; Ord. 2498, 5-14-63; Ord. 2005, 11-24-53)

8.66.030 Permit - Application

Application for such permit shall be in writing and shall be filed with the Director of Public Services a minimum of forty-eight hours prior to the entry of any building, structure,

[Return to Municipal Code Contents]

or oversize load on any public street, alley or place in the City. The application for permit shall show the following information:

- A. The present location and the proposed location to which the building or oversize load is to be moved;
- B. The height, width and length of the building or oversize load to be moved;
- C. The date and hour of the proposed entry on to, and the date and hour of clearance of the building or oversize load from any public street or place;
- D. Approval in writing of the park superintendent regarding street tree clearance on route of moving;
- E. If the application is one for moving a building to a site inside the City, the application shall be accompanied by a certificate in writing of the Secretary of the Planning Commission or the City Clerk to the effect that the Planning Commission or the Common Council has approved the moving of the building to the new location. If the application is one for moving a building to a site outside the City, the application shall be accompanied by a certificate of the Chief Building Inspector to the effect that the applicant has conformed to the requirements of Ordinance 2014 (Ch. 15.36).

(Ord. MC-460, 5-15-85; Ord. 2510, 7-16-63; Ord. 2005, 11-24-53)

8.66.040 Permit - Issuance

Upon filing of the application, accompanied by the fee and bond required by this Chapter, the Director of Public Services may issue his permit, designating the streets over, on or across which such building or oversize load shall be moved.

(Ord. MC-344, 2-22-84; Ord. 2005, 11-24-53)

8.66.050 Fees

The fees which will apply to permits for moving any building or oversize load on, over or across any public street, alley or place within the City will be established from time to time by the Mayor and Council by resolution.

(Ord. MC-729, 5-21-90; Ord. 2005, 11-24-53)

8.66.060 Warning flags, lights or reflectors required - Flagman required

It shall be the duty of every person moving any building or oversize load over public streets, alleys or places to provide warning flags, lights or reflectors in such locations on

[Return to Municipal Code Contents]

the building or oversize load as to indicate clearly the existence of a hazard in all directions from which traffic may approach. Lights and reflectors will be used between sunset and sunrise. In addition to the warning flags, lights and reflectors required above, a flagman shall be stationed approximately three hundred feet from the building or oversize load in the direction of any normal traffic flow. In all cases where a building or oversize load projects over the centerline of the street, a flagman shall be stationed three hundred feet ahead of, and another flagman three hundred feet behind the building or oversize load. The Director of Public Services is authorized to require such additional warning and safety measures as he may deem necessary to safeguard the public.

(Ord. MC-344, 2-22-84; Ord. 2005, 11-24-53)

8.66.070 Surety bond required

No permit shall be granted under this Chapter unless and until the applicant has executed a good and sufficient surety bond to the City in a sum designated by the Director of Public Services, but not less than one thousand dollars, conditioned that the applicant will hold and save the City and all officers thereof harmless from any and all costs, damages or expenses that the City or any of its officers may incur or be obligated to pay by reason of the granting of such permit, including damage to streets, trees and other City owned property.

(Ord. MC-344, 2-22-84; Ord. 2005, 11-24-53)

8.66.080 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2005, 11-24-53)

Chapter 8.68 ETCHING CREAM, AEROSOL CONTAINERS AND CERTAIN MARKER PENS

Sections:

- 8.68.010 Inaccessibility to Public**
- 8.68.020 Violation**

8.68.010 Inaccessibility to Public

Every person who owns, conducts, operates or manages a retail commercial establishment selling etching cream, aerosol containers, or marker pens with tips

[\[Return to Municipal Code Contents\]](#)

exceeding four millimeters in width, containing anything other than a solution which can be removed with water after it dries, shall store or cause such etching cream, aerosol containers or marker pens to be stored in an area viewable by, but not accessible to the public in the regular course of business without employee assistance, pending legal sale or disposition of such etching cream, marker pens or aerosol containers. For purposes of this section, “etching cream” means any caustic cream, gel, liquid, or solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

(Ord. MC-1145, 6-17-03; Ord. MC-867, 4-06-93)

8.68.020 Violation

Any violation of Section 8.68.010 is a misdemeanor.

(Ord. MC-867, 4-06-93)

Chapter 8.69 GRAFFITI

Sections:

- 8.69.010 Public funds for removal of graffiti**
- 8.69.020 (Repealed by Ord. MC-658, 4-19-89)**
- 8.60.030 Nuisance; notice to abate; abatement upon consent**
- 8.69.040 Notice to remove graffiti; protests and notice of hearing thereon**
- 8.69.050 Hearing by Director of Public Services - Appeal to Mayor and Common Council**
- 8.69.060 Abatement of nuisance**
- 8.69.070 Abatement of nuisance by property owner - Time limit**
- 8.69.080 Assessment for Abatement by City - Filing of objection**
- 8.69.090 Possession of Instruments of Graffiti by Juveniles Prohibited**

8.69.010 Public Funds for Removal of Graffiti

Public funds, to the extent they are available, may be used for the removal of graffiti, as described in Section 8.69.030(A), with the written consent, waiver of liability and agreement to hold the City harmless from any and all damages signed by the owner(s), owner’s(s’) agent(s), or occupier(s) of the property on which the graffiti appears, if such individuals assure the City and confirm that they have the legal authority to execute such consent, waiver and agreement. If consent and waiver are not obtained, or if public funds

[\[Return to Municipal Code Contents\]](#)

are not available, the Director of Public Services shall follow the procedure contained in Sections 8.69.030 et seq.

(Ord. MC-658, 4-19-89; Ord. 3675, 9-21-77)

8.69.020 (Repealed by Ord. MC-658, 4-19-89)

8.69.030 Nuisance; notice to abate; abatement upon consent

- A. The existence of graffiti, writings and other inscribed material, other than signs authorized under this Code, on public or private property, including on buildings, walls, fences, curbs and other structures, in a place visible to the public, from a public street, alley or other place open to the public, is hereby declared a public nuisance, and the periodic removal thereof is necessary to protect the health, safety and public welfare of the inhabitants of the City.
- B. Whenever any of the public nuisances mentioned in Subsection A exist in the City, the Director of Public Services, or his or her designee, may find and declare the same to be a public nuisance under the provisions of this Chapter and may order the abatement of such public nuisance as hereinafter provided. Special priority shall be given to the abatement of any writings or symbols which are offensive to a substantial number or class of citizens, or any graffiti or writing which demeans any individual, or causes or is likely to cause a breach of the peace.
- C. Any owner whose property is found to be or contain a public nuisance by the Director of Public Services shall have the right to request a hearing to determine whether in fact a public nuisance exists as hereinafter provided. The owner may specifically consent to removal, in which event the Director of Public Services is authorized to immediately abate the nuisance.

(Ord. MC-370, 5-22-84)

8.69.040 Notice to remove graffiti; protests and notice of hearing thereon

- A. When the Director of Public Services finds a nuisance as described in Section 8.69.030 to exist, he or she shall cause a "Notice to Remove Graffiti" to be given in regard to all property on which, or abutting that property on which, the nuisance exists. A Notice shall be mailed to each property owner as his, her or its name and address appears in the current records of a title company or the tax assessment rolls of the county, or as may be otherwise known. The Notice shall contain a date, a description of the property by street designation and any other information deemed appropriate by the Director of Public Services to designate the location from which graffiti, writings or other inscriptions are to be removed. The Notice shall be in substantially the following form.

[Return to Municipal Code Contents]

"NOTICE IS HEREBY GIVEN pursuant to Section 8.69.040 of the San Bernardino Municipal Code that the Director of Public Services of the City of San Bernardino has determined that a nuisance exists on or abutting the property described in this Notice, or on the parkway thereof. The nuisance consists of graffiti, writings or other inscriptions, on buildings, walls, fences, curbs or other structures on such property or abutting such property. You must abate or remove this nuisance, by removal or covering of such graffiti, writings or other inscriptions. If you do not remove such nuisance, the nuisance may be removed and abated by the City of San Bernardino, without further notice to you, and for that purpose officers, agents, employees or contractors working under the direction of the Director of Public Services may enter upon your property to abate such nuisance.

Any person objecting to this determination of a nuisance or the proposed removal and abatement of said nuisance shall file a written protest with the City Clerk not later than five days from the date of mailing of this Notice. The City Clerk shall transmit such protest promptly to the Director of Public Services, who shall promptly schedule a date, time and place for hearing, and shall give notice thereof to the protesting property owner or other protester.

The Director of Public Services will personally, or by an official hearing officer designated by him or her, hear any protests and consider any information, evidence or argument concerning the existence of such alleged nuisance, and after having given to the property owner, or his or her representative, the reasonable opportunity to be heard, shall render a decision as to whether a nuisance exists. If a timely protest has been filed, you or your agent may appear at said hearing and be heard and may present and hear evidence concerning the existence of the alleged nuisance and the proposed abatement.

If you desire to have the City remove such nuisance, you may notify the Director of Public Services that you consent to abatement of the nuisance by the City.

- B. In addition to mailing the Notice in the manner and form required herein, such Notice may (permissive) be conspicuously posted on or adjacent to the property from which the nuisance is to be abated.

(Ord. MC-370, 5-22-84)

8.69.050 Hearing by Director of Public Services - Appeal to Mayor and Common Council

At the time set for hearing, the Director of Public Services, or his or her designee, shall hear and consider all objections or protests to the finding of nuisance and proposed abatement of the nuisance, and may continue the hearing from time to time. The hearing

[\[Return to Municipal Code Contents\]](#)

officer shall consider among other things whether the expense necessarily incurred in complying with the ordinance and the sanctions imposed for noncompliance are reasonable in relation to the health, safety and public welfare interest being protected, whether the existence of graffiti, writings or other inscriptions in its present location is in fact a public nuisance, and has the effect of diminishing property values of the neighborhood and contributes to community blight, and shall consider the effect of the existence of such graffiti, writings or other inscriptions on a normal person of normal sensibility, and the environment in which the graffiti, writings or other inscriptions exists including, for instance, whether in an urban or rural setting.

The Director of Public Services, or his or her designee, shall not find a nuisance to exist unless such hearing officer finds the existence of an injurious effect upon the public in general. The decision of the Director of Public Services, or his or her designee, is final, subject to the right of the property owner to appeal to the Mayor and Common Council pursuant to Chapter 2.64 of the San Bernardino Municipal Code, except that the Notice of Appeal must be filed within ten days of the hearing, or within ten days of the mailing of notice of the decision by the Director of Public Services, whichever occurs last. If a decision is rendered at the time of the hearing, and a representative of the property owner was present at such hearing, no mailing of the decision shall be required. The decision of the Mayor and Common Council upon any appeal shall be final and conclusive. Any person failing to protest as authorized in Section 8.69.030 or failing to appeal after the decision of the Director of Public Services shall be deemed to have waived any and all objections, and the Director of Public Services shall be deemed to have acquired jurisdiction to abate the nuisance and have the work of removal performed.

(Ord. MC-370, 5-22-84)

8.69.060 Abatement of nuisance

Upon acquiring jurisdiction, the Director of Public Services shall abate the nuisance, and he and his assistants or deputies, or any person, firm or corporation under contract to do the work, are expressly authorized to enter upon private property for that purpose.

(Ord. MC-370, 5-22-84)

8.69.070 Abatement of nuisance by property owner - Time limit

Any property owner shall have the right to have any such nuisance removed or abated at his or her own expense provided the same is done within ten days after the mailing of the "Notice to Remove Graffiti" as provided in Section 8.69.080, provided such abatement is performed to the satisfaction of the Director of Public Services. If additional time is desired in the order to remove the graffiti writings or other inscriptions, a request therefor shall be made to the Director of Public Services, who may grant additional time within which the property owner shall have the right to have any such nuisance removed at his or her own expense. Upon expiration of such additional time, however,

[Return to Municipal Code Contents]

if the nuisance is not removed, the Director of Public Services shall be deemed to have acquired jurisdiction to abate the nuisance without further notice or hearing and shall have the authority to proceed to abate the nuisance.

(Ord. MC-370, 5-22-84)

8.69.080 Assessment for Abatement by City - Filing of objection

The Director of Public Services shall, upon completion of the graffiti abatement, itemize the costs thereof including incidental expenses which if unpaid shall be assessed against and become a lien upon the property on which the nuisance was abated to be collected at the time and in the manner of the real property taxes by the Tax Collector, pursuant to the procedure set forth in Chapter 3.68⁸. The Director of Public Services shall forthwith initiate proceedings before the Board of Building Commissioners under Chapter 8.30 for determination and collection of the assessment for costs of abatement.

(Ord. MC-1418, 10-05-15; Ord. MC-658, 4-19-89)

8.69.090 Possession of Instruments of Graffiti by Juveniles Prohibited

It is unlawful for any minor to have in his or her possession the below described instruments of graffiti while on any public highway, street, alleyway, park, playground, swimming pool, public buildings or any area open to the public, whether such juvenile is or is not in any automobile, vehicle, or other conveyance. The provisions of this section shall not apply to any person under the age of 18 years who is accompanied by a parent or guardian, or under the supervision of an adult teacher.

1. Any spray can containing anything other than a solution which can be removed by water after it dries. These include paint, undercoating, spray insulation, and others having the same effect.
2. Any spray can tips, other than those affixed to a spray can not meeting the description of 8.60.090 subsection 1.
3. Any marker pens containing anything other than a solution which can be removed with water after it dries.
4. Any container containing anything other than solution that can be removed with water after it dries and which can be used to apply that solution. This includes acrylic paint tubes, oil paint tubes, shoe dyes, and bottles and cans of such solutions.

⁸Ord. MC-1418, 10-05-15 repealed/deleted Ch. 3.68 and stated that any remaining provisions of the San Bernardino Municipal Code that reference it should now be deemed to instead reference Ch. 8.30, which it also amended.

[Return to Municipal Code Contents]

5. Objects capable of etching glass or ceramic surfaces, including, without limitation, bits, grinding stones, glass cutters, scribes, broken spark plug ceramic, chisels, and any solution capable of etching these surfaces when applied including acids and etching baths.

(Ord. MC-1087, 9-20-00; Ord. MC-904, 5-18-94)

Chapter 8.72
(Repealed By Ord. MC-1121, 3-19-02)

Chapter 8.73
NO SMOKING IN PARKS

Sections

- 8.73.010 Definitions**
- 8.73.020 Smoking Prohibited Within Twenty-Five Feet of Playground or Tot Lot Sandbox Area**
- 8.73.030 Sale of Tobacco Products Through Self-Service Displays Prohibited**
- 8.73.040 Smoking in Outdoor Athletic Recreation Areas, Sports Centers and Sports Facilities Prohibited**
- 8.73.050 NO SMOKING IN ANY PUBLIC PARK**

8.73.010 Definitions

- A. "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on any City park grounds.
- B. "Tot lot sandbox area" means a designated play area within a public park for the use by children under five years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox area shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the tot lot sandbox area.
- C. "Public Park," "Park," or similar term, includes, but is not limited to, all grounds, roadways, avenues, park facilities, municipal parks and playground areas, or portions thereof, under the supervision of or otherwise operated by the Parks and Recreation Department.

[Return to Municipal Code Contents]

- D. "Smoke" or "smoking" means the igniting, inhaling, exhaling, or carrying of any burning cigar, or cigarette of any kind, or the igniting, inhaling, exhaling or carrying a pipe or other device for smoking, containing any burning substance of any kind, including, but not limited to tobacco, or any other weed or plant.
- E. "Cigar" shall have the definition as currently set forth in California Health and Safety Code Section 104550, or its successor section, as amended.
- F. "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (2) tobacco, in any form, that is functional in the product, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in this section. "Cigarette" also includes "roll-your-own" tobacco, meaning any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by consumers as tobacco for making cigarettes.

Ord. MC-1319, 11-16-09

8.73.020 Smoking Prohibited Within Twenty-Five Feet of Playground or Tot Lot Sandbox Area

- A. No person shall smoke a cigarette, cigar, or other tobacco-related product within twenty-five feet of the boundaries of any playground, or tot lot sandbox area.
- B. No person shall dispose of cigarette butts, cigar butts, or any other tobacco related waste within twenty-five feet of any playground, or tot lot sandbox area.
- C. Any person who violates this section is guilty of an infraction, punishable in accordance with Section 1.12.010 of this Code.

8.73.030 Sale of Tobacco Products Through Self-Service Displays Prohibited

- A. For the purposes of this section, "self-service display" means the open display of tobacco products in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.
- B. It shall be prohibited for any person engaged in the retail sale of tobacco products to sell, offer for sale, or display for sale any tobacco product by self-service display.

[\[Return to Municipal Code Contents\]](#)

- C. Any person who violates this section is guilty of an infraction, punishable in accordance with Section 1.12.010 of this Code.
- D. This section shall not apply to any “retail or wholesale tobacco shop” meaning any business establishment the main purpose of which is the sale of tobacco products, including, but not limited to, cigars, pipe tobacco and smoking accessories.

8.73.040 Smoking in Outdoor Athletic Recreation Areas, Sports Centers and Sports Facilities Prohibited

- A. For the purposes of this section, “outdoor athletic recreation area”, “sports centers” and “sports facilities” shall include, but not be limited to, any stadium, gymnasium, swimming pool, playing field, health spa or other similar place, open to the air, where members of the general public assemble to either engage in physical exercise, participate in athletic activities or witness sports events.
- B. It shall be prohibited for any person to smoke any tobacco product in an outdoor athletic recreation area, sports center or sports facility, except in the areas designated by the facility provider.
- C. Publicly owned outdoor athletic recreation areas, sports centers and sports facilities shall designate one or more areas in which the general public is not prohibited from smoking.
- D. Privately owned athletic recreation areas, sports centers and sports facilities, or publicly owned athletic recreation areas, sports centers and sports facilities that are leased by a private entity for any term greater than one year, may designate one or more areas in which the general public is not prohibited from smoking.
- E. Any person who violates this section is guilty of an infraction, punishable in accordance with Section 1.12.010 of this Code.

(Ord. MC-1122, 3-19-02, Ord. MC-1119, 3-19-02; Ord. MC-1118, 3-19-02;
Ord. MC-905, 6-08-94; Ord. MC-623, 4-19-88; Ord. 3653, 7-15-77)

8.73.050 NO SMOKING IN ANY PUBLIC PARK

- A. It is hereby made a violation of law for any person to Smoke or engage in the act of Smoking in any Public Park.
- B. It is hereby made a violation of law for any person to dispose of any cigarette, cigar or tobacco, or any part of a Cigarette, Cigar or tobacco, or a Pipe or other device for smoking, in any Public Park, except in a waste disposal container designated for such purpose.

[Return to Municipal Code Contents]

- C. Any person who violates this section is guilty of an infraction punishable in accordance with Section 1.12.010 of this Code. Punishment under this section shall not preclude punishment under any other applicable provision of law.

Ord. MC-1319, 11-16-09

Chapter 8.75
(Repealed By Ord. MC-511, 4-22-86)

Chapter 8.78
AUTOMATIC DIALING AND
TAPED MESSAGE ALARM SYSTEMS

Sections:

- 8.78.010 Automatic dialing into City line prohibited.**
- 8.78.020 Live answering service.**
- 8.78.030 Permit to install - Requirements.**

8.78.010 Automatic dialing into City line prohibited

It is unlawful for any person to install, use or cause to be used any telephonic device which is activated electronically to automatically dial a public telephone line of the City.

(Ord. MC-460, 5-15-85; Ord. 3220, 12-21-71)

8.78.020 Live answering service

Any automatic telephonic dialing system shall dial to, and the message shall be received by, a live answering service, such as a private alarm dispatch center. In no event shall any automatic direct dialing be permitted into a public telephone line to the City.

(Ord. 3220, 12-21-71)

8.78.030 Permit to install - Requirements

It is unlawful for any person to install, use or cause to be used any telephonic device which is activated electronically to automatically dial a telephone within the City without first obtaining a permit from the Chief of Police or Fire Chief to install and use such telephonic device. The fee for such permit shall be the sum of \$5.00. The Chief of Police shall review all requests for telephonic burglar alarms, and the Fire Chief shall review all requests for telephonic fire alarms. Before a permit may be issued, the following

[\[Return to Municipal Code Contents\]](#)

requirements shall first be complied with: The current subscriber of the telephone which contains an automatic device, the telephone number and the location of such telephone shall be on file at the Police Department or Fire Department of the City of San Bernardino. The current subscriber of the telephone which receives calls from an automatic telephone dialing system, the telephone number, and the location of such telephone shall be file at the Police Department or Fire Department of the City of San Bernardino.

(Ord. MC-460, 5-15-85; Ord. 3220, 12-21-71)

Chapter 8.80 STORM WATER DRAINAGE SYSTEM

ARTICLE 1. AUTHORITY, PURPOSE AND POLICY, DEFINITIONS

Sections:

- 8.80.101 Authority**
- 8.80.102 Purpose and Objectives**
- 8.80.103 Definitions**

ARTICLE 2. GENERAL CONDITIONS AND PROHIBITIONS

Sections:

- 8.80.201 Administration**
- 8.80.202 Applicability**
- 8.80.203 Notice**
- 8.80.204 Connections**
- 8.80.205 Protection of the Storm Water Drainage System**
- 8.80.206 Prohibited Discharges**
- 8.80.207 Exceptions to the Prohibited Discharges**
- 8.80.208 Compliance with Best Management Practices (BMPs)**
- 8.80.209 Treatment of Storm Water Runoff**
- 8.80.210 Affirmative Defense**
- 8.80.211 Spill Containment**
- 8.80.212 Immediate Notification of Accidental Discharge**
- 8.80.213 Written Notification of Accidental Discharge**
- 8.80.214 Authority to Inspect**

ARTICLE 3. RESIDENTIAL REQUIREMENTS

Sections:

- 8.80.301 Prohibited Discharges**
- 8.80.302 Responsibility for Illegal Discharge of Prohibited Substances**
- 8.80.303 Maintenance of Private Residential Storm Drainage Systems**

ARTICLE 4. INDUSTRIAL AND COMMERCIAL REQUIREMENTS

Sections:

- 8.80.401 Non-Storm Water Discharges**
- 8.80.402 General Permit for Storm Water Discharges from Industrial Activities**
- 8.80.403 Conditional Category – Notice of Non-Applicability**
- 8.80.404 Best Management Practices (BMPs)**

ARTICLE 5. CONSTRUCTION REQUIREMENTS

Sections:

- 8.80.501 Storm Water Quality Management Plan (SWQMP)**
- 8.80.502 General Permit for Storm Water Discharges from Construction Activity**
- 8.80.503 Non-Storm Water Discharges**
- 8.80.504 Non-Storm Water Discharge Reporting Requirements**
- 8.80.505 Best Management Practices**

ARTICLE 6. ADMINISTRATIVE ENFORCEMENT REMEDIES

Sections:

- 8.80.601 Notice of Correction**
- 8.80.602 Notice of Violation**
- 8.80.603 Administrative Orders**
- 8.80.604 Administrative Hearing**
- 8.80.605 Administrative Civil Penalties**
- 8.80.606 Compensation for Damages**
- 8.80.607 Appeals**
- 8.80.608 Violations Deemed a Public Nuisance**

[\[Return to Municipal Code Contents\]](#)

ARTICLE 7. JUDICIAL ENFORCEMENT REMEDIES

Sections:

- 8.80.701 Legal Action
- 8.80.702 Civil Penalties
- 8.80.703 Criminal Prosecution
- 8.80.704 Falsifying Information

ARTICLE 8. GENERAL CLAUSES

Sections:

- 8.80.801 Severability
- 8.80.802 City's Right of Revision

ARTICLE 1. AUTHORITY, PURPOSE, POLICY AND DEFINITIONS

8.80.101 Authority

This chapter is enacted pursuant to authority conferred by an Areawide Urban Storm Water Run-Off Permit [NPDES Permit No. CAS618036, Order No. R8-2002- 0012] issued by the California Regional Water Quality Control Board Santa Ana Region pursuant to Section 402(p) of the Clean Water Act.

8.80.102 Purpose and Objectives

The purpose of this chapter is to ensure the health, safety and general welfare of the residents of the City of San Bernardino by prescribing regulations to effectively prohibit non-storm water discharges into the City's storm water drainage system and to specifically achieve the following objectives:

- (1) Control discharges from spills, dumping or disposal of materials other than storm water;
- (2) Reduce the discharge of pollutants in all storm water discharges to the maximum extent practicable;
- (3) Protect and enhance the water quality of local, state and federal watercourses, water bodies, ground water and wetlands in a manner pursuant to and consistent with the Clean Water Act;
- (4) Establish penalties for violations of the provisions of this chapter;

[\[Return to Municipal Code Contents\]](#)

- (5) Provide for the equitable distribution of the cost of the storm water drainage system and storm water pollution abatement programs, and all related services through the establishment of fair and equitable fees and charges.

8.80.103 Definitions

Whenever in this chapter, the following terms are used, they shall have the meaning respectively ascribed to them in this chapter unless another meaning for the word is apparent from the context. The definitions in this chapter are included for reference purposes and are not intended to narrow the scope of the definitions set forth in Federal or State law or regulations. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of masculine shall also mean feminine and neuter.

- (1) "Act" or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (2) Adjustment. A determination that the volumetric amount of storm water which enters the storm water drainage system from a premise is deemed to be a defined amount substantially different from the average storm water drainage.
- (3) Area-Wide Urban Storm Water Runoff Permit. The current, regional NPDES permit issued by the California Regional Water Quality Control Board, Santa Ana Region, to the San Bernardino County Flood Control District, San Bernardino County and sixteen incorporated cities discharging storm water into the Upper Santa Ana River Basin for the regulation of storm water discharges from municipal separate storm sewer systems.
- (4) Average storm water drainage. The average amount of storm water drainage which enters the storm water drainage system from a premise, based on runoff factors established by the San Bernardino County Flood Control District.
- (5) "BMP". Any Best Management Practice, Best Management Guideline, or Best Management Requirement as adopted by any Federal, State, regional or local agency to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control: plant site runoff, spillage or leaks; sludge or waste storage and disposal; or drainage from raw material or chemical storage.
- (6) "City" or "the City". Shall refer to the City of San Bernardino, California.

- (7) City Engineer. The City Engineer for the City of San Bernardino, or the City Engineer's designee.
- (8) Construction Activity. Any activity used in the process of developing, redeveloping, enhancing, or maintaining land, including but not limited to: land disturbance, building construction, paving and surfacing, storage and disposal of construction related materials.
- (9) Contamination. As defined in the Porter-Cologne Water Quality Control Act, contamination is "an impairment of the quality of waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. 'Contamination' includes any equivalent effect resulting from the disposal of waste whether or not waters of the state are affected."
- (10) Compliance Schedule. The time period allowed by the City for a discharger to achieve compliance with the City's storm water regulations. The Compliance Schedule shall contain specific dates by which adequate treatment facilities, devices, or other related equipment and/or procedures must be installed or implemented.
- (11) Developed Parcel. Any lot or parcel of land altered from its natural state by the construction, creation, and addition of impervious area, except public streets or highways.
- (12) Developer. A person, firm, corporation, partnership, or association who proposes to develop, develops, or causes to be developed real property for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not developers.
- (13) Dewatering. The removal and disposal of surface water or groundwater for purposes of preparing a site for construction.
- (14) Discharge. Any release, spill, leak, flow or escape of any liquid including sewage, wastewater or storm water, semi-solid or solid substance onto the land or into the City's storm water drainage system.
- (15) Discharger. Any person, property owner or occupant of a unit, building, premise or lot in the City who discharges or causes to be discharged any of the substances listed in Subsection 14 (above) directly or indirectly into the City's storm water drainage system.
- (16) EPA. The Environmental Protection Agency of the United States of America.

- (17) **General Permit For Storm Water Discharges From Construction Activity.** A statewide General NPDES Permit that regulates all storm water discharges associated with construction projects that disturb one acre or more of land or which result in the disturbance of less than one acre, but which are part of a larger common plan of development or sale.
- (18) **General Permit For Storm Water Discharges From Industrial Activities.** A statewide General NPDES Permit that regulates storm water discharges associated with industrial activities that are listed in 40 CFR Section 122.26 (b) (14).
- (19) **Hearing Officer.** The City's Engineer or his designee, who presides, at the administrative hearings authorized by this chapter and issues final decisions on matters raised therein.
- (20) **Illegal Discharge.** Any discharge (or seepage) into the City's storm water drainage system that is not composed entirely of storm water except for the authorized discharges listed in Section 8.80.207 of this chapter. Illegal discharges include the improper disposal of wastes into the storm water drainage system.
- (21) **Illicit Connection.** An illicit connection is defined as either of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm water drainage system including but not limited to any conveyance which allows non-storm water discharges including sewage, process wastewater and wash water to enter the storm water drainage system and any connections to the storm water drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by a government agency; or
 - (b) Any drain or conveyance connected to the storm water drainage system, that is not permitted pursuant to a valid NPDES Permit or which has not been documented in plans, maps or equivalent records approved by the City.
- (22) **Maximum Extent Practicable (MEP).** Refers to the maximum level of pollutant reductions or storm water runoff reductions that must be achieved by treatment, infiltration or a combination of treatment, infiltration and Best Management Practices, taking into account equitable considerations of synergistic, additive, and competing factors, including but not limited to, gravity of the problem, fiscal and technical feasibility, public health risks, societal concern, and social benefits, to effectively limit the discharge of pollutants or storm water runoff into the City's storm water drainage system.

- (23) National Pollutant Discharge Elimination System (NPDES). The EPA's national program under the Federal Clean Water Act to eliminate discharges of pollution into waters of the United States.
- (24) New Development. Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.
- (25) NPDES Permit. Any permit issued pursuant to the Federal Clean Water Act.
- (26) Non-Structural BMPs. Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.
- (27) Notice of Intent (NOI). A form provided by the State Water Resources Control Board that is required to be completed and submitted in order to obtain coverage under one of the State's NPDES General Storm Water Permits prior to the start of certain business activities or construction activities.
- (28) Non-Storm Water. Any water discharging to the City's storm water drainage system that does not originate from precipitation events.
- (29) Nuisance. Any condition described by all of the following:
 - (a) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - (b) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - (c) Occurs during, or as a result of, the treatment or disposal of wastes.
- (30) Permit. Any permit issued by the City.
- (31) Permittee. The San Bernardino County Flood Control District; San Bernardino County; and each of the sixteen cities in San Bernardino County discharging storm water drainage into the Upper Santa Ana River Basin and regulated by the Areawide Urban Storm Water Run-Off Permit.

- (32) Person. Any individual, partnership, committee, entity, association, corporation, public agency, and any other organization, or group of persons public or private; the masculine genders shall include the feminine, the singular shall include the plural where indicated by the context.
- (33) pH. The measure of the hydrogen ion concentration of water and the standard by which the acidity or alkalinity of a water sample is determined.
- (34) Pollutant. Shall mean, but not be limited to, any liquid, solid or semi-solid substances or combination thereof, which causes a nuisance or contributes to a condition of contamination or pollution of the City's storm water runoff, storm water drainage system or the impairment or degradation of waters of the state, including but not limited to the following:
- (a) Floatable materials (such as floatable plastics or wood products, and metal shavings, or materials forming films, foam or scum);
 - (b) Household waste (such as trash, cleaners, toxic or hazardous chemicals, yard wastes, animal fecal materials, used oil, coolant, gasoline and other vehicle fluids);
 - (c) Metals and non-metals, including compounds of metals and nonmetals;
 - (d) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
 - (e) Domestic sewage from sewer line overflows, septic tanks, port-a-potties, boats and recreational vehicles;
 - (f) Animal wastes (such as wastes from confinement facilities, kennels, pens, stables, and show facilities)
 - (g) Substances having a pH less than 6.5 or greater than 8.5, or unusual coloration, turbidity or odor;
 - (h) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon.
 - (i) Materials containing base/neutral or acid extractable organic compounds;
 - (j) Waste materials and wastewater generated on construction sites from construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of

[\[Return to Municipal Code Contents\]](#)

asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, vehicle maintenance, construction equipment washing, concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and chlorinated water from potable line flushing;

- (k) Those pollutants defined in Section 1362 (6) of the Federal Clean Water Act; and
 - (l) Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, eroded soils, sediment and particulate materials, in quantities that have been determined by the State or EPA to adversely affect the beneficial uses of waters of the state.
- (35) **Redevelopment.** The creation or addition of impervious surfaces or the making of improvements to an existing structure on an already developed site; replacement of impervious surfaces that are not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces.
- (36) **Sewage.** The wastewater of the community derived from residential, agricultural, commercial, or industrial sources, including domestic sewage, and industrial wastewater.
- (37) **SIC (Standard Industrial Classification).** The Standard Industrial Classification is the statistical classification standard underlying all establishment-based Federal economic statistics classified by industry. The Standard is published in the SIC Manual, 1987, Office of Management and Budget.
- (38) **Storm Water.** Rain water, snow melt runoff, and associated surface runoff and drainage.
- (39) **Storm Water Drainage System.** Shall mean all of the property involved in the operation of the storm water drainage collection and disposal system for the City, including, but not limited to, conduits, natural or artificial drains, channels and watercourses, together with appurtenances, pumping stations and equipment which is tributary to the regional storm water runoff system.
- (40) **Storm Water Pollution Prevention Plan (SWPPP).** The plan as described in the General Construction Activity Storm Water Permit as issued by the State Water Resources Control Board on August 19, 1999 and as may be amended, or the General Industrial Activities Storm Water Permit as issued on April 17, 1997 and as may be amended, which specifies BMPs that will prevent pollutants from contacting storm water and all products of erosion from moving off site into receiving waters.

[\[Return to Municipal Code Contents\]](#)

- (41) Storm Water Quality Management Plan (SWQMP). A plan required of new development/redevelopment projects, outlining appropriate non-structural and structural BMPs, including storm water infiltration and treatment devices that will be implemented and installed to prevent pollutants from being discharged into the City's storm water drainage system, during and after construction.
- (42) Structural BMPs. Any structural facility designed and constructed to remove pollutants from storm water runoff or prevent pollutants from contacting storm water. Examples are canopies, structural enclosures, sediment basins, catch basin inlet filters, grassy swales, and sand and oil interceptors.
- (43) Violation. A breach of any provision of this chapter.
- (44) Waters of the State. Any surface water or groundwater, including saline waters, within the boundaries of the state.

ARTICLE 2. GENERAL CONDITIONS AND PROHIBITIONS

8.80.201 Administration

The City Engineer shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Engineer, may be delegated by the City Engineer to persons authorized by the City Engineer and in the employ of the City of San Bernardino.

8.80.202 Applicability

This chapter shall apply to all dischargers, including all residents as well as commercial, industrial and construction enterprises, to the City's storm water drainage system, and to dischargers outside the City who, by agreement with the City, utilize the City's storm water drainage system.

8.80.203 Notice

Unless otherwise provided herein, any notice required by this chapter shall be in writing and served in person, by first class, registered or certified mail. Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

8.80.204 Connections

The discharge or diversion of storm water or non-storm water is permissible when the connection to the City's storm water drainage system is made in accordance with a

[\[Return to Municipal Code Contents\]](#)

valid construction permit, approved construction plan, and, if applicable, an NPDES Storm Water permit and the discharge is not prohibited under Section 8.80. 206 of this chapter.

It is prohibited to establish, use, maintain and/or continue any illicit connection to the City's storm water drainage system. This prohibition is retroactive and applies to connections made in the past, regardless of whether the connection was made under a permit or other authorization or whether the connection was permissible under the law or practices applicable or prevailing at the time of the connection. Construction permits are required for the construction or modification of any storm drain or conveyor of drainage waters and appurtenant items within:

- (1) Dedicated easements, rights-of-way, or public place and/or facility.
- (2) Private property so as it may directly or indirectly discharge into the City's storm water drainage system. Indirect discharges include, but are not limited to, under sidewalk drains, driveway approaches, and unrestricted sheet flow.

8.80.205 Protection of the Storm Water Drainage System

Without the prior written approval of the City's Engineer, no person shall construct, modify or cause to be constructed or modified any structure, facility or appurtenant items which may alter the normal functioning of the City's storm water drainage system, including any action which may alter the capacity, fall, or structural integrity of a storm drain, channel or related structures.

8.80.206 Prohibited Discharges

It is prohibited to:

- (1) Discharge non-storm water directly or indirectly to the City's storm water drainage system, or any street, lined or unlined drainage channel which leads to the City's storm drain or directly or indirectly into any waters of the state unless such discharge is authorized by either a separate NPDES Permit or as otherwise specified in §8.80.207 of this chapter. If such discharge is permitted by a NPDES permit or is generally exempted, but causes the City to violate any portion of its NPDES Permits for storm water discharges, such discharge is also prohibited;
- (2) Discharge storm water into the City's storm water drainage system containing pollutants that have not been reduced to the maximum extent practicable;
- (3) Throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, garbage, sediment or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm

[Return to Municipal Code Contents]

drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same may be and/or may become a pollutant.

- (4) Throw or deposit any refuse, garbage or any other pollutant into any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the City.
- (5) Discharge any of the following types of waste into the City's storm water drainage system:
 - (a) Sewage;
 - (b) Surface cleaning wash water resulting from mopping, rinsing, pressure washing or steam cleaning of gas stations, and vehicle service businesses or any other business;
 - (c) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;
 - (d) Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet cleaning, drapery and furniture cleaning, etc.;
 - (e) Waste water from cleaning municipal, industrial, commercial, and residential areas (including parking lots), streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, containing chemicals or detergents and without prior sweeping, etc.;
 - (f) Storm water runoff from material or waste storage areas containing chemicals, fuels, grease, oil or other hazardous materials or contaminated equipment;
 - (g) Discharges from pool or fountain water containing chlorine, biocides, acids or other chemicals; pool filter backwash containing debris and chlorine;
 - (h) Pet waste, yard waste, debris, sediment, etc.;
 - (i) Restaurant wastes such as grease, mop water, and wash water from cleaning dishes, utensils, laundry, floors, floor mats, trash bins, grease containers, food waste, etc.;
 - (j) Chemicals or chemical waste;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- (k) Medical wastes;
- (l) Blow down or bleed water from cooling towers and boilers, regenerative brine waste from water softeners or reverse osmosis treatment systems;
- (m) Materials or chemical substances that cause damage to the City's storm water drainage system;
- (n) Any other material that causes or contributes to a condition of contamination, nuisance or pollution in the City's storm drainage system or causes a violation of any waste disposal regulations, waste discharge requirements, water quality standards or objectives adopted by the State Water Resources Control Board, Regional Water Quality Control Board, EPA, San Bernardino County Fire Hazmat, San Bernardino County Flood Control District or any other public agency with jurisdiction.

8.80.207 Exceptions to the Prohibited Discharges

The following discharges of non-storm water into the City's storm drainage system are generally exempt from the Prohibited Discharges listed in Section 8.80.206 of this chapter. However, Subsections 12-22, below, have been identified as potential significant sources of pollutants and require coverage under the Regional Board's De Minimus permit as well as prior approval by the City Engineer before discharge (see *note below):

- (1) Discharges covered by NPDES permits or written clearances issued by the Regional or State Board;
- (2) Landscape irrigation, lawn watering, and irrigation water;
- (3) Water from crawl space pumps;
- (4) Air conditioning condensation;
- (5) Non-commercial car washing;
- (6) Rising ground waters and natural springs;
- (7) Ground water infiltration as defined in 40 CFR 35.2005 (b) (20) and uncontaminated pumped ground water;
- (8) Water flows from riparian habitats and wetlands;

[\[Return to Municipal Code Contents\]](#)

- (9) Water flows generated from emergency response and/or fire fighting activities, however, appropriate BMPs shall be implemented to the extent practicable; BMPs must be implemented to reduce pollutants from non-emergency fire fighting flow;
- (10) Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d);
- (11) Other types of discharges identified and recommended by the City and approved by the Regional Water Quality Control Board;
- (12) *Potable water line testing or flushing and other discharges from potable water sources;
- (13) *Water from fire hydrant testing and flushing using appropriate BMPs;
- (14) *Water from passive foundation drains or passive footing drains;
- (15) *Dechlorinated swimming pool discharges;
- (16) *Diverted stream flow;
- (17) *Wastes associated with well installation, development, test pumping and purging;
- (18) *Aquifer testing wastes;
- (19) *Discharges from hydrostatic testing of vessels, pipelines, tanks, etc.;
- (20) *Discharges from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
- (21) *Discharges from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;
- (22) *Discharges from potable water supply systems resulting from system failures, pressure releases, etc.

*Note: The City of San Bernardino requires that a “Non-Storm Water Discharge Notification Form” be submitted to the Development Services Department for approval of these discharges, five days prior to any planned discharges or, as soon as possible, for any unplanned discharges. The Notification Form is available from the Development Services Department counter. Monitoring may also be required for these discharges.

The Regional Board may issue Waste Discharge Requirements for discharges

[\[Return to Municipal Code Contents\]](#)

exempted from NPDES requirements, if identified to be a significant source of pollutants. The Executive Officer of the Board may also add categories of non-storm water discharges that are not significant sources of pollutants or remove categories of non-storm water discharges listed above based upon a finding that the discharges are a significant source of pollutants. In this case, the list of exempted discharges, above, would be adjusted accordingly.

8.80.208 Compliance with Best Management Practices (BMPs)

Any person undertaking any activity or operation in the City of San Bernardino that could potentially cause or contribute to storm water pollution or a discharge of non-storm water shall comply with all applicable Best Management Practices (BMPs) as listed in the California Storm Water Best Management Practice Handbooks or the current, San Bernardino County Storm Water Program's "Report of Waste Discharge", to reduce pollutants in storm water runoff and reduce non-storm water discharges to the City's storm water drainage system to the maximum extent practicable or to the extent required by law.

8.80.209 Treatment of Storm Water Runoff

If a discharger has the potential to introduce pollutants into the City's storm water drainage system or is exceeding EPA Parameter Benchmark Values, the City may require the installation of appropriate storm water treatment equipment or devices. These devices shall reduce pollutant constituents to the degree of reduction attainable through the application of the best management practices to the maximum extent practicable. Any required treatment equipment or devices shall be provided, operated, and maintained at the expense of the discharger. Detailed plans showing the treatment device and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction or installation of the equipment. The review and approval of such plans and operating procedures will in no way relieve the discharger from the responsibility of modifying the facility as necessary to treat storm water runoff or prevent the introduction of storm water pollutants to comply with this chapter.

8.80.210 Affirmative Defense

A discharger shall have an affirmative defense in any action brought against it alleging a violation of Section 8.80.206 of this chapter where the discharger can demonstrate it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause violation of this chapter or the Areawide Urban Storm Water Runoff Permit.

8.80.211 Spill Containment

Persons storing chemicals or chemical waste outdoors shall be required to install spill containment subject to requirements established by the City Engineer and Federal, State and County Standards. Persons storing any other materials or equipment that are potential sources of storm water pollution are also required to install spill containment.

No person shall operate a spill containment system that could allow incompatible materials and/or wastes to mix, thereby creating hazardous or toxic substances in the event of failure of one or more containers. Spill containment systems shall consist of a system of dikes, walls, barriers, berms and/or other devices designed to contain the spillage of the liquid contents of the containers stored in them and to minimize the buildup of storm water from precipitation, and run-on from roof drainage and outside areas. If the spill containment system does not have a roof which covers the entire contained area, the spill containment system shall have the capacity to contain precipitation from at least a 24 hour, 25 year rainfall event plus ten (10) percent of the total volume of the material stored there or the volume of the largest container, whichever is greater. Spill containment systems shall also be constructed of impermeable and non-reactive materials to the materials and/or wastes being contained. Spilled and/or leaked materials and/or wastes and any accumulated precipitation shall be removed from the spill containment system in as timely a manner as is necessary to prevent the overflow of the spill containment system.

Unless otherwise approved by the City Engineer, all chemicals or wastes discharged within the spill containment system shall be disposed of in accordance with all applicable Federal, State, and local rules, regulations, and laws, and shall not be discharged into the City's sanitary sewer system, storm water drainage system or onto the ground.

8.80.212 Immediate Notification of Accidental Discharge

Protection of the City's storm water drainage system from the accidental discharge of prohibited materials or wastes is the responsibility of the person or persons in charge of such material. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City Engineer for review, and shall be approved by the City Engineer prior to any construction. All new and existing dischargers shall complete such a plan. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify his or her facility as necessary to meet the requirements of this chapter.

A notice shall be permanently posted in a prominent place advising employees whom to contact in the event of an accidental discharge. Employers shall ensure that all employees are advised of the emergency notification procedures. In the event of an accidental discharge, it is the responsibility of the discharger to immediately telephone and notify the proper authorities.

All discharges released into the City's storm water drainage system, including a street

[\[Return to Municipal Code Contents\]](#)

or gutter, shall be immediately reported to the City's Development Services Department and Fire Department. All discharges that pose a threat to human health or the environment shall be reported to the Executive Officer of the California Regional Water Quality Control Board within 24 hours by telephone or e-mail and followed with a written report of the spill event within 5 days. At minimum, all sewage spills over 1,000 gallons and all reportable quantities of hazardous materials or hazardous waste shall be reported within 24 hours.

8.80.213 Written Notification of Accidental Discharge

Within five (5) working days following an accidental discharge into the City's storm water drainage system, the person or persons in charge of the material and/or waste which was accidentally discharged shall submit a written report to the City Engineer. The report shall describe in detail the type and volume of the material and/or waste and the cause of the discharge. The report shall also describe in detail all corrective actions taken and measures to be taken to prevent future occurrences. Such notification of the accidental discharge shall not relieve the user of any fines or civil penalties incurred as a result of the event or any other liability which may be imposed by this chapter or other applicable laws.

8.80.214 Authority to Inspect

The City Engineer or his designated representative shall be authorized, at any reasonable time, to enter the premises of any discharger to the City's storm water drainage system to determine compliance with the provisions of this chapter, and to:

- (1) Conduct inspection, monitoring, and/or other authorized duties to enforce the provisions of this chapter;
- (2) Review any records, reports, test results or other information required to enforce the provisions of this chapter. Such review may include the necessity to photograph, videotape, or copy any applicable information; and
- (3) Inspect any chemicals, materials, wastes, storage areas, storage containers, and waste generating processes, treatment facilities, and discharge locations. Such inspection may include the necessity to photograph or videotape any applicable chemicals, materials, wastes, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations.

The City Engineer or his designated representative shall provide adequate identification when entering the premises of any discharger. If such entry is refused or cannot be obtained, the City Engineer shall have recourse to every remedy provided by law to secure lawful entry and inspection of the premises.

If the City Engineer has reasonable cause to believe that non-storm water discharge conditions on or emanating from the premises are of a nature so as to require immediate

[\[Return to Municipal Code Contents\]](#)

inspection to safeguard public health or safety, the City Engineer shall have the right to immediately enter and inspect said property and may use any reasonable means required to effect such entry and make such inspection, regardless if said property is occupied or unoccupied and regardless if formal permission to inspect said property has been obtained.

Where a discharger has instituted security measures requiring proper identification and clearance before entry onto the premises, the discharger shall make all necessary arrangements with its security agents in order that, upon presentation of such identification, the City Engineer or his designated representative(s) shall be permitted to enter the premises without delay, for the purpose of performing their authorized duties. For facilities, which require special clearances to conduct inspections, it shall be the responsibility of the discharger to obtain all necessary clearances on behalf of the City so that the inspection is not impaired.

ARTICLE 3. RESIDENTIAL REQUIREMENTS

8.80.301 Prohibited Discharges

In addition to the General Prohibitions in Section 8.80.206 of this chapter, it is prohibited to discharge any of the following to any street, gutter, alley, sidewalk, storm drain inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same may be and/or may become a pollutant:

- (1) Animal waste, soil, leaves, plant and tree cuttings, grass clippings, weeds, dead trees, fertilizer, soil amendments or mulch, and pesticides;
- (2) Concrete or cement waste, brick and tile work wastes, plaster and drywall tool cleanup water, waste paint or painting cleanup water, asphalt or asphalt cleanup solvents or slurry from saw cutting concrete or asphalt and other construction waste;
- (3) Domestic sewage including wastewater from sinks, washing machines, dishwashers, toilets, campers, motorhomes or trailers;
- (4) Chemicals, degreasers, bleach, steam cleaning or pressure washing wastewater;
- (5) Motor oil, antifreeze, gasoline, diesel, kerosene, solvents, battery acid, brake fluid, transmission fluid, power steering fluid, engine cleaning compounds, engine or parts cleaning wash water or rinse water and any other vehicular fluids;

[\[Return to Municipal Code Contents\]](#)

- (6) Water softener brine waste, or any other waste water from other household water treatment systems;
- (7) Waste water from draining swimming pools, ponds or fountains which contain chlorine biocides, acids or other chemicals, pool filter backwash containing debris and chlorine;
- (8) Discharges from acid cleaning of swimming pools, ponds or fountains or filter cleaning from the same.
- (9) Any other material that causes or contributes to a condition of contamination, nuisance or pollution in the City's storm drainage system or causes a violation of any waste disposal regulations, waste discharge requirements, water quality standards or objectives adopted by the State Water Resources Control Board or Regional Water Quality Control Board.

8.80.302 Responsibility for Illegal Discharge of Prohibited Substances

The property owner(s) of a lot or parcel from which an illegal discharge originates shall be ultimately responsible for all abatement and cleanup costs associated with the discharge, at his own expense, if the responsible party cannot be located. Likewise, if the tenant of a multi-family residential unit has discharged a prohibited material or waste into the City's storm drainage system or has caused the contamination of storm water runoff from the property by his activities and the City Engineer cannot determine the responsible party or residential unit responsible, the owner of the property from which the discharge originated, shall be responsible for the cleanup and abatement costs to mitigate the condition. Additionally, a property owner shall be responsible for all cleanup costs and damages to the City's storm drainage system from a contractor's activities, if the contractor was hired by the owner and cannot be located.

8.80.303 Maintenance of Private Residential Storm Drainage Systems

All private residential storm drainage inlets, under-drains and gutters shall be inspected annually and cleaned prior to the beginning of the rainy season if there is evidence of one or more of the following conditions:

- (1) The sediment/debris storage volume is 25 percent or more full;
- (2) There is evidence of illegal discharge;
- (3) Accumulated sediment or debris impairs the hydraulic function of the facility. Private streets shall also be swept and maintained as needed to prevent sediment, gardening waste, trash, litter and other contaminants from entering the City's storm drainage system.

[\[Return to Municipal Code Contents\]](#)

ARTICLE 4. INDUSTRIAL AND COMMERCIAL REQUIREMENTS

8.80.401 Non-Storm Water Discharges

All non-storm water discharges associated with industrial and commercial activities that discharge into the City's storm water drainage system are prohibited except as permitted by an individual user's NPDES Storm Water Permit or Section 8.80. 207 of this chapter.

8.80.402 General Permit for Storm Water Discharges from Industrial Activities

All businesses who own or operate facilities described in 40 CFR 122.26(b)(14)(i)-(xi) are required to obtain coverage under the State's General Permit for Discharges of Storm Water Associated with Industrial Activities, at least fourteen (14) days prior to the startup of business activities. All listed businesses are required to submit a completed Notice of Intent (NOI) form, site map and application fee to the State Water Resources Control Board (SWRCB). The SWRCB also requires the listed businesses to prepare a Storm Water Pollution Prevention Plan (SWPPP), retain a copy of the SWPPP on site and comply with all the requirements of the general permit. Copies of the NOI form are available from the City's Development Services Department.

The City of San Bernardino requires that all businesses that have filed an NOI for coverage under the State's General Permit and have received a Waste Discharge Identification Number (WDID) from the State Water Resources Control Board, either mail, FAX or hand deliver a copy of the WDID letter from the State to the Development Services Department as proof of filing.

8.80.403 Conditional Category – Notice of Non-Applicability

Businesses who own or operate facilities described in 40 CFR 122.26(b)(14)(xi) may prepare a "NOTICE OF NON-APPLICABILITY" in lieu of an NOI if they can certify on this form provided by the State Water Resources Control Board that there is no manufacturing process, material, equipment or product storage outside in an area that is exposed to storm water runoff.

The "Notice of Non-Applicability" must document all of the following:

- (1) All prohibited non-storm water discharges have been eliminated or otherwise permitted;
- (2) All significant materials related to industrial activity (including waste materials) are not exposed to storm water or authorized non-storm water discharges;

[\[Return to Municipal Code Contents\]](#)

- (3) All industrial activities and industrial equipment are not exposed to storm water or authorized non-storm water discharges;
- (4) There is no exposure of storm water to significant materials associated with industrial activity through other direct or indirect pathways such as from industrial activities that generate dust and particulates.

Businesses in this category are required to submit the Notice of Non- Applicability to the local office of the California Regional Water Quality Control Board, Santa Ana Region, and are required to maintain the above documentation on-site at all times. They are also required to re-evaluate and re-certify once a year that the conditions above are continuously met. Copies of the “Notice of Non-Applicability” form are available from the City’s Development Services Department.

8.80.404 Best Management Practices (BMPs)

All businesses, regardless of permit status, shall implement all applicable BMPs, as listed in the California Storm Water Best Management Practice Handbooks or the current, San Bernardino County Storm Water Program’s Report of Waste Discharge, to reduce pollutants in storm water runoff and reduce non-storm water discharges to the City’s storm water drainage system to the maximum extent practicable. All structural controls shall also be maintained to effectively prevent pollutants from contacting storm water or remove pollutants from storm water runoff to the maximum extent practicable. Maintenance records for structural and treatment devices, including waste hauling receipts shall be kept for a period of five (5) years and made available to the City’s inspector, upon request.

If structural or treatment controls are not functioning as designed or are not effective in reducing storm water pollutants or non-storm water discharges to the maximum extent practicable, the City will require that the control device be repaired, rebuilt or replaced.

ARTICLE 5. CONSTRUCTION REQUIREMENTS

8.80.501 Storm Water Quality Management Plan (SWQMP)

Prior to the issuance of any grading or building permit, all qualifying land development/ redevelopment projects, shall submit and have approved a STORM WATER QUALITY MANAGEMENT PLAN (SWQMP) to the City Engineer on a form provided by the City. The SWQMP shall identify all BMPs that will be incorporated into the project to control storm water and non-storm water pollutants during and after construction and shall be revised as necessary during the life of the project. The SWQMP submittal applies to construction projects covered by the NPDES General Construction Permit as well as construction projects less than one acre.

Qualifying development/redevelopment projects include:

- (1) Home subdivisions of 10 units or more. This includes single family residences, multi-family residences, condominiums, apartments, etc.;
- (2) Commercial developments of 100,000 square feet or more. This includes non-residential developments such as hospitals, educational institutions, recreational facilities, mini-malls, hotels, office buildings, warehouses, and light industrial facilities;
- (3) Vehicle maintenance shops (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);
- (4) Food Service businesses developing 5,000 square feet or more of land area;
- (5) All hillside developments on 10,000 square feet or more, which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more;
- (6) Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into environmentally sensitive areas such as areas designated in the Ocean Plan as areas of special biological significance or water bodies listed on the Clean Water Act Section 303(d) list of impaired waters;
- (7) Parking lots of 5,000 square feet or more exposed to storm water. Parking lot is defined as land area or facility for the temporary storage of motor vehicles;
- (8) All re-development projects adding 5,000 square feet or more of impervious surface on an already developed site. This includes additional buildings and/or structures, extension of an already existing building footprint and construction of parking lots, etc.

8.80.502 General Permit for Storm Water Discharges from Construction Activity

Any developer/owner engaging in construction activities which disturb one acre or more of land shall apply for coverage under the General Storm Water Permit for Construction Activity with the State Water Resources Control Board (SWRCB). Any developer/owner engaging in construction activities which disturb less than one acre but are part of a larger common plan of development or sale that is greater than one acre must also apply for coverage under the General Storm Water Permit for Construction Activity with the State Water Resources Control Board (SWRCB). "Construction activity" includes, but is not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results

[\[Return to Municipal Code Contents\]](#)

in soil disturbance. The owner of the land where the construction activity is occurring is responsible for obtaining coverage under the permit. Owners may obtain coverage under the General Permit by completing a “Notice of Intent” form (NOI) and mailing the form along with a vicinity map and the appropriate fee to the office of the California State Water Resources Control Board. The NOI form and checklist of items to submit to the state is available from the State Water Resources Control Board in Sacramento, California or from the City’s Development Services Department. In addition, the owner shall also prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with state requirements.

Prior to obtaining any City-issued grading and/or construction permits the developer/owner shall provide evidence of compliance with the General Construction Permit by providing a copy of the Waste Discharger’s Identification Number (WDID) to the City’s Development Services Department.

8.80.503 Non-Storm Water Discharges

Discharges of non-storm water from construction activities are generally prohibited except for those discharges listed in Section 8.80.207 of this chapter or any discharges authorized by the City Engineer or the Regional Water Quality Control Board (RWQCB). The City and the RWQCB will allow the discharge of certain non-storm water discharges from construction sites provided that they are in compliance with the discharge limitations specified in the current General Waste Discharge Requirements for De Minimus Discharges issued by the Regional Water Quality Control Board, Santa Ana Region.

The following discharges are authorized provided they are in compliance with the permit:

- (1) Construction dewatering wastes;
- (2) Wastes associated with well installation, development, test pumping and purging;
- (3) Aquifer testing wastes;
- (4) Dewatering wastes from subterranean seepage, except for discharges from utility company vaults;
- (5) Discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.;
- (6) Discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
- (7) Discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.;

- (8) Discharges from potable water supply systems resulting from system failures, pressure releases, etc.;
- (9) Discharges from fire hydrant testing or flushing;

8.80.504 Non-Storm Water Discharge Reporting Requirements

Authorized non-storm water discharges under Section 8.80.503 shall be reported to the City Engineer at least five (5) days prior to a planned discharge. Unplanned discharges of non-storm water into the City's storm drainage system shall be reported as soon as possible and before any discharge is initiated. The City's Development Services Department shall provide a "Non-Storm Water Discharge Notification Form" for any developer that is proposing to discharge any non-storm water from a construction site. The Non-Storm Water Discharge Notification Form must be submitted to the Development Services Department for these discharges, at least five days prior to any planned discharge or as soon as possible for any unplanned discharge. Monitoring may also be required for these discharges. If the City provided form is not utilized, a report shall be submitted prior to discharge which includes the following information:

- (1) Type of proposed discharge;
- (2) Estimated average and maximum daily flow rate;
- (3) Frequency and duration of discharge;
- (4) A description of the proposed treatment system (if appropriate);
- (5) A description of the path from the point of discharge to the nearest storm drain inlet.

All discharges shall be monitored daily for flow volume and shall be recorded in a daily log by the person responsible for the discharge. Discharges shall also be sampled during the first thirty (30) minutes of each discharge and weekly thereafter for continuous discharges for chlorine and total suspended solids. Monitoring data for flow, chlorine and suspended solids and any other required constituents shall be reported to the City's Development Services Department on a weekly basis.

8.80.505 Best Management Practices

All construction projects which could potentially have an adverse impact on the City's storm water drainage system or waters of the state shall install and/or implement appropriate construction and post-construction BMPs, as listed in their SWQMP or the "California Storm Water Best Management Practice Handbook", to reduce pollutants to the maximum extent practicable or to the extent required by law.

[\[Return to Municipal Code Contents\]](#)

ARTICLE 6. ADMINISTRATIVE ENFORCEMENT REMEDIES

8.80.601 Notice of Correction (NOC)

Whenever the City Engineer or his designee finds that any discharger has the potential to violate or has already violated any prohibition, limitation or requirement contained in this chapter, any NPDES storm water permit or the Basin Plan, the City may serve upon such person a written Notice of Correction stating the nature of the violation and the necessary actions that must be implemented to correct the situation. The NOC shall stipulate a time period by which the problem must be corrected and the penalties for non-compliance.

8.80.602 Notice of Violation

When the City Engineer or his authorized representative finds that any discharger has failed to comply with a Notice of Correction or has violated or continues to violate any prohibition, limitation or requirement contained in this chapter, any NPDES storm water permit or the Basin Plan, the City may serve upon such person a written Notice of Violation stating the nature of the violation and the penalties for non-compliance. At a minimum, the Notice of Violation shall require that the discharger submit to the City Engineer, within a time period specified in the notice, a plan indicating the cause of the violation and corrective actions which will be taken to prevent recurrence. A discharger shall be guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by the discharger. Pursuant to California Government Code Section 53069.4 and 36900.(b) the following administrative fines shall apply to the issuance of a Notice of Violation by the City Engineer or his authorized representative:

- (1) A First Notice of Violation shall be issued for a first violation of this chapter and shall be punishable by an administrative fine not exceeding one hundred dollars (\$100.00);
- (2) A Second Notice of Violation shall be issued for a second violation of this same ordinance within one year and shall be punishable by an administrative fine not exceeding two hundred dollars (\$200.00);
- (3) A Third Notice of Violation shall be issued for a third violation of this same ordinance within one year and shall be punishable by an administrative fine not exceeding five hundred dollars (\$500.00). Each additional violation of the same ordinance within one year shall also be punishable by an administrative fine of \$500.00.

8.80.603 Administrative Orders

The City Engineer may require compliance with any prohibition, limitation or requirement contained in this chapter, any NPDES storm water permit or the Basin Plan, by issuing an Administrative Order, enforceable in a court of law or by directly seeking court action. Administrative orders may include Compliance Orders, Stop Work Orders, Cease and Desist Orders, Termination of Service Orders and Immediate Termination of Service Orders.

- (1) Compliance Order - The City Engineer or his designee may issue a Compliance Order to any discharger who fails to correct a violation of this chapter, any NPDES storm water permit or the Basin Plan. The Order shall be in writing, specify the violation(s) and require appropriate compliance measures within a specified time period. The Compliance Order may include the following terms and requirements:
 - (a) Specific steps and time schedules for compliance as reasonably necessary to eliminate an existing prohibited discharge or illegal connection or to prevent the imminent threat of a prohibited discharge;
 - (b) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering or proper disposal of any pollutant having the potential to contact storm water runoff;
 - (c) Installation of storm water treatment devices, containment structures, wash racks and addition and removal of storm water drains;
 - (d) Any other terms or requirements reasonably calculated to prevent imminent threat of or continuing violations of this chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, state or regional agency.

The City Engineer or his designee may adopt a proposed compliance schedule submitted by the user or may adopt a revised compliance schedule if in his judgment, the proposed compliance schedule would allow the user to cause harm to the receiving waters and/or the City's storm drainage system.

A Compliance Order shall require the discharger to pay a one thousand dollar (\$1000.00) penalty fee to the City for the issuance thereof.

- (2) Stop Work Order – The City Engineer or Building Official may serve a written Stop Work Order on any person engaged in doing or causing to be done, new construction, tenant improvements, alterations or additions, if:

[\[Return to Municipal Code Contents\]](#)

- (a) No construction permit has been granted by the City;
- (b) Work has begun prior to the submittal of a written Storm Water Quality Management Plan (SWQMP) and subsequent approval by the City Engineer or his designee; or,
- (c) Violations of this article are found at the site of the new construction, tenant improvements, alterations or additions.

Any person served a Stop Work Order shall stop such work forthwith until written authorization to continue is received from the City Engineer or Building Official. A Stop Work Order shall require the discharger to pay a one thousand dollar (\$1000.00) penalty fee to the City for the issuance thereof.

- (3) Cease and Desist Order – When the City Engineer or his designee finds that any industrial and/or commercial discharger has violated or threatens to violate any prohibition, limitation or requirement contained in this chapter, any NPDES storm water permit or the Basin Plan, or NPDES Storm Water Permit, the City may issue a Cease and Desist Order directing the discharger to:

- (a) Immediately discontinue any illicit connection or prohibited discharge to the City’s storm water drainage system;
- (b) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this chapter;
- (c) Immediately discontinue any other violation of this chapter.

A Cease and Desist Order shall require the discharger to pay a one thousand dollar (\$1000.00) penalty fee to the City for the issuance thereof.

- (4) Termination of Service – When the City Engineer finds any industrial and/or commercial discharger, who has a direct connection into the City’s storm water drainage system or has violated an Administrative Order, the City Engineer may terminate storm drain service to the discharger. The discharger shall be liable for all costs for termination of storm drain service incurred by the City. This provision is in addition to any other statutes, rules or regulations authorizing termination of service for delinquency payment or for any other reasons. Storm drain service shall be re-instituted by the City Engineer after the discharger has complied with all the provisions of the Administrative Order. The discharger shall also be liable for all costs for re-instituting storm drain service.

- (5) Immediate Termination of Service – The City Engineer may immediately suspend storm drain service and any non-storm water discharge permit when such suspension is necessary, in the opinion of the City Engineer, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or which significantly or could significantly cause pollution to the receiving waters, ground and/or storm drainage system of the City. Any industrial and/or commercial discharger notified that their storm drain service has been suspended shall immediately cease and eliminate the discharge into the City storm water drainage system.

In the event of failure to comply voluntarily with the Termination of Service Order, the City Engineer shall take appropriate steps, including immediate severance of all applicable storm drain connections. All persons responsible for a discharge that may endanger the health or welfare of the community or the environment shall be liable for all costs incurred by the City in terminating storm drain service. Storm drain service shall be re-instituted by the City Engineer after the actual or threatened discharge has been eliminated. A detailed written statement, submitted by the industrial and/or commercial discharger, describing the cause of the harmful contribution and the measures to prevent any future occurrence, shall be submitted to the City Engineer within ten (10) working days of the date of storm drain service termination.

8.80.604 Administrative Hearing

Any discharger may request, or the City Engineer may order, an administrative hearing, at which time, a discharger who causes or allows, or who has caused or allowed, an unauthorized discharge to enter into the City's storm water drainage system or who continues to allow a violation of this chapter to exist, may show cause why a proposed enforcement action should not be taken against him. The City Administrator, or the City Administrator's designee, shall preside over the administrative hearing, at which time each party, including the discharger and the City Engineer or his designee, shall have the right to present evidence.

A Notice of Hearing shall be served on the discharger specifying the time and place of the hearing and referencing the specific violation and/or violations of this chapter, the reasons why the action is to be taken and the proposed enforcement action, directing the discharger to show cause before the Hearing Officer why the proposed enforcement action should not be taken. The Notice of Hearing shall be served personally or by registered or certified mail, return receipt requested at least ten (10) working days prior to the hearing. Service of the Notice of Hearing may be made on any agent or officer of the discharger.

8.80.605 Administrative Civil Penalties

Pursuant to California Government Code §54739 and §54740.5, the City Engineer may issue an administrative complaint to any person who violates this chapter, any

[\[Return to Municipal Code Contents\]](#)

prohibition or limitation thereof or any compliance order, cease and desist order, stop work order or injunction. The administrative complaint shall allege the act or failure to act that constitutes the violation, the proposed civil penalty, and the authority under which it is imposed. The Administrative Complaint, served on the alleged violator by personal delivery or by certified mail, shall inform the person served that a hearing before the City Administrator or the City Administrator's designee shall be conducted within sixty (60) days of the service of the complaint. The right to a hearing may be waived by the person who has been issued the administrative complaint, in which case the City shall not conduct a hearing. A person dissatisfied with the decision of the City Administrator may appeal to the Mayor and Common Council of the City of San Bernardino within thirty (30) days of notice of the City Administrator's decision.

If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the City Administrator or Mayor and Common Council may assess a civil penalty against that person. In determining the amount of the civil penalty, the City Administrator or Mayor and Common Council may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

Civil penalties may be assessed as follows:

- a. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance order established by the City;
- b. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day of discharge in violation of any discharge limitation, areawide urban runoff permit condition, or requirement issued, reissued or adopted by the City;
- c. In an amount which shall not exceed ten dollars (\$10) per gallon for discharges in violation of any stop work order, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City.
- d. The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty.

The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

[\[Return to Municipal Code Contents\]](#)

All monies collected under this section shall be deposited in a special account of the City and shall be made available for the monitoring, treatment, and control of discharges into the City's storm drainage system or for other mitigation measures.

Unless appealed, an order imposing administrative civil penalties shall become effective and final upon issuance thereof, and payment shall become due within thirty (30) days of issuance of an invoice by the City of San Bernardino. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

The City may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

8.80.606 Compensation for Damages

Any person who damages monitoring equipment, has the potential to affect or affects human health or the environment, discharges pollutants into the City's storm drainage system which causes or has the potential to cause increased maintenance of the system, non-routine inspection or sampling of the system, system blockages or other damage or interference in the City's storm water drainage system, or causes any other damages, including the imposition of fines or penalties on the City by Federal, State or local regulatory agencies, shall be liable to the City for all damages and additional costs, including fines and penalties. An administrative fee, which shall be fixed by the City Administrator based on the City's current overhead cost allocation percentage, shall be added to these charges and shall be payable to the City within thirty (30) calendar days of invoicing.

8.80.607 Appeals

Any decision of the City Engineer may be appealed. An appeal must be initiated within ten (10) working days after receipt of the notice of any decision or action by filing, with the City Engineer, a letter of appeal briefly stating therein the basis for such appeal. The hearing on appeal shall be held on a date no more than fifteen (15) working days after receipt of the letter of appeal. The appellant shall be given at least five (5) working days notice of the time and place of the hearing. The City Administrator, or the City Administrator's designee, shall provide the appellant and any other interested party the reasonable opportunity to be heard and in order to show cause why the determination of City Engineer should not be upheld. Within forty-five (45) working days of the hearing, the City Administrator, or the City Administrator's designee, shall make a written decision regarding the appeal. The decision of the City Administrator, or the City Administrator's designee, shall be final. The imposition of fines or penalties shall be stayed during the appeal period.

[\[Return to Municipal Code Contents\]](#)

8.80.608 Violations Deemed a Public Nuisance

In addition to the penalties established by this Chapter, any threat to public health, safety or welfare shall be declared and deemed a public nuisance. Such public nuisance may be summarily abated and/or remedied by the City Engineer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City Attorney. The cost of such abatement, remediation and/or restoration shall be borne by the owner, lessee or tenant of the property causing the violation. The cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid.

ARTICLE 7. JUDICIAL ENFORCEMENT REMEDIES

8.80.701 Legal Action

The City Attorney may commence an action for appropriate legal, equitable or injunctive relief in the Municipal or Superior Court of the County against any person who has violated or continues to violate any provision of this chapter, the Basin Plan, federal or state discharge standards or permit conditions, or who violates the requirements of any Administrative Order. In addition to the penalties provided in this chapter, the City Engineer may recover all reasonable attorney fees, court costs, court reporter's fees, expenses of litigation by appropriate suit of law against the person(s) found to have violated any provision of this chapter or the orders, rules, regulations and permits issued thereunder and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of San Bernardino.

8.80.702 Civil Penalties

Persons who continue to violate any provision of this chapter shall be liable to the City for a maximum civil penalty of twenty five thousand dollars (\$25,000) but not less than three thousand dollars (\$3,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the discharger's violation, corrective actions by the discharger, the compliance history of the discharger, and any factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a discharger. The City may institute further legal action to collect

[\[Return to Municipal Code Contents\]](#)

such penalties in the event that the violator of this chapter fails or refuses to pay said penalty within thirty (30) days from the date that it has been assessed.

8.80.703 Criminal Prosecution

Any person who willfully or negligently violates any provision of this chapter or permit conditions, or who violates any Administrative Order or any other provision of this chapter is guilty of a misdemeanor, which, upon conviction, is punishable by a fine of not less than three thousand dollars (\$3,000.00) and/or by imprisonment for a period of not more than six (6) months. Each such person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such discharger, and shall be punishable therefore as provided by this section.

8.80.704 Falsifying Information

Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, storm water permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance is guilty of a misdemeanor, which, upon conviction is punishable by a fine of not less than three thousand dollars (\$3,000.00) per day of violation and/or by imprisonment for a period of not more than six (6) months.

ARTICLE 8. GENERAL CLAUSES

8.80.801 Severability

If any provisions, paragraph, word, section or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and other chapters, shall not be affected and shall continue in full force and effect.

8.80.802 City's Right of Revision

The Mayor and Common Council may establish by ordinance and/or resolution more stringent limitations and requirements related to discharges into the City's storm water drainage system, if deemed necessary.

(Ord. MC-1168, 3-08-04; Ord. MC-1167, 3-02-04; Ord. MC-731, 6-04-90)

Chapter 8.81 SECURITY ALARM SYSTEMS

Sections:

- 8.81.010 Purpose
- 8.81.020 Definitions
- 8.81.030 Non-applicability
- 8.81.040 Alarm business registration
- 8.81.045 Alarm Businesses Installation and Transfer Fees
- 8.81.050 Alarm agent registration required
- 8.81.060 Notification of change
- 8.81.070 Alarm system permit
- 8.81.080 Audible alarm requirements
- 8.81.090 (Repealed by Ord. MC-1037, 12-22-98)
- 8.81.100 False alarm
- 8.81.110 Notice of name of service or occupant
- 8.81.120 Monitoring services
- 8.81.130 Alarm agents - Registration in possession
- 8.81.140 Automatic dialing and taped message alarm system
- 8.81.150 Grounds for revocation of permit - notices, surrender of permit, reinstatement
- 8.81.160 Enforcement
- 8.81.170 Fines
- 8.81.180 Permit not transferable

8.81.010 Purpose

The purpose of this Chapter is to provide minimum standards and regulations applicable to alarm systems and to provide for punishment for violations of the provisions of this Chapter.

(Ord. MC-773, 3-12-91)

8.81.020 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. "Alarm agent" means any person who is self-employed or employed either directly or indirectly by an alarm business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing an alarm system in or on any building, place or premises.

[\[Return to Municipal Code Contents\]](#)

- B. "Alarm business" means any person, firm or corporation conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in or on any building, place or premises. A business which only sells or leases alarm devices from a fixed location and does not service, install, monitor or respond to alarm systems at the protected premises or call upon police to do so is not an "alarm business" for the purposes of this Chapter.
- C. "Alarm system" means any device arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond.
- D. "Alarm user" means any person who has an alarm system installed at his or her place of business or residence.
- E. "Audible alarm" means a device designed for the detection of the unauthorized entry on or attempted entry into a premise or structure or for alerting others of the commission of an unlawful act or both, and which, when actuated, generates an audible sound.
- F. "Automatic dialing system" means any device which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded message indicating the existence of a hazard requiring urgent attention and to which police are expected to respond.
- G. "False alarm" means an alarm system signal which necessitates or causes response by police when an emergency does not exist. This does not include alarms caused by acts of nature.
- H. "Intrusion alarm" means an alarm system signaling an entry or attempted entry into the area protected by the systems.
- I. "Panic alarm" means an alarm system by which the signal transmission is initiated by the direct action of a person.
- J. "Robbery alarm" means an alarm system signaling a robbery or attempted robbery.
- K. "Subscriber" means any person who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system.
- L. Common Cause. A common technical difficulty or malfunction which causes an alarm system to generate a series of false alarms, all of which occur within a 72 hour period. The series of false alarms shall be counted as one false alarm only if the cause of the series of false alarms is repaired before it generates additional

[\[Return to Municipal Code Contents\]](#)

false alarms beyond the 72 hour period, documentation of the repair is provided to the Police Chief, and during the 30-day period following the repair, the alarm system generates no additional false alarms from the documented cause.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.030 Non-applicability

The provisions of this Chapter are not applicable to audible alarms affixed to automobiles, unless the vehicle alarm is connected to a central monitoring system.

(Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

8.81.040 Alarm business registration

It is unlawful for any person, partnership, corporation or firm to own, manage, conduct or carry on an alarm business within the City of San Bernardino without first having registered with the Police Department. Registration is not required for any business which only sells or leases alarm systems from a fixed location unless the business services, installs, monitors or responds to alarm systems at the protected premises. Registration shall be accomplished by furnishing such information as may be required by the Police Department, including but not limited to, the full name of the business and a copy of its State issued license. The Police Department shall notify the alarm business at the time of such registration that a City business license is required.

(Ord. MC-773, 3-12-91; Ord. MC-236, 12-21-82; Ord. MC-125, 1-07-82)

8.81.045 Alarm Businesses Installation and Transfer Fees

Alarm businesses shall notify the Police Department of each new alarm system installed, or when assuming monitoring services in the City.

- A. Alarm businesses shall pay a one-time fee for each new alarm system, residential or commercial, installed in the City.
- B. Alarm businesses shall pay a one-time fee for each alarm monitoring service transfer, residential or commercial, within the City.
- C. Fees will be charged at a rate set by resolution of the Mayor and Common Council.

(Ord. MC-1166, 3-02-04)

[\[Return to Municipal Code Contents\]](#)

8.81.050 Alarm agent registration required

It is unlawful for any person, including the owners of an alarm business, to engage directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of an alarm system in or on any building, place or premises within the City without first having registered his or her name and filed with the Police Chief a copy of the alarm agent registration card issued by the State. Nothing in this section shall require a person to so register in order to install, service, repair, alter, replace or move an alarm system on the premises owned or occupied by that person. Nothing in this section shall require a person to register who is merely a salesman for any business not required to obtain an alarm business permit under the provisions of Section 8.81.040, if the salesman does not engage in any other activities related to alarm systems apart from selling. No fee shall be charged, nor shall any application form be required by the City. The alarm agent shall be notified at the time of filing his or her State issued identification card with the Police Department that a City business license is required.

(Ord. MC-236, 12-21-82; Ord. MC-125, 1-07-82)

8.81.060 Notification of change

Any alarm business registered with the Police Department shall immediately report to the Police Chief any change of address or ownership of the business or the name or business address of the manager of operations for the area which includes the City.

(Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

8.81.070 Alarm system permit

- A. No person shall install or use an alarm system without first applying for an alarm system permit from the Chief of Police, nor shall a person use an alarm system unless the alarm system permit remains valid and in effect. The application for an alarm system permit shall be submitted on a form as prescribed by the Chief of Police and shall include the address of the premises wherein the system is to be located and the name, address and telephone number of the applicant and the person or business who will render service or repair during any hour of the day or night, and the type or types of systems to be utilized.
- B. Separate alarm permits shall be required as follows:
 - 1. A single alarm system permit may be granted to any single-family residence. The permit may authorize intrusion, panic and/or robbery coverage. The permit may include the primary residence and any outbuildings (such as garages, sheds or hobby shops) on the parcel that are not used for commercial purposes.

[Return to Municipal Code Contents]

A separate permit must be issued for any buildings on the property that are used for commercial purposes. If the residence and the outbuildings are on separate parcels, separate permits are required for each parcel.

2. A single alarm system permit may be granted to any single unit of any multi-family residential complex (such as an apartment, a condominium or a mobile home). The permit may authorize intrusion, panic and/or robbery coverage. The permit may include the primary residential unit and any outbuildings (such as stand-alone garages, sheds or hobby shops) used exclusively by the applicant that are not used for commercial purposes. A separate permit must be issued for any outbuildings that are used for commercial purposes. If the residence and the outbuildings are on separate parcels, separate permits are required for each parcel.
3. A single alarm system permit may be authorized to any commercial business. The permit may authorize intrusion, panic and/or robbery coverage. The permit may authorize these types of coverage for any structures used by the applicant on the parcel. If a commercial business operates on more than one land parcel, the business must have a separate permit for each parcel of land.
4. If the commercial business is a mall, strip mall or other commercial building complex, a single permit may be used to provide coverage for any vacant units, unless they are on separate parcels. If located on separate parcels, separate permits are required for each parcel. Each commercial unit rented, leased or sold to another commercial business must be covered by a separate permit.
5. Each permit is subject to a registration fee and annual fees. Each permit has it's own false alarm count. All structures covered under one permit use the same false alarm count.

- C. An annual permit fee will be charged at a rate set by resolution of the Mayor and Common Council.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-460, 5-15-85;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.080 Audible alarm requirements

- A. No person shall install or maintain any audible alarm or other alarm system which upon actuation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes.
- B. An audible alarm shall contain a means to effect an automatic turnoff of the alarm within fifteen (15) minutes after it is first activated.

[\[Return to Municipal Code Contents\]](#)

- C. If an audible alarm has emitted an alarm signal in excess of thirty (30) minutes in any one-hour period, and the alarm business or responsible person for the protected premises has been notified and does not respond, or reasonable efforts of notification have been made to no avail, the alarm may be declared a nuisance and the police department may cause such alarm to be disconnected by a registered alarm agent, the cost thereof to be charged payable by the alarm user.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.090 (Repealed by Ord. MC-1037, 12-22-98)

(Ord. MC-1037, 12-22-98; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.100 False alarm

The City shall charge false alarm fees at a rate set by resolution of the Mayor and Common Council. Each permit has its own false alarm count. All structures covered under one permit use the same false alarm count.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91;
Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.110 Notice of name of service or occupant

- A. Every alarm user shall file with the police department a notice containing the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any time the alarm is actuated. In addition, such notice may be posted. If posted, such notice shall be placed near the front door of the premises or gate if fenced, and this notice shall be posted in a position that is clearly visible.
- B. In the event that the responsible person for the protected premises is requested by the Police Department to respond to the premises to render necessary service, such response and service shall be accomplished promptly.
- C. Alarm users shall pay to the City reasonable costs, as determined and assessed by the Police Chief or Fire Chief, or his/her designee, respectively, for expenses incurred in securing premises where a burglar alarm or fire alarm has been activated, whether or not the activation is a false alarm. The assessment shall be satisfied by the alarm user within fifteen days after the alarm user has been notified of the assessment and the grounds for the assessment. This section shall apply only to instances where the alarm user has failed to reasonably respond to notification that an alarm has been activated on premises owned, occupied or controlled by the

[Return to Municipal Code Contents]

alarm user. If the expenses set forth in the assessment are not paid within 15 days, the alarm user may be placed on a no response status. The alarm user will be notified by first class mail of the no response status at the address on the alarm permit. An additional amount of 10% of the amount of the expenses per month, not to exceed 100%, shall be added to the expenses until paid. This assessment in this subsection shall be instituted to cover escalating costs incurred to pursue delinquent assessments requiring extended enforcement action.

- D. Where the Police Chief or Fire Chief, or his/her designee, respectively, is required to cause the assessment of costs pursuant to the provisions of this section, he or she shall keep an accounting of the costs thereof, including administrative expenses for the abatement. The term "administrative expenses" includes but is not limited to the actual expenses and costs of the City in the preparation of notices, specifications and contracts, inspection of the work, office overhead, filing fees, and the costs of printing and mailings required under this Chapter. Upon conclusion of the assessment, he or she shall submit his or her itemized statement of costs in a Report to the Hearing Officer and set the same for a hearing before the Hearing Officer. Notice of the time and place of the hearing and a copy of the Report shall be given by the respective department to the alarm permit holder to which the assessments relate, and to any other interested person requesting the same, by first-class mail, postage prepaid, addressed to the person at his or her last known address at least five days in advance of the hearing. The hearing shall be heard before the Hearing Officer in the Council Chambers at City Hall, 300 North "D" Street, San Bernardino, California, at such date and time as provided by resolution.
- E. Hearing by the Hearing Officer. At the time set for hearing, the Hearing Officer shall hear and consider all objections or protest to the assessment and may continue the hearing from time to time. Upon the conclusion of the hearing, the Hearing Officer shall allow or overrule any or all objections. The decision of the Hearing officer is final.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82;
Ord. MC-125, 1-07-82)

8.81.120 Monitoring services

Every alarm business which monitors an alarm system located within the City shall maintain on file a current listing of all such alarm systems including the alarm permit number and the name, address and telephone number of the individual or individuals from whom entry to the premises may be obtained. Said information shall be available to the police department upon request of any authorized representative thereof. The alarm permit number assigned to an alarm system by the police department shall be given to the police/fire dispatcher at the time an alarm is reported to the police/fire communications

[Return to Municipal Code Contents]

center by an alarm company, a central monitoring station, a telephone answering service or any other business that monitors and reports alarms.

(Ord. MC-1037, 12-22-98; Ord. MC-773, 3-12-91; Ord. MC-125, 1-07-82)

8.81.130 Alarm agents - Registration in possession

Every person engaged in installing, repairing, servicing, altering, replacing, moving or removing an alarm system or an audible alarm system as defined in this Chapter on any premises within the City, other than those owned or occupied by said person, shall carry on his person at all times while so engaged a valid State alarm agent registration card and shall display such card to any police officer upon request.

(Ord. MC-125, 1-07-82)

8.81.140 Automatic dialing and taped message alarm systems

It is unlawful for any person to install, use or cause to be used any telephonic device which is activated to automatically select a public telephone line of the city to reproduce a prerecorded message to report anything requiring urgent attention and to which police are expected to respond.

(Ord. MC-773, 3-12-91; Ord. MC-460, 5-15-85; Ord. MC-125, 1-07-82)

8.81.150 Grounds for revocation of permit - Notices, surrender of permit, reinstatement

- A. The following shall constitute grounds for revocation of permit:
1. The failure to observe any of the regulations or other provisions of this Chapter.
 2. If the alarm system for which the permit is issued emits ten (10) or more false alarms within any consecutive three hundred and sixty-five day period.
 3. If the responsible person for a protected premises refuses to respond promptly when requested by the Police Department.
 4. The permittee, his employee or agent has knowingly made a false, misleading or fraudulent statement of a material fact in the application for a permit, or in any report or record required to be filed as prescribed by the provisions of this Chapter.
 5. If the fees established by this section are not paid within fifteen days from the date of the invoice rendered for such fee.

[Return to Municipal Code Contents]

- B. The Police Chief shall serve the permittee with a written order of revocation. The order shall state the reason for revocation and shall be effective immediately if personally served, or forty-eight hours after it is deposited, Certified Mail - Return Receipt Requested, with postage prepaid in the United States mail.
- C. The permittee shall surrender the permit to the Police Chief upon notification of revocation. Any alarm system shall be forthwith disconnected and cease operating, and shall not be put into operation until a new permit is issued.
- D. Reinstatement of revoked permit may be granted after compliance with one of the following:
 - 1. Full correction of the deficiencies in the alarm system, that correction documented in writing and submitted to the Chief of Police showing that:
 - a. Mechanical malfunctions have been corrected, proof being from the alarm business, or
 - b. User errors have been corrected, proof being from the alarm user, or
 - c. Installation of a new alarm by a different alarm business, proof being from the new alarm business.
 - 2. In the case where the correction is made as set forth in subsection (l)(a) or (l)(b) of this section, the Chief of Police will order a technical inspection by a qualified person to determine whether the deficiencies have been corrected, in which event a one hundred dollar (\$100) inspection fee shall be paid prior to the grant of a new permit at that location.
 - 3. A formal appeal of the order of revocation may be made within fifteen days of the date of revocation by filing a Notice of Appeal with the office of the City Administrator, City Hall, 300 No. "D" Street, Sixth Floor, San Bernardino, California, 92401. The City Administrator shall render a decision on the appeal within ten days following receipt of the appeal, with notice to the appellant and Police Chief. The City Administrator's decision on the revocation shall be final and nonappealable.
- E. Upon reinstatement, a new alarm system permit shall be issued as set forth in Section §8.81.070 of this Chapter.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.160 Enforcement

- A. Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code. Revocation of a permit is not a defense against prosecution.
- B. The Police Chief shall have the authority to institute an immediate no response policy for violation of any portion of this ordinance. Such no response policy will be taken only after written notice has been given to the alarm user.

(Ord. MC-773, 3-12-91; Ord. MC-201, 8-17-82; Ord. MC-125, 1-07-82)

8.81.170 Fines

The fines assessed in this Chapter shall be made payable to the City of San Bernardino. The Finance Department shall be responsible for account maintenance and collection.

(Ord. MC-773, 3-12-91)

8.81.180 Permit not transferable

No alarm permit issued under the provisions of this Chapter shall be assignable or transferable.

(Ord. MC-773, 3-12-91)

Chapter 8.82 ESTABLISHMENT OF EXTRAORDINARY LAW ENFORCEMENT SERVICES

Sections:

8.82.010	Purpose
8.82.020	Definitions
8.82.030	Reimbursement of costs for scheduled events
8.82.040	Extraordinary fees
8.82.050	Unscheduled events
8.82.060	Appeal

8.82.010 Purpose

- A. It is the intent of the City Council, by the adoption of this Chapter, to impose on and collect from the person(s) in charge of or responsible for an event that generates extraordinary cost to the City over and above the cost of providing normal law enforcement services and police protection City-wide. The event for which charges are imposed are those voluntarily elected by the person(s) responsible for the services, or his or her parent, guardian or the person having custody of a minor. The purpose of this Chapter is to recover the actual cost to the City incurred by providing these police services. The City Council believes it is necessary that persons voluntarily incurring special and extraordinary police services pay to the City the reasonable cost of providing such services.
- B. This ordinance is not intended to apply, and shall not apply, to events of a political or religious nature, or any event involving speech protected by the First Amendment of the Constitution of the United States or by the Constitution of the State of California.

(Ord. MC-1248, 6-18-07; Ord. MC-772, 3-12-91)

8.82.020 Definitions

- A. Event is a gathering of two or more persons on a premises within the City at the invitation, request or consent of the person in charge or control of the premises.
- B. Scheduled Event is an event where the person scheduling the same has determined that because of its nature extraordinary police services will be necessary over and above that normally provided by the City for the protection of the public health safety and welfare. An event is scheduled when written notice thereof setting forth the time, place, and nature of the event has been filed with the Chief of Police.
- C. Unscheduled Event is one requiring extraordinary police services over and above those normally provided for the protection of the public health, safety and welfare and which has occurred without advance notice to the City. Unscheduled events include, but are not limited to, loud and boisterous conduct, noises and activities, disturbing the peace, a congregation of two or more persons in intoxicated conditions or under the influence of drugs or alcohol, fighting, use of obscene or inflammatory language, loud music constituting a nuisance or disturbing the peace, activities causing excessive pedestrian or vehicular traffic and parking problems and congestion, vehicular racing and cruising, events occurring after 11:00 p.m. to 6 a.m. of the following day, use and display of narcotics, illegal drugs and controlled substances and paraphernalia for its use, the congregation of two or more persons using illegal drugs, narcotics or controlled substances, or congregating in a noisy or rowdy crowd, indecent exposure and lewd conduct.

[\[Return to Municipal Code Contents\]](#)

- D. Extraordinary Law Enforcement Services are those necessarily and reasonably incurred by the City in the protection of the public's health, safety and welfare and in the protection of property which said services are in addition to police services the City would normally provide without a special charge and which have arisen because of activities or events.
- E. Person in Charge is the owner, manager, or occupant in charge of or in control of the premises at which an event is occurring. If the person in charge is a minor, his or her parents or legal guardian is presumed to be the person in charge.
- F. Premises is a building and surroundings or any open area within the City.
- G. Nuisance includes both public and private nuisances defined in the Civil Code of the State of California.

(Ord. MC-772, 3-12-91)

8.82.030 Reimbursement of Costs for Scheduled Events

Any person planning a scheduled event where extraordinary law enforcement services may be required, shall register the event in advance with the Chief of Police at least five (5) working days before the occurrence of the event. The registration shall be in writing and shall include the following information:

- A. The name, address and phone number of the person in charge and who will be available at all times during the event.
- B. The place and time the event will occur.
- C. The nature of the event and the number of requested police officers or other law enforcement services.

(Ord. MC-772, 3-12-91)

8.82.040 Extraordinary Fees

The Chief of Police shall review the registration and set forth the conditions necessary for providing police protection during said event. If the Chief of Police determines that the police services necessary are extraordinary, he or his designate shall determine the cost of said extraordinary services and advise the person planning the event prior to the commencement of said event of the nature and extent of law enforcement services to be provided and the cost thereof. Upon receipt of said written notification, the person in charge of said event may:

[Return to Municipal Code Contents]

- A. Accept said charges and pay the same in advance of the event. In such an event, said person shall not be charged for any extraordinary law enforcement services in excess of the amount paid even though the actual cost of said services exceed the amount paid.
- B. Decide to schedule the event but contest the cost of providing the extraordinary services. In that event, the actual cost of providing law enforcement services to the extraordinary event shall be determined upon its completion and a bill sent to the person in charge.
- C. Elect to provide private security for the event in the manner directed by the Chief of Police to include the number of security officers and qualifications/capabilities of the security officers.
- D. Elect not to schedule the event and notify the Chief of Police or appropriate Area Commander in person or by mail, no later than twenty-four (24) hours prior to the scheduled event.

(Ord. MC-772, 3-12-91)

8.82.050 Unscheduled Events

- A. Except as provided herein below, if an unscheduled event occurs and a law enforcement officer investigating the matter determines that the same is a threat to the public peace, health, safety or general welfare or constitutes a nuisance, said officer may, in addition to any other duty or responsibility imposed upon him by law, give written warning notice to the person in charge of the premises that if a second response is necessary because of a continuation of any objectionable activity that the person in charge will be held liable to the City of San Bernardino for the cost of all subsequent law enforcement services necessary to abate the disturbance or other activity giving rise to law enforcement services over and above the normal services expended in connection with the first call.
- B. If an unscheduled event occurs and a law enforcement officer investigating the matter determines that the same is a threat to the public peace, health, safety or general welfare or constitutes a nuisance of an immediate nature such that a written warning is not feasible, a written warning shall not be required and the person in charge will be held liable to the City of San Bernardino for the cost of all law enforcement services necessary to abate the disturbance or other activity giving rise to law enforcement services over and above the normal services expended in connection with the call.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- C. The personnel and equipment of the law enforcement agency utilized after the first warning, if provided, to control or abate the nuisance or to protect the public peace, health, safety or general welfare shall be deemed to be extraordinary law enforcement services over and above the normal services provided Citywide and the cost of said extraordinary law enforcement services, including damage to city or law enforcement property, shall be billed to and is the legal responsibility of the person in charge. In the event a written warning is not feasible, then personnel and equipment of the law enforcement agency called in including but not limited to mutual aid agencies to control or abate the nuisance or to protect the public peace, health, safety or general welfare shall be deemed to be extraordinary law enforcement services over and above the normal services provided Citywide and the cost of said extraordinary law enforcement services, including damage to city or law enforcement property, shall be billed to and is the legal responsibility of the person in charge.

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstances, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1223, 4-18-06; Ord. MC-772, 3-12-91)

8.82.060 Appeal

Any individual aggrieved by the decision of the Chief of Police may, within five (5) working days of the receipt of said written bill, request a review of the matter before the City Administrator who shall, along with a representative of the law enforcement agency, review the necessity of the services and the cost thereof with the individual appealing the determination of said costs. The City Administrator may in his/her discretion determine that the cost of said charges in all fairness and the administration of justice should be reduced or terminated based upon reasonable evidence warranting the same. Any individual aggrieved by the decision of the City Administrator may appeal that decision in writing to the City Council by written notice filed with the City Clerk within five (5) working days of the decision of the City Administrator. Unless appealed, the decision of the City Administrator is final. In the event of non-payment, the City Attorney is authorized and directed to bring all necessary legal actions to collect the costs of said services.

(Ord. MC-772, 3-12-91)

[Return to Municipal Code Contents]

Chapter 8.83 SOCIAL HOST ACCOUNTABILITY

Sections:

- 8.83.010 Definitions
- 8.83.020 Consumption Unlawful
- 8.83.030 Hosting, Permitting, or Allowing a Gathering Where Minors Consuming Alcoholic Beverages, Marijuana and Other Controlled Substances Prohibited
- 8.83.040 Chapter Shall Not Apply
- 8.83.050 Violation -- Penalty
- 8.83.060 Severability

8.83.010 Definitions

The words and phrases used in this Chapter have the meanings set forth in this section.

- (A) “Alcohol” means any ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (B) “Alcoholic beverage” includes alcohols, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes wither alone or when diluted, mixed, or combined with other substances.
- (C) “Controlled substances” means a drug or substance whose possession and use are regulated under the Controlled Substance Abuse Act. Such term does not include any drug or substance for which the individual found to have consumed such a substance has a valid prescription by a licensed medical practitioner authorized to issue such a prescription.
- (D) “Gathering” is a party, gathering or event where a group of three or more persons have assembled or are assembling for a social occasion or social activity.
- (E) “Guardian” means (1) a person who, under court order, is the guardian of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
- (F) “Minor” means any person under the age of 21 years of age.
- (G) “Parent” means a person who is the natural parent, adopted parent or step-parent of a minor.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 8 Contents\]](#)

- (H) “Person Responsible” means the person that knows or should reasonably know that the subject premises are being used to host, allow, or permit a gathering. Such person(s) shall rebuttably be presumed to be, in order of priority:
- 1) The owner(s) of the premises where the gathering takes place;
 - 2) The tenant(s) of the premises where the gathering takes place;
 - 3) The person(s) who hosted, permitted, or allowed the gathering; and/or
 - 4) In the event that the person responsible is a minor, then the parent(s) or guardian(s) of that minor.
- (I) “Extraordinary Law Enforcement Fee” is the actual cost associated with response by law enforcement, fire and other emergency response provider to a gathering, including, but not limited to: (1) actual salaries and benefits of law enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response; (2) the actual cost of any medical treatment for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of the gathering; (3) the actual cost of repairing any City equipment or property damaged, and the actual costs of the use of any such equipment, in responding to, remaining at or leaving the scene of a gathering; and (4) any other allowable and reasonable costs related to the enforcement of this Chapter 8.83.
- (J) “Extraordinary Law Enforcement Services” means the assignment of police officers and services during a second or subsequent call to a gathering after the distribution of a written notice that the gathering violates the law, or a first response if it is determined pursuant to Chapter 8.82 that notice is infeasible.
- (K) “Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(Ord. MC-1361, 8-02-11)

8.83.020 Consumption Unlawful

Except as permitted by state law, it is unlawful for any minor to:

- (A) Consume at any public place or any places open to the public, any alcoholic beverage, marijuana or controlled substance; or

[\[Return to Municipal Code Contents\]](#)

- (B) Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of an alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

(Ord. MC-1361, 8-02-11)

8.83.030 Hosting, Permitting, or Allowing a Gathering Where Minors Consuming Alcoholic Beverages, Marijuana and Other Controlled Substances Prohibited

- A. Except as permitted by state law, it is unlawful for any person having control of any premises who knows or should reasonably know that he or she has hosted, permitted, or allowed a gathering to take place at said premises, where at least one minor consumes an alcoholic beverage, marijuana or other controlled substance whenever the person having control of the premises wither knows or reasonably should have known when a minor has consumed an alcoholic beverage, marijuana or other controlled substance to allow said consumption to occur.
- B. It is the duty of any person having control of any premises, who knows or should know that he or she has hosted, permitted or allowed a gathering at said premises, to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana or other controlled substance by any minor at the gathering. Reasonable steps include, nut are not limited to the following:
 - 1. Controlling access to alcoholic beverages, marijuana and other controlled substances at the gathering;
 - 2. Controlling the quantity of alcoholic beverages, marijuana and other controlled substances at the gathering;
 - 3. Verifying the age of persons attending the gathering by inspecting drivers licenses or other government issued identification cards to ensure minors do not consume alcoholic beverages, marijuana or other controlled substances while at the gathering; and
 - 4. Supervising the activities of minors at the gathering.
- C. Whenever a person having control of a premises is present at the premises at the time that a minor possesses or consumes any alcoholic beverages, marijuana or other controlled substance therein, it shall be prima facie evidence that such person had or should have had the knowledge specified in Subsection (A).

[Return to Municipal Code Contents]

- D. A person who hosts, permits or allows a gathering shall be deemed to have actual or constructive knowledge that minor has consumed or possessed alcoholic beverages, marijuana or other controlled substances if the person has not taken all reasonable steps to prevent the consumption or possession of alcoholic beverages, marijuana or other controlled substances by minors as set out in Subsection (B).
- E. A person who hosts, permits or allows a gathering may be liable for Extraordinary Law Enforcement Fee if Extraordinary Law Enforcement Services are necessary to handle the gathering.
- F. A person who hosts, permits or allows a gathering shall not be in violation of this Chapter if he or she seeks immediate assistance from the San Bernardino Police Department or other law enforcement agency to remove any person who refuses to abide by the hosts' performance of the duties imposed by this Chapter or terminate the gathering because the host has been unable to prevent minors from consuming or possession alcoholic beverages, marijuana or other controlled substance despite taking all reasonable steps to do so, as long as such request is made before any other person makes a complaint about the gathering.

(Ord. MC-1361, 8-02-11)

8.83.040 Chapter Shall Not Apply

- A. This Chapter shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control.
- B. Violation of this Chapter may be enforced or punished in any manner prescribed by law, or through any other process or procedure followed by this Code or any other applicable law,

(Ord. MC-1361, 8-02-11)

8.83.050 Violation -- Penalty

- A. Any person violating any provision of this Chapter is guilty of a misdemeanor which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of the Code.
- B. Except as permitted by state law, it is unlawful for any person having control of any premises who knows or should reasonably know that he or she has hosted, permitted, or allowed a gathering to take place at said premises, where at least one minor consumes an alcoholic beverage, marijuana or other controlled substance

[Return to Municipal Code Contents]

whenever the person having control of the premises wither knows or reasonably should have known when a minor has consumed an alcoholic beverage, marijuana or other controlled substance to allow said consumption to occur.

(Ord. MC-1361, 8-02-11)

8.83.060 Severability

The provisions of this chapter are severable, and if any sentence, section or other part of this Chapter should be found invalid such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1361, 8-02-11)

Chapter 8.84 CASTOR BEAN PLANTS

Sections:

8.84.010 Destruction and removal - Notice to owner

8.84.020 Failure to remove an infraction

8.84.010 Destruction and removal - Notice to owner

Whenever it comes to the attention of the Health officer or other designated officer that a Castor bean (*Ricinus communis*) plant is growing upon any lot or premises in the City in such a manner as to cause a nuisance or menace to health, he shall order such Castor bean (*Ricinus communis*) plant destroyed and removed. Notice of the order shall be in writing addressed to the owner or occupant thereof and shall set forth the time within which the destruction and removal shall be completed.

(Ord. 2417, 2-14-62; Ord. 821, 8-09-21)

8.84.020 Failure to remove an infraction

It is unlawful for any person to knowingly fail, refuse or neglect to destroy and remove such Castor bean (*Ricinus communis*) plant when so ordered by the Health Officer in the manner specified in Section 8.84.010. Such failure, refusal, or neglect constitutes an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2417, 2-14-62; Ord. 821, 8-09-21)

[\[Return to Municipal Code Contents\]](#)

Chapter 8.87

RAILROAD COMPANIES

Sections:

- 8.87.010 Maintenance of tracks - Responsibility**
- 8.87.020 Compliance with Section 8.87.010 - Violation and penalty**
- 8.87.030 Unlawful to blow whistle or horn except as danger signal**
- 8.87.040 Smoke emission standards**
- 8.87.050 (Repealed by Ord. MC-402, 8-21-84)**
- 8.87.060 Violation of Sections 8.87.030 through 8.87.060 - Penalty**

8.87.010 Maintenance of tracks - Responsibility

It shall be the duty of any person or company owning, operating or having any railroad or street car line within the corporate limits of the City to so keep and maintain the tracks of all such roads so that the rails thereon shall be even and flush with the surface of the pavement or street on each side of and between the rails, so that the same shall present the least possible obstruction to the face use and enjoyment of such streets, by the public.

(Ord. 106, 1-26-1892)

8.87.020 Compliance with Section 8.87.010 - Violation and penalty

It is the duty of the Director of Public Services of the City of San Bernardino to see that the provisions of Section 8.87.010 are complied with, and he or she shall notify all persons or companies who own, operate or have any such railroads or street car lines within the corporate limits of the City, and where tracks or rails are not kept even and flush with the surface of the pavement or street along the line of such tracks, to place the same in such condition within thirty days from such notice and every person who suffers or maintains any track or road bed, had or used for the purpose of operating such roads, or suffers or permits any rails, ties, track or road bed, whether used or not, to be and remain above or below the surface of any such pavement or street, so as to prevent the full use and enjoyment thereof, after said time, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-344, 2-22-84; Ord. 106, 1-26-1892)

8.87.030 Unlawful to blow whistle or horn except as danger signal

It is unlawful for any person to blow, or cause to be blown, any whistle or horn on any locomotive or engine used on any railroad track within the City except as a danger signal to avoid an impending accident.

(Ord. 1785, 4-08-47)

[\[Return to Municipal Code Contents\]](#)

8.87.040 Smoke emission standards

It is unlawful for any person or company to operate a locomotive or engine within the City limits in such a manner that the smoke emitted from such engine or locomotive exceeds or is greater in density than No. One (1) as fixed and determined by Ringlemann's Scale for Grading Density of Smoke.

(Ord. 1785, 4-08-47)

8.87.050 (Repealed by Ord. Ord. MC-402, 8-21-84)

8.87.060 Violation of Sections 8.87.030 through 8.87.050 - Penalty

Any person, firm or corporation violating any provision of Sections 8.87.030 through 8.87.050 is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1785, 4-08-47)

Chapter 8.90 MOBILE HOME RENTS

Sections:

8.90.010	Title
8.90.020	Statement of purpose
8.90.030	Application
8.90.040	Definitions
8.90.050	Exemptions from coverage
8.90.060	Registration
8.90.080	Space rent ceiling or maximum allowable space
8.90.090	Space rent ceiling adjustment - initial adjustment
8.90.100	Space rent ceiling adjustment - annual adjustment
8.90.105	Required certification on Rental Adjustment Notice
8.90.110	Powers and Duties of the City Manager
8.90.120	Petition by tenant
8.90.130	Petition by landlord
8.90.140	Conduct of Proceedings
8.90.150	Priorities
8.90.160	Rent adjustment regulations
8.90.170	Net operating income
8.90.180	Gross income

[\[Return to Municipal Code Contents\]](#)

8.90.190	Allowable Operating Expenses
8.90.200	Operating expenses not allowable
8.90.210	Presumption of fair base year net operating income
8.90.220	Rebutting the presumption
8.90.230	Determination of base year net operating income
8.90.240	Determination of current year net operating income
8.90.250	Schedule of increases in operating expenses
8.90.260	Allowable rent adjustments
8.90.270	Discretionary considerations
8.90.280	Limit on increases pending hearing or litigation
8.90.290	Rent adjustments for reduction in services
8.90.300	Quantum of proof and burden of proof
8.90.310	Hearing Officer Decision Final
8.90.320	Judicial review
8.90.330	Termination of tenancy
8.90.340	Remedies for violation
8.90.350	Periodic review of Chapter
8.90.360	Chapter to be liberally construed
8.90.370	(Deleted by Ord. MC-1481, 4-14-18)
8.90.380	(Deleted by Ord. MC-1481, 4-14-18)
8.90.390	(Deleted by Ord. MC-1481, 4-14-18)
8.90.400	(Deleted by Ord. MC-1481, 4-14-18)
8.90.410	(Deleted by Ord. MC-1481, 4-14-18)
8.90.420	(Deleted by Ord. MC-1481, 4-14-18)
8.90.430	(Deleted by Ord. MC-1481, 4-14-18)

8.90.010 Title

This Chapter may be cited as the Mobile Home Park Rent Stabilization Ordinance of the City of San Bernardino, California.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.020 Statement of purpose

- A. Mobile home owners have a substantial investment in their residences and appurtenances for which space is rented or leased. Alternate sites for relocation of mobile homes are difficult to find due to the shortage of vacant spaces, the restrictions of age, size, or style of mobile homes permitted in many parks, and

[\[Return to Municipal Code Contents\]](#)

related to the installation of mobile homes, including permits, landscaping and site preparation. Additionally, the cost of moving a mobile home is substantial, and the risk of damage in moving is significant.

The result of these conditions is the creation of a captive market of mobile home owners and tenants. This immobility, in turn, contributes to the creation of a great imbalance in the bargaining relationship between park owners and mobile home park tenants in favor of the park owners.

- B. Because mobile homes are often occupied by senior citizens, persons on fixed income and persons of low or moderate income, exorbitant rent adjustments fall upon these individuals with particular harshness. The continuing possibility of unreasonable space rental adjustments in mobile home parks threatens to diminish the value of the investment of the mobile home owners. Further, existing state law permits mobile home park owners to require mobile home owners to make modifications to their homes for reasons of aesthetics or conformity to park standards that amount to capital improvements which would accrue to the benefit of the park owner by potentially increasing the market value of the park itself.
- C. This Council finds and declares it necessary to facilitate and encourage fair bargaining between mobile home owners and park owners in order to achieve mutually satisfactory agreements regarding space rental rates in mobile home parks. Absent such agreements, this Council further finds and declares it necessary to protect the owners and residents of mobile homes from unreasonable space rental adjustments while simultaneously recognizing and providing for the need of park owners to receive a just and reasonable return on their property.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.030 Application

The provisions of this Chapter shall apply to all mobile home residential rental spaces located within the City of San Bernardino except if otherwise exempt from the provisions of this Title, as such exemptions are provided for hereinafter. Nothing in this Chapter shall be deemed to supersede any provision of California Civil Code Section 798, et seq.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.040 Definitions

In construing the provisions of this Chapter, the following definitions shall apply:

- A. "City Manager" means the City Manager or his or her designee.

[Return to Municipal Code Contents]

- B. "Consumer Price Index" or "C.P.I." means the Index known as the "Consumer Price Index for all Urban Wage Consumers: for the Los Angeles - Long Beach – Anaheim Area," (base year, 1967), and if published for the San Bernardino – Riverside -Ontario Area for the year 1984, and thereafter. These documents are published by the United States Department of Labor Bureau of Labor Statistics.
- C. "Hearing Officer" is an individual appointed by the Mayor and City Council to hear matters on which testimony may be taken.
- D. "Landlord" means any owner, lessor, operator or manager of a mobile home park.
- E. "Mobile Home" means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobile home does not include "recreational vehicle" as defined in Section 799.29 of the Civil Code or a "commercial modular" as defined in Section 18218 of the Health and Safety Code.
- F. "Mobile Home Owner" or "Resident" means any person entitled to occupy a mobile home dwelling space pursuant to ownership thereof or a rental or lease agreement with the owner thereof.
- G. "Mobile Home Park Owner" or "Park Owner" means the owner, lessor, operator, manager or designated agent thereof of a mobile home park; sometimes referred to as "owner."
- H. "Mobile Home Space" or "Space" means the site within a mobile home park intended, designed, or used for the location or accommodation of a mobile home and any accessory structures or appurtenances attached thereto or used in conjunction therewith.
- I. "Rent" means the consideration, including any bonus, benefit or gratuity, demanded or received by a landlord for the use and occupancy, including services and amenities, of a residential rental space.
- J. "Rent Adjustments" means any rent increase or decrease demanded of or paid by a tenant, including any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent.
- K. "Rental Agreement" means an agreement between a mobile home park owner and tenant establishing the terms and conditions of a tenancy in a mobile home park. A lease is a rental agreement.

[\[Return to Municipal Code Contents\]](#)

- L. "Residential rental space" means any mobile home space occupied by any person other than the owner of the park for payment of rent pursuant to an oral or written lease, or other form of rental agreement.
- M. "Space Rent" means the consideration, including any bonuses, benefits, or gratuities demanded or received for and in connection with the use or occupancy of a mobile home space within a mobile home park, or for housing services provided and security deposits, but exclusive of any amounts paid for the use of the mobile home as a dwelling unit. The use or occupancy of a mobile home space shall include the exercise of all rights and privileges and the use of facilities, services and amenities accruing to the residents thereof.

"Space Rent" shall not include any separately billed utility fees and charges for natural gas or liquid propane gas, electricity, water, cable television, garbage or refuse service and sewer service.

- N. "Tenancy" means the right of a tenant to the use of a mobile home site within a mobile home park on which to locate, maintain, and occupy a mobile home, site improvements and accessory structures; for human habitation, including the use of the services and facilities of the mobile home park.
- O. "Tenant" means any person entitled to or proposing to occupy such mobile home space pursuant to an oral or written lease with the owner thereof, or pursuant to some other rental agreement with the owner, lessor, operator or manager thereof.
- P. "Vacancy" means the condition deemed to have occurred upon the removal of any mobile home from a mobile home park.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.050 Exemptions from coverage

The provisions of this Ordinance shall not apply to the following:

- A. New Space or First Time Space Exemption - Space rent or space rent adjustments for new mobile home spaces first rented after the effective date of this Chapter shall be exempt from the provisions of the Chapter to the extent that those rents would have been controlled had the spaces been previously occupied. There shall be no prospective exemption in such circumstances, however, as to rents that may be adjusted annually under this Chapter after a space is first rented. In such cases, the base date for purposes of determining permissible future rent adjustments shall be the date of first rental or conveyance.

[\[Return to Municipal Code Contents\]](#)

B. Vacancies

1. If the mobile home space is voluntarily vacated by the tenant, or vacated pursuant to California Civil Code Section 798.56, the landlord may adjust the rental rate to any amount as provided in Subsection A of this Section 8.90.050.
2. If the mobile home is sold and is to remain on site, the landlord may increase the rental rate for the new resident by an amount not to exceed ten percent (10%) of the then existing rent. Any rent increase pursuant to this Subsection B2 shall be implemented at the time the new resident first occupies the space and/or first enters into a rental agreement with the landlord.
3. The implementation of any rent increase allowed under this Subsection B shall not change the anniversary date for the annual permissive inflationary adjustment to rent allowed under Section 8.90.100(A) of this Chapter.
4. A vacancy is voluntary if the tenant voluntarily and without coercion by the landlord vacates the rental space or, if the tenant dies and there is no surviving cohabitant.
5. Where the rent is increased pursuant to this Subsection B, the landlord shall, at the time the rent increase is implemented, provide the new tenant with written notice of the previous base rent for the space, the new base rent for the space in both dollar and percentage terms, and the anniversary date for the space for purposes of the annual permissive inflationary adjustment to rent allowed under Section 8.90.100(A) of this Chapter.
6. The rent increases allowed under this Subsection B shall be in addition to any other rent increases authorized by this Chapter, including but not limited to the annual permissive inflationary adjustment to rent allowed under Section 8.90.100(A) of this Chapter.
7. Notwithstanding anything herein to the contrary, nothing in this Chapter shall preclude any landlord from implementing any rent increases that are exempt under the provisions of the California Mobile Home Residency Law, including any rent increases that are exempt under Civil Code Sections 798.17, 798.41 and/or 798.49.

(Ord. MC-1481, 4-14-18; Ord. MC-1432, 11-23-16)

8.90.060 Registration

Within sixty (60) calendar days after the effective date of this Chapter, mobile home park owners are required to register all mobile home parks and mobile home rental spaces

[\[Return to Municipal Code Contents\]](#)

within such parks with the City Manager.

The initial registration shall include: the name(s), business address(es), business telephone number(s) of each person or legal entity possessing an ownership interest in the park and the nature of such interest; the number of mobile home rental spaces within the park; a rent schedule reflecting space rents within the park on the effective date of this Chapter; a listing of all other charges, including utilities not included in space rent, paid by mobile home residents within the park and the approximate amount of each such charge; and the name and address to which all required notices and correspondence may be sent.

The City Manager is hereby empowered to establish procedures for requiring such re-registration as he/she deems necessary.

No park owner shall be eligible to receive any rent ceiling adjustment as provided for under the provisions of this Chapter unless such current registration as may then be required for the mobile home park is on file with the City Manager at the time the petition for the rent ceiling adjustment is filed.

The registration and re-registration requirement provided for in this section, or which may be hereafter established by the City Manager, shall apply to all mobile home parks including those exempt from the space rent ceiling limitation by reason of the existence of a valid space rent agreement.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.080 Space rent ceiling or maximum allowable space rent

Beginning the first month which commences following the day after the effective date of this Chapter when originally adopted on March 24th, 1993, no mobile home park owner shall charge space rent for any mobile home space in an amount greater than the space rent in effect on December 31, 1988. The space rent in effect on that date shall be known as the “space rent ceiling.”

If there was no space rent in effect on December 31, 1988, the space rent ceiling shall be the space rent that was charged on the first date that space rent was charged after December 31, 1988.

If a mobile home park is exempted from the application of this Chapter by reason of the existence of a space rent agreement and this agreement expires, the space rent ceiling for that park shall be the space rent in effect on the date the agreement **expires**.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.090 Space rent ceiling adjustment - initial adjustment

- A. No adjustment in space rent ceilings shall be permitted except as provided for herein.

[Return to Municipal Code Contents]

- B. Permissive Adjustment - A park owner shall be entitled to an initial permissive adjustment gross space rental income equal to eighty percent (80%) of the percentage increase in the Consumer Price Index (CPI) from the end of the base year (1988) to the date of application for the adjustment. The percentage adjustment in the CPI shall be calculated by subtracting the CPI reported for December, 1989, from the most recently reported monthly CPI preceding the application and then dividing this remainder by the December, 1989 CPI.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.100 Space rent ceiling adjustment - annual adjustments

Commencing in calendar year 1990, park owners shall be entitled to the following annual adjustments.

- A. Permissive Adjustment - A park owner shall be entitled to an annual permissive adjustment of gross space rental income equal to eighty percent (80%) of the percentage adjustment in the CPI from the date of the most recent initial or annual adjustment to the date of application for the proposed adjustment.
- B. Net Operating Income Adjustment
 1. In the event a park owner believes he or she does not receive a just and reasonable return on park property after receiving the maximum permissive adjustment provided for above, said park owner may upon payment of a filing fee established by resolution of the Mayor and City Council, file an application with the City Manager for an adjustment of the space rent ceiling, providing adequate justification for the proposed increase.
 2. If the City Manager shall designate a form for the filing of such petition, such petition shall be filed upon such form. If no such form shall be designated, such petition shall be in writing verified by the applicant, and shall contain the names, address and telephone number of the applicant, the name and address of the tenant of each rental space which would be affected if the petition were granted, a statement of the facts giving rise to the petition for a Net Operating Income (NOI) adjustment in sufficient detail that if established, such facts would demonstrate the existence of a decrease in the NOI warranting such NOI adjustment. Within thirty (30) working days after the petition has been submitted to the City Manager for filing, petitioner shall be given notice of the time and place of the hearing, which notice together with a copy of the petition shall be served upon or mailed to each tenant of a rental space which would be affected by the NOI adjustment if granted. When a declaration of service has been submitted to the City Manager, the petition for an NOI adjustment shall be deemed filed.

[\[Return to Municipal Code Contents\]](#)

3. A park owner shall be entitled to an adjustment of the space rent ceiling so as to enable the park owner's Net Operating Income (NOI) for the subsequent year to be increased by a rate which, when added to the maximum permissible adjustment provided for above will give the park owner a just and reasonable return on park property.

C. Special Assessment Based on Capital Improvements.

1. An application for a special assessment based on the cost of a completed capital improvement may be filed with the City Manager pursuant to this subsection. For the purposes of this subsection "Capital Improvement" is defined as the installation of new improvements and facilities and/or the replacement or reconstruction of existing improvements and facilities which consist of more than ordinary maintenance or repairs, with a useful life of at least five (5) years, and have been agreed upon between the park owner, the resident committee, if any, and approved by more than 50 percent of the owners of all mobile-homes located within the park in an election called to consider the matter with each space casting one vote.
2. A special assessment may be granted at the discretion of the Hearing Officer considering all circumstances without approval of the homeowners if the capital improvement is necessary to protect the health and safety of the residents of the park, or to comply with governmental laws or regulations.
3. Capital Improvement Assessments shall be amortized over the useful life of the improvement as set forth in Internal Revenue Service "class life" tables then in effect, unless the Hearing Officer in his/her discretion determines that the use of such tables is unreasonable under the circumstances.
4. In addition to the cost of the improvements(s) the Assessment shall include interest at two percent over the prime rate at Bank of America in effect at the time the assessment is approved calculated annually on the unamortized cost of improvement.
5. Capital Improvement Assessments shall be apportioned equally among all spaces in the mobile-home park and shall be payable monthly, and shall be set forth by the park owner as a separate item from the space rent. The Assessment shall remain in effect until the cost of the improvement, plus interest as set forth herein, has been fully recovered.

- D. No annual adjustment shall become effective if the previous annual adjustment became effective within the previous twelve (12) months unless approved by the Hearing Officer pursuant to Section 8.90.100 B.

(Ord. MC-1481, 4-14-18; Ord. MC-944, 6-08-95; Ord. MC-865, 3-24-93)

8.90.105 Required Certification on Rental Adjustment Notice

The Hearing Officer shall have the right to deny any rent adjustments under this Chapter if the owner:

- A. Has failed to comply with any provisions of this Chapter and/or regulations issued thereunder by the City Manager or the Mayor and City Council or any other federal, state or City law, ordinance or regulation concerning mobile home parks.
- B. Has failed to comply substantially with any applicable state or local housing, health or safety law.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.110 Powers and Duties of the City Manager

The City Manager shall administer and carry out to the fullest extent possible the expressed intent and purposes of this Chapter. The City Manager shall have the following duties, responsibilities, and functions, together with all powers reasonably incidental thereto

- A. **Adoption of Rules and Regulations.** Subject to the approval of the Mayor and City Council the City Manager may make and adopt her/his own administrative rules and regulations as may be necessary to effectuate the purposes and policies of this Chapter and to enable the City Manager to carry out his/her powers and duties thereunder, so long as such rules and regulations are consistent with the laws of the State, this Chapter, and any guidelines adopted by the Mayor and City Council. Any such rules and regulations shall be reduced to writing and be on file with the City Manager at all times.
- B. **Maintenance of Records.** The City Manager shall keep a record of the hearing proceedings, which shall be open for inspection by any member of the public.
- C. **Conduct Studies and Investigations.** The City Manager shall have the power to make such studies, surveys, and investigations, and obtain such information as is necessary to carry out her/his powers and duties.
- D. **Require Registration.** The City Manager shall require such registration of mobile home parks as the City Manager may deem necessary to carry out his/her duties.

[Return to Municipal Code Contents]

- E. Evaluation. The City Manager shall render at least semi-annually a comprehensive written report to the Mayor and City Council concerning the activities, holdings, actions, results of hearings, and all other matters pertinent to this Chapter.
- F. Related Duties. The City Manager shall undertake such other related duties as may be assigned by the Mayor and City Council.

(Ord. MC-1481, 4-14-18; Ord. MC-1021, 5-05-98; Ord. MC-865, 3-24-93)

8.90.120 Petition by tenant

- A. Any tenant of a mobile home rental space affected by this Chapter, upon payment of such filing fee as shall be duly established, may petition the City for a determination whether a proposed or actual action by the landlord of such tenant is legal, valid, and within the terms of this Chapter. If the City Manager shall establish forms for such petitions, the petition shall be prepared and submitted upon such form. In the absence of such designated form, the petition shall contain the name, address and telephone number, if known, of the landlord, owner, manager, or other person authorized to represent the owner of the mobile home park, a brief statement of the facts giving rise to the request for interpretation or determination, and a statement that a copy of the petition has been personally served or mailed to the owner, manager or other person authorized to accept and receive notices to the landlord.
- B. In the event that a petition by tenant(s) results in a downward adjustment in the space rent, the park owner shall not be obligated to adjust any rent except the rent of those tenant(s) who signed the petition and paid the established filing fee.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.130 Petition by landlord

Any landlord of a mobile home park affected by this Chapter may, upon, payment of such filing fee as shall be duly established, petition the City for a determination whether a particular course of action by said landlord is allowable, valid and in conformity with this Chapter. The City Manager may designate forms for the filing of such petitions. In the event that no such form has been designated, the petition shall be in writing, and shall contain the name, address and telephone number, if any, of the person requesting the interpretation or opinion, the name and address of each tenant of a rental unit owned or managed by the person requesting the interpretation or opinion, if it is intended that such interpretation or opinion affects such rental unit, a brief statement of the facts giving rise to the request for interpretation or opinion, and a statement that a copy of such petition has been personally served upon or mailed to each such tenant who might be affected thereby.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

[Return to Municipal Code Contents]

8.90.140 Conduct of Proceedings

- A. The Mayor and City Council shall appoint a Hearing Officer to hear matters pertaining to San Bernardino Municipal Code Chapter 8.90.
- B. Each party to a hearing may have assistance in presenting evidence or in setting forth by argument his position, from an attorney or such other person as may be designated by said party.
- C. Formal rules of evidence shall not apply in proceedings; however, all oral testimony offered as evidence shall be under oath.
- D. In the event that any party shall fail to appear at the time and place set for hearing of a petition, the Hearing Officer may hear and review such evidence as may be presented, and may make such findings and decisions as shall be supported by the evidence presented.
- E. The Hearing Officer shall base his/her decision on evidence presented at the hearing and may consider any evidence resulting from independent investigations of the City Manager pursuant to §8.90.110. 4 of this Chapter, where such evidence has been disclosed to the parties.
- F. The Hearing Officer shall make findings based on the evidence as to each fact relevant to the Hearing Officer's decision on the petition. The decision of the Hearing Officer shall be based upon the findings, and shall:
 - 1. Determine whether the action or proposed action of a landlord is valid, permitted, and in conformity with this Chapter; and/or
 - 2. Determine whether an adjustment is necessary, and if so, the nature and amount of relief to be granted or authorized to the landlord or homeowner.
- G. The Hearing Officer shall consider the evidence and arguments of the parties no later than thirty (30) days after the matter has been submitted for decision and the Hearing Officer shall make her/his final decision at the conclusion of their deliberations. No rent adjustment will be authorized unless supported by the evidence. A notice of the Hearing Officer's decision shall be sent to each party to a proceeding. Unless good cause to the contrary shall appear, each decision of the Hearing Officer shall apply on a space by space basis, taking into account the possibility of differences in base rent, services provided, and other facts differentiating rental spaces.

- H. Nothing in this Chapter, or in any decision of the Hearing Officer, shall require any landlord to raise rents or charges to tenants. If an adjustment in the maximum permissible rent is authorized, a landlord may raise rents or charges by a lesser amount, or for a lesser time than is authorized by the decision of the Hearing Officer.

- I. The findings and decisions of the Hearing Officer shall be a final administrative action. There shall be no right of appeal to the Mayor and City Council. Such findings and decisions shall be public records, and may be certified by the City Clerk. Each decision shall set forth a notice as required by California Government Code Section 1094.6. The decision shall become effective upon mailing to the party unless otherwise indicated at the hearing. This section supersedes Chapter 2.64 of the San Bernardino Municipal Code.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.150 Priorities

All petitions for hearings shall be heard in order of date filed.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.160 Rent adjustment regulations

For purposes of determining allowable rent adjustments, the rules and regulations set forth in this section shall be used. In authorizing individual adjustments of the rent ceilings, the Hearing Officer shall consider the purposes of this Chapter and the requirements of law. The Hearing Officer may consider all relevant factors including: increases or decreases in operating and maintenance expenses, the extent and cost of utilities paid by the owner, necessary and reasonable capital improvements of the park as distinguished from normal repair, replacement and maintenance, increases or decreases in amenities, equipment, insurance or services, substantial deterioration of the park other than as a result of ordinary wear and tear, failure on the part of the owner to provide adequate repair, housing services or failure on the part of the owner to comply with applicable housing, health and safety codes, federal and state income tax benefits, the speculative nature of the investment, whether or not the property is acquired or is held as a long term or short term investment, the owner's rate of return on investment, the owner's current and base year Net Operating Income and any other factors deemed relevant by the Hearing Officer in providing the owner a fair return. A sale of a mobile home park by the owner, subsequent to June 3, 1991, which results in a Proposition 13 tax increase, cannot be a factor to be considered in a request for a rent adjustment by the new owners.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

[\[Return to Municipal Code Contents\]](#)

8.90.170 Net operating income

Net Operating Income (NOI) shall be gross income less allowable operating expenses.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.180 Gross income

Gross Income equals:

- A. Gross rents, computed as gross rental income at 100% paid occupancy, plus
- B. Interest from rental deposits, unless directly paid by the landlord to the tenants, plus
- C. Income from miscellaneous sources, including, but not limited to, laundry facilities, vending machines, amusement devices, cleaning fees or services, garage and parking fees, plus
- D. All other income or consideration received or receivable for or in connection with the use or occupancy of rental units,
- E. Minus uncollected rents due to vacancy and bad debts to the extent that the same are beyond the landlord's control.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.190 Allowable Operating Expenses

Operating expenses shall include the following:

- A. Real property taxes,
- B. Utility costs,
- C. Management fees actually paid if management services are contracted for. If all or a portion of management services are performed by landlord, management fees shall include the reasonable value for such landlord performed services. Management fees greater than five percent (5%) of gross income are presumed to be unreasonable. Such presumption may be rebutted.
- D. Other reasonable management expenses, including, but not limited to, necessary and reasonable advertising, accounting and insurance.

[Return to Municipal Code Contents]

- E. Normal repair and maintenance expenses, including, but not limited to, painting, normal cleaning, fumigation, landscaping, and repair of all standard services, including electrical, plumbing, carpentry, furnished appliances, drapes, carpets, and furniture.
- F. Owner-performed labor, which shall be compensated at the following hourly rates upon documentation of the date, time, and nature of the work performed:
 - 1. At the general prevailing rate of per diem wages for the San Bernardino area, for the specific type of work performed, as determined and published by the Director of the Department of Industrial Relations of the State of California pursuant to Section 1770, et seq. of the Labor Code of the State of California.
 - 2. If no such general prevailing rate has been determined and published, then a cost per hour for general maintenance and a cost per hour for skilled labor as established by resolution of the Mayor and City Council. Notwithstanding the above, a landlord may receive greater or lesser compensation for self-labor if the landlord proves by clear and convincing evidence that the amounts set forth above are substantially unfair in a given case. Owner performed labor in excess of 5% of Gross Income shall not be allowed unless the landlord proves by clear and convincing evidence that such excess labor expenses resulted in proportionately greater services for the benefit of tenants.
- G. License and registration fees required by law to the extent same are not otherwise paid by tenants.
- H. The yearly amortized portion of capital expenses including financing costs, computed in accordance with any useful life table utilized by the Internal Revenue Service.
- I. Reasonable attorney's fees and costs incurred as normal and reasonable costs of doing business, including, but not limited to, good faith attempts to recover rents owing and good faith unlawful detainer actions not in derogation of applicable law, to the extent same are not recovered from tenants.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.200 Operating expenses not allowable

Operating expenses shall not include the following:

- A. Avoidable and unreasonable or unnecessary expenses;
- B. Mortgage principal and interest payments;

[\[Return to Municipal Code Contents\]](#)

- C. Lease purchase payments and rent or lease payments to landlord's lessor;
- D. Penalties, fees or interest assessed or awarded for violation of this or any other statute;
- E. Attorney's fees and other costs incurred for proceedings before the Hearing Officer or in preparation for such proceedings, or in connection with any civil actions or proceedings against the City, or a decision, ruling, or order of the Hearing Officer;
- F. Depreciation of the real property;
- G. Any expenses for which the landlord has been reimbursed by any security deposit, insurance settlement, judgment for damages, settlement, or any other method.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.210 Presumption of fair base year net operating income

Except as provided in Section 8.90.220, it shall be presumed that the Net Operating Income produced by a park owner during the base year, provided a fair return on property. Owners shall be entitled to maintain and increase their Net Operating Income from year to year in accordance with Sections 8.90.080 and 8.90.100.B.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.220 Rebutting the presumption

It may be determined that the base year net operating income yielded other than a fair return on property, in which case, the base year Net Operating Income may be adjusted accordingly. In order to make such a determination, the Hearing Officer must make at least one of the following findings:

- A. The owner's operating and maintenance expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustments may be made in calculating such expenses so the base year operating expenses reflect average expenses for the property over a reasonable period of time. The hearing officer shall consider the following factors:
 - 1. The owners made substantial capital improvements during 1988 which were not reflected in the rent levels on the base date.
 - 2. Substantial repairs were made due to damage caused by natural disaster or vandalism which management has taken appropriate action to reduce.

[Return to Municipal Code Contents]

3. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of housing services.
 4. Other expenses were unreasonably high or low notwithstanding the following of prudent business measures.
- B. The rental rates on the base date were disproportionate due to enumerated factors below. In such instances, adjustments may be made in calculating gross rents consistent with the purpose of this Chapter.
1. The rental rates on the base date were substantially higher or lower than in preceding months by reason of premiums being charged or rebates being given for reasons unique to particular units or limited to the period determining the base rent.
 2. The rent on the base date was substantially higher or lower than at other times of the year by reason of seasonal demand or seasonal variations in rent.
 3. The rental rates on the base date were exceptionally high or low due to other factors which would cause the application of the base year net operating income to result in gross inequity to either the owner or tenant.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.230 Determination of base year net operating income

- A. To determine the Net Operating Income during the base year, there shall be deducted from the annualized gross income being realized in 1988, a sum equal to the actual operating expenses for calendar year 1988, unless the owner demonstrates to the satisfaction of the Hearing Officer that the use of some other consecutive 12-month period is justified by reasons consistent with the purposes of this section.
- B. In the event the owner did not own the subject property during the base year, the operating expenses for 1988 shall be determined by one of the following methods whichever the Hearing Officer determines to be more reliable in the particular case:
1. The previous owner's actual operating expenses as defined in Section 8.90.190 if such figures were available, or
 2. Actual operating expenses for the first calendar year of ownership, discounted to 1988 by the schedule.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

[\[Return to Municipal Code Contents\]](#)

8.90.240 Determination of current year net operating income

To determine the current year net operating income, there shall be deducted from the annualized gross income, determined by analyzing the monthly rents in effect at the time of filing of a petition, a sum equal to the actual operating expenses for the last calendar year (unless the owner demonstrates to the satisfaction of the Hearing Officer that the use of some other consecutive 12-month period is justified by reasons consistent with the purposes of this section).

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.250 Schedule of increases in operating expenses

Where scheduling of rental increases, or other calculations, requires projections of income and expenses, it shall be assumed that operating expenses, exclusive of property taxes, and management expenses, increases at 5% per year, that property taxes increase at 2% per year, and that management expenses constitute 5% of gross income, provided, however, that if actual increases are greater or less than those listed in this section, the actual increases shown according to proof shall be the increases applicable.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.260 Allowable rent adjustments

The Hearing Officer may permit rent adjustments, unless otherwise prescribed by law, such that the owner's net operating income will be adjusted at the rate as specified in Section 8.90.100 B.2.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.270 Discretionary considerations

While the Net Operating Income formula should operate to guarantee a park owner a fair return on investment, the Hearing Officer considering a request for rent increases shall consider all relevant factors presented in making a determination, as set forth in this Chapter.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.280 Limit on increases pending hearing or litigation

Notwithstanding any other provisions of this Chapter, no adjustment in rents in a mobile home park shall be valid during the time that any hearing or proceeding is being conducted pursuant to this Chapter, nor shall such increase be valid during the period in which the Hearing Officer's decision for that park is being reviewed by a Court

[Return to Municipal Code Contents]

of competent jurisdiction, except those the tenants shall be required to pay as the Permissible Adjustment as provided for under Section 8.90.090 B.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.290 Rent adjustments for reduction in services

- A. No owner shall reduce the level or kind of services provided to tenants as of the date of adoption of this Chapter or take any other punitive action in retaliation for the exercise by tenants of any of the rights granted by this Chapter.
- B. If a mobile home park provides in the rent, without separate charge, utilities or similar services (including, but not limited to, natural gas, electricity, water, sewer, trash, and cable television) and converts to separate charge for such service by separate metering, separate charge or other lawful means of transferring to the tenant the obligation for payment for such services, the cost savings shall be passed through to tenants by a rent adjustment equal to the actual cost to the park of such transferred utility or similar service (less common area usage, based on costs for the twelve (12) months period prior to notice to the tenants of the change). Provided compliance with this section occurs, provisions for mediation and/or hearing shall not apply. It is the intent of this Section for those rental agreements entered into on or after January 1, 1991, to be consistent with the provisions of Civil Code Section 798.41 as adopted by Chapter 1013, Section 2 of the Statutes of 1990.
- C. For purposes of Section 8.90.290 A. above, in determining cost savings to be passed on to tenants in the form of decreased rent, the cost of installation of separate utility meters, or similar costs incurred by the owner to shift the obligation for payment of utility costs to the tenants shall not be considered. However, this shall not be construed to prohibit or prevent the consideration of inclusion of such costs as an increased operating expense at mediation or arbitration.
- D. If a service other than a utility or similar service per subsection A. above is reduced or eliminated, or if a utility or similar service is reduced or eliminated without a concomitant decrease in rent, the provisions of this Chapter regarding petition and/or hearing shall apply subject to the following conditions. Any petition initiating mediation or hearing must be filed within twelve (12) months of the date on which the service was reduced or eliminated, and the reduction or elimination in services must continue to exist at the time of the hearing. Rent adjustments shall only be granted prospectively.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

[\[Return to Municipal Code Contents\]](#)

8.90.300 Quantum of proof and burden of proof

The decision of the Hearing Officer must be supported by the evidence submitted at the hearing. The petitioning party shall have the burden of proof in such proceedings.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.310 Hearing Officer Decision Final

The decision of the Hearing Officer is final. This section specifically supersedes Municipal Code Chapter 2.64.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.320 Judicial review

An owner or tenant aggrieved by any action of the Hearing Officer may seek judicial review by appealing to the appropriate Court within the jurisdiction. Sections 1094.5 and 1094.6 of the Code of Civil Procedure are applicable.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.330 Termination of tenancy

A tenancy which is not held pursuant to a written rental agreement that conforms to the provisions of Section 798.15, et seq. of the California Civil Code shall be terminated only pursuant to Section 798.55, et seq. of the California Civil Code.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.340 Remedies for violation

- A. Civil Remedies - Any person who demands, accepts, or retains any payment in violation of any provision of this Chapter shall be liable in a civil action to the person from whom such payment is demanded, accepted, or retained for damages in the sum of three (3) times the amount by which the payment or payments demanded, accepted or retained exceed the maximum rent which could lawfully be demanded, accepted, or retained, together with reasonable attorney's fees and costs as determined by the Court.
- B. Criminal Remedies - It shall be unlawful for an owner to adjust any rent in an amount in excess of that allowed under this Chapter or by order of the Hearing Officer. Any owner who willfully and knowingly violates any of the provisions of this Chapter or the orders of the Hearing Officer shall be guilty of a misdemeanor.

[\[Return to Municipal Code Contents\]](#)

- C. Injunctive and Other Civil Relief - The City Manager, the City, and the tenants and owners may seek relief from the appropriate Court in the jurisdiction within which the rental unit is located to enforce any provision of this Chapter or its implementing regulations or to restrain or enjoin any violation of this Chapter and of the rules, regulations, orders and decisions of the Hearing Officer.

- D. Non-waiver of Rights - Any waiver or purported waiver by a tenant of rights granted under this Chapter prior to the time when such rights may be exercised, whether oral or written, shall be void as contrary to public policy.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.350 Periodic review of Chapter

- A. The Mayor and City Council shall review the provisions of the Chapter at any other time deemed appropriate, in order to consider the following:
 - 1. Whether this Chapter continues to be necessary to protect the public health, safety, and welfare.
 - 2. Whether the implementation of the provisions of this Chapter have been adequate, and
 - 3. Whether the provisions of this Chapter should be amended to provide more effective regulations or to avoid unnecessary hardship.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

8.90.360 Chapter to be liberally construed

This Chapter shall be liberally construed to achieve the purposes of this Chapter and to preserve its validity.

(Ord. MC-1481, 4-14-18; Ord. MC-865, 3-24-93)

**8.90.370; 8.90.380; 8.90.390; 8.90.400; 8.90.410; 8.90.420; and 8.90.430:
(Deleted by Ord. MC-1481, 4-14-18)**

Chapter 8.93 BICYCLES PROHIBITED IN CERTAIN PUBLIC BUILDINGS

Sections:

- 8.93.010 Prohibition**
- 8.93.020 Exceptions**
- 8.93.030 Violation**

8.93.010 Prohibition

It shall be unlawful to bring a bicycle or bicycles into the City Hall or the second or third floors of the City Hall annex.

(Ord. MC-951, 11-08-95)

8.93.020 Exceptions

Section 8.93.010 shall not apply to police officers or to those who have received the prior written permission of the Facilities Manager of the City.

(Ord. MC-951, 11-08-95)

8.93.030 Violation

Violation of Section 8.93.010 shall be either a misdemeanor or an infraction.

(Ord. MC-951, 11-08-95)

Chapter 8.95 ANIMALS PROHIBITED IN CITY BUILDINGS

Sections:

- 8.95.010 Prohibition**
- 8.95.020 Exceptions**
- 8.95.030 Penalty**

8.95.010 Prohibition

All animals whether domestic or otherwise and whether dead or alive are hereby prohibited from being bought, carried, or otherwise allowed entry into any building belonging to or operated by the City of San Bernardino.

(Ord. MC-795, 6-18-91)

8.95.020 Exceptions

- A. The prohibition of Section 8.95.010 shall not apply to animals trained and certified to assist the blind and deaf, or any animals used by a law enforcement agency.
- B. Prohibition of Section 8.95.010 shall not apply to the Animal Shelter owned or operated by the City of San Bernardino.

(Ord. MC-795, 6-18-91)

8.95.030 Penalty

Violation of this Chapter is a misdemeanor.

(Ord. MC-795, 6-18-91)

Chapter 8.97 **SMOKING CANNABIS IN PUBLIC PLACES**

Sections:

8.97.010	Purpose and Intent
8.97.020	Applicability
8.97.030	Definitions
8.97.040	Prohibition of Smoking and Inhaling in Enclosed Places
8.97.050	Prohibition of Smoking and Inhaling in Unenclosed Areas
8.97.060	Prohibition of Smoking and Inhaling in City Vehicles and on City Campuses
8.97.070	Smoking Distance Required
8.97.080	Additional Smoking –Related Restrictions
8.97.090	Other Requirements and Prohibitions
8.97.100	Posting of Signs
8.97.110	Interpretation
8.97.120	Other Laws
8.97.130	Violations Declared a Public Nuisance
8.97.140	Each Violation a Separate Offense
8.97.150	Criminal Penalties
8.97.160	Remedies Cumulative and Not Exclusive

8.97.010 Purpose and Intent

The purpose of this Chapter is to protect the good health and well-being of the residents of the City of San Bernardino from the documented negative effects of

[\[Return to Municipal Code Contents\]](#)

secondhand cannabis smoke. Smoke-free air is an important component of a healthy community. The Mayor and City Council intend to protect the public health, safety, and welfare by providing a secondhand cannabis smoke-free environment in public and private places where non-cannabis smokers may be exposed to secondhand cannabis smoke. The Mayor and City Council further intend to promote secondhand cannabis smoke-free air, recognizing the need to breathe smoke-free air has a priority over the desire to smoke cannabis. This Chapter is not intended to interfere with a patient's right to use medicinal cannabis pursuant to State law, as may be amended, nor does it criminalize cannabis possession or use otherwise authorized by State law.

(Ord. MC-1465, 3-07-18)

8.97.020 Applicability

Nothing in this Chapter shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or State law. No provision of this title shall be deemed a defense or immunity to any action brought against any person by the San Bernardino County District Attorney's office, the Attorney General of the State of California or the United States of America. This Chapter shall be applicable in the incorporated areas of the City of San Bernardino and in all City buildings, whether owned, leased, or controlled by the City, and on all City campuses.

(Ord. MC-1465, 3-07-18)

8.97.030 Definitions

- A. "Business" means any sole proprietorship, partnership, limited liability company, joint venture, corporation, association, or other entity formed for profit-making purposes or for nonprofit charitable, religious, philanthropic, educational, political, social, or similar purposes. A government agency is not a business within the meaning of this chapter.

- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis

[\[Return to Municipal Code Contents\]](#)

and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- C. "City" means the City of San Bernardino, a Charter City in the State of California.
- D. "City campus" means enclosed areas and unenclosed areas under the legal control of the City, including property that is owned, leased, or maintained by the City or governed by the Mayor and City Council.
- E. "Prohibited smoking area" means a designated portion of an unenclosed area where cannabis smoking is prohibited.
 - 1. Cannabis smoking shall be prohibited within one thousand (1,000) feet of any of the following:
 - i. Any school (k-12) regardless if it is a public, private or charter school;
 - ii. Day care center as defined in Section 1596.76 of the Health and Safety Code;
 - iii. Youth center as defined in Section 11353.1 of the Health and Safety Code;
 - iv. Any library, park, bicycle paths or area in which the primary purpose is used for minors; and
 - v. Any alcohol rehabilitation center or substance abuse facility.
- F. "Dining area" means any area which is available to or customarily used by the general public or an employee and which is designed, established, or regularly used for consuming food or drink.
- G. "Electronic smoking device" means an electronic device that can be used to deliver an inhaled dose of cannabis, cannabis oils or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured,

[\[Return to Municipal Code Contents\]](#)

distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaping pens or any other product name or descriptor.

- H. "Employee" means any natural person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any natural person who volunteers his or her services for an employer.
- I. "Employer" means any business with one or more employees.
- J. "Enclosed area" means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:
 - 1. Any type of overhead cover and at least three walls or other vertical constraint to airflow; or
 - 2. Four walls or other vertical constraints to airflow.
- K. "Person" means any natural person, business, personal representative, receiver, trustee, assignee, or any other legal entity.
- L. "Place of employment" means any area under the legal or de facto control of an employer that an employee or the general public may have cause to enter in the normal course of operations, regardless of the hours of operation.
- M. "Public place" means any place, publicly or privately owned, when being used for a public event, including but not limited to a farmers' market, parade, craft fair, festival, or any other event open to the general public.
- N. "Recreational area" means any area that is owned, controlled, or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. "Recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, skateboard parks, and amusement parks. "Recreational area" does not include golf courses.
- O. "Service area" means any publicly or privately-owned area designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. "Service area" includes, but is not limited to, areas including or adjacent to information kiosks, automatic teller machines, ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.

[\[Return to Municipal Code Contents\]](#)

- P. "Smoke" means the gases, oils, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, cannabis, cannabis oils, or nicotine and the purpose of inhalation is solely olfactory, such as smoke from incense. "Smoke" includes, but is not limited to, tobacco smoke, electronic smoking device vapors, and cannabis smoke.
- Q. "Smoking" means inhaling, exhaling, burning, or carrying any ignited, heated, or activated cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product intended for human inhalation including, but not limited to, cannabis or cannabis products.
- R. "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.
- S. "Cannabis paraphernalia" means any item designed for the consumption, use, or preparation of cannabis or cannabis product.
- T. "Cannabis product" means:
1. Any product containing, made, or derived from cannabis or cannabis products that is intended for human consumption, whether smoked, heated, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, bong, blunts, pipes; and
 2. Any electronic smoking device. Notwithstanding any provision of subparagraphs (1) and (2) to the contrary, "cannabis products" includes any component, part, or accessory of a cannabis product, whether or not sold separately.
- U. "Unenclosed area" means any area that is not an enclosed area.

(Ord. MC-1465, 3-07-18)

8.97.040 Prohibition of Smoking and Inhaling in Enclosed Places

The City shall enforce the California smoke-free workplace law (Labor Code Section 6404.5), which prohibits smoking in enclosed places of employment, in all areas subject

[\[Return to Municipal Code Contents\]](#)

to this Chapter. In addition, all cannabis smoking and the inhaling of cannabis products are prohibited in the enclosed areas of the following places:

- A. All businesses that are not places of employment and which have a common or shared air space with an enclosed area, such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways, in which smoking is prohibited by law. Notwithstanding any other provision of this chapter, the fact that cannabis smoke enters one enclosed area from another enclosed area is conclusive proof that the areas share a common or shared air space;
- B. Public places as defined in section 8.97.030(M); and
- C. Any area within 50 feet of any door, window, opening, or vent, into a public place, dining area, service area, or recreational area except for such areas on private residential property.

(Ord. MC-1465, 3-07-18)

8.97.050 Prohibition of Smoking and Inhaling in Unenclosed Areas

Smoking and inhaling of cannabis products are prohibited in the unenclosed areas of the following places as defined in Section 8.97.030 above:

- A. Dining areas;
- B. Public places;
- C. Recreational areas;
- D. Service areas; and
- E. Places of employment.

(Ord. MC-1465, 3-07-18)

8.97.060 Prohibition of Smoking and Inhaling in City Vehicles and on City Campuses

- A. Smoking and inhaling of cannabis products are prohibited in all vehicles leased, owned, or operated by the City or any district governed by the City.
- B. Smoking and the use of cannabis or cannabis products are prohibited in all enclosed areas and unenclosed areas of a City campus.

[Return to Municipal Code Contents]

8.97.070 Smoking Distance Required

- A. Smoking and inhaling of cannabis in all unenclosed areas is prohibited within 50 feet from any enclosed or unenclosed areas in which smoking is prohibited.
- B. A private property or business owner may authorize a Designated Smoking Area in an unenclosed area of his or her private property.

(Ord. MC-1465, 3-07-18)

8.97.080 Additional Smoking-Related Restrictions

- A. A person who owns, manages, operates, or otherwise controls the use of any place where cannabis smoking is prohibited by this Chapter may not knowingly or intentionally permit cannabis smoking in those places. For purposes of this section, a person has acted knowingly or intentionally if the person has not taken the following actions to prevent cannabis smoking by another person:
 - 1. Requested that a person who is smoking refrain from cannabis smoking in the prohibited place; and
 - 2. Requested that a person who is smoking cannabis leave the prohibited place if the person refuses to stop smoking in the prohibited place after being asked to stop. This Section does not require physically ejecting a person from a place or taking steps to prevent smoking under circumstances that would involve risk of physical harm.
- B. No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this Section. Moreover, no person shall intentionally or recklessly expose another person to cannabis smoke in response to that person's effort to achieve compliance with this Section.

(Ord. MC-1465, 3-07-18)

8.97.090 Other Requirements and Prohibitions

- A. No employer or business doing business with the City and within the City of San Bernardino shall knowingly or intentionally permit cannabis smoking or inhaling in an area which is under the employer's or business's control and in which cannabis smoking is prohibited.
- B. No person shall litter or dispose of cannabis packaging or cannabis products waste within the boundaries of an area in which cannabis smoking or cannabis products is prohibited except into a waste receptacle or ash can.

[Return to Municipal Code Contents]

- C. No person, employer, or business shall intimidate or threaten or effect any reprisal against another person for the purpose of retaliating against that person for seeking to obtain compliance with this chapter.

(Ord. MC-1465, 3-07-18)

8.97.100 Posting of Signs

A person, employer, or business that has legal or de facto control of an area in which cannabis smoking, or the use of cannabis products is prohibited by this chapter shall post a clear, conspicuous and unambiguous "No Smoking and No Vaping" or "Smoke-Free" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs will have letters of no less than one inch in height and shall include the international "No Smoking and No Vaping" symbol (consisting of a pictorial representation of a burning cigarette, cannabis leaf and e-cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the reasonable distance requirement set forth in section 8.97.070. At least one sign with a City phone number (to be determined by the director of Community Development and made available on the department's website which complaints can be directed must be placed conspicuously in each place in which cannabis smoking is prohibited. The Community Development Department shall be responsible for providing appropriate signs in public facilities controlled by the City. Notwithstanding this section, the presence or absence of signs shall not be a defense to a charge of cannabis smoking or the use of cannabis products in violation of any other provision of this chapter.

(Ord. MC-1465, 3-07-18)

8.97.110 Interpretation

This chapter shall not be interpreted or construed to permit cannabis smoking where it is otherwise restricted by other applicable laws.

(Ord. MC-1465, 3-07-18)

8.97.120 Other Laws

It is not the intention of this chapter to regulate any conduct where the regulation of such conduct has been preempted by the State of California.

(Ord. MC-1465, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

8.97.130 Violations Declared a Public Nuisance

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

(Ord. MC-1465, 3-07-18)

8.97.140 Each Violation a Separate Offense

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of San Bernardino.

(Ord. MC-1465, 3-07-18)

8.97.150 Criminal Penalties

Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Chapter shall be guilty of a misdemeanor, and may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the city or county jail for a period of not more than six (6) months, or by both such fine and imprisonment. The City Attorney, in his or her sound discretion, may prosecute a violation of this Chapter as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction. Any person convicted of an infraction under this provisions of this Chapter shall be punished by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for a third and subsequent violations within one year. A fourth violation of this Chapter within one year shall be charged as a misdemeanor and may not be reduced to an infraction.

(Ord. MC-1465, 3-07-18)

8.97.160 Remedies Cumulative and Not Exclusive

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law or equity

(Ord. MC-1465, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

Chapter 8.99 PERSONAL CULTIVATION OF CANNABIS

Sections:

8.99.010	Purpose and Intent
8.99.020	Applicability
8.99.030	Definitions
8.99.040	Personal Cultivation of Cannabis
8.99.050	Violations Declared a Public Nuisance
8.99.060	Each Violation a Separate Offense
8.99.070	Criminal Penalties
8.99.080	Remedies Cumulative and Not Exclusive

8.99.010 Purpose and Intent

The purpose of this Chapter is to impose reasonable regulatory restrictions on the personal cultivation of cannabis pursuant to State law. This Chapter is not intended to interfere with a patient's right to use medicinal cannabis pursuant to State law, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by State law. This Chapter is not intended to give any person or entity independent legal authority to engage in commercial cannabis activity, as it is intended simply to impose regulatory restrictions regarding personal cultivation of cannabis in the City pursuant to this Code and State law.

(Ord. MC-1466, 3-07-18)

8.99.020 Applicability

Nothing in this title shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law. Nor shall it be construed, to exempt any activity related to the cultivation of cannabis from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the San Bernardino County District Attorney's office, the Attorney General of the State of California or the United States of America.

(Ord. MC-1466, 3-07-18)

8.99.030 Definitions

- A. "City" means the City of San Bernardino, California.

[\[Return to Municipal Code Contents\]](#)

- B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- C. "Cannabis Concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency.
- D. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, or sale of cannabis and cannabis products.
- E. "Fully Enclosed and Secure Structure" means within a fully enclosed and secure structure that complies with the California Building Code, as adopted in the City of San Bernardino, or, if exempt from permit requirements, that has a complete roof enclosure supported by connecting walls extended from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors and accessible only to the owner or tenant. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inches by four inch or thicker studs overlaid with 3/8-inch or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical and Fire Codes as adopted by the City of City of San Bernardino.

[\[Return to Municipal Code Contents\]](#)

- F. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.
- G. “Personal cultivation” means cannabis cultivation conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and state law, including but not limited to Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cultivation also means and includes cultivation of medical cannabis conducted by a qualified patient exclusively for his or her personal medical use, and cultivation conducted by a primary caregiver for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, in accordance with state law, including Health and Safety Code Sections 11362.7 and 11362.765, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.
- H. “Indoor cannabis cultivation” means cultivation of cannabis using exclusively artificial lighting.
- I. “Mixed-light cannabis cultivation” means cultivation of cannabis using any combination of natural and supplemental artificial lighting. Greenhouses, hoop houses, hot houses and similar structures, or light deprivation systems are included in this category.
- J. “Outdoor cannabis cultivation” means cultivation of cannabis in the open air using no artificial lighting conducted in the ground or in containers outdoors with no covering. Outdoor cultivation does not include greenhouses, hoop houses, hot houses or similar structures.
- K. “Primary caregiver” shall have the same meaning as set forth in Health and Safety Code Section 11362.7, as the same may be amended from time to time.
- L. “Qualifying patient” or “qualified patient” shall have the same meaning as set forth in Health and Safety Code Section 11362.7, as the same may be amended from time to time.
- M. “Medical cannabis” or “medicinal cannabis” means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (“CUA,” Health and Safety Code section 11362.7 et seq.), the Medical Marijuana Program Act (“MMPA,” Health and Safety Code section 11362.7 et seq.) and the Medicinal Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA,” Division 10 of the Business and Professions Code).

[\[Return to Municipal Code Contents\]](#)

- N. "Private Residence" or "Residence" means a house, apartment unit, mobile home or other similar dwelling which is permitted by the City.

(Ord. MC-1466, 3-07-18)

8.99.040 Personal Cultivation of Cannabis

- A. Indoor cannabis cultivation and mixed-light cannabis cultivation for personal use is permitted within all private residential dwellings and accessory structures to all private residential dwellings within all zoning districts, subject to all of the following minimum standards:
1. All indoor cannabis cultivation and mixed-light cannabis cultivation for personal use, including by a qualified patient or primary caregiver, shall occur in a private residential dwelling or accessory structure to a private residential dwelling, as those terms are defined in Chapter 19.02 of this Code.
 2. No more than six (6) cannabis plants may be cultivated by either a qualified patient, primary caregiver, or an individual over twenty-one (21) years old at each private residential dwelling or accessory structure regardless of the number of qualified patients or adults twenty-one (21) and older who reside at such private residential dwelling. Cultivation of more than six (6) plants per residential dwelling or accessory structure shall be considered commercial cannabis activity, not personal cultivation, and shall be subject to all the requirements for commercial cannabis activity within this Code.
 3. Medical cannabis shall only be cultivated by:
 - i. A qualified patient exclusively for his or her own personal medical use but who does not provide, donate, sell, or distribute medical cannabis to any other person and who can provide a written doctor's recommendation to the City upon request; or
 - ii. A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides medical cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver, but who does not receive remuneration for these activities except for compensation in full compliance with California Health and Safety Code Section 11362.765(c).
 4. For persons other than qualified patients or primary caregivers, all personal cultivation shall be conducted by persons twenty-one (21) years of age or

[\[Return to Municipal Code Contents\]](#)

six (6) cannabis plants, regardless of the number of persons residing at the private residential dwelling.

5. Written consent from all owners of the property to cultivate cannabis within the residential dwelling or in a fully enclosed and secure accessory structure shall be obtained and shall be kept on the property, and available for inspection by the Chief of Police or his/her designee upon request. The written consent shall only be valid for twelve (12) months from the signing of the consent.
6. Cannabis cultivation of medical and nonmedical cannabis for personal use may occur inside a private residential dwelling and/or an accessory building or structure on the same parcel, subject to the following restrictions:
 - i. Structures and equipment used for indoor cannabis cultivation and/or mixed-light cannabis cultivation, such as indoor grow lights, shall comply with all applicable zoning, building, electrical and fire code regulations as adopted by the City.
 - ii. All accessory buildings and structures used for indoor cannabis cultivation and/or mixed-light cannabis cultivation shall comply with the locational and other requirements set forth in Title 19 of this Code.
 - iii. Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
 - iv. The use of generators to power any cultivation equipment is prohibited.
 - v. All property improvements, if any, shall comply with the California Building, Electrical and Fire Codes as adopted by the City.
 - vi. Any fully enclosed and secure structure or residence used for cannabis cultivation shall have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with the Building Code adopted by the City.
 - vii. No exterior evidence of cannabis cultivation occurring at the property shall be discernable from the public right-of-way.
 - viii. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.

[\[Return to Municipal Code Contents\]](#)

- ix. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis.
 - x. Nothing in this section is intended, nor shall it be construed, to authorize any public or private nuisance as specified in this Code.
 - xi. The cultivation area shall be in a locked space inaccessible to minors, visitors, vandals, or anyone not authorized to possess cannabis.
7. The area of cultivation shall not adversely affect the health or safety of the occupants of the private residence or the parcel or any other property by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, mold, or other impacts, and shall not be maintained as to constitute a hazard due to use or storage of materials, processes, products or wastes.
8. Cultivation shall not occur within any private residential dwelling containing a day care center, as defined in Chapter 5.10 of this Code.
- B. Outdoor cannabis cultivation (i.e. in the open air) is prohibited within all zoning districts.
- C. It shall be unlawful for any person to engage in personal cultivation without registering with the City of San Bernardino. The registration shall require the person engaging in personal cultivation to provide their name, address, telephone number, and any other information determined necessary to protect the health, safety, and welfare of the residents and businesses of the City by the City Manager or his/her designee. The registration may require the payment of a fee as set by Resolution of the Mayor and City Council.

(Ord. MC-1466, 3-07-18)

8.99.050 Violations Declared a Public Nuisance

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be summarily abated by the City Manager, Chief of Police, or designee of either of them. The City may recover any nuisance abatement costs and/or administrative fines relating to such violations in accordance with Government Code Sections 38773.1 and 38773.5 in accordance with Chapter 8.30 of this Code.

(Ord. MC-1466, 3-07-18)

[\[Return to Municipal Code Contents\]](#)

8.99.060 Each Violation a Separate Offense

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of San Bernardino. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity.

(Ord. MC-1466, 3-07-18)

8.99.070 Criminal Penalties

Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Chapter shall be guilty of a misdemeanor, and may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the city or county jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense. The City Attorney, in his or her sound discretion, may prosecute a violation of this Chapter as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction. Any person convicted of an infraction under this provisions of this Chapter shall be punished by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for a third violation within one year. A fourth violation of this Chapter within one year shall be charged as a misdemeanor and may not be reduced to an infraction.

(Ord. MC-1466, 3-07-18)

8.99.080 Remedies Cumulative and Not Exclusive

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

(Ord. MC-1466, 3-07-18)

Title 9
PUBLIC PEACE, MORALS AND WELFARE

**I. OFFENSES AGAINST PUBLIC OFFICERS
AND GOVERNMENT**

Sections:

- 9.04 Improper Use of City Insignia
- 9.08 Soliciting Tort Claims
- 9.12 Disturbing City Business
- 9.16 False Reports

II. OFFENSES AGAINST THE PERSON

Sections:

- 9.20 Leg-hold Traps

III. OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.28 Offenses Against Public Decency
- 9.32 Public Consumption of Alcohol
- 9.36 (Repealed by Ord MC-165, 5-05-82)
- 9.40 (Repealed by Ord MC-165, 5-05-82)
- 9.44 Games of Chance

IV. OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.48 Sound-making or Sound-amplifying Devices
- 9.49 Recreational Activities - Shopping Centers

V. OFFENSES AGAINST PROPERTY

Sections:

- 9.52 Trespass
- 9.56 Motor Vehicle Trespass
- 9.58 Private Surveillance Equipment

[\[Return to Municipal Code Contents\]](#)

VI. CONSUMER PROTECTION

Sections:

- 9.60 Prohibition Against Certain Forms of Aggressive Solicitation
- 9.62 Median Island Safety
(added by Ord. MC-1419, 12-07-2015)
- 9.64 Fake Sales

VII. OFFENSES BY OR AGAINST MINORS

Sections:

- 9.68 Curfew - Minors
- 9.69 Daytime Loitering
- 9.70 Protection of Minors

VIII. WEAPONS

Sections:

- 9.80 Concealed Weapons
- 9.84 Projectiles
- 9.90 Authority to Arrest - Citations
- 9.92 Administrative Citation Process
- 9.93 Administrative Civil Penalties
- 9.94 Administrative Hearings and Appeals

IX NARCOTICS AND GANGS

Sections:

- 9.95 Narcotics and Gang-Related Crime Eviction Program
- 9.96 Crime Free Zones
- 9.97 Regulation of Registered Sex Offenders
- 9.98 Psychoactive Bath Salts, Psychoactive Herbal Incense and Other Synthetic Drugs

[\[Return to Municipal Code Contents\]](#)

I. OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 9.04 IMPROPER USE OF CITY INSIGNIA

Sections:

- 9.04.010 Unlawful use of official indicia
- 9.04.020 Private purpose defined
- 9.04.025 Use of the City Seal
- 9.04.030 Violation - Penalty
- 9.04.040 Penalty supplemental to other penalties and remedies

9.04.010 Unlawful use of official indicia

It is unlawful for any officer or employee of the City to knowingly or willfully use, or cause the use of, a copy or replica of the official seal of the City, the original or a copy or replica of the letterhead on City stationary, or any other official indicia of the City or local City public office for any private or personal purpose.

(Ord. MC-460, 5-15-85; Ord. 3772, 11-09-78)

9.04.020 Private purpose defined

"Private purpose" as that phrase is used in this Chapter, means and includes, but is not limited to, the support or endorsement of or opposition to any candidate for a public office or the support or endorsement of or opposition to any ballot measure, initiative, referendum, or any other matter voted upon at a public election. Additionally, "private purpose" has that meaning ascribed to it by judicial decisions of courts of competent jurisdiction as such term is distinguished from the term "public purpose."

(Ord. 3772, 11-09-78)

9.04.025 Use of the City Seal

The Mayor and Common Council may, by written agreement, authorize the private use of the City Seal or other City insignia when it is determined to be in the best interests of the City, and when it is determined that the public will not be misled thereby.

(Ord. MC-969, 6-04-96)

[\[Return to Municipal Code Contents\]](#)

9.04.030 Violation - Penalty

Any person who violates any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3772, 11-09-78)

9.04.040 Penalty supplemental to other penalties and remedies

The penalties imposed by the provisions of this Chapter shall be supplemental and in addition to any other penalties or remedies which may be imposed or provided by other laws or ordinances, such as disciplinary action, removal from public office, judicial order or judgment, or other matter.

(Ord. 3772, 11-09-78)

Chapter 9.08 SOLICITING TORT CLAIMS

Sections:

- 9.08.010 Unlawful acts**
- 9.08.020 Interpretations of provisions**
- 9.08.030 Violation - Penalty**

9.08.010 Unlawful acts

It is unlawful for any person to solicit employment for himself or for any other person, either directly or through some other person acting on his behalf, to prosecute, collect, settle, compromise or to negotiate for the settlement, compromise or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.

(Ord. 1530, 7-03-34; Ord. 821, 8-09-1921)

9.08.020 Interpretation of provisions

The provisions of this Chapter shall not be construed to prevent joint tort claimants from negotiating with each other for the purpose of combining respective claims or actions against the tort feisor.

(Ord. 1530, 7-03-34; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

9.08.030 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1530, 7-03-34; Ord. 821, 8-09-1921)

Chapter 9.12 DISTURBING CITY BUSINESS

Sections:

- 9.12.010 Interference with City Business**
- 9.12.020 (Repealed by Ord MC-684, 11-22-89)**
- 9.12.030 Authority of Mayor or other official**
- 9.12.040 Remaining in municipal public building when building closed a misdemeanor**

9.12.010 Interference with City Businesses

Every person, except officers or employees of any governmental agency on official business, who willfully interferes with the good order, lawful conduct or administration of any municipal program or activity of the City, or with any City official in the performance of his or her duty, with the intent to disrupt, obstruct or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor or an infraction which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-684, 11-22-89; Ord. MC-460, 5-15-85; Ord. 3038, 12-23-69; Ord. 821, 8-09-1921)

9.12.020 (Repealed by Ord MC-684, 11-22-89)

9.12.030 Authority of Mayor or other official

- A. The mayor, or any officer or employee designated by him or law to maintain order in any building or facility owned or leased by the City, may notify a person, except any officer or employee of a governmental agency on official business, that consent to remain in building or facility has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted conduct of activities of such building or facility and may direct such person to identify him/herself and to leave the building.

- B. Any person who has been directed to leave a City building or facility pursuant to subsection A above shall identify himself/herself to the officer by providing his/her

[\[Return to Municipal Code Contents\]](#)

full name, address, and date of birth. Any person who refuses to identify him/herself or who fails to immediately leave such building or facility or who willfully and knowingly re-enters such building or facility within seventy-two hours after being directed to leave, is guilty of a misdemeanor or an infraction which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-971, 6-04-96; Ord. MC-684, 11-22-89; Ord. MC-460, 5-15-85;
Ord. 3038, 12-23-69; Ord. 821, 8-09-1921)

9.12.040 Remaining in municipal public building when building closed a misdemeanor

- A. Any person, other than an authorized public officer or employee acting within the course and scope of his or her employment, who enters or remains in any municipal building or facility with the knowledge that such building or facility is closed to the public and, who does not have the present consent of an official of the City for his or her presence in the building or facility, is guilty of a misdemeanor or an infraction, which, upon conviction thereof, is punishable in accordance with the provision of Section 1.12.010 of this Code.

- B. For purposes of this section, the City Hall, City of San Bernardino shall be open to the public for the transaction of business between the hours of seven-thirty a.m. and four-thirty p.m. daily, except on Saturdays, Sundays and those City holidays designated by resolution of the Mayor and Common Council.

- C. Notwithstanding the foregoing provisions of this section, regular meeting rooms of the City Hall may be considered as open to the public during such times as regularly or specially called or scheduled meetings of the Mayor and Common Council, and City boards, commissions, and committees are called or held; provided, however, that only that portion of the City Hall shall be considered as open as is designated by the City as necessary to provide reasonable ingress and egress to the open and public meeting facilities; and all other portions of the City Hall shall remain and be considered as closed; provided further, that the meeting facilities and access thereto and therefrom shall be considered as closed after the expiration of one-half hour from the time of the adjournment or termination of the meeting.

(Ord. MC-684, 11-22-89; Ord. MC-460, 5-15-85; Ord. 3920, 2-25-80;
Ord. 3520, 8-19-75; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

Chapter 9.16 FALSE REPORTS

Sections:

- 9.16.010 Prohibited acts**
- 9.16.020 Violation - Penalty**

9.16.010 Prohibited acts

It is unlawful for any person to willfully make to any police officer of the Police Department of the City any false, misleading or unfounded oral or written statement or report, knowing such statement or report to be false, misleading or unfounded, for the purpose of interfering with the operation of the Police Department or with the intention of misleading such police officer in the performance of his or her duties; provided, however, that this section is not applicable to a false report that a felony or misdemeanor has been committed, as covered by the provisions of Penal Code Section 148.5.

(Ord. MC-460, 5-15-85; Ord. 2664, 4-13-65; Ord. 2003, 11-17-53)

9.16.020 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2003, 11-17-53)

II. OFFENSES AGAINST THE PERSON

Chapter 9.20 LEG-HOLD TRAPS

Sections:

- 9.20.010 Definition
- 9.20.020 Unlawful use

9.20.010 Definition

For purposes of this Chapter, a "leg-hold" trap means any device, snare, or machine which shuts suddenly as with a spring, holding the leg of an animal, except mouse traps and rat traps.

(Ord. 3896, 1-09-80)

9.20.020 Unlawful use

It is unlawful for any person, firm or corporation to set or use any leg-hold trap within the City limits.

(Ord. 3896, 1-09-80)

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.28 OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.28.010 Urination and defecation prohibited where
- 9.28.020 Masturbation prohibited where
- 9.28.030 Presence in public restroom where person masturbating prohibited
- 9.28.040 Violation - Penalty

9.28.010 Urination and defecation prohibited where

It is unlawful for any person to urinate or defecate in any public park, street, alley, highway, public meeting, assembly, or other public place, or in the immediate neighborhood thereof and in view from the same places; provided, that this section shall not be applicable to the act of urinating or defecating in a proper receptacle in a restroom or bathroom in any enclosed structure.

(Ord. MC-978, 8-06-96; Ord. 2552, 1-28-64; Ord. 1657, 4-22-41)

9.28.020 Masturbation prohibited where

It is unlawful for any person to masturbate in a public restroom or other public place. In order to establish the commission of the foregoing offense, it shall not be necessary to prove that the accused had an orgasm or an emission.

(Ord. 2552, 1-28-64; Ord. 1657, 4-22-41)

9.28.030 Presence in public restroom where person masturbating prohibited

No person shall knowingly be present in any public restroom where another person or persons are masturbating.

(Ord. 2552, 1-28-64; Ord. 1657, 4-22-41)

9.28.040 Violation - Penalty

Any person or persons violating any provision of this Chapter is guilty of a misdemeanor or an infraction and upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-978, 8-06-96; Ord. MC-460, 5-15-85; Ord. 2552, 1-28-64; Ord. 1657, 4-22-41)

[\[Return to Municipal Code Contents\]](#)

Chapter 9.32 PUBLIC CONSUMPTION OF ALCOHOL

Sections:

- 9.32.010 Definitions
- 9.32.015 Possession of open container, presumption of consuming alcohol
- 9.32.020 Consumption of alcoholic beverage unlawful where
- 9.32.030 Offering or furnishing alcoholic beverages for consumption unlawful where
- 9.32.040 Exceptions to public consumption
- 9.32.050 Violation a menace to safety of public
- 9.32.060 Violation - Penalty

9.32.010 Definitions

- A. "Alcoholic beverage" when used in this Chapter means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume, and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances.

- B. "Public park, street, alley, highway, or other public place" when used in this Chapter means and refers only to those public parks, streets, alleys, highways, or other public places within the corporate limits of the City.

(Ord. 3867, 9-18-79; Ord. 1554, 10-22-35)

9.32.015 Possession of open container, presumption of consuming alcohol

For purposes of this Chapter, any person possessing an open container containing an alcoholic beverage, and having an odor of alcoholic beverage on the person's breath is presumed to be drinking or consuming or attempting to drink or consume an alcoholic beverage at the place where such person is located. This presumption is a presumption affecting the burden of producing evidence, as that term is used in Section 603 and 604 of the California Evidence Code.

(Ord. MC-352, 3-07-84; Ord. 3867, 9-18-79)

[\[Return to Municipal Code Contents\]](#)

9.32.020 Consumption of alcoholic beverage unlawful where

It is unlawful for any person or persons to drink or consume or attempt to drink or consume any alcoholic beverages while such person or persons are in or upon any public park, street, alley, highway, or other public place, except in or upon those public places where the drinking or consuming of alcoholic beverages is expressly permitted by law.

(Ord. 1554, 10-22-35)

9.32.030 Offering or furnishing alcoholic beverages for consumption unlawful where

It is unlawful for any person or persons while in or upon any public park, street, alley, highway, or other public place, except in or upon those public places where the drinking or consuming of alcoholic beverages is expressly permitted by law, to offer or furnish or give, or cause to be offered or furnished or given, any alcoholic beverages to any other person or persons with the intention that such other person or persons shall drink or consume alcoholic beverages while such other person or persons are in or upon any public park, street, alley, highway, or other public place, except in or upon these public places where the drinking or consumption of alcoholic beverages is expressly permitted by law.

(Ord. 1554, 10-22-35)

9.32.040 Exceptions to public consumption

The drinking or consumption and the offering, giving, or furnishing of alcoholic beverages may be expressly permitted by written authorization from the City Administrator or his designee in any building, facility, park, street or other place owned, leased, operated or under the management and control of the City of San Bernardino for special events, meetings, conferences or conventions, provided that such authorization shall be requested in writing and if granted, shall be subject to conditions and all rules, regulations and ordinances of the City, and further provided that such permit may be modified or summarily revoked at any time by the Mayor, Council, City Administrator or Chief of Police without notice or hearing.

(Ord. MC-207, 9-20-82; Ord. 3265, 5-05-72; Ord. 1554, 10-22-35)

9.32.050 Violation a menace to safety of public

The violation of any of the provisions of Sections 9.32.020 to 9.32.040 is and constitutes a menace to the safety of the general public, injurious to the health, indecent, offensive to the senses, and an obstruction to the use of public property so as to interfere with the comfort and enjoyment of such public property by the entire community and neighborhood, and by a considerable number of persons therein.

(Ord. 1554, 10-22-35)

[\[Return to Municipal Code Contents\]](#)

9.32.060 Violation - Penalty

Any person or persons violating any provisions of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-352, 3-07-84; Ord. 1554, 10-22-35)

Chapter 9.36 (REPEALED BY Ord MC-165, 5-05-82)

Chapter 9.40 (REPEALED BY Ord MC-65, 6-19-81)

Chapter 9.44 GAMES OF CHANCE¹

Sections:

- 9.44.010 Use of premises for certain games unlawful
- 9.44.020 Playing certain games for money unlawful
- 9.44.030 Violation - Penalty.

9.44.010 Use of premises for certain games unlawful

It is unlawful for any person, either as principal, agent, employee or otherwise, knowingly to permit any house, room, apartment or place owned by him or under his charge or control, to be used in whole or in part for playing, conducting, dealing or carrying on therein any game of chance not mentioned in Sections 330 and 330a of the Penal Code of the state or other state law, with cards, dice, billiard balls, pool balls, cues, pins, checkers, counters, quoits, beans, spindles, tables, wheels, or machines, or any other device, contrivance or apparatus, for money, checks, chips, credit or any other representative of value or for any merchandise or any other thing of value.

(Ord. 2643, 2-02-65; Ord. 536, 11-04-1913)
(*People v. Woodland* (1956) 145 Cal.App.2d 529, 531)

¹For statutory provisions on lotteries, see Penal Code §319, et seq. For provisions on gaming, see Penal Code §330, et seq.

9.44.020 Playing certain games for money unlawful

It is unlawful for any person to play or bet at or against, or as owner or employee to open, deal, play, carry on or conduct, any game of chance not mentioned in Section 330 or 330a of the Penal Code of the state or other state law, which is played, conducted, dealt or carried on with cards, dice, billiard balls, pool balls, cues, pins, checkers, counters, quoits, beans, spindles, tables, wheels, machines or any other device, contrivance or apparatus, for money, checks, chips, credit or any other representative of value or for any merchandise or any other thing of value.

(Ord. 2643, 2-02-65; Ord. 536, 11-04-1913)
(*People v. Woodland (1956) 145 Cal.App.2d 529, 531-532*)

9.44.030 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 536, 11-04-1913)

IV. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.48 SOUND-MAKING OR SOUND-AMPLIFYING DEVICES

Sections:

- 9.48.010 Definitions
- 9.48.020 Unlawful noises
- 9.48.030 Applicability

9.48.010 Definitions

As used in this Chapter:

- A. "Loud and raucous noise" means any sound or any recording thereof when amplified or increased by any electrical, mechanical, or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas.
- B. "Unreasonably" includes but is not limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise.

(Ord. 3858, 8-21-79; Ord. 821, 8-09-1921)

9.48.020 Unlawful noises

It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound-making or sound-amplifying device in his possession or under his control:

- A. Upon any private property, or
- B. Upon any public street, alley, sidewalk, passageway, or thoroughfare, or
- C. In or upon any public park or other public place or property.

(Ord. 3858, 8-21-79; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

9.48.030 Applicability

This Chapter shall be applicable notwithstanding any other provision of law and shall be in addition and supplemental to any other provision of law.

(Ord. 3858, 8-21-79; Ord. 821, 8-09-1921)

Chapter 9.49 RECREATIONAL ACTIVITIES - SHOPPING CENTERS

Sections:

- 9.49.010 Definitions
- 9.49.020 Purpose and findings
- 9.49.030 Unlawful recreational activities
- 9.49.040 Permit for recreational activity
- 9.49.050 Violation - Penalty

9.49.010 Definitions

As used in this Chapter:

- A. "Recreational activity" means dancing, including "break dancing" and any similar recreational body or physical movements performed with or without the accompaniment of music, whether performed alone or by couples or groups, and other activities which attract spectators as an amusement or recreational audience or which are done as an exhibition or contest.
- B. "Regional shopping center" means the Inland Shopping Center or the Central City Mall in the City of San Bernardino.

(Ord. MC-355, 3-22-84)

9.49.020 Purpose and findings

- A. It is the purpose of this Chapter to permit the free passage of pedestrians in, and the unobstructed use of, regional shopping centers.
- B. It is found that:
 - 1. Regional shopping centers exist for the primary purpose of providing places for stores to sell merchandise or services to persons who wish to obtain such merchandise or services.

[\[Return to Municipal Code Contents\]](#)

2. Such shopping centers are also visited by persons who are not transacting any business there, but who are engaging in recreational activities as defined herein.
3. Such recreational activities attract crowds of people which obstruct access to store entrances, impede the movement of pedestrians on stairs and passageways, harass and annoy shoppers on the premises, monopolize seating, damage landscaping, and interfere with the conduct of legitimate businesses.
4. The City of San Bernardino is expending public funds to maintain the vitality of commerce within the community and derives a large portion of its revenues from taxes on commercial activity.
5. The public areas of the Central City Mall are subject to contractual rights and non-exclusive easements for the benefit of the private property owners within the Mall.

(Ord. MC-355, 3-22-84)

9.49.030 Unlawful recreational activities

Except as authorized by permit, it is unlawful for any person or persons to engage in any recreational activity as defined in Section 9.49.010 whether performed alone or with another person or persons upon any public area or passageway of the enclosed area of any regional shopping center during the business hours of any commercial activity in such regional shopping center.

(Ord. MC-355, 3-22-84)

9.49.040 Permit for recreational activity

Recreational or related activities as defined herein shall be authorized by a permit, and the City Administrator or his designee is hereby authorized to issue permits for such recreational activities on any public area or passageway of the enclosed area of any regional shopping center upon completion and filing of an application on an approved City form. A permit shall be issued within three business days after receiving the application therefor upon the same terms and conditions as those imposed on any other user of the facilities and subject to comparable requirements contained in Section 5.40.060 Subsections D, E, F, G or K relating to solicitations and upon other reasonable conditions as to time, place and manner.

(Ord. MC-355, 3-22-84)

[\[Return to Municipal Code Contents\]](#)

9.49.050 Violation - Penalty

Any person violating any of the provisions of Chapters 9.48 and 9.49 shall be deemed guilty of an infraction, and upon conviction thereof shall be punished by a fine not exceeding the amounts set forth in Section 1.12.030 Subsection B.

(Ord. MC-355, 3-22-84)

V. OFFENSES AGAINST PROPERTY

Chapter 9.52 TRESPASS²

Sections:

- 9.52.010 Definition
- 9.52.020 Unlawful trespass
- 9.52.030 Applicability
- 9.52.040 Posted boundary
- 9.52.050 Tearing down posted sign a misdemeanor when
- 9.52.060 (Repealed by Ord MC-460, 5-15-85)
- 9.52.070 Remaining in certain places without consent of owner an infraction when - Exception
- 9.52.080 Violation - Penalty

9.52.010 Definition

"Posted property" as used in this Chapter means any property, at each corner of which and at each entrance to which, and when at intervals of not more than six hundred feet along or near the boundary thereof, and not less than three feet nor more than six feet above the normal ground level thereof, there is a sign of wood, metal or other material, the face of which is not less than two square feet in area, and upon which in legible letters, not less than three inches in height, either black against a white background or white against a black background, appear the words "No Trespassing," which sign may contain, in addition to said words, such other words as may be desired.

(Ord. 1645, 8-20-40)

9.52.020 Unlawful trespass

It is unlawful for any person to enter into, upon, go across, or remain in or upon the posted property of another without having upon his person the express written consent of the owner, tenant, or person, firm or corporation in lawful possession or control thereof,

²For statutory provisions on trespassing, see Penal Code §§602 and 602.5.

[Return to Municipal Code Contents]

if such property is used for or designed to be used for any one or more of the following purposes: the storage of dynamite, giant powder, gun powder, or any inflammable or explosive substance; every railroad bridge, railroad tunnel, railroad track, railroad rights-of-way, railroad shops and railroad stations; every reservoir, dam, pumping station, power plant, generating plant, receiving station, distributing station, and transmission line of any company or agency furnishing electrical energy; generating plant, compressor plant, gas holder, gas tank and gas main used for the production, storage and distribution of gas; every plant or vital part thereof essential to rendering telephone or telegraph service; every radio broadcasting plant and station, tanks and reservoirs used for the bulk treatment, bulk handling or bulk storage of petroleum or petroleum products, all public utility property, industrial plants; and any and all mechanical shops or businesses that are connected with the national defense or preparedness program; and any and all uses appurtenant or incident to any of the specified uses described in this section.

(Ord. 1645, 8-20-40)

9.52.030 Applicability

This Chapter does not apply to any entry in the course of duty of any duly authorized public officer, nor does it apply to the lawful use of any public highway, road or street, nor shall this Chapter be so construed to prohibit the use of the public highways, roads or streets for the purpose of picketing.

(Ord. 1645, 8-20-40)

9.52.040 Posted boundary

The posted boundary of any area shall be a line running from sign to sign, and such line need not conform to the legal description of any lot, parcel or acreage of land.

(Ord. 1645, 8-20-40)

9.52.050 Tearing down posted sign a misdemeanor when

Every person is guilty of a misdemeanor who, without permission, tears down, defaces or destroys, or causes to be torn down, defaced or destroyed, any sign so placed or posted under the provisions of this Chapter.

(Ord. 1645, 8-20-40)

9.52.060 (Repealed by Ord MC-460, 5-15-85)

[\[Return to Municipal Code Contents\]](#)

9.52.070 Remaining in certain places without consent of owner an infraction when - Exception

- A. It is unlawful for any person, other than a public officer or employee acting within the course and scope of his or her employment, to enter or remain upon any motor vehicle parking lot, motor vehicle parking structure or facility, drive-in property, shopping center property or any other place or property open to the public, without the implied or express consent of the owner, his or her agent or person in lawful possession thereof, or with the knowledge that such consent has been withdrawn.
- B. Exceptions. This section shall not apply in any of the following instances:
- (1) where its application is directly related to an act prohibited by the Unruh Civil Rights Act or other law relating to prohibited discrimination against any person on account of sex, color, race, religion, creed, ancestry or national origin;
 - (2) where its application involves or is directly related to an act prohibited by Section 365 of the Penal Code or other law relating to the duties of innkeepers or common carriers; or
 - (3) where the property described in Subsection A of this section is owned, leased or operated by the City or any other public entity and is open to the public and the application of this section would result in an interference with or inhibition of the exercise of a constitutionally protected right of freedom of speech, provided the exercise of such right does not involve prohibited conduct, including but not limited to conduct prohibited by Section 647 (2) or Section 415 of the Penal Code or any law or ordinance relating to the obstruction of any street, sidewalk or other public place or place open to the public.

(Ord. MC-460, 5-15-85; Ord. 3465, 12-17-74; Ord. 821, 8-09-1921)

9.52.080 Violation - Penalty

Any person who violates any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85)

[\[Return to Municipal Code Contents\]](#)

Chapter 9.56 MOTOR VEHICLE TRESPASS

Sections:

9.56.010 Prohibited acts

9.56.010 Prohibited acts

- A. It is unlawful for any person to drive a motorcycle or a motor driven vehicle or any other motor vehicle on any lands under cultivation or enclosed by a fence, belonging to, or occupied by another, or to drive such motor vehicle on any uncultivated or unenclosed land where signs forbidding trespass are displayed at intervals not greater than one-third of a mile along all exterior boundaries and along all roads and trails entering such lands, without having and, upon request of a peace officer, displaying written permission from the owner of such lands, or his or her agent, or the person in lawful possession thereof; provided, however, that this section does not apply to persons having visible or lawful business with the owner, agent or person in lawful possession. Such signs forbidding trespass may be of any size and wording which will fairly advise persons that the use of the land is so restricted.
- B. Any person so driving a motorcycle or a motor driven vehicle or any other motor vehicle on such lands who has knowledge, actual or constructive, that trespass signs have previously been so displayed and have been removed or destroyed without the consent of the owner of such lands, his agent, or the person in lawful possession thereof shall be in violation of this section even though the trespass signs are not then in place.

(Ord. MC-460, 5-15-85; Ord. 3095, 8-11-70; Ord. 821, 8-09-1921)

Chapter 9.58 PRIVATE SURVEILLANCE EQUIPMENT

Sections:

- 9.58.010 Purpose**
- 9.58.020 Private Surveillance Equipment**
- 9.58.030 Location of Private Surveillance Equipment**
- 9.58.040 Positioning of Private Surveillance Equipment**
- 9.58.050 Penalty**
- 9.58.060 Severability**

9.58.010 Purpose

This Chapter is intended to prohibit intrusion upon the privacy of citizens in the use of residential property, without impairing the rights of other citizens to protect their own property through the use of private surveillance equipment.

9.58.020 Private Surveillance Equipment

As used in this Chapter, private surveillance equipment includes any device used by a private party that enables the user to observe or record the activities of, or hear or intercept the communications of, other persons.

9.58.030 Location of Private Surveillance Equipment

No private surveillance equipment, as defined in Section 9.58.020, shall be located on any property that the owner of the equipment does not own or have the legal right to possess.

9.58.040 Positioning of Private Surveillance Equipment

No private surveillance equipment shall be positioned in such a way as to intrude upon the privacy of the occupier(s) of any residential property other than the user's property. Circumstances in which such an intrusion shall be deemed to occur are any one or more of the following:

- A. The equipment is positioned so as to enable the user to observe, or to receive or capture a visual image of any part of the other property that is not readily visible from the public right of way.
- B. The equipment is positioned so as to enable the user to hear or intercept communications occurring on the other property that is not readily audible from outside the property without artificial amplification.

[\[Return to Municipal Code Contents\]](#)

- C. The equipment is positioned so as to maintain under continual surveillance any part of the other property, whether or not that part of the property is visible from the public right of way. As used in this provision, continual surveillance means any surveillance that lasts for more than 30 seconds at a time.
- D. The equipment is positioned in such a way that the surveillance it provides is primarily surveillance of the other property and not of the user's property.
- E. Any other circumstance in which the use of the equipment constitutes
 - (1) intrusion into a private place, conversation or matter,
 - (2) in a manner highly offensive to a reasonable person.

(Shulman v. Group W Productions, Inc. (1998) 18 Cal.4th 200, 231,
74 Cal.Rptr.2d 843, 955 P.2d 469)

9.58.050 Penalty

A violation of this Chapter is a misdemeanor or an infraction and is punishable under Chapter 1.12 or Chapter 9.93 of this Code, or under both of those Chapters.

9.58.060 Severability

The provisions of this Chapter are severable, and if any provision is held to be invalid the validity of the remaining provisions shall not be affected.

(Ord. MC-1314, 9-22-09)

VI. CONSUMER PROTECTION

Chapter 9.60

PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION

Sections:

- 9.60.010 Definitions
- 9.60.020 Aggressive Solicitation Prohibited
- 9.60.030 All Solicitation Prohibited at Specified Locations
- 9.60.040 Penalty
- 9.60.050 Severability
- 9.60.060 Saving Clause
- 9.60.070 Non-Exclusivity

9.60.010 Definitions

For purposes of this Section:

- A. “Solicit, ask, or beg” shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.
- B. “Public place” shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby, and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

9.60.020 Aggressive Solicitation Prohibited

- A. No person shall solicit, ask, or beg in an aggressive manner in any public place.
- B. “Aggressive manner” shall mean any of the following:
 - (1) Approaching or speaking to a person, or following a person before, during, or after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:
 - (a) fear bodily harm to oneself or to another, damage to or loss of property, or

[\[Return to Municipal Code Contents\]](#)

- (b) otherwise be intimidated into giving money or other thing of value;
- (2) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking, or begging;
- (3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (4) Using violent or threatening gestures toward a person solicited either before, during, or after soliciting, asking, or begging;
- (5) Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or,
- (6) Using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

9.60.030 All Solicitation Prohibited at Specified Locations

A. Banks and ATMs. No person shall solicit, ask, or beg within 15 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 15 feet of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask, or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

(1) Definitions. For purposes of this section:

- (a) "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

[\[Return to Municipal Code Contents\]](#)

- (b) “Savings and loan association” means any federal savings and loan association and any “insured institution” as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.
 - (c) “Credit union” means any federal credit union and any state chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.
 - (d) “Check cashing business” means any person duly licensed as a check seller, bill payer, or pro-rater pursuant to Division 3 of the California Financial Code, commencing with Section 12000.
 - (e) “Automated teller machine” shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.
 - (f) “Automated teller machine facility” shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
- (2) Exemptions. The provisions of Subdivision A shall not apply to any unenclosed automated teller machine located within any building, structure, or space whose primary purpose or function is unrelated to banking activities, including, but not limited to, supermarkets, airports, and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.

B. Motor Vehicles and Parking Lots.

- (1) Motor Vehicles. No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking, or begging while such vehicle is located in any public place.
- (2) Parking Lots. No person shall solicit, ask, or beg in any public parking lot or structure any time after dark. “After dark” means any time from one-half hour after sunset to one-half hour before sunrise.
- (3) Exemptions. Subdivision B shall not apply to any of the following:
 - (a) to solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

[\[Return to Municipal Code Contents\]](#)

- (b) to solicitations related to the lawful towing of a vehicle; or,
- (c) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

C. Public Transportation Vehicles.

- (1) “Public transportation vehicle” shall mean any vehicle, including a trailer bus, designed, used, or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.
- (2) Any person who solicits, asks, or begs in any public transportation vehicle is guilty of a violation of this Section.

9.60.040 Penalty

A violation of this Section is punishable as a misdemeanor or infraction, chargeable at the City Attorney’s discretion.

9.60.050 Severability

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

9.60.060 Saving Clause

Should this Chapter be stricken, enjoined, or suspended by any court of law, the provisions of Section 5.04.360 of the San Bernardino Municipal Code, which were made inoperable by this Ordinance, will be automatically reenacted as of the date this Chapter was stricken, enjoined, or suspended.

9.60.070 Non-Exclusivity

Nothing in this Chapter shall limit or preclude the enforcement of other applicable laws.

(Ord. MC-1186, 10-05-04)

Chapter 9.62
Median Island Safety
(added by Ord. MC-1419, 12-07-2015)

Sections:

- 9.62.010 Declaration of Purpose of Median Islands**
- 9.62.020 Definitions**
- 9.62.030 Prohibition of Linger, Solicitation, or Loitering on Median Islands**
- 9.62.040 Signs or Other Objects Prohibited**
- 9.62.050 Distribution or Exchange of Objects Prohibited**
- 9.62.060 Exceptions**
- 9.62.070 Violation**
- 9.62.080 Severability**

9.62.010 Declaration of Purpose of Median Islands

The City Council hereby declares the purpose of median islands within City streets is as follows:

- A. To promote safety by separation vehicular traffic traveling in one direction from vehicular traffic traveling in the opposite direction;
- B. To promote safety by providing a place of safety and respite for pedestrians while crossing City streets at intersections and other approved crossings, particularly for the elderly and disabled who may need additional time to safely cross City streets that traffic signals allow; and
- C. To improve the visual appeal of City streets.

9.62.020 Definitions

For the purpose of this Chapter, the following definitions shall apply:

- A. "Linger" means remaining in a median island longer than two traffic signal cycles, except in an emergency.
- B. "Loitering" means standing or lingering in a median island for any purpose other than to safely and lawfully cross the street, except in an emergency.
- C. "Median Island" means a paved or planted area separating a street, or highway, into two (2) or more lanes or directions of travel, excluding transit stations that are situated between lanes of travel.

[\[Return to Municipal Code Contents\]](#)

- D. "Solicit" means any request made in person seeking an immediate request for or donation of money, food, cigarettes or any other items of value, or for the purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation. "Solicit" also means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes, or any other items of value or the request that items be purchased for any goods, wares, or merchandise or any article to be delivered in the future, or for services to be performed in the future, or for making, manufacturing, or repairing any article whatsoever for future delivery, or for subscriptions to periodicals or tickets of admission to entertainments or memberships in any clubs.

9.62.030 Prohibition of Lingerin, Soliciting, or Loitering on Median Island

It shall be unlawful for any person to linger, solicit, or loiter on a median island within the City.

9.62.040 Signs or Other Objects Prohibited

No person shall bring any sign, material, or other object on the median island that will obstruct any traffic signal light or extend into a traffic lane or obscure any traffic sign on a median island. No person, sign, material, or other object on the median island shall obstruct any traffic signal light or extend into a traffic lane or obstruct a traffic sign on such a median island.

9.62.050 Distribution or Exchange of Objects Prohibited

No person, while standing on a median island or by stepping off a median island, shall exchange any object with an occupant of a motor vehicle.

9.62.060 Exceptions

- A. This Chapter shall not apply to freeway oriented solicitation prohibited by California Vehicle Code Section 22520.5.
- B. This Chapter shall not apply to those persons occupying a median while conducting activities related to maintenance, surveying, construction, landscape maintenance, landscape improvements, law enforcement, responding to an emergency, or as otherwise permitted by law.

9.62.070 Violation

A violation of this Chapter is an infraction or misdemeanor, punishable in accordance with Chapter 1.12.010 of this Code. In addition, the City Attorney shall also have the power to see injunctive relief for any violation of this Chapter.

9.62.080 Severability

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Chapter 9.64 FAKE SALES

Sections:

- 9.64.010** **Defined**
- 9.64.020** **Unlawful acts**
- 9.64.030** **Violation - Penalty**

9.64.010 Defined

A "fake sale" within the meaning of this Chapter is defined to be:

- A. The sale of goods, wares or merchandise at auction or otherwise to agents or other persons purchasing the same for or on behalf of the owner or other person interested in the sale thereof;
- B. The sale of goods, wares or merchandise, or the offering of goods, wares or merchandise for sale in limited quantity or quantities of less than the full amount of such merchandise owned or carried in stock by the person, firm or corporation offering the same for sale.
- C. The offering for sale of goods, wares or merchandise of a different quality, brand, or bearing a different trademark as a substitute for merchandise previously advertised for sale;
- D. The sale of any goods, wares or merchandise misrepresented as to quantity or quality or otherwise;

[\[Return to Municipal Code Contents\]](#)

- E. The sale or offering for sale of any goods, wares and merchandise transported or brought into the City, or not constituting the original legitimate stock of goods, wares and merchandise of a place of business within the City, as the original and legitimate stock of goods, wares and merchandise of such place of business, at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's, executor's, or administrator's forced removal or closing-out sale, or the sale of goods damaged by fire, smoke or water or otherwise, in the City. Nothing in this section shall be deemed to prevent, nor shall it be considered unlawful, to sell the original stock of goods, wares and merchandise of such place of business at a bankrupt, insurance, mortgage, insolvency, assignee's, receiver's, trustee's, creditor's, executor's or administrator's forced removal or closing-out sale, but the bringing of new stock into the City or the adding of new stock to such original stock of goods, wares and merchandise and selling or offering to sell such new stock or added stock as the original stock of such goods, wares and merchandise at the place of business at any of the sales described above, is unlawful and a fake sale within the meaning of this Chapter.

(Ord. 1492, 6-21-32)

9.64.020 Unlawful acts

It is unlawful for any person, firm or corporation to conduct, make, or advertise any fake sale of goods, wares or merchandise within the City.

(Ord. 1492, 6-21-32)

9.64.030 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter, or doing any act declared to be unlawful in this Chapter, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1492, 6-21-32)

VII. OFFENSES BY OR AGAINST MINORS

Chapter 9.68 CURFEW -- MINORS

Sections:

9.68.010	Definitions
9.68.020	Offenses
9.68.030	Defenses
9.68.040	Enforcement
9.68.050	Penalties
9.68.060	Cost Recovery

9.68.010 Definitions

Definitions in this section:

1. "Curfew Hours" means:
 - (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;
 - (b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and
 - (c) The period from 8:00 p.m. on the evening of the City's sponsored Market Night(s), until 6:00 a.m. the following day, within the Market Night outdoor area and all public property located within twenty feet of the Market Night outdoor area. For purposes of this chapter, the "Market Night outdoor area" is defined as that portion of Perris Hill Park, located between the Flood Control Channel and Perris Hill Park Road on the west and Elks Drive on the east, between Highland Avenue on the north, and all of the small mountain known as Perris Hill on the south, located west of an imaginary line extended due south over said Perris Hill from the point where the southernmost end of Elks Drive becomes a private road, to the foot of Perris Hill on said hill's south side, and extending to Perris Hill Park Road.
2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent great bodily injury or loss of life.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 9 Contents\]](#)

3. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment
4. "Guardian" means:
 - (a) a person who, under court order, is the guardian of the person of a minor; or,
 - (b) a public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under 18 years of age.
6. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
7. "Parent" means a person who is:
 - (a) a natural parent, adoptive parent, or step\parent of another person; or,
 - (b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
8. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, sidewalks, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
9. "Remain" means to:
 - (a) linger or stay; or,
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
10. "Great Bodily Injury" means bodily injury that creates a significant or substantial physical injury.

(Ord. MC-1224, 5-16-06; Ord. MC-995, 6-17-97; Ord. MC-866, 4-06-93; Ord. 1915, 5-22-51)

[\[Return to Municipal Code Contents\]](#)

9.68.020 Offenses

- A. A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours.
- B. A parent or guardian of a minor commits an offense if he/she knowingly permits, or, by insufficient control, allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. MC-995, 6-17-97; Ord. MC-866, 4-06-93)

9.68.030 Defenses

- A. It is a defense to prosecution under 9.68.020 that the minor was:
 - 1. accompanied by the minor's parent or guardian;
 - 2. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - 3. in a motor vehicle involved in interstate travel;
 - 4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - 5. involved in an emergency;
 - 6. on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - 7. attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of San Bernardino, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of San Bernardino, a civic organization, or another similar entity that takes responsibility for the minor;

[Return to Municipal Code Contents]

8. exercising First Amendment rights protected by the United States and California Constitutions, such as the free exercise of religion, freedom of speech, and the right of assembly; or,
9. married or had been married or had disabilities of minority removed in accordance with §7002 of California Family Code.

B. It is a defense to prosecution under 9.68.020(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. MC-995, 6-17-97; Ord. MC-866, 4-06-93)

9.68.040 Enforcement

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in 9.68.030 is present.

(Ord. MC-995, 6-17-97; Ord. MC-866, 4-06-93)

9.68.050 Penalties

A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each violation of this Chapter is a misdemeanor.

(Ord. MC-995, 6-17-97; Ord. MC-866, 4-06-93)

9.68.060 Cost Recovery

A. Pursuant to the authority of Welfare and Institutions Code §625.5, and when based on a finding of civil liability or a criminal conviction for a subsequent violation of Section 9.68.020 of this Chapter, when a minor under eighteen years of age is detained for a period of time in excess of one hour for a violation of Section 9.68.020 of this Chapter, and said detention requires the supervision of the minor by employee(s) of the San Bernardino Police Department, the parent(s) or legal guardian(s) having custody or control of said minor shall be jointly and severally liable for the cost of providing said supervision and transportation for that minor; provided that they shall have first received a written warning for a first violation of Section 9.68.020, indicating that recovery of administrative and transportation costs may be sought upon a second violation. Such costs sought

[Return to Municipal Code Contents]

shall be based upon the San Bernardino Police Department Extraordinary Law Enforcement Fee Rate Schedule. Welfare and Institutions Code §625.5(d) mandates parents or legal guardians to sign and return the warning notification for any such first offense of 9.68.020 committed by any minor. A space will be provided for the explanation of any circumstances relevant to an applicable exemption from the fee as provided by W&I §625.5(e).

- B. As determined by the Chief of Police, or his designee, the minor, the parent(s), or legal guardian(s) of a minor violating Section 9.68.020 of this Chapter may be assessed and billed for the cost of providing personnel for services relating to the detention, processing or supervision of the minor beyond those services normally provided by the police department. The Chief of Police, or his designee, may waive payment of all or part of the charges if the determination is made that the person has made reasonable efforts to exercise the Supervision and control over the minor, if the determination is made that neither the minor, the parent(s), or the guardian(s) have the ability to pay the charges, if the determination is made to allow the performance of community service in lieu of imposition of the fee, or if the determination is made that the parent(s) or legal guardian(s) have limited physical or legal custody and control of the minor.

- C. Any person receiving a bill for police services pursuant to this section, may, within ten (10) days after the date of the bill, file a written appeal with the City Clerk. Any billing sent pursuant to this section shall notify the billed party of the right to appeal said charges. The City Official designated by the Mayor, or his or her designee, shall hear such appeal as the hearing officer. Such hearing shall be informal and shall not be bound by the formal rules of evidence. The hearing officer may waive payment of the charges in full or in part upon a finding of good cause. Within thirty (30) days after the hearing, the hearing officer shall give written notice of the decision to the appellant. The requirement to pay the charges shall be stayed during the pendency of the appeal if the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty (30) days of the notice of the decision of the hearing officer.

(Ord. MC-995, 6-17-97; Ord. MC-967, 5-21-96; Ord. MC-866, 4-06-93;
Ord. MC-460, 5-15-85; Ord. 1915, 5-22-51)

Chapter 9.69 DAYTIME LOITERING

Sections:

- 9.69.010 Schools Hours
- 9.69.020 Exceptions
- 9.69.030 Enforcement
- 9.69.040 Violation

9.69.010 School Hours

- A. Minors on public streets. It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or compulsory continuation education to be or remain in or upon public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, school property to which they are not assigned, places of amusement and eating places, vacant lots or any unsupervised place during the hours for which said minor is normally assigned to his or her school on days when said school is in session.
- B. Responsibility of parents, guardians, etc. It is unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education, to permit the minor alone or in concert with others, to be or remain in or upon the public streets, highways, roads, alleys, parks, playgrounds, parking areas, or other public grounds, public places, places of amusement and eating places, vacant lots or other unsupervised places, or any place open to the public between the hours of 8:30 a.m. and 2:30 p.m. of the same day on days when said minor's school is in session.

9.69.020 Exceptions

The provisions of Section 9.69.010 shall not apply:

- A. To a minor who is accompanied by his or her parent, legal guardian, or other adult person having care or custody of the minor; or,
- B. To students who have permission to leave school campus for lunch or school related activity and have in their possession a valid school-issued written notice by a school official, but only for a reasonable period of time necessary for the lunch or activity.
- C. To a minor who is going to or coming from his or her gainful place of employment or medical or dental appointment with verification of said employment or appointment.

[\[Return to Municipal Code Contents\]](#)

- D. To a minor who is upon an emergency errand directed by his/her parents, guardian or other adult person having the care and custody of the minor;
- E. To a minor who is going directly to or from a school sponsored event or activity such as a sporting event, field trip, or other such school activity; or,
- F. To a minor who is going directly to or from an event or activity that is directly related to any medical condition of a parent, guardian or other adult person having the care and custody of the minor.

9.69.030 Enforcement

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place during school hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, and no exception enumerated in 9.69.020 is present.

9.69.040 Violation

Each violation of this Chapter is a misdemeanor.

(Ord. MC-996, 6-17-97)

Chapter 9.70 PROTECTION OF MINORS

Sections:

- 9.70.010 Requirement**
- 9.70.020 Segregation**
- 9.70.030 Violation**

9.70.010 Requirement

Any person who knowingly displays material which is harmful to minors, as defined in Penal Code Section 313, in a public place, other than a public place for which minors are excluded, shall place devices commonly known as blinder racks in front of the material, so that the lower two-thirds of the material is not exposed to view.

(Ord. MC-797, 7-02-91)

9.70.020 Segregation

- A. This Section 9.70.020 shall not apply to "harmful matter" as defined in Penal Code Section 313.
- B. Any person who knowingly displays, sells, or offers to sell in a public place, other than a public place from which minors are excluded, any book, magazine, or other publication or matter which depicts any photograph or pictorial representation of any of the anatomical parts of a person's genitals or anus, or any act of sexual intercourse, oral copulation, sodomy, masturbation, or bestiality, whether actual or simulated, when to the average adult person applying contemporary community standards such photograph or pictorial representation has as its primary purpose, design or effect sexual arousal, gratification or affront shall segregate such material from the other material sold or displayed away from the view and access of minors into an area to which only adults are admitted, and shall clearly label such segregated area as "Adults Only."
- C. It shall be unlawful to allow minors access or entry to such "Adults Only" areas unless accompanied by a parent or guardian.
- D. It shall be unlawful to display, sell or offer to sell to any minor the material described in subsection B of this Section 9.70.020, unless such minor is accompanied by a parent or guardian.
- E. This Section 9.70.020 shall not apply to nor require the segregation of news racks.

(Ord. MC-797, 7-02-91)

[\[Return to Municipal Code Contents\]](#)

9.70.030 Violation

Violation of this Chapter is a misdemeanor.

(Ord. MC-797, 7-02-91; Ord. MC-643, 11-22-88)

VIII. WEAPONS

Chapter 9.80 CONCEALED WEAPONS³

Sections:

9.80.010	Definition
9.80.015	Carrying a Weapon in Plain View Prohibited
9.80.020	(Repealed by Ord MC-651, 2-07-89)
9.80.030	(Repealed by Ord MC-651, 2-07-89)
9.80.040	(Repealed by Ord MC-651, 2-07-89)
9.80.050	Exemption
9.80.060	Violation - Penalty

9.80.010 Definition

As used in this Chapter, "dangerous or deadly weapon" means: any knife, dirk or dagger with a fixed blade four inches or more in length; any ice pick or similar sharp stabbing tool with a fixed blade four inches or more in length; or any straight-edge razor or any razor blade four inches or more in length fitted to a handle.

(Ord. MC-651, 2-07-89)

9.80.015 Carrying a Deadly Weapon in Plain View Prohibited

It is unlawful for any person to carry on his person in plain view, including, but not limited to, carrying in sheaths openly suspended from the waist of the wearer, any deadly or dangerous weapon as defined in Section 9.80.010.

(Ord. MC-651, 2-07-89)

9.80.020 (Repealed by Ord MC-651, 2-07-89)

9.80.030 (Repealed by Ord MC-651, 2-07-89)

³For statutory provisions on concealed weapons, see Penal Code §12000 et seq.

9.80.040 (Repealed by Ord MC-651, 2-07-89)

9.80.050 Exemptions

Section 9.80.015 shall not apply to the carrying of tools or equipment for use in a lawful occupation or for the purpose of lawful recreation.

(Ord. MC-651, 2-07-89)

9.80.060 Violation - Penalty

Any person violating any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with provisions of Section 1.12.010 of this Code.

(Ord. MC-651, 2-07-89)

Chapter 9.84 PROJECTILES⁴

Sections:

- 9.84.010 Unlawful discharge
- 9.84.020 Violation - Penalty
- 9.84.030 Firearm - Defined
- 9.84.040 Exemptions

9.84.010 Unlawful discharge

It is unlawful to discharge an instrument of any kind or description which throws a bullet or missile for any distance by means of the elastic force of air or other explosive substance, including but not limited to weapons using air or carbon dioxide (CO₂) to propel a bullet or missile and firearms, except in a regularly licensed and approved shooting gallery or rifle range for which a permit has been issued by the Mayor and Common Council or except as otherwise authorized and permitted by law.

(Ord. 2939, 9-11-68; Ord. 821, 8-09-1921)

9.84.020 Violation - Penalty

Any person violating any provision of this Chapter is guilty of a misdemeanor which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of the Code except that any person violating any provision of this Chapter using

⁴For statutory provisions on the discharge of firearms at inhabited building, see Penal Code §246.

[Return to Municipal Code Contents]

a firearm upon conviction thereof shall be punished by confinement in the County jail for at least two days in addition to any fine imposed. If probation is granted upon the conviction of any person using a firearm, a term of probation shall be minimum of two days' confinement in the county jail in addition to any fine imposed.

(Ord. MC-619, 3-08-88)

9.84.030 Firearm - Defined

As used in this Chapter, the word firearm shall include any device designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and shall include any rocket, rocket-propelled projectile, launcher, or similar device containing any explosive or incendiary material whether or not such device is designed for emergency or distress signaling purposes, excluding model rockets.

(Ord. MC-619, 3-08-88)

9.84.040 Exemptions

Law enforcement officials, while in the performance of their duties, are exempt from this chapter.

(Ord. MC-1109, 12-04-01)

Chapter 9.90 AUTHORITY TO ARREST - CITATIONS

Sections:

9.90.010 Arrest - Citation

9.90.010 Arrest - Citation

- A. Pursuant to Sections 836.5 , 853.5 and 853.6 of the California Penal Code, the employees as listed in each subsection herein are authorized and empowered to arrest and issue notices to appear for violations of the provisions of the San Bernardino Municipal Code as hereinafter set forth:
 1. Security guard personnel, who shall be off duty or retired police officers or reserve police officers, employed by the Economic Development Agency of the City of San Bernardino pursuant to an agreement between said Agency and the City, relating to a security guard program, are authorized and empowered

[\[Return to Municipal Code Contents\]](#)

to arrest and issue notices to appear for violations of the provisions of the San Bernardino Municipal Code for incidents arising in the Carousel Mall and public areas in, adjacent to, or immediately surrounding said Mall, or other areas pursuant to an agreement between said Agency and the City.

2. Community Service Officers are authorized and empowered to arrest and issue notices to appear for violations of the provisions of this Code and State statutes pursuant to California Penal Code Section 836.5.
3. The Director of Development Services, City Planners, Senior Planners, Associate Planners and Assistant Planners are authorized and empowered to issue notices to appear for violations of the provisions of Title 19 of this Code and Chapters 8.36 and 10.16 of this Code.
4. The Director of Water Reclamation, Environmental Control Representative, and Environmental Control Technicians are authorized and empowered to issue notices to appear for violations of Chapter 13.32 of this Code.
5. The Director of Development Services or his or her designees or City Engineer or his or her designees are authorized and empowered to issue notices to appear for violations of the San Bernardino Municipal Code and all other codes incorporated herein by reference.
6. The City Attorney Investigators are authorized and empowered to arrest and issue notices to appear for violations of this Code and state statutes pursuant to California Penal Code Section 836.5; and are authorized upon approval of the Director of Code Compliance to examine; give notice of, post, secure and abate all nuisances pursuant to Chapters 15.28 and 8.30 of the San Bernardino Municipal Code.
7. The Director of Animal Control, Animal License Checkers, Animal Shelter Attendants, and Animal Health Technicians, are authorized and empowered to issue notices to appear for violations of Title 6, Section 5.04.497, and Section 12.44.070 of the San Bernardino Municipal Code. Animal Control Officers are empowered to arrest and issue notices to appear pursuant to Section 830.9 of the California Penal Code.
8. The Director of Code Compliance and his or her designees are authorized and empowered to issue "Notices to Appear" for violations of the San Bernardino Municipal Code, and all other codes incorporated herein by reference.
9. The Director of Parks, Recreation and Community Services and his or her designees are authorized and empowered to issue "Notices to Appear" for violations of Chapter 12.98.

[\[Return to Municipal Code Contents\]](#)

10. Security guard personnel, who shall be off duty, reserve, or retired police officers employed by the Inland Valley Development Agency ("Agency") pursuant to an agreement between said Agency and the City of San Bernardino, relating to a security guard program, and who are under direct supervision of the City of San Bernardino Police Department, are authorized and empowered to arrest and issue notices to appear for violations of the Municipal Code for incidents arising on the former Norton Air Force Base property now owned and operated by the Inland Valley Development Agency bounded on the north by Third Street, on the south by Central Avenue, on the west by Lena Road, and on the east by Palm Avenue.
11. Parking District Security Officers, who shall be retired police officers or reserve police officers, employed by the Facilities Management Department of the City of San Bernardino are authorized and empowered to arrest and issue notices to appear for violations of the provisions of this Code and State statutes pursuant to California Penal Code Section 836.5.
12. The San Bernardino Community College Police, who are peace officers as defined by Section 830.32 of the Penal Code, are authorized and empowered to arrest and issue citations for violations of the provisions of Titles 8 and 9, on or near the campus of the community college and, on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college.
13. The California Highway Patrol, who are peace officers as defined by Section 830.2(a) of the Penal Code, are authorized and empowered to arrest and issue citations for the provisions of this Code.
14. The California State University Police, who are peace officers as defined by Section 830.2(c) of the Penal Code, are authorized and empowered to arrest and issue citations for the provisions of this Code on or near the campus of the University and, on or near other grounds or properties owned, operated, controlled, or administered by the University or by the state acting on behalf of the University.
15. The San Bernardino Unified School District Police, who are peace officers as defined by Section 830.32(b) of the Penal Code, are authorized and empowered to arrest and issue citations for the provisions of this Code on or near a campus of the school district and, on or near other grounds or properties owned, operated, controlled, or administered by the school district.

[\[Return to Municipal Code Contents\]](#)

16. The Director of Public Services and his or her designees are authorized and empowered to issue notices to appear and/or administrative citations for violations of Chapters 8.24 and 8.25. In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this, Ordinance or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

17. Haz-Mat Investigators employed by the City of San Bernardino Fire Department are authorized and empowered to inspect, arrest and issue notices to appear for violations of this Code and State of California Penal, Vehicle, Fire, and Health and Safety Codes, pursuant to California Penal Code Section 836.5 and California Fire Code Appendix Chapter 1, Section 104.

(Ord. MC-1279, 8-05-08; Ord. MC-1234, 10-03-06)

18. The Business Registration Manager and his or her designees are authorized and empowered to issue notices to appear for violations of Title 3, Title 5, and Title 8 of this Code.

(Ord. MC-1563, 09-01-21)

B. Any person interfering or obstructing the enforcement or performance of any provision of this Code by any of the preceding authorized personnel or any person who removes any notice or sign posted by an authorized person enters or remains in a structure posted as unsafe and/or unfit for human occupancy, shall be guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1287, 10-07-08; Ord. MC-1143, 4-22-03; Ord. MC-1034, 11-17-98;
Ord. MC-1027, 9-09-98; Ord. MC-1005, 10-21-97; Ord. MC-954, 11-21-95;
Ord. MC-952, 11-08-95; Ord. MC-945, 6-20-95; Ord. MC-931, 1-23-95;
Ord. MC-635, 9-07-88; Ord. MC-606, 9-21-87; Ord. MC-591, 5-13-87; Ord. MC-586, 3-23-87;
Ord. MC-464, 7-02-85; Ord. MC-404, 8-21-84; Ord. MC-372, 5-22-84; Ord. MC-254, 3-09-83)

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 9 Contents\]](#)

Chapter 9.92 ADMINISTRATIVE CITATION PROCESS

Sections:

9.92.010	Legislative Findings and Statement of Purpose
9.92.020	Definitions
9.92.030	Use of Administrative Citation
9.92.040	Violation; Authority; Fines
9.92.050	Service Procedures
9.92.060	Contents of Citation
9.92.070	Satisfaction of the Administrative Citation
9.92.080	Request for Hearing on an Administrative Citation
9.92.090	Failure to Pay Fines
9.92.100	Publication and Availability of Rules and Regulations
9.92.110	[Reserved]
9.92.120	[Reserved]
9.92.130	[Reserved]
9.92.140	Disposition of Fines
9.92.150	[Reserved]
9.92.160	Administrative Adjudication Procedures Not Exclusive
9.92.170	Applicability of Administrative Adjudication Procedures
9.92.180	Right to Judicial Review
9.92.190	Severability

9.92.010 Legislative Findings and Statement of Purpose

The Mayor and City Council hereby finds that there is a need for an alternate method of enforcement for minor violations of the Municipal Code and applicable state codes. An appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code section 53069.4.

(Ord. MC-1553, 2-17-21)

9.92.020 Definitions

- A. “Administrative Costs” shall mean all costs incurred by or on behalf of the City from the first discovery of the violation of the San Bernardino Municipal Code through the appeal process, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 9 Contents\]](#)

reports, sending notices, preparing for and attending any appeal hearing, attorneys' fees. "Administrative Costs" shall not mean the fines assessed pursuant to this chapter. "Administrative Costs" shall not mean late payment charges that accrue, or collection costs incurred, as a result of unpaid fines.

- B. "Administrative Hearing Officer" shall mean any person assigned by the City Manager to preside at Administrative Hearings.
- C. "City Manager" shall mean the San Bernardino City Manager or his or her designee.
- D. "Enforcement Officer" shall mean any Code Enforcement Officer or other City employee or agent of the City with the authority to enforce any provision of the Municipal Code.
- E. "Person" shall mean any natural person or entity, including, but not limited to, any corporation, company, partnership, association, trust, or any other form of business entity .
- F. "Responsible Party" shall include, but is not limited to, any of the following:
 - (1) A Person who causes a code violation to occur.
 - (2) A Person who maintains or allows a code violation to continue, by his or her action or failure to act.
 - (3) A Person whose agent, employee or independent contractor causes a code violation by his or her action or failure to act.
 - (4) A Person who is an owner, a lessee, or sub-lessee, with the current right of possession, of real property where a property-related code violation occurs or exists.
 - (5) If the person or persons are a business entity, the manager or on-site supervisor where the violation exists shall also be a Responsible Party.

(Ord. MC-1553, 2-17-21; Ord. MC-1270, 5-21-08; Ord. MC-1150, 9-16-03)

9.92.030 Use of Administrative Citation

- A. Whenever an Enforcement Officer determines that a violation subject to this Chapter has occurred, the officer may issue an administrative citation imposing fines or penalties to any Responsible Person in accordance with the requirements of this Chapter. Use of an administrative citation is authorized by this chapter for any violation of the San Bernardino Municipal Code.

(Ord. MC-1553, 2-17-21)

[\[Return to Municipal Code Contents\]](#)

9.92.040 Violation; Authority; Fines

- A. Any person violating any provision of the San Bernardino Municipal Code may be issued an administrative citation by a Code Enforcement Officer, or other authorized officer, as provided in this Title.
- B. Each and every day a violation of any provision of the San Bernardino Municipal Code exists constitutes a separate and distinct offense. Each section of the San Bernardino Municipal Code violated constitutes a separate and distinct violation.
- C. Any fine assessed by means of an administrative citation issued by the Enforcement Officer, shall be payable directly to the City of San Bernardino or its authorized vendor for receipt of payment.
- D. Any person who receives an administrative citation shall be required to pay a fine in the following amounts unless otherwise established in the San Bernardino Municipal Code or established by resolution of the Mayor and City Council:
 - (1) A fine not exceeding One Hundred Dollars (\$100.00) for the first administrative citation;
 - (2) A fine not exceeding Two Hundred Dollars (\$200.00) for a second administrative citation for violation of the same ordinance if issued within a twelve (12) month period;
 - (3) A fine not exceeding Five Hundred Dollars (\$500.00) for any subsequent administrative citation issued for violation of the same ordinance within a twelve (12) month period.

(Ord. MC-1553, 2-17-21)

9.92.050 Service Procedures

In any case where an administrative citation is issued, service of the citation shall be made by complying with the following:

- A. **Personal Service.** The Code Enforcement Officer, shall attempt to locate and personally serve the Responsible Party and obtain the signature of the Responsible Party on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.
- B. **Mail.** If the Enforcement Officer is unable to locate the Responsible Party, Responsible Party shall be served by United States mail, addressed tot he person to be notified. Service by mail shall be effective on the date of deposit in the mail.

[Return to Municipal Code Contents]

- C. Posting. The Enforcement Officer may post the notice conspicuously on or in front of the property or the affected unit; provided, however, that a citation issued to an owner of real property must also be mailed to the owner of the property as shown on the last equalized county assessment roll.

(Ord. MC-1553, 2-17-21)

9.92.060 Contents of Citation

Each administrative citation shall contain the following information:

- A. The name of the Responsible Party and known mailing address
- B. Date, approximate time and address or definite description of the location where the violation(s) was/were observed;
- C. The Code section(s) violated and a description of the violation(s);
- D. The amount of fine for the violation(s);
- E. An explanation of how the fine shall be paid and the time period by which it shall be paid;
- F. Identification of rights to a hearing, including the time within which the hearing may be requested; and
- G. The name and signature of the Code Enforcement Officer, or other authorized officer, issuing the citation.
- H. If the violation is one which is continuing, an order to correct the violation and an explanation of consequences for failing to correct the violation shall be issued concurrently with the citation. Failure to issue the order to correct or explanation of consequences for failure to correct violations shall not affect the validity of the administrative citation or of subsequent proceedings.

(Ord. MC-1553, 2-17-21)

9.92.070 Satisfaction of the Administrative Citation

Upon receipt of a citation, the responsible person must:

- A. Pay the fine to the City within fifteen (15) days from the issue date of the administrative citation; or

[Return to Municipal Code Contents]

- B. File a Request for Hearing pursuant to §9.92.080.
- C. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the City. Payment of the fine waives the Responsible Party's right to the administrative citation hearing and appeal process.

(Ord. MC-1553, 2-17-21)

9.92.080 Request for Hearing on an Administrative Citation

- A. How to file a Proper and Timely Request for Hearing. Any recipient of an administrative citation may contest the citation by completing a Request for Hearing form and returning it to the City Clerk within fifteen (15) days from the date the citation is served or deemed to have been served. A failure to file a timely Request for Hearing shall be deemed a waiver of the right to a hearing on the citation and a failure to exhaust administrative remedies. Proper filing of a Request for Hearing must also include payment to the City Clerk of the appeal fee as established or amended from time to time by resolution of the Mayor and City Council.
- B. Selection of Hearing Officer. The City Manager shall select a qualified person to serve as Administrative Hearing Officer to preside over hearings under this Chapter. Hearing Officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, "Qualified person" includes an individual with a background in the practice of law or with a background in local governance, that is particularly experienced or knowledgeable about the subject matter at issue, or that is otherwise deemed qualified by the City Manager.
- C. Hearing Procedure:
 - 1. No hearing to contest an administrative citation before the Administrative Hearing Officer shall be held unless and until a Request for Hearing form has been completed and submitted to the City Clerk's office.
 - 2. After receipt of the Request for Hearing form, a hearing before the Administrative Hearing Officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this Chapter, unless the parties waive such time limits. The failure to hold the hearing within this time period does not invalidate any action of the Administrative Hearing Officer - The appellant shall be notified of the time and place set for the hearing at least ten (10) calendar days prior to the date of hearing.

[\[Return to Municipal Code Contents\]](#)

3. At the hearing, the Administrative Hearing Officer must hear and consider the testimony of the appellant, respondent, and their witnesses, as well as any documentary evidence presented by these persons. The Administrative Hearing Officer must ensure that parties receive a fair hearing and are afforded due process in accordance with the applicable State and federal law governing such hearings.
 4. The Responsible Party may bring an interpreter to the hearing at his or her sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.
 5. The appellant shall be given the opportunity to testify and present evidence concerning the administrative citation. Each party shall have the opportunity to cross-examine witnesses and present relevant evidence in support of that party's case.
 6. Administrative Hearings are intended to be informal in nature. The formal rules of evidence shall not apply. Other than copies of citations, notices, orders, and inspection reports served on the Responsible Parties as part of the enforcement action giving rise to the hearing, no pre-hearing discovery is required.
- D. The City bears the burden of proof at an Administrative Hearing to establish the existence of a violation of the Municipal Code and the Responsible Party's responsibility for such violation. The administrative citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents. The standard of proof to be used by the Administrative Hearing Officer in deciding the issues at an Administrative Hearing is by a preponderance of the evidence.
- E. The Administrative Hearing Officer, before or during a hearing, may grant a request for a continuance, in his or her discretion, for good cause; however, in no event may the hearing be continued for more than 30 calendar days without stipulation by all parties.
- F. Any person who has filed a "Request for Hearing" form and has been notified of the time and date for a hearing pursuant to this Chapter who does not appear at said hearing shall be deemed to have waived the right to be present at the hearing and the hearing shall proceed in his/her absence.

- G. Administrative Hearing Officer's Decision. After considering all of the testimony and evidence submitted at the hearing, the Administrative Hearing Officer must issue a written decision within 30 business days of the hearing. Failure of the Administrative Hearing Officer to render a decision within this time period does not invalidate any action of the Administrative Hearing Officer. The decision shall include the reasons for the decision, any conditions pertaining to the correction of the violation(s) and any time limits set for said corrections.
1. The Administrative Hearing Officer's Decision must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq."
 2. The Administrative Hearing Order must be served on all parties by mail. The effective date of the decision shall be the mailing date of the written decision to the applicant.
 3. If the hearing officer determines the administrative citation should be upheld, then any fine amount on deposit with the City shall be retained by the City. If the hearing officer determines the administrative citation should be canceled and the fine was deposited with the City, then the City shall refund the amount of the deposited fine.

(Ord. MC-1553, 2-17-21)

9.92.090 Failure to Pay Fines

- A. Any person who fails to pay to the City any fine imposed pursuant to the provisions of this Chapter on or before the date that fine is due is liable for the payment of any applicable interest charges.
- B. The delinquent obligation shall bear interest at a rate of 10 percent per year. Interest shall be calculated on a prorated monthly basis from the date such obligation becomes delinquent to the date it is paid.
- C. The City may collect any delinquent administrative citation fines or interest charges by use of all available legal means, including personal collection from the responsible parties.
- D. The City also may recover all Administrative Costs, expenses, and fees, including attorneys' fees, associated with the assessment, enforcement, processing, and collection of the fines associated with the administrative citation in accordance with the provisions of this Code.

(Ord. MC-1553, 2-17-21; Ord. MC-1521, 9-18-19)

[\[Return to Municipal Code Contents\]](#)

9.92.100 Publication and Availability of Rules and Regulations

Any rules and regulations promulgated for the conduct of administrative adjudication hearings shall be published and kept on file in the office of the City Clerk, where they shall be available to the public for inspection and copying at nominal rates during normal business hours.

(Ord. MC-1553, 2-17-21)

9.92.110 [Reserved]

(Ord. MC-1553, 2-17-21)

9.92.120 [Reserved]

(Ord. MC-1553, 2-17-21)

9.92.130 [Reserved]

(Ord. MC-1553, 2-17-21)

9.92.140 Disposition of fines

All fines and other monies paid to the City in accordance with this article shall be remitted to the City.

(Ord. MC-1553, 2-17-21)

9.92.150 [Reserved]

(Ord. MC-1553, 2-17-21)

9.92.160 Administrative Adjudication Procedures Not Exclusive

Notwithstanding any other provisions of this article, the authority of the Administrative Hearing Officer to conduct administrative hearings in accordance with this chapter shall not preclude the City from seeking any remedies for Code or ordinance violations through the use of any other administrative procedure or court proceeding.

(Ord. MC-1553, 2-17-21)

[\[Return to Municipal Code Contents\]](#)

9.92.170 Applicability of Administrative Adjudication Procedures

- A. Notwithstanding any other provision of the ordinances of the City or this Code, all provisions of this Code or ordinances, may be enforced by instituting an administrative adjudication hearing with the Administrative Hearing Officer as provided in this article.
- B. Notwithstanding any other provision of the ordinances of the City or this Code, any enforcement action, including but not limited to license or permit suspension or revocation, which may be exercised by another department of the City may also be exercised by the Administrative Hearing Officer as provided in this article.

(Ord. MC-1553, 2-17-21; Ord. MC-1521, 9-18-19)

9.92.180 Right to Judicial Review

Any decision of the Administrative Hearing Officer is final, subject to judicial review. Within 20 days after service of the decision of the Administrative Hearing Officer upon the party to the administrative adjudication hearing, that person may seek judicial review of the decision by filing an appeal with the Superior Court of the State of California, in the County of San Bernardino, in accordance with California Government Code section 53069.4. The appealing party must serve upon the City Clerk, either in person or by first-class mail, a copy of the notice of appeal. If the appealing party fails to timely file a notice of appeal, the hearing officer's decision is deemed confirmed."

(Ord. MC-1553, 2-17-21; Ord. MC-1521, 9-18-19)

9.92.190 Severability

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1148, 8-05-03)

Chapter 9.93
ADMINISTRATIVE CIVIL PENALTIES

Sections:

- 9.93.010 Purpose and Intent**
- 9.93.015 Definitions**
- 9.93.020 Administrative Civil Penalties**
- 9.93.030 Administrative Civil Penalties Notice and Order; Procedures**
- 9.93.035 Service of Notices**
- 9.93.040 Determination of Administrative Civil Penalties**
- 9.93.050 Administrative Costs**
- 9.93.060 Right to Hearing on Administrative Civil Penalties Notice and Order**
- 9.93.070 Administrative Hearing; Declaration of Purpose**
- 9.93.080 Administrative Hearing; Request and Notice**
- 9.93.090 Appointment and Qualifications of Administrative Hearing Officer**
- 9.93.100 Recusal of Administrative Hearing Officer**
- 9.93.110 Powers of Administrative Hearing Officer**
- 9.93.120 Administrative Hearing; Procedures**
- 9.93.130 Failure to Attend Administrative Hearing**
- 9.93.140 Administrative Hearing Order**
- 9.93.145 Liability of Responsible Parties**
- 9.93.150 Right to Hearing on Administrative Hearing Order**
- 9.93.160 Judicial Review**
- 9.93.170 Collection of Unpaid Administrative Citation Fines, Administrative Civil Penalties, and Administrative Costs**
- 9.93.180 Severability**
- 9.93.190 CEQA Exemption**
- 9.93.200 Administrative Adjudication Procedures Not Exclusive**

9.93.010 Purpose and Intent

The Mayor and City Council has determined that the enforcement of the San Bernardino Municipal Code throughout the City is an important public service and is vital to the protection of the public's health, safety and quality of life. The Mayor and City Council has determined a need for alternative methods of code enforcement and that a comprehensive code enforcement system uses a combination of judicial and administrative remedies to gain compliance with code regulations. The Mayor and City Council finds a need to draft precise regulations that can be effectively applied in judicial

[\[Return to Municipal Code Contents\]](#)

and administrative proceedings and further finds that there is a need to establish uniform procedures for the proper application of administrative code enforcement remedies and administrative hearings to resolve administrative code enforcement cases and appeals.

(Ord. MC-1553, 2-17-21;

9.93.015 Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter.

- A. "Administrative Costs" shall mean all costs incurred by or on behalf of the City from the first discovery of the violation of the San Bernardino Municipal Code through the appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, attorneys' fees, and fees paid to the Administrative Hearing Officer. "Administrative Costs" shall not mean the Administrative Civil Penalties assessed pursuant to this chapter. "Administrative Costs" shall not mean late payment charges that accrue, or collection costs incurred, as a result of unpaid Administrative Civil Penalties.
- B. "Administrative Hearing Officer" shall mean any person assigned by the City Manager to preside at Administrative Hearings.
- C. "City Manager" shall mean the San Bernardino City Manager or his or her designee
- D.. "Enforcement Officer" shall mean any Code Enforcement Officer or other City employee or agent of the City with the authority to enforce any provision of the Municipal Code.
- E. "Person" shall mean any natural person or entity, including, but not limited to, any corporation, company, partnership, association, trust, or any other form of business entity.
- F. "Responsible Party" shall include, but is not limited to, any of the following:
 - (1) A Person who causes a code violation to occur.
 - (2) A Person who maintains or allows a code violation to continue, by his or her action or failure to act.
 - (3) A Person whose agent, employee or independent contractor causes a code violation by his or her action or failure to act.

[Return to Municipal Code Contents]

- (4) A Person who is an owner, a lessee, or sub-lessee, with the current right of possession, of real property where a property-related code violation occurs or exists.
- (5) If the person or persons are a business entity, the manager or on-site supervisor where the violation exists shall also be a Responsible Party.

(Ord. MC-1553, 2-17-21)

9.93.020 Administrative Civil Penalties

- A. Any Responsible Party who violates any provision of the Municipal Code may be subject to the assessment of Administrative Civil Penalties payable to the City of San Bernardino, or its authorized vendor for receipt of payment, pursuant to the administrative procedures provided in this Chapter.
- B. The assessment of Administrative Civil Penalties established in this Chapter is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.
- C. For the purposes of assessing Administrative Civil Penalties, each and every day a violation of any provision of the Municipal Code exists shall constitute a separate and distinct violation.
- D. Administrative Civil Penalties may be directly assessed by issuance of an Administrative Civil Penalties Notice and Order issued by an Enforcement Officer, as provided in this Chapter.
- E. Administrative Civil Penalties for violations of any provision of the Municipal Code shall be assessed at a rate of up to \$1,000 per violation per day; however, if applicable, the Administrative Hearing Officer may reduce the fine in his or her upon a finding of good cause pursuant to the criteria listed in Section 9.93.040 of this Chapter. The maximum amount of Administrative Civil Penalties shall not exceed \$100,000 per parcel or structure for any related series of violations.

(Ord. MC-1553, 2-17-21; Ord. MC-1535, 5-06-20)

9.93.030 Administrative Civil Penalties Notice and Order; Procedures

- A. Whenever an Enforcement Officer determines that a violation of one or more provisions of the Municipal Code or any code adopted by reference has occurred or continues to exist, a written Administrative Civil Penalties Notice and Order may be issued to the Responsible Party.

[\[Return to Municipal Code Contents\]](#)

- B. The Administrative Civil Penalties Notice and Order shall identify laws or code sections violated. The Administrative Civil Penalties Notice and Order may describe how each section has been violated.
- C. The Administrative Civil Penalties Notice and Order shall identify the dates and locations of the violations.
- D. The Administrative Civil Penalties Notice and Order shall establish the amount of Administrative Civil Penalties. The fine may be fixed for a single violation or may be daily for continuing violations.
- E. The Administrative Civil Penalties Notice and Order shall identify the factors used in determining the duration and daily amount of Administrative Civil Penalties.
- F. In the case of continuing violations, there shall be an ongoing assessment of Administrative Civil Penalties at the daily rate established in the Administrative Civil Penalties Notice and Order until the violations are corrected or until such time that the total amount of Administrative Civil Penalties reaches the maximum amount allowed by this Chapter. For continuing violations, the Administrative Civil Penalties Notice and Order shall identify the date when the civil penalties began to accrue and, if applicable, the date when the assessment of Administrative Civil Penalties ended.
- G. If the Enforcement Officer determines that the violations are of a continuing nature, the Administrative Civil Penalties Notice and Order shall demand that the Responsible Party cease and desist from further action causing the violations and commence and complete all action to correct the outstanding violations under the guidance of the appropriate City Departments.
- H. When a violation pertains to building, plumbing, electrical or other similar structural or zoning issues, that does not create an immediate danger to health or safety, the Administrative Civil Penalties Notice and Order shall provide that Administrative Civil Penalties shall not be imposed if the Responsible Party corrects all of the violations within a reasonable time as determined by the Enforcement Officer.
- I. The Administrative Civil Penalties Notice and Order may describe the remedial actions required to permanently correct any outstanding violations and establish a time frame for completion.
- J. The Administrative Civil Penalties Notice and Order may enumerate any other consequences pursuant to this Chapter, if the Responsible Party fails to comply with the terms and deadlines as prescribed in the Administrative Civil Penalties Notice and Order.

[\[Return to Municipal Code Contents\]](#)

- K. More than one Administrative Civil Penalties Notice and Order may be issued against the same Responsible Party if they encompass different dates, separate or different violations, or different locations.
- L. The Administrative Civil Penalties Notice and Order shall be served upon the Responsible Party by any one of the methods of service as set forth in Section 9.93.035.
- M. The Administrative Civil Penalties Notice and Order shall identify appropriate hearing procedures as required by this Chapter.

(Ord. MC-1553, 2-17-21)

9.93.035 Service of Notices

- A. Whenever a notice is required to be given under this Chapter, the notice shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:
 - (1) Personal service; or
 - (2) By United States mail addressed to the person to be notified.
 - (3) Posting the notice conspicuously on or in front of the property or the affected unit.
- B. Service by mail shall be effective on the date of deposit in the mail.
- C. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Chapter.
- D. A notice issued to an owner of real property must be mailed to the owner of the property as shown on the last equalized county assessment roll.

(Ord. MC-1553, 2-17-21)

9.93.040 Determination of Administrative Civil Penalties.

- A. In determining the date when Administrative Civil Penalties start to accrue, an Enforcement Officer may consider the date when the City first discovered the violation as evidenced by the issuance of a Notice of Violation or any other written correspondence.

[Return to Municipal Code Contents]

- B. The assessment of Administrative Civil Penalties shall end when all corrections or other action required by the Administrative Civil Penalties Notice and Order have been completed.

- C. The Enforcement Officer may assess fines at a rate of up to \$1,000 per violation per day. In determining the amount of the Administrative Civil Penalties at an administrative hearing, the Hearing Officer may consider some or all of the following factors:
 - (1) The duration of the violation;
 - (2) The frequency of recurrence of the violation;
 - (3) The seriousness of the violation;
 - (4) Whether the violation is designated as an infraction, a misdemeanor, or either an infraction or a misdemeanor, by the Municipal Code;
 - (5) The history of the violation;
 - (6) The good faith effort by the Responsible Party to comply;
 - (7) The economic impact of the penalty on the Responsible Party; and
 - (8) The impact of the violation upon the community.

(Ord. MC-1553, 2-17-21)

9.93.050 Administrative Costs

An Enforcement Officer or Administrative Hearing Officer is authorized to assess any reasonable Administrative Costs in addition to the Administrative Civil Penalties.

9.93.060 -Right to Hearing on Administrative Civil Penalties Notice and Order

The City Manager shall assign an Administrative Hearing Officer and establish a date, time, and place for the Administrative Hearing in accordance with this Chapter if the Responsible Party requests a hearing or in the event of a continuing violation in order for the Administrative Hearing Officer to determine the amount of the fine for a continuing violation.

(Ord. MC-1553, 2-17-21)

[Return to Municipal Code Contents]

9.93.070 Administrative Hearing; Declaration of Purpose

It is the purpose and intent of the Mayor and City Council to afford due process of law to any person who is directly affected by an administrative enforcement action. Due process procedures are intended to establish a forum to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action.

(Ord. MC-1553, 2-17-21)

9.93.080 Administrative Hearing; Request and Notice

- A. Any Responsible Party may contest the Administrative Civil Penalties Notice and Order by completing a Request for Administrative Hearing Form and returning it to the City Clerk within fifteen (15) days from the date the Administrative Civil Penalties Notice and Order was served. The Request for Administrative Hearing must also include payment to the City Clerk of the appeal fee, as established or amended from time to time by resolution of the City Council. The City Manager, or his/her designee, shall then send a copy of the Request for Administrative Hearing Form to the Enforcement Officer and the City Attorney, and assign an Administrative Hearing Officer and schedule a date, time and place for the hearing.
- B. The hearing before the Administrative Hearing Officer shall be set not less than fifteen (15) days and not more than sixty (60) days from the date that the Request for Administrative Hearing Form is filed with the City Clerk unless the parties waive such time limits. The failure to hold the hearing within this time period does not invalidate any action of the Administrative Hearing Officer.
- C. Written notice of the date, time and place of the hearing shall be served at least 10 calendar days prior to the date of the hearing on the Responsible Party, the Enforcement Officer, and the City Attorney.
- D. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the City Manager.
- E. The notice of hearing shall be served by any of the methods of service listed in Section 9.93.035 of this Chapter.
- F. A failure to file a timely Request for Administrative Hearing shall be deemed a waiver of the right to a hearing on the Administrative Civil Penalties Notice and Order and a failure to exhaust administrative remedies.

(Ord. MC-1553, 2-17-21)

[\[Return to Municipal Code Contents\]](#)

9.93.090 Appointment and Qualifications of Administrative Hearing Officer

The City Manager must establish procedures for the selection of a qualified person to serve as Administrative Hearing Officer to preside over hearings under this Chapter. Hearing Officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, "qualified person" includes an individual with a background in the practice of law or with a background in local governance, that is particularly experienced or knowledgeable about the subject matter at issue, or that is otherwise deemed qualified by the City Manager.

(Ord. MC-1553, 2-17-21)

9.93.100 Recusal of Administrative Hearing Officer

The Administrative Hearing Officer must recuse himself or herself from a matter if he or she determines that any bias or personal embroilment prevents the Administrative Hearing Officer from rendering fair and impartial decision.

(Ord. MC-1553, 2-17-21)

9.93.110 Powers of Administrative Hearing Officer

- A. The Administrative Hearing Officer shall have all powers necessary to conduct fair and impartial hearings, including but not limited to the power to:
- (1) Hold conferences for settlement or simplification of the issues;
 - (2) Administer oaths and affirmations;
 - (3) Hear testimony;
 - (4) Rule upon motions, objections, and the admissibility of evidence;
 - (5) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - (6) Regulate the course of the hearing in accordance with this Chapter or other applicable law;
 - (7) Issue a final order which includes findings of fact and conclusions of law; and
 - (8) Impose Administrative Civil Penalties and assess Administrative Costs and issue orders that are consistent with the applicable violation.

[Return to Municipal Code Contents]

- B. At the hearing, the Administrative Hearing Officer must hear and consider the testimony of the appellant, respondent, and their witnesses, as well as any documentary evidence presented by these persons. The Administrative Hearing Officer must ensure that parties receive a fair hearing and are afforded due process in accordance with the applicable State and federal law governing such hearings. The Administrative Hearing Officer shall only consider evidence that is relevant to the following issues:
 - (1) Whether a violation of the Municipal Code existed on the dates specified in the Administrative Civil Penalties Notice and Order and whether the Responsible Party caused, maintained, or permitted said violation; and
 - (2) Whether the amount of the Administrative Civil Penalties is appropriate for reduction pursuant to the criteria listed in Section 9.93.040 of this Chapter.
- C. The Administrative Hearing Officer, before or during a hearing, may grant a request for a continuance, in his or her discretion, for good cause; however, in no event may the hearing be continued for more than 30 calendar days without stipulation by all parties.
- D. The Administrative Hearing Officer has continuing jurisdiction over the subject matter of an Administrative Hearing for the purposes of granting a continuance, ensuring compliance with an Administrative Hearing Order, modifying an Administrative Hearing Order.

(Ord. MC-1553, 2-17-21)

9.93.120 Administrative Hearing; Procedures.

- A. Administrative Hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. Other than copies of citations, notices, orders, and inspection reports served on the Responsible Parties as part of the enforcement action giving rise to the hearing, no pre-hearing discovery is required.
- B. The City bears the burden of proof at an Administrative Hearing to establish the existence of a violation of the Municipal Code and the Responsible Party's responsibility for such violation. The administrative citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- C. The standard of proof to be used by the Administrative Hearing Officer in deciding the issues at an Administrative Hearing is by a preponderance of the evidence.

[\[Return to Municipal Code Contents\]](#)

- D. Each party shall have the opportunity to cross-examine witnesses and present relevant evidence in support of that party's case.
- E. The Responsible Party may bring an interpreter to the hearing at his or her sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.

(Ord. MC-1553, 2-17-21)

9.93.130 Failure to Attend Administrative Hearing

Any Responsible Party whose property or actions are the subject of an Administrative Hearing and who fails to appear at the hearing shall be deemed to have waived his or her right to a hearing and the adjudication of the issues related to the hearing, and shall be deemed to have failed to exhaust his or her administrative remedies, provided that proper notice of the hearing as required by this Chapter has been provided.

(Ord. MC-1553, 2-17-21)

9.93.140 Administrative Hearing Order

- A. Within 30 business days after the presentation of all evidence and testimony, including any relevant evidence and testimony presented by the Responsible Party, the Administrative Hearing Officer shall issue an Administrative Hearing Order which affirms or rejects the Administrative Civil Penalties Notice and Order or which modifies the daily rate or duration of the Administrative Civil Penalties depending upon the review of the evidence and application of the criteria in Section 9.93.040 of this Chapter. Failure of the Administrative Hearing Officer to render a decision within this time period does not invalidate any action of the Administrative Hearing Officer. The Administrative Hearing Officer's decision must be in writing and must set forth the administrative Hearing Officer's findings of fact and conclusions of law. The Administrative Hearing Officer may increase or decrease the total amount of civil penalties and costs that were assessed by the Administrative Civil Penalties Notice and Order upon a showing of good cause and in consideration of the factors listed in Section 9.93.040 of this Chapter.
- B. The Administrative Hearing Officer may issue an Administrative Hearing Order that requires the Responsible Party to cease from violating the Municipal Code and to make necessary corrections.
- C. As part of the Administrative Hearing Order, the Administrative Hearing Officer may establish specific deadlines for the payment of civil penalties and costs and condition the total or partial assessment of Administrative Civil Penalties on the Responsible Party's compliance by specified deadlines.

[\[Return to Municipal Code Contents\]](#)

- D. The Administrative Hearing Officer may issue an Administrative Hearing Order which imposes additional Administrative Civil Penalties that will continue to be assessed until the Responsible Party complies with the Administrative Hearing Officer's decision and corrects the violation.
- E. The Administrative Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Administrative Hearing Order.
- F. The Administrative Hearing Order shall be served on all parties by any one of the methods listed in Section 9.93.035 of this Chapter.
- G. The Administrative Hearing Order must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq." The Administrative Hearing Order shall become final on the date of service of the Order, unless any party files a written request for reconsideration or modification with the City Manager within fifteen days after the date of service of the Order.
- H. A request for reconsideration or modification of an Administrative Hearing Order may only be based upon an error of law or new evidence not available to the requesting party at the time of the Administrative Hearing. The decision of the Administrative Hearing Officer on the request for reconsideration or modification shall become final on the date of service of the decision by any one of the methods listed in Section 9.93.035 of this Chapter.

(Ord. MC-1553, 2-17-21)

9.93.145 Liability of Responsible Parties

Any Responsible Party whose property or actions are the subject of an Administrative Hearing and who fails to appear at the hearing shall be deemed to have waived his or her right to a hearing and the adjudication of the issues related to the hearing, and shall be deemed to have failed to exhaust his or her administrative remedies, provided that proper notice of the hearing as required by this Chapter has been provided.

(Ord. MC-1553, 2-17-21)

9.93.150 Failure to Comply with the Administrative Hearing Order

- A. Upon the failure of the Responsible Party to comply with terms and deadlines set forth in the Administrative Hearing Order, the Enforcement Officer may use all appropriate legal means to recover the Administrative Civil Penalties and Administrative Costs and obtain compliance with the Administrative Hearing Order.

[Return to Municipal Code Contents]

- B. After the Administrative Hearing Officer issues an Administrative Hearing Order, the Enforcement Officer shall monitor the violations and determine compliance.
- C. It is unlawful for a party to an Administrative Hearing, who has been served with a copy of the final Administration Hearing Order pursuant to this Chapter, to fail to comply with the Order. Failure to comply with a final Administrative Hearing Order, except for nonpayment of Administrative Civil Penalties, may be prosecuted as an infraction or misdemeanor at the discretion of the City Attorney.

(Ord. MC-1553, 2-17-21)

9.93.160 Judicial Review.

The decision of the Administrative Hearing Officer shall be final and conclusive and shall not be subject to appeal to the Mayor and City Council. Once an Administrative Hearing Order becomes final as provided in this Chapter, the time in which judicial review of the Order must be sought shall be governed by California Code of Civil Procedure Section 1094.6, or other applicable State law. The appealing party must serve upon the City Clerk, either in person or by first-class mail, a copy of the notice of appeal.

(Ord. MC-1553, 2-17-21)

9.93.170 Collection of Unpaid Administrative Citation Fines, Administrative Civil Penalties, and Administrative Costs

Unpaid Administrative Civil Penalties and Administrative Costs shall be a debt to the City and subject to all remedies for debt collection as allowed by law.

(Ord. MC-1553, 2-17-21)

9.93.180 Severability

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

9.93.190 CEQA Exemption

The adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (Title 15, California Code of Regulations, commencing with Section 15000), as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

(Ord. MC-1268, 4-22-08)

[Return to Municipal Code Contents]

9.93.200 Administrative Adjudication Procedures Not Exclusive

Notwithstanding any other provisions of this article, the authority of the Administrative Hearing Officer to conduct administrative hearings in accordance with this chapter shall not preclude the City from seeking any remedies for Code or ordinance violations through the use of any other administrative procedure or court proceeding.

(Ord. MC-1553, 2-17-21)

Chapter 9.94 ADMINISTRATIVE HEARINGS AND APPEALS

Sections:

- 9.94.010 Definitions**
- 9.94.020 Purpose**
- 9.94.030 Scope**
- 9.94.040 Hearing Officer—Selection and Qualifications**
- 9.94.050 Powers and Duties of Hearing Officer**
- 9.94.060 Right to Appeal; Consequence of an Untimely or Incomplete Appeal**
- 9.94.070 Administrative Hearings—Notice Procedures**
- 9.94.080 Administrative Hearings—Conduct of Hearing**
- 9.94.090 Decision of the Hearing Officer**
- 9.94.100 Methods of Service**
- 9.94.110 Costs**
- 9.94.120 Judicial Review**
- 9.94.130 Limitation on Jurisdiction**
- 9.94.140 Severability**

9.94.010 Definitions

The following definitions apply in the interpretation and enforcement of this Chapter.

- A. “Action” means an act or decision by an administrative officer or administrative agency for which a right to appeal under the provisions of this Chapter is granted in this Code.
- B. “Administrative agency” means an organ of the city government other than the City Council which under the direction of the City Manager has responsibility for carrying out or enforcing the rules, regulations, and ordinances of the city, but not including boards and commissions of the city.

[\[Return to Municipal Code Contents\]](#)

- C. “Administrative officer” means an officer of the city who is not a member of the legislative body or appointed boards or commissions. Such officers include but are not limited to the City Manager, chief of police, fire chief, director of planning and building, director of transportation, director of public works, or similar officer.
- D. “Aggrieved person” means any person whose personal, pecuniary or property right or interest is directly and adversely affected, or upon whom a substantial burden or obligation is imposed by the action or decision appealed from.
- E. “Appellant” means any aggrieved person who files an appeal.
- F. “Code” means the San Bernardino Municipal Code.
- G. “Hearing officer” means any person duly qualified and authorized by this Chapter to hear and review appeals under this Chapter.
- H. “Respondent” means the administrative officer or agency which took the action appealed from, and any other administrative officer or agency named as respondent in an appeal.

(Ord. MC-1521, 9-18-19)

9.94.020 Purpose

It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an action or decision of an administrative agency or officer. These procedures are also intended to establish a forum to efficiently and fairly resolve administrative appeals.

(Ord. MC-1521, 9-18-19)

9.94.030 Scope

The hearing officer hears appeals from actions taken by an administrative officer or administrative agency when a right to appeal under the provisions of this Chapter is granted in this Code. Except where this Code prescribes another procedure, the rules and procedures pertaining to appeals are as stated herein. The rules and procedures pertaining to appeals under this Chapter may be supplemented or modified as stated in the chapter that grants a right to appeal under these provisions. The hearing officer has no authority to hear appeals of any action taken by the City Council or any other board or commission of the City.

(Ord. MC-1521, 9-18-19)

[\[Return to Municipal Code Contents\]](#)

9.94.040 Hearing Officer—Selection and Qualifications

- A. The City Manager must establish procedures for the selection of a qualified person to serve as hearing officer for each matter appealed under this Chapter. Hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias.
- B. For purposes of this section, “qualified person” includes an individual with a background in the practice of law or with a background in local governance, that is particularly experienced or knowledgeable about the subject matter at issue, or that is otherwise deemed qualified by the City Manager.

(Ord. MC-1521, 9-18-19)

9.94.050 Powers and Duties of Hearing Officer

- A. As provided by Section 9.94.030, the hearing officer hears all appeals in accordance with the procedures contained in this Chapter or as supplemented or modified in the chapter granting a right to appeal hereunder.
- B. The hearing officer is authorized to issue decisions and take all actions necessary and proper to carry out the functions of the hearing officer in this Chapter, including:
 - (1) Hold conferences for settlement or simplification of the issues;
 - (2) Administer oaths and affirmations;
 - (3) Hear testimony;
 - (4) Rule upon motions, objections, and the admissibility of evidence;
 - (5) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - (6) Regulate the course of the hearing in accordance with this Chapter or other applicable law; and
 - (7) Issue a final order which includes findings of fact and conclusions of law.
- C. The hearing officer may request information, services, facilities, or any other assistance for the purpose of furthering the objectives of this Chapter.
- D. At the hearing, the hearing officer must hear and consider the testimony of the appellant, respondent, and their witnesses, as well as any documentary evidence presented by these persons.
- E. The hearing officer must ensure that parties receive a fair hearing and are afforded due process in accordance with the applicable State and federal law governing such hearings.

(Ord. MC-1521, 9-18-19)

[\[Return to Municipal Code Contents\]](#)

**9.94.060 Right to Appeal;
Consequence of an Untimely or Incomplete Appeal**

Except where this Code prescribes another procedure, the following hearing request procedures apply to appeals under this Chapter.

- A. Any aggrieved person may contest an action taken by an administrative officer of the City, as provided in Section 9.94.030, by filing a written notice of appeal with the City Clerk within 15 calendar days. No fee shall be due for the filing of an appeal. The notice of appeal must also include payment to the City Clerk of the appeal fee, as established or amended from time to time by resolution of the City Council.
- B. The notice required by Subsection (A) must be filed no later than 15 days following the date of mailing to appellant of notice of the action from which the appeal is taken or, if there is no such mailing or none is required, no later than 15 days following the date of the action that is the subject of the appeal.
- C. A written notice of appeal must contain the following information:
 - (1) The full name, mailing address, e-mail address, and telephone number of each appellant who is appealing the action;
 - (2) A description of the specific action or decision being appealed, including the date of the action;
 - (3) The grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy; and
 - (4) The signature of an appellant.
- D. If the City Clerk does not receive a timely notice of appeal, if the notice of appeal is incomplete, or if the notice of appeal does not comply with all of the requirements set forth in this section, the right to appeal the action is waived. In this event, the action is final and binding. A failure to file a timely or proper notice of appeal also constitutes a failure to exhaust administrative remedies.

(Ord. MC-1521, 9-18-19)

9.94.070 Administrative Hearings—Notice Procedures

Except where this Code prescribes another procedure, the following hearing notice procedures apply to appeals under this Chapter:

- A. No hearing before a hearing officer under this Chapter may be scheduled or held unless a timely and proper notice of appeal has been submitted to the City Clerk as set forth in Section 9.94.060.
- B. The City Clerk must schedule the hearing no sooner than 15 days and no later than 60 days from receipt of the notice of appeal, unless the parties waive such time limits. The failure to hold the hearing within this time period does not invalidate any action of the hearing officer.
- C. The City Clerk must provide a copy of the appeal to the respondent within five days after filing.
- D. The City Clerk must notify the appellant, respondent, and City Attorney in writing of the date, time, and location of the hearing at least 15 days before the date of the hearing.
- E. Failure to receive notice of the time and place of the hearing shall not dismiss any violation at issue or invalidate any action of the hearing officer, if the notice was given in the manner stated in Subsection (D) of this Section.
- F. The notice of hearing may be served by any of the methods of service listed in Section 9.94.100 of this Chapter.
- G. Unless the notice of appeal names some other respondent, the administrative officer or administrative agency that took the action or made the decision being appealed is designated the “respondent.”

(Ord. MC-1521, 9-18-19)

9.94.080 Administrative Hearings—Conduct of Hearing

- A. **Participation.** The hearing officer must be present at all times to preside over the hearing. All hearings are open to the public. The respondent, or another City representative, is required to participate in the hearing. The appellant is required to participate in the hearing.
- B. **Evidence, Witnesses, and Discovery.** All parties have the right to present evidence and cross-examine witnesses. The formal rules of evidence and discovery do not apply. The rules of privilege are effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious

[\[Return to Municipal Code Contents\]](#)

evidence may be excluded. Oral evidence may be taken only on oath or affirmation. The appellant and respondent may represent themselves or be represented by anyone of their choice.

- C. Cross-Examination. No party shall have the right to cross-examine any other party or witness except for good cause shown to the satisfaction of the hearing officer. Each party may cross-examine witnesses.
- D. Interpretation and Recordation. The appellant may bring an interpreter to the hearing at his or her sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.
- E. Subpoenas. In any hearing conducted by the hearing officer, he or she has the power to compel the attendance of witnesses for the production of evidence by subpoenas issued under the authority of the City Council and attested by the City Clerk. Subpoenas may also be issued at the request of the parties prior to the commencement of such hearing. No subpoena may be issued for any reason without the concurrence of the City Attorney that there is good cause for such subpoena to be issued, and such subpoena is approved by the City Council. It is the duty of the Chief of Police to cause all such subpoenas to be served, and the refusal of a person to attend or to testify in answer to such a subpoena subjects the person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council.
- F. Proof. The standard of proof applicable to the hearing and to be used by the hearing officer in deciding the issue on appeal is proof by a preponderance of the evidence. The respondent bears the burden of proof at the hearing. The hearing officer determines relevancy, weight, and credibility of testimony and evidence.
- G. Continuances. The hearing officer, before or during a hearing, may grant a request for a continuance, in his or her discretion, for good cause; however, in no event may the hearing be continued for more than 30 calendar days without stipulation by all parties.
- H. Failure of Appellant to Appear. If the appellant fails to appear at the hearing, the hearing officer may cancel the hearing and send a notice thereof to the appellant to the address stated on the appeal form. A cancellation of a hearing due to non-appearance of the appellant waives the right to appeal and is failure to exhaust all administrative remedies, provided that proper notice of the hearing as required by this Chapter has been provided. In such instances, the action is final and binding.

(Ord. MC-1521, 9-18-19)

9.94.090 Decision of the Hearing Officer

- A. The hearing officer must render his or her decision in accordance with the provisions of this Chapter, applicable law, and all ordinances of this City.
- B. The hearing officer’s decision must be in writing and must set forth the hearing officer’s findings of fact and conclusions of law.
- C. The hearing officer must render a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer.
- D. The hearing officer’s decision must be served on all parties in accordance with Section 9.94.100. Failure of a person to receive a properly-served decision does not affect the finality or effectiveness of the decision.
- E. The hearing officer’s decision is the final administrative decision of the City regarding the action that is the subject of the appeal. The hearing officer’s decision is effective on the date of service of the decision. The decision must contain the following statement: “The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq.”

(Ord. MC-1521, 9-18-19)

9.94.100 Methods of Service

- A. Except where this Code prescribes another procedure, any notice or document required to be served under this Chapter must be served by personal service or first-class mail.
- B. Service is deemed effective on the date it is personally delivered or mailed.
- C. Failure of any person to receive a document properly served under this Chapter does not affect the validity of the notice or document, service, or any action or proceeding under this Chapter.

(Ord. MC-1521, 9-18-19)

9.94.110 Costs

Nothing herein limits the City’s ability to seek recovery of its costs or fees incurred in connection with the hearing if authorized by law. The City shall keep an accounting of the hearing costs. If any portion of the action is upheld, even in part, the City is the prevailing party.

(Ord. MC-1521, 9-18-19)

[\[Return to Municipal Code Contents\]](#)

9.94.120 Judicial Review

The decision of the hearing officer is not subject to appeal to the City Council or any board or commission of the City. Once the hearing officer's decision becomes final as provided in this Chapter, the appellant must both bring judicial action to contest such decision and provide the City with a notice of the action within 90 days after the date of such decision of the hearing officer, in accordance with the Code of Civil Procedure section 1094.6. Failure to do so means all objections to the hearing officer's decision are waived.

(Ord. MC-1521, 9-18-19)

9.94.130 Limitation on Jurisdiction

The hearing officer shall not consider appeals of orders, decisions, and determinations of the City of San Bernardino Building Official relating to the building standards of the California Building Standards Code, which must be considered by the Building Appeals Board pursuant to Section 2.45.030 of this Code.

(Ord. MC-1521, 9-18-19)

9.94.140 Severability

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect."

(Ord. MC-1521, 9-18-19)

IX. NARCOTICS AND GANGS

Chapter 9.95
NARCOTICS AND GANG-RELATED CRIME EVICTION PROGRAM

Sections:

9.95.010	Definitions
9.95.020	Duties of the landlord
9.95.030	Administrative procedures
9.95.040	Recovery of possession by landlord
9.95.050	Enforcement
9.95.060	Penalties
9.95.070	Civil Remedies Available
9.95.080	Severability

9.95.010 Definitions

For purposes of this Chapter, the following definitions shall apply:

- A. "Controlled Substance" shall mean any drug, substance, or immediate precursor, as listed in the Uniform Controlled Substances Act, Health and Safety Code §11000, et. seq.,
- B. "Drug-Related Nuisance" shall mean any activity related to the possession, sale, use or manufacture of a controlled substance that creates an unreasonable interference with the comfortable enjoyment of life, property and/or safety of residents of the premises. Such activity includes, but is not limited to, any activity commonly associated with illegal drug dealing, such as noise, steady traffic day and night, to a particular unit, barricaded units, the display or observance of weapons, drug loitering as defined in Health and Safety Code §11532, or other drug-related occurrences which, taken as a whole, tend to substantially affect or interfere with any tenant's beneficial use and enjoyment of any rented property.
- C. "Gang-Related Crime" means the commission of any of the offenses listed in Penal Code §186.22(e) in which the perpetrator is a known member of a gang, or any crime motivated by gang membership in which the victim or the intended victim of the crime is a known member of a gang. The term 'gang' is as defined in Penal Code §186.22(f).
- D. "Illegal Drug Activity" means a violation of any of the provisions of Chapter 6 (commencing with §11350) or Chapter 6.5 (commencing with §11400) of the Health and Safety Code, or any successor provisions thereto.

[Return to Municipal Code Contents]

[Return to Title 9 Contents]

- E. "Landlord" means any owner of record, lessor, or sub-lessor, (including any person, firm, corporation, partnership, association of persons or other entity) who receives or is entitled to receive rent for the use of any rental unit, or the agent, manager, representative or successor of any of the foregoing.
- F. "Premises" means any rental unit and the land on which it and any other buildings of a complex are located and common areas, including but not limited to, garage facilities, streets, alleyways, stairwells, elevators, and, as the context permits or requires, any public or private property which is immediately adjacent to any of said areas.
- G. 'Rental unit' means any dwelling, including, but not limited to, any single and multi-family residence, duplex, and/or condominium in the City of San Bernardino. This term shall also include any mobile home, whether rent is paid for the mobile home, the land upon which the mobile home is located, or both. It shall also mean any recreational vehicle, as defined in California Civil Code §799.24, if located in a mobile home park or recreational vehicle park, whether rent is paid for the recreation vehicle, the land upon which it is located, or both.
- H. "Tenant" means any tenant, subtenant, lessee, sub-lessee or any person entitled to use or occupancy of a rental unit, or any other person residing in the rental unit.

9.95.020 Duties of the landlord

- A. A landlord shall not cause or knowingly permit any premises under his or her control to be used or maintained for any illegal drug activity, gang-related crime, or in such manner as to constitute a drug-related nuisance; or
- B. A landlord shall not cause or knowingly permit any tenant to use or occupy premises under the landlord's control, if the tenant commits, permits, maintains or is involved in any illegal drug activity, gang-related crime, or drug-related nuisance on the premises.
- C. A landlord shall, in any lease executed after the effective date of this chapter, include language as follows or language that is substantially similar: "During the continuance of this lease, the leased premises will not be used for any purpose in violation of any federal, state, or municipal statute or ordinance, or of any regulation, order, or directive of a governmental agency, as such statutes, ordinances, regulations, orders, or directives now exist or may exist in the future, concerning the use and safety of the premises. On the breach of any provision of this lease by lessee, lessor may at lessor's option terminate this lease immediately and reenter and repossess the premises." Failure to include this language or substantially similar language shall not relieve the landlord of any other duties required under this chapter, nor shall it be a defense to a prosecution pursuant to this chapter.

[\[Return to Municipal Code Contents\]](#)

9.95.030 Administrative procedures

The Mayor, or his or her designee, may promulgate such administrative procedures as may be necessary to implement the provisions of this Chapter.

9.95.040 Recovery of possession by landlord

- A. Grounds for Eviction. Notwithstanding any provision of the San Bernardino Municipal Code to the contrary, a landlord may bring an action to recover possession of a rental unit upon any of the following grounds:
 - 1. The tenant is committing or permitting to exist any illegal drug activity, gang-related crime, or drug-related nuisance on the premises; or
 - 2. The tenant has been convicted of a crime wherein the underlying offense involves illegal drug activity, drug-related nuisance activity or a gang-related crime on the premises.
- B. Notwithstanding subdivision (b) of Section 68097.2 of the Government Code, a public entity may waive all or part of the costs incurred in furnishing the testimony of a peace officer in an unlawful detainer action brought by a landlord to recover possession of a rental unit pursuant to this chapter.

9.95.050 Enforcement

- A. Provided the owner of record or agent thereof, and any known manager, of a premises have been served with a written notice by certified mail, return receipt requested, advising that the Chief of Police has determined that the landlord is in violation of subsection A of §9.95.020 hereof, and has failed to comply with the provisions of that Subsection within fifteen (15) business days of the date of service of said notice, or to file an appeal within said period as provided herein, then the City may proceed with enforcement pursuant to this chapter. Notwithstanding enforcement pursuant to this chapter, the City may proceed with an action for injunctive relief or utilize any other remedy provided by law to compel compliance, including but not limited to, all remedies available to abate a nuisance.
- B. For purposes of this Section, the written notice shall also identify the offending tenant(s), unit number if applicable, and the specific violation(s), and shall state the date(s) and time(s) of any observed criminal activity and any resulting arrest(s), and shall further state that as to such tenant(s) the landlord is required to serve and diligently prosecute either a three (3) day notice to quit or a thirty (30) day notice to vacate. The term ‘diligently prosecute’ shall mean such prosecution by the landlord as is necessary to cause the subject rental unit to be completely vacated by all tenants who commit, permit, maintain or are involved in any illegal drug activity gang-related crime, or drug-related nuisance. No such vacated rental unit may be,

[\[Return to Municipal Code Contents\]](#)

re-rented, leased or otherwise reoccupied by the prosecuted tenant(s) prior to the expiration of a twelve (12) month period following the vacation of the rental unit by the tenant(s). It is acknowledged that a tenant, in his/her answer to an unlawful detainer action, may raise as an affirmative defense a denial that he/she has engaged in the prohibited conduct. A judicial decision not to order the eviction of a tenant is a defense to prosecution under this Chapter.

- C. The required notice shall also state that within said fifteen (15) day period, the landlord may file a written appeal of the determination of violation with the City Clerk who shall cause the matter to be set for hearing before the Hearing Officer. Written notice of the date and time of said hearing shall be served by first class mail, addressed to the landlord's last known business address. Following the conclusion of the hearing, the Hearing Officer may affirm, reverse, or reverse subject to conditions, the Police Chief's determination of violation. The Hearing Officer's decision shall be based upon written findings and shall be final. Any review of the Hearing Officer's decision shall be in accordance with the procedures as set forth in the Code of Civil Procedure §1094.5.
- D. In the event no appeal is timely filed or an appeal is denied, the City may immediately proceed to enforce the provisions of this Chapter against such landlord by way of criminal enforcement action.
- E. The offending tenant(s) shall be served with a written notice by certified mail, return receipt requested, advising such tenant(s) that the landlord is being notified of the observed criminal activity and that the landlord is required to serve and diligently prosecute either a three (3) day notice to quit or a thirty (30) day notice to vacate. The required notice shall also state that within fifteen (15) days of the date of the notice, the tenant(s) may file a written appeal of the determination of violation with the City Clerk who shall cause the matter to be set for hearing before the Hearing Officer. Written notice of the date and time of said hearing shall be served by first class mail, addressed to the tenant(s) last known address. A decision affirming the violation by the Hearing Officer shall not prevent such tenant(s) from defending any subsequent unlawful detainer action.

9.95.060 Penalties

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Ordinance. Any person violating any provision of this Ordinance or failing to comply with any of its requirements shall be punished as follows:

- A. For three (3) or less violations occurring within any twelve (12) consecutive month period, a violation of this Ordinance shall be deemed to be an infraction, punishable by a fine not exceeding \$100.00 for a first violation, \$200.00 for a second violation of

[\[Return to Municipal Code Contents\]](#)

the same provision within any twelve (12) consecutive month period, and a fine not exceeding \$500.00 for a third violation of the same provision occurring within any twelve (12) consecutive month period.

- B. A fourth violation of the same provision occurring within any twelve (12) consecutive month period shall be deemed to be a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$1,000.00, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

9.95.070 Civil Remedies Available

The violations of any of the provisions of this Ordinance hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

9.95.080 Severability

Should any provision, section, paragraph, sentence or words of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

(Ord. MC-1049, 7-08-99)

Chapter 9.96 CRIME FREE ZONES

Sections:

- 9.96.010 Purpose**
- 9.96.020 Definitions**
- 9.96.030 Procedure for Establishing a Crime Free Zone**
- 9.96.040 Notice of a Crime Free Zone**
- 9.96.050 Remaining in Certain Places Within the Crime Free Zone Without Consent**
- 9.96.060 Supplemental Procedure**

9.96.010 Purpose

The purpose of this chapter is to establish a procedure for the designation of crime free zones within the city.

[\[Return to Municipal Code Contents\]](#)

9.96.020 Definitions

In this section:

- A. “Disperse” means to depart from the designated crime free zone and not to reassemble within the crime free zone with anyone from the group ordered to depart for the duration of the zone.
- B. “Crime free zone” means an area that is established pursuant to Section 9.96.030.
- C. “Illegal Drug” has the same meaning as the term “controlled substance” in Section 11007 of the California Health and Safety Code.
- D. “Public place” means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business to which the public is invited, including any place of amusement, entertainment, or eating place. Any “public place” also includes the front yard area, driveway, and walkway of any private residence, business, or apartment house.

9.96.030 Procedure for establishing a crime free zone

- A. The city council may declare any area a crime free zone by adopting a resolution setting forth the boundaries of such area.
- B. In determining whether to designate a crime free zone, the city council shall consider the following:
 - 1. The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs, crimes against property, crimes against persons, and other violent crimes in the proposed crime free zone;
 - 2. Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed within the proposed crime free zone; and
 - 3. Any other verifiable information from which the council may ascertain whether the health and safety of residents who live in the proposed crime free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

[\[Return to Municipal Code Contents\]](#)

9.96.040 Notice of a crime free zone

Upon the designation of a crime free zone, the city shall mark each block within the crime free zone by posting the following information in the immediate area, of, and on the borders around, the crime free zone:

- A. A statement that the area has been designated a crime free zone;
- B. The boundaries of the crime free zone;
- C. A statement of the effective dates of the crime free zone designation; and
- D. Any other additional notice to inform the public of the crime free zone.

9.96.050 Remaining in certain places within the Crime Free Zone without consent

- A. It is unlawful for any person, other than a public officer or employee acting within the course and scope of his or her employment, to enter or remain in any public place, as defined in this chapter, or private property, without the implied or express consent of the owner, his or her agent or person in lawful possession thereof, or with the knowledge that such consent has been withdrawn.
- B. Exceptions. This section shall not apply in any of the following instances:
 - (1) where its application is directly related to an act prohibited by the Unruh Civil Rights Act or other law relating to prohibited discrimination against any person on account of sex, color, race, religion, creed, ancestry, or national origin;
 - (2) where its application involves or is directly related to an act prohibited by Section 365 of the Penal Code or other law relating to the duties of innkeepers or common carriers; or
 - (3) where the property described in subsection A of this section is owned, leased, or operated by the City or any other public entity and is open to the public and the application of this section would result in an interference or inhibition of the exercise of constitutionally protected right of freedom of speech, provided the exercise of such right does not involve prohibited conduct, including but not limited to conduct prohibited by Section 647 or Section 415 of the Penal Code or any law or ordinance relating to the obstruction of any street, sidewalk, or other public place or place open to the public.

[\[Return to Municipal Code Contents\]](#)

- C. Any person violating this Section is guilty of a misdemeanor which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of the Code except that any person violating this section shall be placed on summary probation with the term and condition that they stay away from the Crime Free Zone.

9.96.060 Supplemental procedure

The prohibitions set forth in this chapter are supplemental to any similar prohibitions set forth in state law.

(Ord. MC-1228, 7-12-06)

Chapter 9.97 Regulation of Registered Sex Offenders (Added by Ord. MC-1380, 10-17-12)⁵

Sections:

- 9.97.010 Intent and Purpose**
- 9.97.020 Definitions**
- 9.97.030 Prohibitions**

9.97.010 Intent and Purpose

The Mayor and Common Council desires to impose safety precautions in furtherance of the compelling interest of protecting children from registered sex offenders by restricting registered sex offenders' access to locations where children regularly gather. The Mayor and Common Council finds that registered sex offenders pose a clear threat to the children residing in or visiting the community. It is the intent of the restrictions in this Chapter to reduce the threat that registered sex offenders pose to these children by limiting the ability of registered sex offenders to be in contact with these children on Halloween, the evening of October 31st

Currently, state law does not address the areas that registered sex offenders can frequent, focusing only on where registered sex offenders can reside. This Chapter is not intended to conflict with, but to supplement, state law by imposing additional restrictions

⁵Ord. MC-1415, 07-20-2015 added "Chapter 9.97 Psychoactive Bath Salts, Psychoactive Herbal Incense and Other Synthetic Drugs" in such a way that might have supplanted "Chapter 9.97 Regulation of Registered Sex Offenders," which was not the intention of the Mayor and Common Council. On advice from the City Attorney, Chapter 9.97 remains "Regulation of Registered Sex Offenders" and "Psychoactive Bath Salts, Psychoactive Herbal Incense and Other Synthetic Drugs" has been moved to Chapter 9.98. This non-substantive change of Chapter number is the only change from Ord. MC-1415.

[Return to Municipal Code Contents]

on the locations where registered sex offenders may reside, imposing restrictions on the locations where registered sex offenders may frequent, and imposing reasonable time, place and manner restrictions on registered sex offenders' contact with children

9.97.020 Definitions

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a difference meaning.

Registered Sex Offender

Any person who has been convicted of an offense against a child and is required to register as a sex offender pursuant to Sections 290 et seq. of the California Penal Code.

9.97.030 Prohibitions

- A. Any registered sex offender on October 31st. of each year shall
 - 1. Leave all exterior residential, decorative and ornamental lighting at his or her residence off between 5:00 p.m. and 11:59 p.m.
 - 2. Not decorate or maintain any Halloween decorations on the exterior or any interior portion of his or her residence that is visible to the public; and
 - 3. Be prohibited from answering the door of his or her residence to children who are engaging in the practice of asking for treats on Halloween, commonly called "trick-or-treating."

Chapter 9.98
Psychoactive Bath Salts, Psychoactive Herbal Incense
and Other Synthetic Drugs
(Added by Ord. MC-1415, 7-20-2015)⁶

Contents:

9.98.010	Purpose and Intent
9.98.020	Definitions
9.98.030	Provision, Sale and/or Distribution of Synthetic Drugs Prohibited
9.98.040	Provision, Sale and/or Distribution of Substances Claimed or Represented to be Synthetic Drugs Prohibited
9.98.050	Possession of Synthetic Drugs Prohibited
9.98.060	Public Nuisance
9.98.070	Summary Abatement
9.98.080	Revocation of Business License
9.98.090	Penalties
9.98.100	Seizure of Evidence
9.98.110	Exclusions
9.98.120	Severability

9.98.010 Purpose and Intent

Recreational use of Psychoactive Bath Salts, Psychoactive Herbal Incense and similar products commonly known as "Synthetic Drugs" has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death. While State and Federal laws and regulations prohibit some Synthetic Drugs, the makers of these drugs continually alter the composition of the compounds in their products so as to escape the purview of these laws and regulations. The purpose and intent of this Chapter is to provide the City with reasonable measures to address the dangers to the community posed by Synthetic Drugs that are not regulated by State or Federal Law.

⁶Ord. MC-1415, 07-20-2015 added "Chapter 9.97 Psychoactive Bath Salts, Psychoactive Herbal Incense and Other Synthetic Drugs" in such a way that might have supplanted "Chapter 9.97 Regulation of Registered Sex Offenders," which was not the intention of the Mayor and Common Council. On advice from the City Attorney, Chapter 9.97 remains "Regulation of Registered Sex Offenders" and "Psychoactive Bath Salts, Psychoactive Herbal Incense and Other Synthetic Drugs" has been moved to Chapter 9.98. This non-substantive change of Chapter number is the only change from Ord. MC-1415.

[Return to Municipal Code Contents]

9.98.020 Definitions

- A. "Consume," "consuming" or "consumption" shall mean to ingest, inhale, inject, smoke or snort (insufflate).
- B. "Distribute," "distributing" or "distribution" shall mean to furnish, give away, exchange, transfer, deliver or supply, whether for monetary gain or not.
- C. "Person" shall include any natural person, business, firm, company, corporation, public corporation, club, trust, partnership, association and/or similar organization.
- D. "Possess," "possessing" or "possession" shall mean to have for consumption, distribution or sale in one's actual or constructive custody or control, or under one's authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.
- E. "Provide," "providing" or "provision" shall mean offering to distribute or sell a product or substance to any person.
- F. "Psychoactive Bath Salts" shall mean any crystalline or powder product that contains a synthetic chemical compound that, when consumed, elicits psychoactive or psychotropic stimulant effects. The term "Psychoactive Bath Salts" includes without limitation:
 - 1. Products that elicit psychoactive or psychotropic stimulant effects and contain any of the following intoxicating chemical compounds:
 - (a) Cathinone (2-amino-1-phenyl-1-propanone), 4-methylmethcathinone (2-methylamino-1-(4-methylphenyl)propan-1-one), 4-methoxymethcathinone (1-(4-methoxyphenyl)-2-(methylamino)propan-1-one), MDPV (methylenedioxypropylamphetamine), MDMA (3,4-methylenedioxy-N-methylamphetamine), methylone (3,4-methylenedioxy-N-methylcathinone), methcathinone (2-(methylamino)-1-phenylpropan-1-one), flephedrone (4-fluoromethcathinone), 3-FMC (3-fluoromethcathinone), ethcathinone (2-ethylamino-1-phenylpropan-1-one), butylone (-keto-N-methylbenzodioxolylbutanamine), a-PPP (-pyrrolidinopropiophenone), MPPP (4'-methyl--pyrrolidinopropiophenone), MDPPP (3',4'-methylenedioxy--pyrrolidinopropiophenone), -PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone) or naphyrone (1-naphthalen-2-yl-2-pyrrolidin-1-ylpentan-1-one);

- (b) Any derivative of the above listed intoxicating chemical compounds;
 - (c) Any synthetic substance and its isomers with a chemical structure similar to the above listed compounds;
 - (d) Any chemical alteration of the above listed intoxicating chemical compounds; or
 - (e) Any other substantially similar chemical structure or compound; and
2. Products that elicit psychoactive or psychotropic stimulant effects and are marketed under any of the following trade names: Bliss, Blizzard, Blue Silk, Bonzai Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night and White Lightning.

The term "Psychoactive Bath Salts" shall not include any product, substance, material, compound, mixture or preparation that is specifically excepted by the California Uniform Controlled Substances Act ("UCSA") (Health and Safety Code §§ 11000 et seq.), listed in one of the UCSA's schedules of controlled substances (Health and Safety Code §§ 11053-11058), regulated by one of the UCSA's Synthetic Drug Laws (Health and Safety Code §§ 11357.5, 11375.5 and 11401), regulated by the CSA (21 U. S. C. §§ 81 et seq.) or approved by the Food and drug administration ("FDA").

H. "Psychoactive Herbal Incense" shall mean any organic product consisting of plant material that contains a synthetic stimulant compound that, when consumed, elicits psychoactive or psychotropic euphoric effects. The term "Psychoactive Herbal Incense" includes without limitation:

- 1. Products that elicit psychoactive or psychotropic euphoric effects and contain any of the following intoxicating chemical compounds:
 - (a) Cannabicyclohexanol (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol), JWH-018 (naphthalen-1-yl-(1-pentylindol-3-yl)methanone), JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone), JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl)methanone), HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol), CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) or AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone);

[\[Return to Municipal Code Contents\]](#)

- (b) Any derivative of the above listed intoxicating chemical compounds;
 - (c) Any synthetic substance and its isomers with a chemical structure similar to the above listed intoxicating chemical compounds;
 - (d) Any chemical alteration of the above listed intoxicating chemical compounds; or
 - (e) Any other substantially similar chemical structure or compound.
2. Products that elicit psychoactive or psychotropic euphoric effects and are marketed under any of the following trade names: K2, K3, Spice, Genie, Smoke, Potpourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Stinger, Serenity, Fake Weed and Black Mamba.

The term "Psychoactive Herbal Incense" shall not include any product, substance, material, compound, mixture, or preparation that is specifically excepted by the UCSA (Health and Safety Code §§ 11000 et seq.), listed in one of the USCA's schedules of controlled substances (Health and Safety Code §§ 11053-11058), regulated by one of the USCA's Synthetic Drug Laws (Health and Safety Code §§ 11357.5, 11375.5 and 11401), regulated by the CSA (21 U. S. C. §§ 81 et seq.) or approved by the FDA.

- J. "Psychoactive or psychotropic stimulant effects" shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition and/or behavior in ways that are similar to the effects of cocaine, methylphenidate or amphetamines.
- K. "Psychoactive or psychotropic euphoric effects" shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition and/or behavior in ways that are similar to the effects of cannabis.
- L. "Sell," "selling" or "sale" shall mean to furnish, exchange, transfer, deliver or supply for monetary gain.
- M. "Synthetic Drug" shall include Psychoactive Bath Salts and Psychoactive Herbal Incense, as those terms are defined hereinabove.

9.98.030 Provision, Sale and/or Distribution of Synthetic Drugs Prohibited

- A. It is unlawful for any person to claim or represent that a product that person is providing, distributing or selling is a Synthetic Drug within the City of San Bernardino.

[\[Return to Municipal Code Contents\]](#)

- B. Merely disclaiming a Synthetic Drug as "not safe for human consumption" will not avoid the application of the Section.

9.98.040 Provision, Sale and/or Distribution of Substances Claimed or Represented to be Synthetic Drugs Prohibited

- A. It is unlawful for any person to claim or represent that a product that person is providing, distributing or selling is a Synthetic Drug within the City of San Bernardino.
- B. To determine if a person is claiming or representing that a product is a Synthetic Drug, the enforcing officer may consider any of the following evidentiary factors:
 - 1. The product is not suitable for its marketed use (such as crystalline or powder product being marketed as "glass cleaner");
 - 2. The business providing, distributing or selling the product does not typically provide, distribute or sell products that are used for that product's marketed use (such as a liquor store selling "plant food");
 - 3. The product contains a warning label that is not typically present on products that are used for that product's marketed use (such as "not for human consumption," "not for purchase by minors," or "does not contain chemicals banned by Section 11357.5");
 - 4. The product is significantly more expensive than products that are used for that product's marketed use (such as a half of a gram of a substance marketed as "glass cleaner" costing \$50.00);
 - 5. The product resembles an illicit street drug (such as cocaine, methamphetamine or marijuana); or
 - 6. The product's name or packaging uses images or slang referencing an illicit street drug (such as "Eight Ballz" or "Green Buddha").
- C. Merely disclaiming a substance claimed or represented to be a Synthetic Drug as "not safe for human consumption" will not avoid the application of this Section.

9.98.050 Possession of Synthetic Drugs Prohibited

It is unlawful for any person to possess any Synthetic Drug within the City of San Bernardino.

[\[Return to Municipal Code Contents\]](#)

9.98.060 Public Nuisance

- A. It is a public nuisance for any person to provide, distribute or sell any Synthetic Drug within the City of San Bernardino.
- B. It is a public nuisance for any person to allow the provision, distribution or sale of any Synthetic Drug on property owned, controlled or managed by such person within the city of San Bernardino.
- C. It is a public nuisance for any person to provide, distribute or sell any substance claimed or represented to be a Synthetic Drug within the City of San Bernardino.
- D. It is a public nuisance for any person to allow the provision, distribution or sale of any substance claimed or represented to be a Synthetic Drug on property owned, controlled or managed by such person within the City of San Bernardino.
- E. To determine if a person is claiming or representing that a substance or product is a Synthetic Drug, the enforcing officer may consider any of the evidentiary factors set forth in Section 9.98.040(B) of this Chapter.

9.98.070 Summary Abatement

Because the use of Synthetic Drugs has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, any violation of the Chapter presents a grave and imminent danger not only to the person consuming the Synthetic Drug, but also to the public at large. If the Enforcement Officer, based on the facts then known, determines that a violation of this Chapter presents an imminent danger or hazard or is imminently injurious to the public health or safety, then that violation is punishable by the summary abatement.

9.98.080 Revocation of Business License

No person holding a validly issued City business license and owning or operating a business in the City may use that business to provide, distribute or sell any Synthetic Drug or any substance claimed or represented to be a Synthetic Drug. A violation of this Section by the holder of a validly issued City business license, shall constitute grounds for the modification, suspension and/or revocation of said license.

9.98.090 Penalties

- A. Misdemeanor Violation. Failure to comply with any of the requirements of this Chapter is a misdemeanor punishable by imprisonment in the County jail for a period not exceeding six (6) months or by fine not exceeding one thousand dollars (\$1,000.00), or by both, provided that where the City Attorney determines that such action would be in the interest of justice, he/she may specify in the accusatory pleading that the offense shall be an infraction.
- B. Infraction Violation. Where the City Attorney determines that, in the interest of justice, a violation of this Chapter is an infraction, such infraction is punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional infraction violation of the same provision within one (1) year. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury and shall not be entitled to have the public defender or other counsel appointed at public expense to represent him/her, unless he/she is arrested and not released on his/her written promise to appear, his/her own recognizance or a deposit of bail. However, any person who has previously been convicted two (2) or more times during any twelve (12) month period for any violation of this Chapter for a crime made punishable as an infraction shall be charged with a misdemeanor upon the third violation.
- C. Separate Offense. Each person committing, causing or maintaining a violation of this Chapter or failing to comply with the requirements set forth herein shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, maintained or permitted by such person and shall be punishable accordingly.
- D. Civil Remedies Available; Remedies Cumulative. In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall constitute a public nuisance and may be abated by the City by civil process by means of a restraining order, preliminary or permanent injunction or in any manner provided by law for the abatement of such nuisance. All remedies herein are cumulative and non-exclusive.
- E. Administrative Citation/ Administrative Civil Penalty. In lieu of issuing a criminal citation, the City may issue an administrative citation pursuant to Chapter 9.92 of this Municipal Code or an Administrative Civil Penalty pursuant to Chapter 9.93 of this Municipal Code, to any person responsible for committing, causing or maintaining a violation of this Chapter. Nothing in this Section shall preclude the City from also issuing a citation upon the occurrence of the same offense on a separate day.

[Return to Municipal Code Contents]

- F. Additional Penalties; Costs of Abatement. Nothing in this Chapter shall preclude the City from pursuing the remedies made applicable hereto elsewhere in this Municipal Code or under State law, including but not limited to, as applicable, denial or revocation of certificates of occupancy and injunctive relief. In any administrative or criminal proceeding involving the abatement of a public nuisance, the City shall also be entitled to recover its full reasonable costs of abatement, including, but not limited to, investigation, analysis and prosecuting the enforcement against the guilty party, upon submission of proof of such cost by the City.

- G. Public Nuisance Remedies. The prevailing party in any proceeding associated with the abatement of a public nuisance as provided herein, shall be entitled to recovery of attorneys' fees incurred in any such proceeding, where the City has elected, at the initiation of that individual action or proceeding to seek recovery of its own attorneys' fees. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

9.98.100 Seizure of Evidence

Any product(s) or substances(s) possessed, provided, distributed or sold in violation of any provision of this Chapter shall be seized by the enforcing officers and removed and stored in accordance with law.

9.98.110 Exclusions

- A. This Chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds which have been approved by the federal Food and Drug Administration or which are specifically permitted by California law, including without limitation, intoxicating chemical compounds that are specifically excepted by the California Uniform Controlled Substances Act (Health and Safety Code § 11000 et seq.).

- B. This Chapter shall not apply to drugs or substances which are prohibited by State or Federal law, including without limitation, California Health and Safety Code Sections 11357.5, 11375.5, 11401 and the Federal Controlled Substances Act.

- C. This Chapter shall not be deemed to prescribe any act which is positively permitted, prohibited or preempted by any State or Federal law or regulation.

9.98.120 Severability

If any subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by State or Federal legislation, such decision or legislation shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have passed this Chapter and each and every subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation."

Title 10
VEHICLES AND TRAFFIC

ARTICLE I. GENERAL REGULATIONS

Chapters:

- 10.04** **Definitions**
- 10.08** **Obedience to Traffic Regulations**
- 10.12** **Traffic-Control Devices**
- 10.16** **Stopping, Standing and Parking**
- 10.20** **Special Stops**
- 10.24** **Operation of Vehicles and Bicycles**
- 10.25** **Vehicles For Sale on Public Streets**
- 10.28** **Pedestrians**
- 10.32** **Buses and Railroad Trains**
- 10.36** **Loading Zones, Bus Stops and Crosswalks**
- 10.38** **Drive-In Establishments**
- 10.40** **Damage to Property**
- 10.44** **Violation - Penalty**

ARTICLE II. SPECIFIC REGULATIONS

- 10.48** **Bicycles**
- 10.52** **Speed Limits**
- 10.56** **Noise Limits**

[\[Return to Municipal Code Contents\]](#)

ARTICLE I. GENERAL REGULATIONS

Chapter 10.04 DEFINITIONS¹

Sections:

- 10.04.010 Defined words from Vehicle Code
- 10.04.020 Generally
- 10.04.025 Abandoned vehicle
- 10.04.030 Alley
- 10.04.040 Commercial vehicle
- 10.04.050 (Repealed by Ord. MC-210, 9-20-82)
- 10.04.060 Holiday and holidays
- 10.04.070 Loading zone
- 10.04.080 Official traffic-control devices
- 10.04.090 Official traffic signals
- 10.04.095 Off-street parking facility
- 10.04.100 Owned by the City
- 10.04.110 Park
- 10.04.120 Parkway
- 10.04.130 Passenger loading zone
- 10.04.140 Pedestrian
- 10.04.150 Police Officer and Chief of Police
- 10.04.160 Shall and may
- 10.04.170 Stop
- 10.04.180 Stop or stand

10.04.010 Defined words from Vehicle code

The following words and phrases when used in this Article shall for the purpose of this Article have the meaning respectively ascribed to them by the Vehicle Code of the state as of the effective date of the ordinance codified in this Article, or as hereafter amended, which meaning is adopted by reference, and made a part of this Article: authorized emergency vehicle, authorized emergency vehicle (privately owned), business district, bicycle, crosswalk, driver, intersection, motorcycle, motortruck, motor vehicle, operator, person, private road or driveway, residence district, roadway, safety zone, sidewalk, street or highway, through highway, and vehicle.

(Ord. 3233, 1-18-72; Ord. 1652, 3-18-41)

¹For statutory provisions defining terms used in the Vehicle Code, see Vehicle Code §100 et seq.

[Return to Municipal Code Contents]

10.04.020 Generally

Whenever in this Article the words and phrases set forth in this Chapter are used, they shall, for the purpose of this Article, have the meanings respectively ascribed to them in this Chapter.

(Ord. 1652, 3-18-41)

10.04.025 Abandoned Vehicle

"Abandoned Vehicle" means any vehicle left standing or parked for seventy-two (72) or more consecutive hours upon a street, alley, off-street parking facility, public property or private property without the consent of the owner.

(Ord. MC-668, 7-19-89)

10.04.030 Alley

"Alley" means any street less than twenty-five feet in width between property lines.

(Ord. 1652, 3-18-41)

10.04.040 Commercial Vehicle

"Commercial Vehicle" is a vehicle, of a type required to be registered under the California Vehicle Code, designated, used or maintained primarily for the transportation of persons or property for hire.

(Ord. MC-668, 7-19-89)

10.04.050 (Repealed by Ord. MC-210, 9-20-82)

10.04.060 Holiday and holidays

"Holiday and holidays" as used in this Article, or any resolution adopted pursuant thereto, means and includes state holidays, including such holidays when celebrated on the Monday following the Sunday upon which any of such holidays may fall.

(Ord. 2690, 10-05-65; Ord. 1652, 3-18-41)

10.04.070 Loading Zone

"Loading Zone" means that space adjacent to a curb reserved for the exclusive use of commercial vehicles for the loading or unloading of passengers or freight.

(Ord. MC-668, 7-19-89)

[\[Return to Municipal Code Contents\]](#)

10.04.080 Official Traffic-Control Devices

"Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this Article, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(Ord. 1652, 3-18-41)

10.04.090 Official Traffic Signals

"Official traffic signals" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed, and which is erected by authority of a public body or official having jurisdiction.

(Ord. 1652, 3-18-41)

10.04.095 Off-Street Parking Facility

"Off-Street Parking Facility" means any off-street facility held open for use by the public for parking vehicles and includes any publicly owned facilities for off-street parking, and privately owned facilities for off-street parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.

(Ord. MC-668, 7-19-89)

10.04.100 Owned by the City

"Owned by the City" as used in this Article, or any resolution adopted pursuant thereto, means owned, leased, operated or controlled by the City.

(Ord. 3323, 12-20-72; Ord. 1652, 3-18-41)

10.04.110 Park

"Park" means the stopping or standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or materials.

(Ord. 1652, 3-18-41)

10.04.120 Parkway

"Parkway" means that portion of a street other than a roadway or a sidewalk.

(Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.04.130 Passenger loading zone

"Passenger loading zone" means that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Ord. 1652, 3-18-41)

10.04.140 Pedestrian

"Pedestrian" means any person afoot.

(Ord. 1652, 3-18-41)

10.04.150 Police officer and chief of police

- A. "Police Officer" means every officer of the Police Department of this City.

- B. Chief of Police. On and after the effective date of this section, the duties of the Chief of Police under this Article, as set forth in Sections 10.12.010A3, 10.12.020, 10.12.040, 10.16.010, 10.16.020, 10.16.030, 10.16.070, 10.16.090, 10.20.010, 10.36.010, 10.36.020, and 10.44.010, shall become the duties of the City Engineer and wherever the title "Chief of Police" appears in said sections, the designation thereof shall be "City Engineer" for all purposes and shall be cited and referred to accordingly.

(Ord. 2392, 9-26-61; Ord. 1652, 3-18-41)

10.04.160 Shall and may

"Shall" is mandatory and "may" is permissive.

(Ord. 1652, 3-18-41)

10.04.170 Stop

"Stop" when required, means complete cessation of movement.

(Ord. 1652, 3-18-41)

10.04.180 Stop or stand

"Stop or stand," when prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device.

(Ord. 1652, 3-18-41)

[Return to Municipal Code Contents]

Chapter 10.08 OBEDIENCE TO TRAFFIC REGULATIONS²

Sections:

10.08.010 Obedience to police

10.08.020 Exemptions to authorized emergency vehicles

10.08.010 Obedience to police

Officers of the Police Department, and such individuals as are designated by the Chief of Police or his representative, are authorized to direct all traffic by means of visible or audible signal, and it is unlawful for any person to refuse or fail to comply with any such unlawful order, signal or direction. It is unlawful for any minor to direct or attempt to direct traffic, except when so authorized to do so by the Chief of Police or said Chief's representative.

(Ord. 1652, 3-18-41)

10.08.020 Exemptions to authorized emergency vehicles

The provisions of this Article regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles, or authorized emergency vehicles (privately owned), as defined in Section 10.04.010.

(Ord. 1652, 3-18-41)

²For statutory provisions on local authority to regulate traffic by means of traffic officers, see Vehicle Code §21100.

Chapter 10.12 TRAFFIC-CONTROL DEVICES³

Sections:

- 10.12.010 Traffic signals, safety zones, turning markers and turns
- 10.12.020 One-way streets and alleys
- 10.12.030 Obedience to no-turn signs and turning markers
- 10.12.040 Signaling devices
- 10.12.050 Enforcement

10.12.010 Traffic signals, safety zones, turning markers and turns

- A. The Common Council shall, by resolution, authorize:
1. The installation and maintenance of official traffic signals at such intersections and other places as it may deem necessary for the regulation of traffic;
 2. The establishment of safety zones at such places as it may deem necessary for the protection of pedestrians;
 3. The establishment of turning markers, U-turns and right and left turns at such places as it may deem necessary for the regulation of traffic; provided, however, the City Engineer or Director of Public Services are authorized to designate safety zones, no parking zones, turning markers, U-turns and right and left turns in all cases of emergency or as a temporary measure for a period of not exceeding fifteen days at such place or places as such officer may deem necessary. The City Engineer shall erect official traffic signals at such appropriate place or places, and the Director of Public Services shall erect such official traffic signs at such place or places.
- B. The City Engineer shall install and maintain, or cause to be installed and maintained, such official traffic signals as are authorized by the Common Council; the Director of Public Services shall install and maintain, or cause to be installed and maintained such official safety zones, turning markers, U-turns and right and left turns as are authorized by the Common Council;

³For statutory provisions on local authority to place traffic-control devices, see Vehicle Code §21351 et seq. And §21450 et seq.

- C. The City Engineer is authorized to cause the placing and maintenance of warning and control devices for public works projects being done under contract with the City. Any person or firm performing work in a City street pursuant to such a contract shall provide warning and control devices as may be required in accordance with the latest edition of the "Work Area Traffic Control Handbook" (WATCH), as promulgated by the American Public Works Association, or as may be approved by the City Engineer. Such devices shall be removed after completion of the work or improvement project when their use is no longer required.

- D. The Director of Public Services is authorized to cause the placing and maintenance of warning and control devices for street cutting and street improvement projects not performed under public works contract with the City. Designation of the types and number and placement of signs shall be the duty of the City Engineer or his designee, who shall file a copy of any such designation with the Director of Public Services. Any person or firm performing work in a City street other than as a contractor on a public works project for the City shall provide warning and control devices as may be required in accordance with the latest edition of the "Work Area Traffic Control Handbook" (WATCH), as promulgated by the American Public Works Association, or as may be approved by the Director of Public Services. The Director of Public Services shall have authority to enforce the placement and maintenance of all such traffic control devices as are designated by the City Engineer or as are otherwise required by the Director of Public Services. Such devices shall be removed after completion of the work or improvement project when their use is no longer required.

(Ord. MC-344, 2-22-84; Ord. 3658, 7-18-77; Ord. 1652, 3-18-41)

10.12.020 One-way streets and alleys

Whenever the Common Council by resolution designates any one-way street or alley, the Director of Public Services shall install and maintain signs giving notice thereof and indicating the course to be traveled. When such signs are so erected, no person shall drive any vehicle in a direction contrary thereto.

(Ord. MC-344, 2-22-84; Ord. 1706, 12-21-43; Ord. 1652, 3-18-41)

10.12.030 Obedience to no-turn signs and turning markers

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of any vehicle, except a bus, shall disobey the directions of any such sign; and when authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of any vehicle, except a bus, shall disobey the directions of such indications; provided that such exception shall be observed as are permitted by law.

(Ord. 2856, 10-03-67; Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.12.040 Signaling devices

It is unlawful for the operator of any vehicle to make a right turn in violation of or against a red or stop signal at any intersection in the City when a sign is erected at such intersection prohibiting any such right turn against a red or stop signal. The Mayor and Common Council shall by resolution designate such intersections, and the Director of Public Services shall cause signs to be placed and maintained prohibiting any such right turn as herein provided.

(Ord. MC-460, 5-15-85; Ord. MC-344, 2-22-84; Ord. 1949, 7-22-52; Ord. 1652, 3-18-41)

10.12.050 Enforcement

No provision of this Article 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.

(Ord. 1652, 3-18-41)

Chapter 10.16 STOPPING, STANDING AND PARKING⁴

Sections:

- 10.16.010 Parking time limited in certain places
- 10.16.020 Parking prohibited at any time
- 10.16.030 Angle parking
- 10.16.040 Parking parallel on one-way streets
- 10.16.050 Loading and unloading passengers and freight
- 10.16.060 Parking spaces
- 10.16.070 Twenty-minute parking
- 10.16.080 Bus and taxicab stands
- 10.16.090 Stopping prohibited within certain places
- 10.16.100 Unlawful parking for certain purposes
- 10.16.110 Limited parking - Alleys and narrow streets
- 10.16.120 Parking of Commercial Vehicles Prohibited on Public Streets and Rights-of-Way; Exceptions
- 10.16.130 Application of other laws prohibiting the stopping, standing, or parking of vehicles
- 10.16.140 Removal of ignition key
- 10.16.150 Parking enforcement
- 10.16.160 (Repealed by Ord. MC-973, 7-05-96)
- 10.16.170 Parking - Commissioners
- 10.16.180 Exemption to Parking Restriction - Issuing of permit
- 10.16.190 Parking - Commissioners' permits
- 10.16.200 Limited parking - Street sweeping
- 10.16.210 Parking limitations - Central City Mall
- 10.16.220 (Repealed by Ord. MC-973, 7-05-96)
- 10.16.230 Parking Abandoned Vehicles
- 10.16.240 Parking on Unpaved Parcels of Real Property
- 10.16.250 Parking on Unpaved Parcels of Multi-Residential Commercial or Industrial Property
- 10.16.260 Parking of Recreation Vehicles on Public Right-of-Way
- 10.16.270 Parking Limitations - San Bernardino Baseball Stadium Premises
- 10.16.280 Parking on Off Street Parking Areas
- 10.16.290 Private Property Vehicle Impound Report and Fee

⁴For statutory provisions on local parking regulations, see Vehicle Code §22500 et seq. and §22652; for provisions on local parking curb markings, see Vehicle Code §21458; for provisions on local traffic regulation, see Vehicle Code §21100 et seq.

[\[Return to Municipal Code Contents\]](#)

10.16.010 Parking time limited in certain places

- A. Whenever the Mayor and Common Council by resolution determine that any street, alley, or portion thereof, or other property owned, leased, operated, or controlled by the City shall be restricted or limited as to time or purpose of parking thereon, the Director of Public Services shall cause signs or markings giving adequate notice thereof to be placed and maintained on such street, alley or other property indicating such limitations or purposes as may be provided in such resolution.
- B. After the sign or marking has been placed pursuant to this section, it is unlawful for any driver of any vehicle to park such vehicle on such street, alley, or portion thereof, or other property for a time longer or for a purpose other than is indicated on the sign or marking, or contrary to the restriction indicated on the sign or marking.
- C. The driving or moving of a vehicle from one parking space to a different parking space in the same time-restricted street, alley, or portion thereof, or other property, shall not be deemed a defense to the time limitations imposed by this section.

(Ord. MC-344, 2-22-84; Ord. 3845, 7-11-79; Ord. 3837, 6-19-79;
Ord. 3328, 1-17-73; Ord. 1652, 3-18-41)

10.16.020 Parking prohibited at any time

- A. Whenever the Common Council determines by resolution that the stopping, standing or parking of any vehicle upon any street, alley, or portion thereof, or upon other property owned, leased, operated, or controlled by the City, will create a traffic hazard or tend to create traffic congestion, the Director of Public Services shall indicate, or cause to be indicated, such place or places by appropriate signs, or he shall place or cause to be placed and maintained red paint upon the entire curb surface of such street, alley, or portion thereof, or of such property, and it thereafter is unlawful for the driver of any vehicle to stop, stand or park such vehicle on any such street, alley, or portion thereof, or other City property in violation of such signs or red paint.
- B. It is unlawful for any person to stop, stand or park a vehicle upon any street, alley, or portion thereof, or other property owned, leased, operated or controlled by the City:
 - 1. Within fifty feet of the nearest rail of a railroad crossing;
 - 2. Within twenty feet of a crosswalk except that a bus may stop at a designated bus stop;
 - 3. Within thirty feet of the approach to any traffic signal, stop sign, or flashing beacon; or

[\[Return to Municipal Code Contents\]](#)

4. At any place where the City Engineer determines that it is necessary in order to eliminate dangerous traffic hazards, such location not to exceed fifty feet in length.
 5. In front of a public or private driveway, except that a bus engaged as a common carrier, school bus, or a taxicab may stop to load or unload passengers when authorized by the City pursuant to ordinance.
 6. On a sidewalk, except electric cars when authorized by City ordinance, as specified in Vehicle Code Section 21114.5.
- C. Whenever the Common Council determines by resolution that the parking of any commercial vehicle or house car upon any street, alley, or part thereof, or upon other property owned, leased, operated, or controlled by the City, will create a traffic hazard, the Director of Public Services shall indicate, or cause to be indicated, such place or places by appropriate prohibitory signs, and it is thereafter unlawful for the driver of any commercial vehicle or house car to park such commercial vehicle or house car on any such street or alley, or portion thereof, or on other property in violation of such signs.
- D. Pursuant to Section 22651 of the California Vehicle Code or other State law, any vehicle parked or left standing where the Mayor and Common Council by resolution or ordinance have prohibited such parking may be removed. No vehicle may be removed unless signs are posted giving notice of the removal.

(Ord. MC-641, 11-09-88; Ord. MC-460, 5-15-85; Ord. MC-344, 2-22-84; Ord. 3736, 7-05-78; Ord. 3328, 1-17-73; Ord. 3315, 12-07-72; Ord. 1652, 3-18-41)

10.16.030 Angle parking

The Common Council is authorized to determine, by resolution, those streets or parts of streets upon which angle parking shall be permitted (other than upon those state highways where such parking is prohibited by the state Vehicle Code) and the Director of Public Services shall place and maintain white lines upon the surface of the roadway indicating the angle at which parking is permitted.

(Ord. MC-344, 2-22-84; Ord. 1652, 3-18-41)

10.16.040 Parking parallel on one-way streets

- A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street.
- B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

(Ord. 2768, 8-23-66; Ord. 1652, 3-18-41)

10.16.050 Loading and unloading passengers and freight

It is unlawful for the operator of any vehicle to stop such vehicle for a period of time longer than is necessary for the loading or unloading of passengers or freight; provided, that in no event shall such vehicle be stopped for a period in excess of three minutes for the loading or unloading of passengers, nor in excess of forty minutes for the loading or unloading of freight, in any of the following places:

- 1. At any curb where the grade of the street exceeds twelve percent;
- 2. In any alley;
- 3. In any loading zone, as authorized by the City Traffic Engineer; and provided further, that such vehicle is authorized to be stopped for a period not to exceed ten minutes for the loading or unloading of passengers immediately adjacent to hotel entrances.

(Ord. 3328, 1-17-73; Ord. 1652, 3-18-41)

10.16.060 Parking spaces

- A. The Director of Public Services is authorized to install and maintain parking space markings to indicate parking spaces where authorized parking is permitted.
- B. When such parking space markings are placed, subject to other and more restrictive limitation, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

(Ord. MC-344, 2-22-84; Ord. 3328, 1-17-73; Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.16.070 Twenty-minute parking

When the Director of Public Services places and maintains or causes to be placed and maintained authorized signs or green paint on curbs, no vehicle may be parked for a longer period of time than twenty minutes as indicated on such signs or by the green paint on the curbs.

(Ord. MC-344, 2-22-84; Ord. 3328, 1-17-73; Ord. 1652, 3-18-41)

10.16.080 Bus and taxicab stands

- A. The driver of a bus or taxicab shall not stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purposes of and while actually engaged in loading or unloading passengers.
- B. It is unlawful for any person to stop, stand or park a vehicle other than a bus in a bus stop when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zones.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

10.16.090 Stopping prohibited within certain places

- A. It is unlawful for the operator of any motor vehicle to stop such vehicle, except when necessary to avoid conflicts with other traffic, or in compliance with the direction of a police officer or traffic sign or signal in any of the following designated places.
- B. At any point where the adjacent curb has been painted or marked red by the Director of Public Services, or at any place where by other appropriate signs, placed and maintained by the Chief of Police, notice is given that the stopping of vehicles is prohibited.

(Ord. MC-344, 2-22-84; Ord. 1652, 3-18-41)

10.16.100 Unlawful parking for certain purposes

It is unlawful for the operator of any vehicle to stand or park such vehicle upon any roadway for the principal purpose of:

- A. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency;
- B. Within the business district from which vehicle merchandise is being sold.

(Ord. MC-460, 5-15-85; Ord. MC-401, 8-21-84; Ord. 1652, 3-18-41)

10.16.110 Limited parking - Alleys and narrow streets

- A. It is unlawful for the driver of any vehicle to park such vehicle upon any public street, or alley, within the City, the roadway of which is not more than twenty five feet and not less than twenty feet in width for a period of not to exceed thirty minutes between the hours of eight a.m. and five p.m. of any day except Sundays and holidays.
- B. It is unlawful for the driver, owner or operator of any truck to park such vehicle upon any public street or alley within the City, the roadway of which is not more than sixty-two and one-half feet, between the hours of six p.m. and six a.m., except for the period of time necessary for the loading or unloading of passengers or freight; provided, that in no event shall such truck be stopped for a period in excess of twenty minutes for the loading or unloading of freight.
- C. The Chief of Police may, with the consent of the Mayor and Common Council, permit the parking of trucks upon such streets or alleys for a period of time as specifically set forth in the permit and upon such conditions as therein specified.
- D. Use of Streets for Storage of Vehicles - Generally - When Prohibited. It is unlawful for any person who owns or has possession, custody or control of any vehicle to park or leave standing such vehicle upon any street or alley for seventy-two or more consecutive hours.
- E. Police officers and the Superintendent of Public Buildings, or his authorized representatives, are authorized to remove from streets or highways or from public property, within the City, to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, any vehicle which has been parked or left standing on such street or highway for seventy two or more consecutive hours, or which is parked on public property or on a street or highway in violation of law or resolution, provided, in the latter instance, that signs are posted giving notice of the removal.

[\[Return to Municipal Code Contents\]](#)

- F. Whenever a City official removes a vehicle from a street or highway or public property as authorized in this section and the City official knows or is able to ascertain from the registration records in the vehicle or from the registration records of the California Department of Motor Vehicles the name and address of the registered or legal owners thereof, such City official shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been moved. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

- G. Whenever a City official removing a vehicle from a street or a highway or public property under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of seventy-two hours, then and in that event the City official shall immediately send or cause to be sent written report of such removal by mail to the Department of Motor Vehicles at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

(Ord. MC-645, 12-07-88; Ord. 3880, 11-20-79; Ord. 2537, 11-19-63;
Ord. 1755, 3-27-46; Ord. 1652, 3-18-41)

10.16.120 Parking of Commercial Vehicles Prohibited on Public Streets and Rights-of-Way; Exceptions

- A. No person shall park or stand any commercial vehicle, truck tractor, semitrailer or trailer having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street, alley or parkway in any residential district, or on any residentially zoned property in the city.

- B. No person shall park or stand any commercial vehicle, truck tractor, semitrailer or trailer having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more for a continuous period of time in excess of two (2) hours on any street, alley or parkway in any nonresidential district of the city. Each consecutive two (2) hour period shall be considered a separate violation for the purpose of this subsection.

- C. The provisions of this section shall not apply to:
1. Any vehicle or trailer component thereof, making pick ups or deliveries of goods, wares or merchandise from or to any building or structure located on the restricted streets and highways, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained;
 2. Any vehicle parked in connection with and in the aid of the performance of a service to or on a property in the block in which said vehicle is parked;
 3. Any passenger bus under the jurisdiction of the public utilities commission;
 4. Any vehicle owned by a public utility or licensed contractor if necessary for use in connection with the installation or repair of any public utility;
 5. Any vehicle owned by the city, county, state or licensed contractor engaged in the installation, maintenance or repair of any public property, utility or highway;
 6. Any authorized emergency vehicle as defined by the California Vehicle Code.
- D. For the purpose of this section, the term residential district shall mean any single-family or multiple-family zoning district in the city. The California Vehicle Code section 22507.5(c) allows the local authority to define, by ordinance, the term residential district in accordance with its zoning ordinance.
- E. Any commercial vehicle, truck tractor, semitrailer or trailer having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more left parked or standing on any street, alley or parkway in excess of twenty four (24) hours may be towed away pursuant to California Vehicle Code section 22651(n).
- F. Any person who violates any of the provisions of this section shall be guilty of an infraction.

(Ord. MC-1303, 4-21-09; Ord. MC-1107, 11-06-01; Ord. 3960, 8-20-80;
Ord. 3817, 5-09-79; Ord. 3519, 8-19-75; Ord. 2075, 9-21-55; Ord. 1652, 3-18-41)

10.16.130 Application of other laws prohibiting the stopping, standing, or parking of vehicles

The provisions of this Article, and of resolutions adopted pursuant thereto, imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or of the ordinances of this City, prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. 2403, 12-11-61; Ord. 1652, 3-18-41)

10.16.140 Removal of ignition key

- A. It is unlawful for any person having charge or control of a motor vehicle to allow such vehicle to stand upon any street, alley or parking lot upon which there is no attendant, when such motor vehicle is unattended, without first locking the ignition of the vehicle and removing the ignition key from such vehicle.
- B. Any person convicted under this section shall be punished by a fine of not less nor more than two dollars; and such person shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

(Ord. MC-460, 5-15-85; Ord. 3880, 11-20-79; Ord. 2613, 9-29-64; Ord. 1652, 3-18-41)

10.16.150 Parking enforcement

- A. Parking control checkers are authorized and empowered to enforce parking regulations adopted pursuant to this Article and to issue parking control notices throughout the City as provided in Section 40202 of the California Vehicle Code.
- B. The Director of Facilities Management, or his or her authorized representatives, is authorized and empowered to enforce parking regulations adopted pursuant to Section 10.16.160 relating to parking spaces reserved for handicapped persons and to issue parking control notices relating thereto as provided in Vehicle Code Section 40202.
- C. The Director of Facilities Management, or his or her authorized representative, is authorized and empowered to enforce parking regulations adopted pursuant to Section 10.16.170 relating to parking spaces reserved for City board or commission members and to issue parking control notices relating thereto as provided in Vehicle Code Section 40202.

[\[Return to Municipal Code Contents\]](#)

- D. Any police officers, the Director of Facilities Management, parking control checkers, or any regularly employed and salaried City employee enforcing parking laws and regulations, are authorized and empowered to immobilize vehicles as provided in Section 22651.7 of the Vehicle Code of the State of California.
- E. The Director of Facilities Management, or his or her authorized representative, is authorized and empowered to enforce parking regulations adopted pursuant to this Chapter and to issue parking control notices throughout the City of San Bernardino as provided in San Bernardino Municipal Code Sections 15.24.040.A.5., 15.24.040.A.6., 15.24.050.A.5., and 15.24.050.A.6.
- F. The Code Compliance Manager, or his or her authorized representatives, is authorized pursuant to Section 22651 of the California Vehicle Code or other State law to remove any abandoned motor vehicle, trailer or dolly parked, left standing or abandoned upon any street, alley, off-street public parking facility, or other property owned, leased, operated and/or controlled by the City for seventy-two (72) or more consecutive hours.

(Ord. MC-993, 4-22-97; Ord. MC-762, 11-27-90; Ord. MC-641, 11-09-88;
 Ord. MC-547, 10-22-86; Ord. MC-541, 8-21-86; Ord. 3855, 8-21-79; Ord. 3844, 7-11-79;
 Ord. 3733, 6-28-78; Ord. 3555, 2-18-76; Ord. 3497, 5-16-75;
 Ord. 2754, 6-03-66; Ord. 1652, 3-18-41)

10.16.160 (Repealed by Ord. MC-973, 7-05-96)

10.16.170 Parking - Commissioners

When the City Traffic Engineer places and maintains or causes to be placed and maintained authorized signs or markings on, in or about public parking spaces designating the spaces to be available and reserved for vehicular parking by City board or commissioner members only, no vehicle other than those with a permit pursuant to Section 10.16.190 shall be parked in any such parking space so marked, signed or designated.

(Ord. MC-42, 4-08-81; Ord. 3880, 11-20-79; Ord. 3855, 8-21-79;
 Ord. 3743, 8-25-78; Ord. 1652, 3-18-41)

10.16.180 Exemption to parking restrictions - Issuing of permit

- A. Notwithstanding any other provision of this Chapter limiting or restricting the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day, vehicles displaying the appropriate preferential parking permit as hereafter provided may park on streets designated by resolution and shall not be subject to applicable parking limitations or restrictions; provided, however, such exemption shall not be permitted at loading zones or when parking is completely prohibited under all circumstances.

[Return to Municipal Code Contents]

- B. The Director of Facilities Management/Parking Control shall issue a preferential permit not to exceed four permits per dwelling, to persons whose residence is adjacent to designated streets in a time limit parking zone when permitted by resolution and upon application therefor. A fee shall not be required for issuance or re-issuance of any preferential parking permit. The permits shall be valid for only the same block upon which the residence or business is located or in cases of corner locations, the permits shall be valid on the two contiguous blocks. The permits shall be valid for the period specified thereon. The permit shall be displayed on the vehicle as directed by the Director of Facilities Management/Parking Control.
- C. The Director of Facilities Management shall issue a preferential parking permit to validated employees who have signed a car pooling contract with the City. Permits are to be validated every six months, during June and December of each year. The permits shall only be valid for the fourth level of the City Hall Five Level Parking Structure and designated spaces at the City Yards, the Central Police Station and the Norman Feldheim Central Library. The permit shall be displayed on the vehicle as directed by the Facilities Manager.
- D. For all permits issued under this section, the Director of Facilities Management shall keep a record of each permittee's name, address, vehicle license plate number, California drivers license number, date of issuance, expiration date, if any, and any other information required for the proper administration of the issuance of permits.

(Ord. MC-1131, 11-06-02; Ord. MC-875, 6-09-93; Ord. MC-855, 12-23-92;
Ord. MC-843, 7-22-92; Ord. MC-738, 8-06-90)

10.16.190 Parking - Commissioners' permits

- A. The Superintendent of Public Buildings/Parking Control shall issue a permit to all City Board and Commissioner members. The permit shall be effective for a one-year period and shall be annually renewed prior to the expiration of the one-year period. The permit shall expire and shall be of no further force and effect when the person to whom it is issued ceases to be a member of the City Board or Commission. A decal or sticker, with the expiration date printed thereon, shall be affixed to the rear left bumper of the vehicle. The City Clerk shall provide the Superintendent of Public Buildings/Parking Control with a current list of all Board and Commissioner members, and shall keep such list current by providing names of new board and commission members as appointed or name of any board and commissioner members removed
- B. For all permits issued under this section, the Superintendent of Public Buildings/Parking Control shall keep a record of the name, address, vehicle license plate number, California driver's license number, type of permit, date of issuance, expiration date, and any other information required for the proper administration of the issuance of permits.

(Ord. 3880, 11-20-79; Ord. 3855, 8-21-79; Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.16.200 Limited parking - Street sweeping

The Director of Public Services is authorized to prohibit parking on designated City streets and private streets open for public use, for limited periods of time on designated days, for street sweeping purposes, when debris or refuse on a given street has accumulated. The Director of Public Services is authorized to install at any such street or streets signs giving notice that no person shall stand, stop or park a vehicle, except as provided on such signs. Whenever authorized signs are in place giving notice that stopping, standing or parking is prohibited during such hours on such days as are indicated on such signs, it is unlawful for any person to stop or park any vehicle at any time during such hours on such days.

(Ord. MC-344, 2-22-84; Ord. 3880, 11-20-79; Ord. 1652, 3-18-41)

10.16.210 Parking limitations - Central City Mall

The Superintendent of Public Buildings/Parking Control is authorized to prohibit vehicular parking in any parking area of the Central City Mall, except for the parking of motor vehicles during the period of time such person or the occupants of such vehicle are customers or invitees of the retail and business establishments in the Central City Mall. The Superintendent of Public Buildings/Parking Control shall install and maintain at each entry to the parking area of the Central City Mall, authorized signs giving notice that no person shall stop, stand or park a motor vehicle in any parking area of the Central City Mall, except as provided on such signs. Whenever authorized signs are in place giving notice, it is unlawful for any person to stop, stand or park any motor vehicle in such parking area of the Central City Mall except during the period of time of such person or occupants of such vehicle are customers or invitees of the retail and business establishments of the Central City Mall. Any person violating this section shall be deemed guilty of any infraction and upon conviction thereof shall be fined as set forth in Section 10.44.010.

The provisions of this section shall not be applicable in parking areas of the Central City Mall specifically reserved for employee parking or for use of business invitees of the buildings known as the Andreson and Woolworth Buildings.

(Ord. MC-415, 10-16-84)

10.16.220 (Repealed by Ord. MC-973, 7-05-96)

10.16.230 Parking Abandoned Vehicles

- A. It is unlawful to park, leave standing or abandon any motor vehicle, trailer or dolly upon any street, alley, off-street public parking facility, or other property owned, leased, operated and/or controlled by the city for seventy-two (72) or more consecutive hours.

[\[Return to Municipal Code Contents\]](#)

- B. It is unlawful to park, leave standing, or abandon a vehicle upon private property without the express or implied consent of the owner or person in lawful possession or control of the property for seventy-two (72) or more consecutive hours.
- C. Any person convicted of a violation of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any imposed fine shall be suspended pursuant to Section 22523 of the California Vehicle Code.

(Ord. MC-668, 7-19-89)

10.16.240 Parking on Unpaved Parcels of Real Property

- A. A person shall not stop, stand or park a vehicle on any unpaved parcel of real property; provided however, that nothing in this section shall be construed to prevent the parking of a vehicle in a residential zone on an unpaved driveway or a drive approach to a garage or other durable or permanent driveway or pad installed for the purpose of parking such vehicle on a parcel of real property which is not subject to Section 19.24.060(18) of the City of San Bernardino Development Code at the time of violation.
- B. Those persons authorized to issue citations pursuant to Municipal Code Section 9.90.010 and any police officer, any parking control checker, and the Director of Facilities Management, or his or her authorized representative, is authorized and empowered to enforce this parking regulation and to issue parking control notices related thereto as provided in Vehicle Code Section 40202.

(Ord. MC-1064, 1-11-00)

10.16.250 Parking on Unpaved Parcels of Multi-Residential, Commercial or Industrial Property

- A. A person shall not stop, stand or park a vehicle on any unpaved parcel of multi-residential, commercial, or industrial property; provided however, that this ordinance shall not apply in instances where a Temporary Use Permit has been granted under Development Code Section 19.70.020(9).
- B. The Director of Facilities Management, or his or her authorized representatives, is authorized and empowered to enforce this parking regulation and to issue parking control notices related thereto as provided in Vehicle Code Section 40202.

(Ord. MC-1072, 5-03-00)

[\[Return to Municipal Code Contents\]](#)

10.16.260 Parking of recreation vehicles on public right-of-way

- A. Recreation vehicles may be temporarily parked on public right-of-ways in front of residences for not more than 48 continuous hours for the purposes of loading or unloading. Forty-eight hours must elapse before the start of a new forty eight hour period, together with movement of the vehicle a distance of at least 500 feet.
- B. The Director of Facilities Management, or his or her authorized representative, is authorized and empowered to enforce this parking regulation and to issue parking control notices related thereto as provided in Vehicle Code Section 40202.

10.16.270 Parking Limitations - San Bernardino Baseball Stadium Premises

Vehicular parking is prohibited in any parking area of the San Bernardino Baseball Stadium except for the parking of motor vehicles during the period of time that the occupants of such vehicle are licensees or invitees of events occurring at the San Bernardino Baseball Stadium premises. The Director of Facilities Management shall install and maintain at each entrance to the parking area of the San Bernardino Baseball Stadium authorized signs giving notice that no person shall stop, stand or park a motor vehicle in any parking area of the San Bernardino Baseball Stadium, except as provided on such signs. Subsequent to the initial posting of authorized signs giving notice, it is unlawful for any person to stop, stand or park any motor vehicle in such parking area of the San Bernardino Baseball Stadium except during the period of time the occupants of such vehicle are licensees or invitees of the events occurring at the San Bernardino Baseball Stadium premises. Any person violating this section shall be deemed guilty of an infraction and upon conviction thereof shall be fined as set forth in Section 10.44.010.

(Ord. MC-1176, 7-22-04; Ord. MC-1068, 4-18-00)

10.16.280 Parking on Off Street Parking Areas

- A. A person shall not park, or display a vehicle in a public or private off street parking area, including paved vacant lots, for the purpose of the sale, lease, display, repair or storage of said vehicle, unless said lot has received all necessary approvals, permits and business registration for said sale, lease, display, repair or storage of vehicles.
- B. For this section, the term “vehicle” includes, but is not limited to: cars, vans, trucks, trailers, boats, campers and recreation vehicles.

[\[Return to Municipal Code Contents\]](#)

- C. Those persons authorized to issue citations pursuant to Municipal Code Section 9.90.010, any police officer, any parking control checker, and the Director of Facilities Management, or his or her authorized representative, is authorized and empowered to enforce this parking regulation and to issue parking control notices related thereto as provided in Vehicle Code Section 40202.

(Ord. MC-1116, 2-20-02)

10.16.290 Private Property Vehicle Impound Report and Fee

- A. Any tow company that tows and impounds a vehicle from private property in the City of San Bernardino under the California Vehicle Code shall complete and submit a Private Party Tow Report form to the Police Department either by fax or email by the end of the business day following the tow.
- B. The owner of, or other person responsible for, any vehicle impounded by a tow company from private property in the City of San Bernardino under the California Vehicle Code shall pay in accordance with the provisions of this section a fee in an amount set by resolution by the Mayor and Common Council to reimburse the City for the costs of processing and recordation of notices and reports of the tow and impound of such person's vehicle. Such fee shall be collected by the tow company impounding the vehicle at the time of collection of its own towing and/or impound fees and shall be paid over to the City each month within ten (10) days after the close of the calendar month for which payment is due. Each towing company shall provide to the City, on a monthly basis concurrently with its monthly payment, a summary report of all such impounds and fees collected in such form and/or detail as the Chief of Police may specify from time to time, and shall make available to the City upon request any and all records of the information necessary to verify such report upon the request of the City.

Chapter 10.20 SPECIAL STOPS⁵

Sections:

- 10.20.010 Stop sign erection**
- 10.20.020 Stop at through street or stop intersection**
- 10 20.030 Emerging from alley or private driveway**

10.20.010 Stop sign erection

Whenever any ordinance or resolution of this City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the Director of Public Services shall erect and maintain stop signs as follows:

- A. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required.
- B. Every such sign shall be placed at or near the entrance to the highway or intersection where a stop is required and every such sign shall conform to the requirements of the Vehicle Code.

(Ord. MC-344, 2-22-84; Ord. 1652, 3-18-41)

10.20.020 Stop at through street or stop intersection

When stop signs are erected, as provided in this Article, at the entrance to any intersection, every driver of a vehicle and every motorman of a street car shall stop at every such sign, before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

(Ord. 1652, 3-18-41)

10.20.030 Emerging from alley or private driveway

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way.

(Ord. 1652, 3-18-41)

⁵For statutory provisions on local authority to regulate stops at through streets and stop intersections, see Vehicle Code §21101.

Chapter 10.24 OPERATION OF VEHICLES AND BICYCLES⁶

Sections:

- 10.24.010 Interference with operation of fire apparatus
- 10.24.020 Distance to be kept from fire apparatus
- 10.24.030 Operation of vehicle prohibited when fire apparatus in operation
- 10.24.040 Certain vehicles prohibited in the business district
- 10.24.050 Crossing fire hose
- 10.24.060 Unlawful to drive through procession
- 10.24.070 (Repealed by Ord. MC-65, 6-19-81)
- 10.24.080 (Repealed by Ord. MC-460, 5-15-85)
- 10.24.090 Skateboards, skates, etc., restricted
- 10.24.100 Use of coasters and similar devices restricted
- 10.24.110 (Repealed by Ord. MC-210, 9-20-82)
- 10.24.120 Reckless driving of animals
- 10.24.130 Driving over new street or sidewalk
- 10.24.140 Permits for parades and processions
- 10.24.150 Limitations on backing
- 10.24.160 Clinging to moving vehicle
- 10.24.170 Enforcement of regulations
- 10.24.180 Speed limit on public grounds
- 10.24.190 Commercial Vehicles Prohibited on Certain Streets
- 10.24.200 Municipal parking lots and structures
- 10.24.210 Cruising regulations
- 10.24.220 Traffic diversion
- 10.24.230 Prohibition from participating in Route 66 cruising events without registration

10.24.010 Interference with operation of fire apparatus

It is unlawful for any person operating any vehicle upon the public streets of the City to obstruct the streets with such vehicle so as to interfere in any manner with the operation of any fire apparatus upon such street.

(Ord. 1652, 3-18-41)

⁶For provisions on local regulation of bicycles, see Vehicle Code §21206; for additional provisions on bicycles, see Ch. 10.48 of this Title.

10.24.020 Distance to be kept from fire apparatus

It is unlawful for any person operating any vehicle upon the public streets of the City to operate the same so that it will move in the same direction that any fire apparatus is traveling until such fire apparatus is at least six hundred feet distant, and it is unlawful for any person to operate any vehicle so as to approach within six hundred feet of any moving fire apparatus.

(Ord. 1652, 3-18-41)

10.24.030 Operation of vehicle prohibited when fire apparatus in operation

When any fire apparatus is engaged in extinguishing a fire, it is unlawful for any person to operate any vehicle upon the same street, so as to approach within three hundred feet of such fire apparatus.

(Ord. 1652, 3-18-41)

10.24.040 Certain vehicles prohibited in the business district

- A. It is unlawful for the operator of any of the following vehicles to drive the same in the business district between the hours of seven a.m. and six p.m. of any day except Sunday:
 - 1. Any vehicle so loaded that any part of its load extends more than three feet to the front or more than ten feet to the rear of the vehicle; except with written permit of the Chief of Police;
 - 2. Any vehicle used exclusively for advertising purposes.
- B. The Director of Public Services is authorized to establish over an appropriate street or streets, and to designate by appropriate signs, through traffic routes for the movement of vehicles of two or more tons capacity designed for carrying merchandise, freight or material. When any such through traffic routes are established and designated by appropriate signs, the operator of any vehicle mentioned in this section shall drive on such route or routes, and none other, except when it is reasonably necessary.

(Ord. MC-344, 2-22-84; Ord. 1652, 3-18-41)

10.24.050 Crossing fire hose

It is unlawful for any person to drive any vehicle over any unprotected hose of the Fire Department when laid down on any street, private driveway or street car track, to be used at any fire or alarm of fire, without the consent of the Fire Department.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.24.060 Unlawful to drive through procession

It is unlawful for the operator of any vehicle or street car to drive between the vehicles comprising a funeral procession or other authorized procession, provided that such vehicles are conspicuously so designated.

(Ord. 1652, 3-18-41)

10.24.070 (Repealed by Ord. MC-65, 6-19-81)

10.24.080 (Repealed by Ord. MC-460, 5-15-85)

10.24.090 Skateboards, skates, etc., restricted

It is unlawful for any person to ride upon or use in any manner any coaster, toy vehicle, roller skate, skates, skateboard or other kindred contrivance or device upon any sidewalk within a business district of the City or upon any public roadway in the City.

(Ord. 3554, 2-18-76; Ord. 1652, 3-18-41)

10.24.100 Use of coasters and similar devices restricted

It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway.

(Ord. 1652, 3-18-41)

10.24.110 (Repealed by Ord. MC-210, 9-20-82)

10.24.120 Reckless driving of animals

It is unlawful for any person to carelessly or recklessly ride or drive any horse or other animal upon any of the public streets or alleys of the City so as to endanger life or property.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

10.24.130 Driving over new street or sidewalk

It is unlawful for any person to ride or drive, or cause to be ridden or driven, or propelled, any vehicle over or across any street which is being graded or repaired, or upon which concrete sidewalks or paving is being constructed, or upon which concrete sidewalks or paving has been newly made, where across or around such street there is a barrier, or at, over, or near which there is a person or sign warning persons not to drive over or across such street or sidewalk, or a sign stating that the street is closed.

(Ord. 1652, 3-18-41)

10.24.140 Permits for parades and processions

It is unlawful for any person or organization to permit, direct or allow any procession or parade to occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police, or his or her representative, and such other regulations as are set forth in this Article which may apply, except funeral processions, the military forces of the United States, the military forces of this state and the forces of the Police and Fire Departments of the City.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

10.24.150 Limitations on backing

It is unlawful for the driver of a vehicle to back the same into an intersection or over a crosswalk, or in any event or at any place to back a vehicle unless such movement can be made in safety.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

10.24.160 Clinging to moving vehicle

It is unlawful for any person riding upon a bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to attach the same or himself or herself to any street car or moving vehicle upon any roadway.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

10.24.170 Enforcement of regulations

The Chief of Police and each police officer are authorized to enforce the traffic and parking regulations authorized or provided pursuant to this Article.

(Ord. 3733, 6-28-78; Ord. 2917, 6-25-68; Ord. 2579, 5-26-64; Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.24.180 Speed limit on public grounds

It is unlawful for any person to drive or operate a motor vehicle on any roadway, road, alley or way, or upon the grounds of a public park, playground or public school or of a county or municipal institution or building, or of an educational institution or building, at a speed in excess of fifteen miles per hour.

(Ord. MC-460, 5-15-85; Ord. 2579, 5-26-64; Ord. 1652, 3-18-41)

10.24.190 Commercial Vehicles Prohibited on Certain Streets

A. Pursuant to the authority and restrictions of Vehicle Code Sections 35701, et seq., no person shall operate or drive any commercial vehicle upon the following streets, and the Traffic Engineer shall cause appropriate signage to be erected giving notice thereof:

1. Palmyra Drive between Sierra Way and Sonora Drive;
2. Arlington Drive between Palmyra Drive and its terminus three hundred feet to the southeast;
3. Lugo Avenue between Palmyra Drive and Ralston Avenue;
4. Thirty-Ninth Street between Lugo Avenue and its terminus two-hundred ninety feet to the east;
5. Thirty-Ninth Street between Palmyra Drive and Belle Street;
6. Ralston Avenue between Waterman Avenue and Sonora Drive;
7. Belle Street between Ralston Avenue and Thirty-Ninth Street;
8. Sonora Drive between Palmyra Drive and its terminus two-hundred sixty feet to the southeast;
9. Sonora Drive between Palmyra Drive and its terminus two-hundred sixty feet to the southeast;
10. Twenty-Fourth Street between Lincoln Drive and "I" Street;
11. Twenty-Fifth Street between Lincoln Drive and "I" Street;
12. Twenty-Sixth Street between Lincoln Drive and "I" Street;

[\[Return to Municipal Code Contents\]](#)

13. "I" Street between Twenty-Third Street and Twenty-Seventh Street;
14. Davidson Street between Tippecanoe Avenue and Richardson Street;
15. Hardt Street between Tippecanoe Avenue and Richardson Street;
16. Gould Street between Tippecanoe Avenue and Richardson Street;
17. Coulston Street between Tippecanoe Avenue and Richardson Street;
18. Tia Juana Street between Fourth Street and Fifth Street;
19. Cabrera Avenue between Fourth Street and Fifth Street;
20. Kingman Street between Tia Juana Street and Mt. Vernon Avenue.
21. Poplar Street between Pepper Avenue and Meridian Avenue.
22. Meridian Avenue between Mill Street and the end of Meridian Avenue north of Walnut Street.
23. Mt. Vernon Avenue between 5th Street and 2nd Street (Mt. Vernon Avenue Bridge), except for commercial pickup trucks, vans, and passenger cars.

(Ord. MC-1283, 9-03-08)

- B. Pursuant to the authority and restrictions of Vehicle Code Sections 35701, et seq., no person shall operate or drive any vehicle exceeding a maximum gross weight limit of ten thousand pounds upon the following streets, and the Director of Public Services shall cause appropriate signs to be erected giving notice of such weight limitation prohibition:

1. Airport Drive;
2. Arrowhead Avenue, between Marshall Boulevard and Kendall Drive;

Belleview Street, between "K" Street and "I" Street;

(Ord. MC-1410, 12-01-14)

3. Businesscenter Drive;
4. Commercenter Circle;

[\[Return to Municipal Code Contents\]](#)

5. Commercenter East;
6. Commercenter West;
Congress Street, between "K" Street and "I" Street;
(Ord. MC-1410, 12-01-14)
7. Diners Court;
"I" Street, between Congress Street and the end of "I" Street approximately 300 feet north of Belleview Street (Rialto Avenue);
(Ord. MC-1410, 12-01-14)
"J" Street, between Rialto Avenue and the end of "J" Street approximately 1,000 feet south of Congress Street;
(Ord. MC-1410, 12-01-14)
8. San Bernardino Civic Plaza Access Loop;
9. Sunwest Lane, between Hospitality Lane and "E" Street;
10. Meridian Avenue Between Rialto Avenue and 170 Feet North of 9th Street;
11. Belleview Street between "K" Street and "I" Street;
12. Congress Street between "K" and "I" Street;
13. "J" Street between Rialto Avenue and the end of "J" Street approximately 1,000 feet south of Congress Street;
14. "I" Street between Congress Street and the end of "I" Street approximately 300 feet north of Belleview Street (Rialto Avenue).
(Ord. MC-1398, 4-21-14)

- C. Pursuant to the authority and restrictions of Vehicle Code Sections 35701, 35703, et seq., no person shall operate or drive any commercial vehicle having a manufacturer's Gross Vehicle Weight rating (GVWR) exceeding thirty thousand (30,000) pounds upon the following streets, and the Director of Public Services shall cause appropriate signs to be erected giving notice of such weight limitation prohibition:
1. 40th Street, east of Harrison Street for a distance of five hundred (500) feet;
 2. 40th Street, west of Waterman Avenue to Acacia;
 3. Valencia Avenue, between 40th Street and 30th Street;
 4. Parkside Drive, between 40th Street and 30th Street;
 5. Sierra Way, from the Highway 18 junction to 30th Street;
 6. Mountain View Avenue, from its merge with Electric Avenue to 30th Street;
 7. Electric Avenue, from 40th Street to its merge with Mountain View Avenue;
 8. Hospitality Lane, from E Street to Waterman Avenue;
 9. Hunts Lane, from Hospitality Lane to E Street

(Ord. MC-1139, 3-04-03; Ord. MC-1133, 11-20-02;
Ord. MC-1110, 12-04-01; Ord. MC-1079, 8-23-00; Ord. MC-1046; 5-05-99;
Ord. MC-465, 7-02-85; Ord. MC-344, 2-22-84; Ord. MC-80, 7-08-81; Ord. 3718, 4-19-78;
Ord. 2915, 6-25-68; Ord. 1652, 3-18-41)

10.24.200 Municipal parking lots and structures

- A. A municipal parking facility is a parking lot, parcel of land, facility, garage or structure owned, leased or operated by the City, or in which the City has a possessory right of interest, and which is used as a municipal or public parking facility for the off-street parking of vehicles.
- B. It is unlawful in any municipal parking facility for any person to park or leave standing any vehicle, whether attended or unattended, in any driveway, aisle, walk or area other than entirely within a designated parking space or in any location or position across any line or marking designating a parking space.

[\[Return to Municipal Code Contents\]](#)

- C. It is unlawful in any municipal parking facility for any person to drive a vehicle, upon any driveway, aisle, walk or area in a direction contrary to the direction of travel indicated by arrows or marking painted or placed thereon.
- D. It is unlawful in any municipal parking facility for any person to drive a vehicle at a speed greater than is reasonable and prudent having due regard for the weather, visibility, the traffic on and the surface and width of the driveway or aisle or in any event to drive the vehicle at a speed which endangers the safety of persons or property.
- E. It is unlawful in any municipal parking facility for any person to drive a vehicle at a speed greater than ten miles per hour.
- F. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or local ordinance or of any special condition or regulation imposed by the Mayor and Common Council, City Traffic Engineer, or Director of Public Services.
- G. It is unlawful for any person to ride upon any bicycle, roller skate or skateboard, or other kindred contrivance in any municipal parking facility as defined in Subsection A of this section except a municipal parking facility located in a municipal park or play-ground.
- H. The provisions of this section shall not apply to a police officer in the performance of his duties.

(Ord. MC-811, 11-06-91; Ord. MC-460, 5-15-85; Ord. MC-344, 2-22-84;
Ord. 3538, 10-28-75; Ord. 3329, 2-16-73; Ord. 1652, 3-18-41)

10.24.210 Cruising regulations

- A. No person shall drive a motor vehicle on a street or highway past a traffic control point in traffic which is congested at or near the traffic control point, as determined by the ranking peace officer on duty within the affected area, three or more times in one direction within a three hour period and after a peace officer has given written notice to said person passing the control point the second time that passing the control point a third time shall constitute a misdemeanor in violation of this section. The beginning and end of the portion of the street or highway subject to cruising controls shall be clearly identified by signs that state the appropriate provisions of Section 21100(K) of the California Vehicle Code and this section.

[\[Return to Municipal Code Contents\]](#)

- B. This section shall not apply to the vehicle operators of the following vehicles: emergency vehicles as defined in Section 165 of the California Vehicle Code, taxicabs for hire, buses, vehicles being driven for business purposes, and any publicly owned or leased vehicle of any city, county, district, state, or federal agency.
- C. Any person, firm or corporation violating any provision of this section is guilty of a misdemeanor which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-574, 1-08-87)

10.24.220 Traffic diversion

- A. If a peace officer determines pursuant to California Vehicle Code Section 21101.2 and this section that the traffic load on a particular street or highway in the City, or a portion thereof, is such that little or no vehicular flow is occurring and, additionally, if the peace officer finds that a significant number of vehicles are not promptly moving when an opportunity arises to do so, then the peace officer may divert vehicles, excepting public safety or emergency vehicles from that street or highway, or a portion thereof, subject to traffic congestion until such time as reasonably flowing traffic is restored.
- B. Such diversion of vehicles by a uniformed peace officer shall constitute the performance of duties under Section 2800 of the California Vehicle Code which requires compliance with the lawful order, signal or direction of the peace officer.

(Ord. MC-574, 1-08-87)

10.24.230 Prohibition from participating in Route 66 Cruising Events without registration

- A. It shall be unlawful for any person to enter the Route 66 Cruising Event without registering to participate in said event in accordance with the procedures set up by the San Bernardino Convention and Visitor's Bureau.
- B. Any person violating this provision is guilty of a misdemeanor or an infraction which, upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1147, 8-05-03)

[\[Return to Municipal Code Contents\]](#)

Chapter 10.25
VEHICLES FOR SALE ON PUBLIC STREETS
(Added by Ord. MC-1407, 9-15-14)

Sections:

- 10.25.010 Findings**
- 10.25.020 Authority**
- 10.25.030 Definitions**
- 10.25.040 On-Street Sales Prohibited**
- 10.25.050 Removal of Vehicle Authorized**
- 10.25.060 Post-Removal Hearings Required for Removed Vehicles**

10.25.010 Findings

The City Council finds as follows:

- A. Persons and businesses are using City streets as de facto used car lots to sell used vehicles.
- B. The act of selling a car in public streets invites prospective buyers into the roadway to examine the vehicle. It is well known that prospective buyers examine the condition of vehicles for sale and look for evidence of damage or repairs. When done in the public roadway, this poses an obvious risk to public and traffic safety that the City wishes to avoid.
- C. The parking of vehicles for sale on City streets creates a distraction for drivers and pedestrians, thereby creating a further public safety hazard. Because drivers may attempt to not only read a for sale sign in or on a vehicle but also commit to memory, write down, or call a telephone number on such a sign, these signs pose a greater risk of accidents than do other types of signs that may be displayed in or on a parked vehicle.
- D. The significant increase in vehicles parked for the purpose of sale has created a nuisance by decreasing the parking available for local residents and businesses.
- E. The City has an important and substantial public interest in protecting public safety, reducing accidents, removing impediments to the orderly flow of traffic such as illegal and hazardous parking, abating public nuisances, eliminating visual blight, preventing unlawful trafficking in stolen vehicles, and protecting licensed car dealers from unfair competition.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 10 Contents\]](#)

10.25.020 Authority

This Chapter is adopted pursuant to the authority granted to the City of San Bernardino by Section 22651.9 of the California Vehicle Code, which permits the removal of vehicles, under certain conditions, for being illegally parked for purposes of advertising the vehicle for sale. Section 22852 of the California Vehicle Code requires that a post-removal hearing take place after the removal of any vehicle under Section 22651.9 of the California Vehicle Code.

10.25.030 Definitions

- A. "Park" or "parking" means and refers to the standing of a vehicle as set forth by Section 463 of the California Vehicle Code.
- B. "Peace officer" means and refers to any law enforcement officer as set forth by Section 830 of the California Penal Code.
- C. "Vehicle" means and refers to any device as set forth by Section 670 of the California Vehicle Code, which is defined as "a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks."

10.25.040 On-Street Sales Prohibited

No person shall park any vehicle on any street or public land when it appears because of a sign, placard or any other indication written or posted on the vehicle that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle. A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted.

10.25.050 Removal of Vehicle Authorized

Pursuant to Section 22651.9 of the California Vehicle Code, any peace officer, or any regularly employed and salaried employee of the City who is engaged in directing traffic or enforcing parking laws and regulations may remove the vehicle located when the vehicle is found upon a street or any public lands, if all of the following requirements are satisfied:

1. Because of a sign, placard or any other indication written or posted on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle; and
2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation for violation of Section 10.25.040, which was accompanied by a notice containing all of the following:
 - (A) a warning that an additional parking violation may result in the impoundment of the vehicle;
 - (B) a warning that the vehicle may be impounded pursuant to this section, even if moved to another street, so long as the signs or placards offering the vehicle for sale remain on the vehicle; and
 - (C) a statement that all streets in the City are subject to prohibitions of this Chapter; and
3. The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle.

10.25.060 Post-Removal Hearings Required for Removed Vehicles

A post-storage hearing pursuant to Section 22852 of the California Vehicle Code applies with respect to the removal of any vehicle pursuant to this Section and is incorporated by reference as if set forth in full herein.

Chapter 10.28 PEDESTRIANS⁷

Sections:

- 10.28.010 Standing on sidewalks**
- 10.28.020 Walking upon new pavement or sidewalk prohibited**
- 10.28.030 (Repealed by Ord. MC-161, 5-05-82)**
- 10.28.040 Application of traffic-control signals**
- 10.28.050 Scramble system of traffic control**

10.28.010 Standing on sidewalks

In a business district, it is unlawful for any pedestrian to stand on the sidewalk, except as near as is physically possible to the building line or the curb line.

(Ord. 1652, 3-18-41)

10.28.020 Walking upon new pavement or sidewalk prohibited

It is unlawful for any person to walk upon any newly made pavement or cement or concrete sidewalk upon any street where across or around such street there is a barrier, or at, or over or near which there is a person or sign warning persons not to walk or drive over or across such street, or a sign stating that the street is closed.

(Ord. 1652, 3-18-41)

10.28.030 (Repealed by Ord. MC-161, 5-05-82)

10.28.040 Application of traffic-control signals

Whenever and wherever pedestrian traffic in the City is controlled by an official traffic-control signal exhibiting the words "wait" in red colored lights and "walk" in green colored lights, the lighted words shall apply to pedestrians as follows:

- A. "Walk" in green lights: pedestrian facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- B. "Wait" in red lights: no pedestrian shall enter the roadway or cross any part of the roadway against a red "wait" signal.

(Ord. 1949, 7-22-52; Ord. 1652, 3-18-41)

⁷For statutory provisions on local authority to establish crosswalks, see Vehicle Code §21106; for provisions on local regulation of pedestrian crosswalk use, see Vehicle Code §21961.

10.28.050 Scramble system of traffic control

The Common Council may by resolution establish at the intersections of certain streets the "Scramble System" of traffic control for pedestrians, and the Director of Public Services is authorized and required to install and maintain the necessary traffic controls, and/or signs at or near such intersections, and the Director of Development Services is authorized and required to install and maintain the necessary traffic signals.

(Ord. MC-1027, 9-09-98; Ord. MC-344, 2-22-84; Ord. 2288, 3-08-60; Ord. 1652, 3-18-41)

Chapter 10.32 BUSES AND RAILROAD TRAINS

Sections:

- 10.32.010 Boarding or alighting from buses**
- 10.32.020 Unlawful riding**
- 10.32.030 Railway trains and street cars not to block street**
- 10.32.040 Speed of trains and cars upon public streets**
- 10.32.050 Speed of trains over right-of-way**
- 10.32.060 Railway gates**

10.32.010 Boarding or alighting from buses

It is unlawful for any person to board or alight from any bus while such bus is in motion.

(Ord. MC-460, 5-15-85)

10.32.020 Unlawful riding

It is unlawful for any person to ride on any bus upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty.

(Ord. MC-460, 5-15-85)

10.32.030 Railway trains and street cars not to block street

It is unlawful for the operator of any steam, interurban, or street railway train or car to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than eight minutes.

(Ord. 1652, 3-18-41)

[\[Return to Municipal Code Contents\]](#)

10.32.040 Speed of trains and cars upon public streets

It is unlawful for any person, firm or corporation to operate, permit or cause to be operated any engine, train, locomotive, steam train, electric car or electric train over, across, upon or along any public street within the City except as specifically provided in Section 10.32.050, at a rate of speed greater than one mile in three minutes.

(Ord. 1652, 3-18-41)

10.32.050 Speed of trains over right-of-way

It is unlawful for any person, firm or corporation to operate, permit or cause to be operated any engine, train, locomotive, steam train, electric car or electric train upon the right-of-way now owned and operated by the Atchison, Topeka & Santa Fe Railway, while crossing over, upon or along any public street within the City at a rate of speed greater than thirty miles per hour, except that the speed may be increased to a rate of speed not greater than forty miles per hour in that section north from Baseline to the limits of the City.

(Ord. 1652, 3-18-41)

10.32.060 Railway gates

It is unlawful for any person to drive any vehicle through or under any safety gate or railroad barrier which is maintained at a railroad crossing for the purpose of warning persons of the approach of a train or car, while such gate or barrier is closed or while it is being opened or closed.

(Ord. MC-460, 5-15-85; Ord. 1652, 3-18-41)

Chapter 10.36

LOADING ZONES, BUS STOPS, AND CROSSWALKS⁸

Sections:

10.36.010 Loading zones and bus stops to be painted or marked

10.36.020 Authorization to establish crosswalks

10.36.010 Loading zones and bus stops to be painted or marked

The City Engineer shall determine, and the Director of Public Services shall mark, the location of all loading zones and bus stops by causing the adjacent curb to be painted or marked respectively yellow, white and red; that portion so marked yellow shall be established as a loading zone, and the curb surface so painted yellow shall have thereon in black letters the words "loading zone," and such loading zone so located and marked shall be used only as a place for the loading or unloading of passengers or freight, subject to the limitations prescribed; that portion painted white shall be established as a passenger loading zone, and the curb surface painted white shall have thereon in black letters the words "passenger loading zone," and such passenger loading zone so located and marked shall be used only as a place for the loading or unloading of passengers; that portion painted red shall have thereon in white letters the words "bus stops," and such bus stop so located and marked shall be used only as a place for the loading and unloading of passengers, subject to the limitations herein prescribed, and the City Engineer may determine, and the Director of Public Services shall mark, the location in front of and adjacent to hospitals, police stations and theaters where it is unlawful to stop, stand or park a vehicle by causing the adjacent curb to be painted or marked red.

(Ord. MC-344, 2-22-84; Ord. 1730, 1-03-45; Ord. 1652, 3-18-41)

10.36.020 Authorization to establish crosswalks

The City Engineer is authorized and required to establish crosswalks, approximately equal in width to the adjacent sidewalk at all intersections, or between intersections, where in his opinion there is a particular danger to pedestrians crossing the roadway, and when so designated by the City Engineer, the Director of Public Services shall designate the crosswalks upon the surface of the roadway by white painted lines.

(Ord. MC-344, 2-22-84; Ord. 1652, 3-18-41)

⁸For statutory provisions on local parking curb markings, see Vehicle Code §21458; for provisions on local authority to establish crosswalks, see Vehicle Code §21106.

Chapter 10.38

DRIVE- IN ESTABLISHMENTS

Sections:

- 10.38.010 Definitions**
- 10.38.020 Posting of rules and regulations**
- 10.38.030 Designation and marking of parking spaces**
- 10.38.040 Operation of vehicles - Compliance with traffic-control devices or markings**

10.38.010 Definitions

For the purpose of this Chapter, "drive-in establishment," hereinafter referred to as "drive-in," is defined as follows: a drive-in is a place of business wherein beverages, foods or refreshments are served to patrons for consumption on the premises at tables or stands in open or unenclosed areas, or in any vehicle stopped, standing or parked in or upon the premises of the drive-in, or in or upon any street, alley, land, parking area or grounds immediately adjacent to such premises, or adjacent to or adjoining any street or public right-of-way abutting such premises.

(Ord. MC-460, 5-15-85)

10.38.020 Posting of rules and regulations

Persons owning, operating, managing or conducting a drive-in shall place in conspicuous places at the drive-in at least four signs on which are written in legible English, in letters at least two inches in height on contrasting background, words or phrases requesting patrons to refrain from any conduct and act prohibited by this Chapter and by other rules and regulations desired by the drive-in.

(Ord. MC-460, 5-15-85)

10.38.030 Designation and marking of parking spaces

Persons owning, operating, managing or conducting a drive-in shall place at suitable locations on the premises appropriate traffic-control devices and signs, and markings on the pavement, as approved by the City, directing traffic entering and leaving the establishment, and shall designate and mark parking spaces for the parking of vehicles of patrons on the premises.

(Ord. MC-460, 5-15-85)

[\[Return to Municipal Code Contents\]](#)

10.38.040 Operation of vehicles - Compliance with traffic-control devices or markings

It is unlawful for any person entering or leaving a drive-in to operate, stop, stand or park a vehicle operated by him or her on any street or right-of-way, in a manner contrary to any official traffic control device, sign or marking erected, installed or maintained, on a temporary or permanent basis, by the City pursuant to law.

(Ord. MC-460, 5-15-85)

Chapter 10.40 DAMAGE TO PROPERTY

Sections:

10.40.010 Report required

10.40.020 Accident reports confidential

10.40.010 Report required

The driver of a vehicle, or the person in charge of any animal, involved in any accident resulting in damage to any property, publicly owned, including but not limited to any fire hydrant, ornamental lighting post or ornamental shade tree, located in or along any street or within any public park; or resulting in damage to any property owned by any public utility, including but not limited to a telephone pole, electric light or power pole, where the damage exceeds twenty-five dollars, shall within twenty-four hours after such accident make or cause to be made a written report of such accident to the Police Department of the City upon forms furnished by the Police Department.

(Ord. 1652, 3-18-41)

10.40.020 Accident reports confidential

All required accident reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department, except that the Police Department shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, and the owners of vehicles or property damaged thereby, or all of them. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have,

[\[Return to Municipal Code Contents\]](#)

made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Police department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the Police Department.

(Ord. 1652, 3-18-41)

Chapter 10.44 VIOLATION - PENALTY

Sections:

10.44.010 Violation - Penalty

10.44.020 Delinquent parking citations

10.44.010 Violation - Penalty

Any person violating any provision of Title 10, Article I of this Code or any rule or regulation made by the Common Council by resolution or by the City Engineer or Director of Public Services pursuant thereto is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-344, 2-22-84; Ord. 3035, 12-16-69; Ord. 1652, 3-18-41)

10.44.020 Delinquent parking citations

Unpaid parking citations which have not been contested are delinquent thirty days after issuance of the citation. Any citation which becomes delinquent shall have a delinquency penalty and a Department of Motor Vehicles' hold charge added to the fine and cost of the citation. The amount of the delinquency penalty and Department of Motor Vehicles' hold charge shall be established by resolution of the Mayor and Common Council.

(Ord. MC-423, 11-09-84)

[\[Return to Municipal Code Contents\]](#)

ARTICLE II. SPECIFIC REGULATIONS

Chapter 10.48 BICYCLES⁹

Sections:

- 10.48.010 Definitions
- 10.48.020 License- Required
- 10.48.030 License - Registration forms - Indicia - Fees - Renewal
- 10.48.040 Sale of bicycle - Unique serial number required
- 10.48.050 Removal or destruction of bicycle number unlawful
- 10.48.060 Use of revenues from license fees
- 10.48.070 Records of registered bicycles to be maintained
- 10.48.080 Facilities for receipt of applications and license issuance
- 10.48.090 Authorization to arrest and issue notices
- 10.48.100 Violation an infraction
- 10.48.110 Impoundment and retention of bicycle for violation

10.48.010 Definitions

- A. "Bicycle," for the purposes of this Chapter, means any device upon which a person may ride and which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least twenty inches in diameter, in tandem or tricycle arrangement) or having a frame size of at least fourteen inches.
- B. "Bicycle dealer," for the purposes of this Chapter, means any person, firm, partnership, or corporation which is engaged, wholly or partly, in giving away or in the business of selling at retail, bicycles, or buying or taking in trade bicycles for purposes of resale, selling or offering for sale at retail, or otherwise dealing at retail in bicycles, which bicycles number more than five in any one calendar year, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity

(Ord. 3795, 1-09-79; Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

⁹ For statutory provisions on bicycle licensing, see Vehicle Code §39000 et seq.; for additional regulations on bicycles, see Ch. 1024 of this title.

10.48.020 License - Required

It is unlawful for any person to operate any bicycle on any street, highway or other public property within the jurisdiction of this City unless such bicycle is licensed in accordance with the provisions of this Chapter.

(Ord. MC-460, 5-15-85; Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.030 License - Registration forms - Indicia - Fees - Renewal

- A. Pursuant to Division 16.7 of the California Vehicle Code, the Police Department of the City shall obtain registration forms and original bicycle license indicia and renewal license supplementary adhesive devices from the California Department of Motor Vehicles and upon written application by prospective licensees to the Police Department, bicycle retailers and dealers and other designated agents, bicycle license indicia and renewal license devices shall be issued in accordance with the provisions of this Chapter.
- B.
 - 1. All original licenses issued prior to December 31, 1978, expired on December 31, 1978. All original licenses issued on or after January 1, 1979, shall expire on December 31st of the second year following the year of issuance. All renewal licenses are due on January 1st next following the expiration of the prior license, and shall expire on December 31st of the third year following expiration of the prior license. License fees shall be established by resolution.
 - 2. Original license fees are due and payable on the purchase date of the bicycle, and are delinquent if not paid within thirty days after such date. Renewal license fees are due and payable on January 1st of the applicable year, and are delinquent if not paid by February 15th of that year, provided that the delinquency date for the calendar year 1979 shall be February 23, 1979. A penalty as established by resolution shall be added to each delinquent license.
 - 3. The renewal of each license shall be indicated by a renewal adhesive device, showing the expiration date, affixed parallel to and above or below the license indicia. Renewal devices in succeeding years shall be of different colors.
- C. The bicycle license, when issued for a bicycle, shall be authority for the bicycle to be operated on any street, road, highway or public property within the jurisdiction of the City, except on the sidewalks thereof or other public property prohibited from bicycle use.
- D. Each license plate shall bear a unique license number and shall be permanently assigned to a bicycle.

[\[Return to Municipal Code Contents\]](#)

- E. The original license plate and any renewal license plate shall be affixed or impressed upon any bicycle so licensed and neither the original license plate or any renewal license plate shall be removed from the bicycle during the effective period of the license plate and renewal plate.

(Ord. 3795, 1-09-79; Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.040 Sale of bicycle - Unique serial number required

- A. No bicycle dealer shall sell any new bicycle in the City unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. Serial numbers shall be stamped or cast in the head of the frame, either side of the seat down post tube, or the bottom sprocket bracket.
- B. Each bicycle dealer shall supply to each purchaser of a new or previously owned bicycle a record of the following information: name of dealer, address of dealer, year and make of bicycle, and serial number of bicycle.
- C. It shall be the duty of every person who sells, transfers ownership or otherwise disposes of any bicycle licensed under this Chapter to report such sale or transfer by notifying the Police Department of such transfer or disposition together with the name and address of the person to whom the bicycle was sold or transferred, and such report shall be made within ten days of the date of the sale or transfer.
- D. It shall be the duty of the purchaser or transferee of such bicycle to apply to the Police Department for a transfer of license registration therefor, within ten days of such sale or transfer.
- E. Whenever the owner of a bicycle licensed under this Chapter changes his address, he shall, within ten days, notify the police department of the old and new address.

(Ord. 3795, 1-09-79; Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.050 Removal or destruction of bicycle number unlawful

It is unlawful for any person, firm or corporation to willfully and maliciously remove, destroy, mutilate or alter the number on any bicycle frame licensed pursuant to this Chapter or possess such bicycle frame with knowledge that its number has been so removed, destroyed, mutilated or altered. It is also unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration certificate during the time in which such license plate, seal or registration card is operative; provided, however, that

[Return to Municipal Code Contents]

nothing in this Chapter shall prohibit the police department from stamping numbers and symbols on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.060 Use of revenues from license fees

- A. Revenues from license fees shall be used for the support of this Chapter which shall include but not be limited to the purchase of original and renewal bicycle license plates from the State Department of Motor Vehicles, printing costs for report forms or reimbursement costs to bicycle dealers or other designated agents for services rendered.

- B. In addition, such revenues shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes within the limits of the City, except that other bicycle license fee revenues which, prior to the effective date of the ordinance codified in this Chapter, were used for other purposes may continue to be used for the same purposes for a period not to exceed one year from September 20, 1974, with the approval of the Mayor and Common Council.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.070 Records of registered bicycles to be maintained

The Police Department shall maintain records of each bicycle registered or transferred. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type and the model of the bicycle, and the name and address of the licensee. Records shall be maintained during the period of validity of the license or until notification that the bicycle is no longer to be operated.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.080 Facilities for receipt of applications and license issuance

The Chief of Police is authorized to provide facilities for the receipt of applications and issuing of licenses at locations in the City, elsewhere than the Police Department in the Hall of Justice, and to provide due publicity regarding the establishment of official license issuing locations.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

[\[Return to Municipal Code Contents\]](#)

10.48.090 Authorization to arrest and issue notices

Any police officer, reserve police officer, or law enforcement trainee is authorized and empowered to arrest and issue notices to appear pursuant to the provisions of this Chapter and Section 836.5 and Chapter 5C of Part 2 Title 3 (Section 853.6 et seq.) of the Penal Code of the state.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.100 Violation an infraction

Every person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

10.48.110 Impoundment and retention of bicycle for violation

In addition to the penalty set forth in Section 10.48.100, members of the Police Department of the City, or other authorized personnel, may impound and retain possession of any bicycle operated in violation of any of the provisions of this Chapter, and retain possession of the same until the license provided for in this Chapter is obtained by the owner of the bicycle.

(Ord. 3488, 3-19-75; Ord. 1950, 7-22-52)

Chapter 10.52 SPEED LIMITS¹⁰

Sections:

- 10.52.010 Thirty miles per hour**
- 10.52.020 Thirty-five miles an hour**
- 10.52.030 Forty miles per hour**
- 10.52.040 Forty-five miles per hour**
- 10.52.050 Fifty miles per hour**
- 10.52.055 Fifty-five miles per hour**
- 10.52.060 Erection of signs**

10.52.010 Thirty miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Thirty miles per hour shall be established upon the following streets or portions thereof in the City:

HILL DRIVE between Louise Street and E Street

(Ord. MC-1428, 9-06-16; Ord. MC-1421, 04-18-16; Ord. MC-842, 7-22-92;
Ord. MC-586, 3-26-87; Ord. MC-449, 4-17-85; Ord. MC-282, 6-21-83; Ord. MC-93, 9-02-81;
Ord. 3784, 11-22-78; Ord. 3717, 4-19-78; Ord. 2105, 4-03-56)

10.52.020 Thirty-five miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Thirty-Five miles per hour shall be established upon the following streets or portions thereof in the City:

2nd STREET between Mt. Vernon Avenue and Waterman Avenue

21st. STREET between Waterman Avenue and Perris Hill Park Road

¹⁰For statutory provisions on increasing and decreasing state speed limits, see Vehicle Code §§22357 and 22358.

27th STREET between Mt. Vernon Avenue and G Street

48th STREET between Kendall Drive and Electric Avenue

ARROWHEAD AVENUE between 7th Street and Highland Avenue

ARROWHEAD AVENUE between Highland Avenue and Thompson Place

ATLANTIC AVENUE between Palm Avenue and Cienega Court

D Street between Highland Avenue and 28th Street

EUCALYPTUS AVENUE between Mill Street and Rialto Avenue

G STREET between 6th Street and 140' North of 29th Street

G STREET between 150' South of 30th Street and Marshall Boulevard

GILBERT STREET between Waterman Avenue and 207' East of Cedar Avenue

H STREET between 6th Street and Marshall Boulevard

HILL DRIVE between Magnolia Drive and H Street

HOSPITALITY LANE between E Street and Waterman Avenue

K STREET between Mill Street and Rialto Avenue

MARSHALL BOULEVARD between Little Mountain Drive and Ladera Road

MARSHALL BOULEVARD between Ladera Road and Waterman Avenue

MASSACHUSETTS AVENUE between Baseline Street and Highland Avenue

MEDICAL CENTER DRIVE between 5th Street and Baseline Street

MIRAMONTE AVENUE between 23rd Street and Marshall Boulevard

MOUNTAIN AVENUE between 39th Street and 40th Street

MT. VERNON AVENUE between 7th Street and 21st Street

[\[Return to Municipal Code Contents\]](#)

MT. VERNON AVENUE between 21st Street and 27th Street

MT. VIEW AVENUE between Electric Avenue and Hill Drive/Pinehurst Court

ORANGE STREET between Pacific Street and Highland Avenue

ORANGE STREET between Highland Avenue and Piedmont Drive

SIERRA WAY between 30th Street and 40th Street

(Ord. MC-1502, 12-05-18; Ord. MC-1491, 7-05-18; Ord. MC-1428, 9-06-16;
Ord., MC-1421, 4-18-16; Ord. MC-1151, 10-08-03; Ord. MC-1111, 12-04-01;
Ord. MC-1042, 3-02-99; Ord. MC-1025, 7-07-98; Ord. MC-872, 5-26-93;
Ord. MC-848, 9-09-92; Ord. MC-842, 7-22-92; Ord. MC-774, 3-12-91; Ord. MC-714, 4-02-90;
Ord. MC-586, 3-26-87; Ord. MC-512, 4-22-86; Ord. MC-500, 2-18-86; Ord. MC-434, 2-05-85;
Ord. MC-282, 6-21-83; Ord. MC-199, 8-17-82; Ord. MC-93, 9-02-81; Ord. MC-81, 7-08-81;
Ord. 3966, 9-10-80; Ord. 3959, 8-08-80; Ord. 3854, 8-21-79; Ord. 3849, 7-25-79;
Ord. 3746, 8-25-78; Ord. 3671, 9-02-77; Ord. 2105, 4-03-56)

10.52.030 Forty miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Forty miles per hour shall be established upon the following streets or portions thereof in the City:

3rd STREET between Sierra Way and Waterman Street

4th STREET between Tia Juana Street and Mt. Vernon Avenue

5th STREET between Sierra Way and Pedley Road

9th STREET between Medical Center Drive and H Street

9th STREET between H Street and Sierra Way

9th STREET between Sierra Way and Waterman Avenue

40th STREET between Electric Avenue and Waterman Avenue

40th STREET between Harrison Canyon Road North and Mountain Avenue

[\[Return to Municipal Code Contents\]](#)

ARDEN AVENUE between Pacific Street and Highland Avenue

ARROWHEAD AVENUE between Esparanza Street and Rialto Avenue

BASELINE STREET between Medical Center Drive and H Street

BASELINE STREET between Sierra Way and Del Rosa Avenue

CALIFORNIA STREET between Baseline Street and Cajon Boulevard

CENTRAL AVENUE between Arrowhead Avenue and 100' East of Valley View Avenue

DEL ROSA AVENUE between Del Rosa Drive and Marshall Boulevard

E STREET between Hunts Lane and Century Avenue

E STREET between 30th Street and Kendall Drive

ELECTRIC AVENUE between 40th Street and Northpark Boulevard

FOOTHILL DRIVE between Del Rosa Avenue and Arden Avenue

GOLDEN AVENUE between Highland Avenue and Lynwood Drive

HIGHLAND AVENUE between Sierra Way and Valencia Avenue

HIGHLAND AVENUE between Valencia Avenue and Arden Avenue

INLAND CENTER DRIVE between E Street and 1570' Southwest of I Street

LYNWOOD DRIVE between Valencia Avenue and Del Rosa Avenue

MACY STREET between Highland Avenue and North City Limits

MEDICAL CENTER DRIVE between Baseline Street and Highland Avenue

MERIDIAN AVENUE between Randall Avenue and Mill Street

MERIDIAN AVENUE between Rialto Avenue and Foothill Boulevard

MILL STREET between Bordwell Avenue and Waterman Avenue

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 10 Contents\]](#)

MT. VERNON AVENUE between Grant Avenue and Rialto Avenue

MT. VIEW AVENUE between Victoria Street and Highland Avenue

MT. VIEW AVENUE between Highland Avenue and Electric Avenue

NORTHPARK BOULEVARD between University Parkway and Little Mountain Drive

NORTHPARK BOULEVARD between Little Mountain Drive and Electric Avenue

ORANGE SHOW ROAD between E Street and Arrowhead Avenue

PEPPER AVENUE between Mill Street and North City Limit

PERRIS HILL PARK ROAD between Pacific Street and 21st Street

REDLANDS BOULEVARD between Hunts Lane and Gardena Street

SIERRA WAY between Mill Street and Rialto Avenue

SIERRA WAY between 5th Street and 30th Street

SIERRA WAY between 40th Street and 48th Street

STERLING AVENUE between Highland Avenue and Pumalo Street

VALENCIA AVENUE between 21st Street and 30th Street

WATERMAN AVENUE between Rialto Avenue and Highland Avenue

WATERMAN AVENUE between Highland Avenue and 30th Street

(Ord. MC-1428, 9-06-16; Ord. MC-1421, 4-18-16; Ord. MC-1382, 11-20-12;
Ord. MC-1164, 2-03-04; Ord. MC-1123, 4-16-02; Ord. MC-1111, 12-04-01;
Ord. MC-1083, 9-06-00; Ord. MC-1082, 9-06-00; Ord. MC-1066, 3-07-00;
Ord. MC-1025, 7-07-98; Ord. MC-1013, 1-13-98; Ord. MC-907, 7-06-94; Ord. MC-861, 2-16-93;
Ord. MC-842, 7-22-92; Ord. MC-586, 3-26-87; Ord. MC-500, 2-18-86;
Ord. MC-449, 4-17-85; Ord. MC-438, 2-19-85; Ord. MC-170, 6-08-82;
Ord. MC-93, 9-02-81; Ord. 3959, 8-08-80; Ord. 3874, 10-16-79;
Ord. 3854, 8-21-79; Ord. 3854, 8-21-79; Ord. 3672, 9-16-77; Ord. 2105, 4-03-56)

[\[Return to Municipal Code Contents\]](#)

10.52.040 Forty-five miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Forty-Five miles per hour shall be established upon the following streets or portions thereof in the City:

5th STREET between Del Rosa Drive and 200' East of Victoria Avenue

9th STREET between Waterman Avenue and 600' East of Preston Street

30th STREET between Little Mountain Drive and Valencia Avenue

40th STREET between Kendall Drive and Electric Avenue

40th STREET between Waterman Avenue and Harrison Canyon Road North

BASELINE STREET between California Street and Medical Center Drive

D Street between 6th Street and Highland Avenue

DEL ROSA AVENUE between Marshall Boulevard and 39th Street

HUNTS LANE between Barton Road and Commercial Road

KENDALL DRIVE between E Street and 40th Street

LITTLE MOUNTAIN DRIVE between 27th Street and Northpark Boulevard

MILL STREET between Waterman Avenue and Tippecanoe Avenue

PALM AVENUE between Kendall Drive and Belmont Avenue

PEPPER AVENUE between Randall Avenue and Mill Street

REDLANDS BOULEVARD between Gardena Street and East City Limits

RIALTO AVENUE between Eucalyptus Avenue and Mt. Vernon Avenue

SAN BERNARDINO AVENUE between Tippecanoe Avenue and Mt. View Avenue

[\[Return to Municipal Code Contents\]](#)

TIPPECANOE AVENUE between San Bernardino Avenue and 3rd Street

TIPPECANOE AVENUE between 9th Street and Baseline Street

VALENCIA AVENUE between 30th Street and 40th Street

VICTORIA AVENUE between Highland Avenue and Lynwood Drive

WATERMAN AVENUE between Central Avenue and Rialto Avenue

(Ord. MC-1502, 12-05-18; Ord. MC-1491, 7-05-18; Ord. MC-1428, 9-06-16;
Ord. MC-1421, 4-18-16; Ord. MC-1120, 3-19-02; Ord. MC-1083, 9-06-00;
Ord. MC-1067, 3-07-00; Ord. MC-1043, 4-07-99; Ord. MC-1042, 3-02-99;
Ord. MC-1033, 11-03-98; Ord. MC-1025, 7-07-98; Ord. MC-988, 12-17-96;
Ord. MC-842, 7-22-92; Ord. MC-698, 1-09-90; Ord. MC-615, 1-08-88;
Ord. MC-586, 3-26-87; Ord. MC-449, 4-17-85; Ord. MC-199, 8-17-82;
Ord. MC-114, 11-16-81; Ord. MC-93, 9-02-81; Ord. 3365, 8-09-73; Ord. 2105, 4-03-56)

10.52.050 Fifty miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, 28 of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Fifty miles per hour shall be established upon the following streets or portions thereof in the City:

HALLMARK PARKWAY between University Parkway and Lexington Parkway

INDUSTRIAL PARKWAY between Lexington Parkway and Palm Avenue

KENDALL DRIVE between 40th Street and Palm Avenue

ORANGE SHOW ROAD between Arrowhead Avenue and Tippecanoe Avenue

PINE AVENUE between Kendall Drive and Belmont Avenue

UNIVERSITY PARKWAY between Cajon Boulevard and Northpark Boulevard

WATERMAN AVENUE between Barton Road and Central Avenue

(Ord. MC-1428, 9-06-16; Ord. MC-1421, 4-18-16; Ord. MC-1382, 11-20-12;
Ord. 1341, 12-01-10; Ord. MC-1082, 9-06-00; Ord. MC-1067, 3-07-00; Ord. MC-992, 4-08-97;
Ord. MC-988, 12-17-96; Ord. MC-1341, 12-01-10; Ord. MC-907, 7-06-94;
Ord. MC-586, 3-26-87; Ord. MC-438, 2-19-85; Ord. MC-93, 9-02-81;
Ord. 3365, 8-09-73; Ord. 2105, 4-03-56;)

[\[Return to Municipal Code Contents\]](#)

10.52.055 Fifty-five miles per hour

In accordance with and pursuant to the authority of sections 22357, 22358, and 22360, of the California Vehicle Code, the Mayor and Common Council do hereby determine and declare upon the basis of an engineering and traffic investigation that a Prima Facie Speed Limit of Fifty-Five miles per hour shall be established upon the following streets or portions thereof in the City:

BASELINE STREET between Meridian Avenue and California Street

(Ord. MC-1428, 9-06-16; Ord. MC-1421, 4-18-16; Ord. MC-988, 12-17-96)

10.52.060 Erection of signs

The Director of Public Services is ordered and directed to erect and maintain or cause to be erected and maintained appropriate signs giving notice of the prima facie speed limits established in this chapter along such streets.

(Ord. MC-344, 2-22-84; Ord. 2392, 9-26-61; Ord. 2105, 4-03-56)

Chapter 10.56 NOISE LIMITS¹¹

Sections:

10.56.010 Incorporation of state statutes

10.56.020 Muffler requirement

10.56.010 Incorporation of state statutes

- A. It is unlawful for any person to operate on public or private property other than public streets or highways a motorcycle, motor-driven cycle, or any other motor vehicle at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the noise limits established in Section 23130 of the Vehicle Code for such motorcycle, motor-driven cycle or other vehicle based on a distance of fifty feet from the path of travel within the speed limits specified in Section 23130.
- B. The provisions of Section 23130 of the Vehicle Code of the State are incorporated by reference and made a part of this Chapter wherever such provisions may be made applicable without contravening Subsection A of this section; and any words and phrases contained in this section shall have the same meanings as are set forth in the Vehicle Code for such words and phrases when such meanings are not in conflict with the intent of Section 23130.

(Ord. MC-460, 5-15-85; Ord. 3086, 6-30-70; Ord. 821, 8-09-1921)

10.56.020 Muffler requirement

- A. Every motorcycle, motor-driven cycle or motor vehicle shall, at all times when being operated on public or private property other than public streets or highways, be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.
- B. "Muffler" or any other word or phrase of this subsection, shall have the meaning ascribed to such word or phrase in the Vehicle Code.

(Ord. 3086, 6-30-70; Ord. 821, 8-09-1921)

¹¹For statutory provisions on noise limits, see Vehicle Code §§23130 and 23130.5.

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Sections:

- 12.03 Right-of-Way Permits - Excavations and Temporary Encroachments
- 12.04 (Repealed by Ord. MC-1004, 10-21-97)
- 12.05 Right-Of-Way Permits – Wireless Facilities
- 12.08 (Repealed by Ord. MC-1004, 10-21-97)
- 12.12 Telegraph and Telephone Poles - Underground Utilities
- 12.16 Datum Plane
- 12.20 Public Projects
- 12.21 Design-Build (added by Ord. MC-1423, 7-05-16)
- 12.24 Public Works Contracts
- 12.28 Improvements
- 12.30 Sight Distance Requirement
- 12.32 House Numbers
- 12.36 Streets Grades
- 12.40 Street Trees
- 12.44 Obstructions
- 12.48 Bridges
- 12.52 Fire Hydrants
- 12.56 (Repealed by Ord. MC-1414, 7-06-15)
- 12.60 Vending Near Public Schools
- 12.64 (Repealed by Ord. MC-1414, 7-06-15)
- 12.68 Park and School Grounds
- 12.72 Clocks
- 12.76 Seccombe Lake Park
- 12.80 Public Parks and Recreational Facilities
- 12.84 Off-Street Public Parking
- 12.88 Hang Gliding.
- 12.90 Establishment, Financing and Operation of Assessment Districts
- 12.92 Construction and Maintenance of Sidewalks, Curbs and Driveways
- 12.93 City Participation in Sidewalk/Curb Repair and Sewer Connection Costs
- 12.94 Improvement Districts

[\[Return to Municipal Code Contents\]](#)

- 12.95 Substandard Driveway Approaches
- 12.96 Installation and Maintenance of Landscaped Frontages on City Rights-of-Way and Within the Building Set-back Area up to a Maximum of Twenty (20) Feet
- 12.98 Camping on Public Streets and Parks

Chapter 12.03
RIGHT-OF-WAY PERMITS -
EXCAVATIONS AND TEMPORARY ENCROACHMENTS

Sections:

- 12.03.010 Findings
- 12.03.020 Definitions
- 12.03.030 Notice to Disconnect or Remove
- 12.03.040 Power to Regulate
- 12.03.050 Noninterference with Franchise Rights
- 12.03.055 Moratorium
- 12.03.060 Permit Application
- 12.03.070 Fees
- 12.03.080 [Intentionally Left Blank]
- 12.03.090 Encroachment for Lane Closure
- 12.03.100 Inspection and Plan Review - Deposit
- 12.03.110 Bonds, Insurance, Deposits
- 12.03.120 Notifications and Guidelines
- 12.03.130 Completion of Work and Non-conforming Work
- 12.03.140 Warranty of Work - Notice - Repair by City
- 12.03.150 Abandonment of Facilities
- 12.03.160 Permit Expiration
- 12.03.170 Violations - Penalty

12.03.010 Findings

- A. Increasing public demand for services has prompted the expansion and installation of new above and below ground facilities offered throughout the City street and public right-of-way system.
- B. Increased usage of the public right-of-way has created congestion both above and below ground and created competition for the available space.

[\[Return to Municipal Code Contents\]](#)

- C. Congestion in the underground portions of the street right-of-way has created conflicts between the various users in that the first users take the available space leaving little or no room for other users. In some cases, the City is prevented from installing needed expansions to water lines, sewers, or storm drains due to other users taking planned space for their own facilities.
- D. Continued use of public right-of-way has caused the degradation of existing pavements and in some cases has been the cause of damage or degradation to recently constructed or rehabilitated pavements, traffic signal loops, and pavement markings.
- E. It is the intent of the City of San Bernardino to preserve its right to install expansions to its own systems, protect investments in capital street improvements and prevent overuse of the public right-of-way that would hamper proper maintenance and operations of facilities.
- F. Continued excavations and encroachments into the public right-of-way disrupt the traveling public as well as the business operators and pose potential safety hazards unless controlled by permit and properly inspected.
- G. A public utility franchise, granted by the State of California or the City of San Bernardino is a contract granting special privileges to use public rights-of-way. It is not intended that this ordinance impose additional rules and regulations upon the public utilities or confer authority to the City that conflicts with rights granted by existing franchise agreements, the State's public utilities code or jurisdiction of the California Public Utilities Commission.

12.03.020 Definitions

- A. "Asphalt Street" means any street the surface of which is paved with a mixture of rock, sand and asphalt cement, including any of those which are commonly known as asphalt pavement.
- B. "Concrete gutter" means any gutter composed of Portland Cement Concrete.
- C. "Concrete driveway" means any driveway paved with Portland Cement Concrete.
- D. "Concrete street" means any street paved with Portland Cement Concrete.
- E. "Curb" means any curb constructed of Portland Cement Concrete.

[\[Return to Municipal Code Contents\]](#)

- F. "Encroachment" means to encroach upon, obstruct or close any public street, alley, court, sidewalk or any portion thereof within the City, for any purpose, including construction, parking, sales, advertising or any private usage of public right-of-way.
- G. "Warning signs" shall conform to the requirements of the "Manual of Traffic Controls", current edition, published by the State of California, and the "Work Area Traffic Control Handbook (WATCH), current edition as adopted by the City of San Bernardino.
- H. "Lights" shall conform to the requirements outlined in the current edition of the "Manual of Traffic Controls", published by the State of California.
- I. "Manhole" means any surface structure which is part of any underground system such as sewer, storm drain, water, gas, ground pipes, or wire system, and shall have a surface cover with an exposed area of one and one-half square feet or more and shall also include such structures of record that may have been overlaid with surfacing materials.
- J. "New facility" means a new distribution line or new service connection. Every attempt shall be made to use existing service connections for proposed developments or redevelopments. In the event the distribution line or service connection is inadequate to serve a development, new facility shall include the necessary increase in size of distribution lines and service lines for the facility only and/or the extension of service to reach the development.
- K. "Oiled street" means any street, the surface of which is composed of a mixture of one or more spray coats of road oil with sand, compressed rock, or decomposed granite, or chemical dust palliative, having a thickness of one inch or less.
- L. "Property" means and includes any property, rail, ties, wire, pipes, conduit, or any device, fixture, appliance, or structure appurtenant thereto, installed, affixed or located in or under any public street or public place in the City whether so affixed, installed, or located under franchise, or otherwise.
- M. "Prospect hole" means any hole made in a pavement, driveway, or sidewalk by driving a metal bar, or drill into same for the purpose of locating existing utility pipes, or conduits, or leaks therefrom or for explorations as to soil type, depth to groundwater, monitoring of groundwater or pollution or other monitoring activities.
- N. "Public place" means and includes a public place, public square, public park, public playground, public court, public building and grounds, public airport, and all public grounds and places owned and maintained by the City.

[\[Return to Municipal Code Contents\]](#)

- O. "Public Street" means and includes a public street, public easements, public right-of-way, public highway, public alley, public way, or public road within the City.
- P. "Rock and oil" means any street, the surface of which is composed of macadam pavement, or a mixture of rock, sand and either road oil or liquid asphalt, having a total thickness of more than one inch.
- Q. "Unimproved street" means any street, the surface of, which is composed of dirt, soil, sand, gravel, decomposed granite, or similar materials in their natural state or a surface of inbound or water-bound gravel, or decomposed granite.
- R. "Valve/valve box/pull box" means any access via surface structure which is part of any underground system such as sewer, storm drain, water, gas, ground pipes, wire, or cable systems, and has a surface cover with a surface area of less than 1-1/2 square feet.
- S. "Facility" means physical structure of facility, not what is contained in the facility. Where protected by PUC regulations, it is not required to disclose type of conductors or contents of the physical structure of the facility.
- T. "Trench Influence Area" means an area three and a one-half feet adjacent to the edge of any trench where excavation occurs in the public right-of-way.
- U. "Person" shall mean any person as defined in San Bernardino Municipal Code Section 1.04.010, and including any governmental agency or subdivision of any city or county or the State of California.

(Ord. MC-1281, 8-19-08)

12.03.030 Notice to Disconnect or Remove

Whenever the Director of Development Services determines that it is reasonable and necessary that any property located in or under any public street, or public place in this City, owned, maintained, or controlled by any person, be temporarily disconnected, and reconnected, or permanently moved, relocated, or removed from any public street, or other public place, in order that the City, or other governmental agency, or instrumentality, may most economically, under modern engineering and construction methods install, construct, build, or erect any public improvement, or works in or under any public street, the Director of Development Services shall give timely written notice to the person owning, maintaining, or controlling such property, to move, relocate, or temporarily disconnect the same, as may be determined by the City Engineer.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

[Return to Municipal Code Contents]

12.03.040 Power to Regulate

- A. The City shall adopt such regulations for the location, size, depth, number of facilities to be accommodated, installation and repair methods and surcharges for new or recently rehabilitated public streets that may require excavations as it may deem necessary for public welfare. The regulations are intended to protect the public right-of-way and equitably allocate available space. In the event a utility cannot locate as directed by the City without violation of PUC installation guidelines, then alternate alignments shall be selected.
- B. Whenever an excavation is made by tunneling under the surface of the street, the City shall adopt such regulations and require such inspections, as it may deem necessary to ensure full compliance with the other sections of this chapter.
- C. Whenever conduits are placed under City streets or in public rights-of-ways, the City will require the owner/user to ensure the conduits can be located, with accuracy, by a reliable method. This shall mean a horizontal location within 4 inches and depth within 18 inches.
- D. Plans shall be prepared and submitted that show the location, depth and type of proposed facilities, as well as other existing underground utilities. Such plans shall be to scale and no less than 1"=60' and shall show the right-of-way line, curb lines and all known underground utilities, conduits or buried wires.
- E. City direction to relocate or locate in other positions to clear existing or future facilities will be considered mandatory and not merely recommendations. Failure to follow approved plans will result in the facility being relocated as directed at the cost of the Owner.

12.03.050 Noninterference With Franchise Rights

Nothing in this chapter shall be construed as interfering with any rights granted to any persons, firm or corporation under and by virtue of any franchise of the State of California or of the City or to any rights granted in the future.

12.03.055 Moratorium

- A. It shall be unlawful for any Person to excavate, cut, or open the pavement surface of any street within 5 years after acceptance of the street construction work by the City Engineer, with the exception of seal coated or micro-surfaced streets, which shall be for a period of 3 years after acceptance of the work by the City Engineer. This moratorium on street excavations shall not apply if the Director of Development Services grants a street excavation permit for any of the following reasons.

[\[Return to Municipal Code Contents\]](#)

- (1) Excavation work that is mandated by City, County, State or Federal legislation or that is required as a condition of approval to a City issued development permit;
 - (2) Utility service for development where no other reasonable means of providing service exists, as determined by the Director of Development Services;
 - (3) For a Prospect Hole, as defined in this Chapter, to verify utility depth or location;
 - (4) Excavations which are essential components of a regional project which will provide a substantial public benefit;
 - (5) Written requests for State/Federal mandated pipeline integrity inspections; or
 - (6) Other situations where the Director of Development Services finds that the excavation is necessary for the public health, safety, or welfare.
- B. In the event of an emergency which endangers life or property, or for an emergency repair or modification which is necessary to prevent interruption of life essential utility services, excavation work may occur without first obtaining a permit; however, written application for a permit shall be provided the following business day.
- C. If a permit is granted by the Director of Development Services or emergency excavation work as hereinabove described is performed, the following conditions shall apply:
- (1) All restoration and repair work shall be performed in accordance with the most current trench, backfill and pavement replacement detail standards in effect and as approved by the City Engineer.
 - (2) Provide a written pavement life performance warranty in a form acceptable to the City, unless one is already provided through a franchise agreement with the City. The warranty shall provide that in the event that subsurface material or pavement over or within the Trench Influence Area becomes depressed, broken, or otherwise fails at any time after the excavation (or joint operation excavation) has been completed, that Person shall repair or reconstruct the subsurface and pavement to a condition to the satisfaction of the City Engineer; and
 - (3) The Person requesting the excavation permit or responsible for emergency excavation work shall submit an application for an excavation permit, pay all required fees and comply with the provisions of Chapter 12.03.

- D. The moratorium on excavations shall not apply in any area where the street pavement construction was completed 5 years prior to the effective date of this ordinance.

(Ord. MC-1281, 8-19-08)

12.03.060 Permit Application

- A. Every permit for any excavation or encroachment in or under the surface of any street shall be granted subject to the rights of this City, or any other person entitled thereto, to make reasonable use of that part of the street for any purpose for which the street may be lawfully used, consistent with the excavation and/or encroachment made pursuant to such permit.
- B. It is unlawful to remove material from or engage in construction, repair or installation of conduits within any street in such a manner as to render such street impassable or dangerous to public travel. Closure of streets must be approved in advance with approval of traffic detour plans submitted in accordance with the guidelines prepared by the Director of Development Services for the City of San Bernardino.
- C. It is unlawful for any person to make excavations or encroachments in or under the surface of any street, sidewalk or public place, for the installation, repair, or removal of any pipe, conduit, duct, or tunnel, or for any other purpose except the installation of poles and anchors serving overhead lines without first:
 - 1. Making and filing a written application with the Director of Development Services a minimum of forty-eight hours prior to starting any excavation or encroachment, except any person, or firm holding a public utility franchise in the City may, for emergency purposes only, make and file a written application during the next business day following the making of such emergency excavations or encroachments.
 - 2. Receiving a written permit from the Director of Development Services.
 - 3. Making a deposit or other acceptable security to cover the cost of installation including:
 - a. Inspection.
 - b. Restoring the street or sidewalk to its original condition.
 - c. Restoring all signs, pavement markings, conduits, cables, pipes to a condition acceptable to the City using similar materials and methods to match the original improvements.

[\[Return to Municipal Code Contents\]](#)

- d. Incidental expenses in connection therewith, as hereinafter provided for.
- D. Before issuing any permit provided for in this section, the Director of Development Services shall require that a written application be made and filed with the Department of Public Works which shall provide the following:
- 1. Name and residence, or business address of applicant;
 - 2. A detailed description of the work, its location and approximate area (in square feet) and the purpose for the excavation (installation, repair, enhancement, etc.);
 - 3. A plat of the proposed work not larger than 24"x36" nor smaller than 8-1/2"x 11" and at a scale not smaller than 1"=60' showing the following:
 - a. Right-of-way lines.
 - b. Curb lines, back of sidewalk, street lights, traffic signal and boxes.
 - c. Location of proposed excavation including the length and width of the trench.
 - d. North arrow and scale.
 - e. Street names and cross street (even if shown with broken centerline to nearest cross street).
 - f. ALL underground facilities with size, location and ownership based on a search of available records. This is required for the full right-of-way width for lines going in the general direction of the street and for the length of the trench for excavations generally perpendicular to the street.
 - g. Such other information as the Director of Development Services may require. No plats shall be required when excavations or encroachments are made for service connections, or for locating or repairing existing underground installations.
- E. Applicant must show legal authority to occupy and use the street, or sidewalk wherein the excavation/encroachment is proposed to be made.
- F. It is unlawful for any person to make any excavation, install or maintain any tank, pipe, conduit, duct, or tunnel, in or under the surface of any street, or sidewalk or public place, at any location other than that described in the application, and.

[\[Return to Municipal Code Contents\]](#)

shown on the plats filed by such person. Any deviation in location necessitated by actual field conditions shall be corrected on the final plats and submitted to the Director of Development Services as the AS CONSTRUCTED plats

- G. The Director of Development Services may require site survey in order to ensure accurate location of facilities as deemed necessary to ensure compliance with this section.
- H. Those performing the work shall have a valid current City of San Bernardino business registration and shall list the number thereof on the application. The job superintendent, as well as the owner's authorized representative, shall also provide 24 hour emergency telephone numbers should problems be discovered other than during normal working hours and shall list same on the application.
- I. The Director of Development Services may issue vehicle parking permits that allow encroachment into time limited parking areas for extended work periods. See Section 12.03.090.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.070 Fees

- A. Before a right-of-way excavation/encroachment permit is issued, the person making the application shall pay the City a non-refundable right-of-way construction permit fee as established by resolution.
- B. Public utilities approved by the Director of Development Services may obtain a right-of-way blanket permit for minor work and emergency work. Applicants shall pay a non-refundable blanket permit fee as established by resolution. A blanket permit will be valid for TWELVE months from the date of issuance.

Minor work is defined as cable location and repair, constructing, modifying or abandoning individual service connections, maintaining and/or operating existing facilities, installing protection and electrical disconnecting equipment, and other equivalent minor work within local residential streets and easements. Construction or replacement of new distribution and transmission facilities, work within arterial or collector roads or highways, or any other activity not construed to be minor work will require individual permits.

Emergency work is defined as work necessary to repair damage to existing facilities and/or reestablish service. Work done under a blanket permit shall not require submittal of detailed plans as required by Section 12.30.060 unless deemed necessary by the Director of Development Services.

[\[Return to Municipal Code Contents\]](#)

- C. Other public agencies may obtain a no fee preliminary permit in order to complete the review process and obtain any permit requirements. Prior to any work being done under this preliminary permit, the person or contractor that will perform the work must obtain a right-of-way permit and pay all associated permit fees and deposits.
- D. Applicants obtaining a permit for the purpose of installing sewer laterals and making connection to existing sewer lines will need to provide evidence (receipts) to the Director of Development Services showing that Sewer Capacity Fees (paid to the Water Department) and Sewer Connection Fees (paid to the Development Services Department) have been paid for the property being connected.

(Ord. MC-1027, 9-09-98)

12.03.080 [Intentionally Left Blank]

12.03.090 Encroachment for Lane Closure

- A. Closure of traffic lanes on arterial and collector streets as designated in the City's General Plan Circulation Element shall be avoided between the morning and evening peak hours to accommodate traffic operations. Generally, the period from 7:00 am to 8:30 am constitutes the morning peak and the period from 3:30 pm to 5:30 pm constitutes the evening peak. Peak flow need only be addressed weekdays (Monday through Friday).
- B. Permits shall be required for excavations/encroachments that will occur at the places and times specified in Paragraph A and shall be assessed an additional fee, as determined by resolution, for each day of the closure or operation.
- C. Emergency closures shall not require an encroachment permit. The owner/contractor completing the work shall notify the Director of Development Services immediately by telephone or telecopier or in person of such emergency closures. As used in this section emergency means an actual, threatened, or anticipated incident or situation which seriously threatens the public health and safety. In the event such emergency closures present a hazard or serious impact on the traveling public, the owner/contractor shall pay the City actual costs for traffic control officers, personnel or equipment dispatched to correct the traffic disruption. These actual costs shall be over and above any blanket permit, lane closure or after the fact permit issued.
- D. All traffic lane closures shall follow the advance warning and safety signing as required by the WATCH manual or other approved traffic control manual. Failure to comply with this section shall constitute sufficient grounds for the City to issue a stop work order.

[\[Return to Municipal Code Contents\]](#)

- E. Projects involving the use of "Rule 20" funds or being done at the request of the City in relation to other ongoing City projects are exempt from the provisions of this section.

12.03.100 Inspection and Plan Review - Deposit

- A. Before excavation/encroachment permits are issued, a deposit to cover the estimated cost of the inspection, plan review and repair/replacement costs shall be paid to the City. Franchise holders who have repair/replacement language within the franchise agreement or who have previously undertaken all repair/replacement obligations need only provide inspection and plan review fees. Both inspection and plan review will be charged as a percentage of the estimated construction cost with a minimum basic fee to cover administrative costs associated with the permit and plan review/inspections. Public utilities performing work under a blanket permit, in lieu of providing the inspection and plan review deposit, shall be billed quarterly for costs based on construction activities and plan reviews conducted for the public utilities, by the City, in public rights-of-way and public places
- B. Plan reviews shall be submitted to the Department of Development Services for review and comment. Two (2) plans shall be submitted and no permits shall be issued or construction started, until the plan review has been completed and plans approved.
- C. No portion of the deposit for repair/replacement costs shall be returned until all work has been satisfactorily completed and all markings, signs, conduits and systems are returned to working order or replaced in kind. This shall also include the removal of pavement markings made to locate underground utilities and facilities and used by the contractor for construction purposes. The street shall be returned to a condition that reflects no evidence of the construction activities. Depending on the location of and direction of the excavation, the contractor may be required to pave to limits of 2 feet each side of the trench, from the curb to the first lane line, a full lane width, a full half street section or the entire street section should the trench be skewed or impact both sides of the street. Surface treatments such as chip seal, slurry seal may be considered based on the condition of the street and area of the patch.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.110 Bonds, Insurance, Deposits

- A. Except as provided in the Streets and Highways Code Section 1468, before an excavation/encroachment permit is issued, a deposit in an amount of the estimated construction cost, as determined by the Director of Development Services, shall be paid to the City for damages and as indemnity for any damages, which may be caused by the permitted excavation or obstruction; or in lieu of such

[Return to Municipal Code Contents]

deposit, post security in a form approved by the City Attorney.

Security shall indemnify the City for any damages and shall be further conditioned upon the compliance by the applicant with all provisions of this Chapter. Such deposit or security shall be for 100 percent of the estimated construction cost, as determined by the Director of Development Services, to guarantee faithful performance of all work, in a manner satisfactory to the City, and that all materials and workmanship will be free from original or developed defects. The deposit or security will remain in effect until the end of all warranty periods set forth in this Chapter. Changes in the work or extensions of time, shall in no way release the applicant or surety from its obligations.

- B. Applicant shall furnish to the City a policy or certificate of liability insurance in which the City is the named insured or is named as an additional insured with the applicant. Franchised utilities doing work with their own forces shall not be required to submit insurance certifications or policies. Notwithstanding any inconsistent statement in the policy or any subsequent endorsement, the City shall be the insured or as an additional insured covering the work whether liability is attributable to the applicant or the City.

The policy shall ensure the City, its officers, employees, and agents, while acting within the scope of their duties on the permit, against all claims arising out of or in connection with the work. Coverage shall be in accordance with the current edition of the Standard Specifications for Public Works Construction (Green Book) Section 7-3. The applicant shall indemnify, defend, and hold harmless the City, its officers and agents from all damages, costs or expenses in law or equity that may at any time arise or be set up because of damages to property, or of personal injury received by reason or in the course of performing work, which may be caused by any willful or negligent act or omission by the applicant, or any of the applicant's employees or contractors. The City will not be liable for any accident, loss or damage to the work prior to its completion and acceptance.

All liability insurance policies shall bear an endorsement or shall have attached a rider whereby it is provided that, in the event of expiration or proposed cancellation of such policies for any reason whatsoever, the City shall be notified by registered mail, return receipt requested, giving a sufficient time before the date thereof to comply with any applicable law or statute, but in no event less than 30 days before expiration or cancellation is effective.

The applicant shall be required, on the permit, to affirm that they have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance, or a certified copy thereof. (Sec 3800, Labor Code) or sign a certificate of exemption from Worker's Compensation Insurance (work over \$100 valuation). Said certification shall certify the applicant shall not employ any person in any manner so as to become

subject to the Worker's Compensation Laws of California in the performance of the work. After making such certification, should the applicant become subject to Worker's Compensation provisions of the Labor Code, applicant must forthwith comply with same or the permit shall be deemed revoked.

- C. Owner occupants or owner builders shall not be required to provide said insurance certificates for work with a value under \$5,000.00. Owner occupants or Owner builders shall however be bound by the provisions of Paragraph B as it relates to indemnification and defense of the City and liability for accident, loss or damage to property or for personal injury. The Owner occupant's or the Owner builder's signature on the application will attest to their understanding and acceptance of the liability exposure for work done by owner occupants or owner builders. Owners or builders shall declare that they are exempt from the Contractor's License Law and as the owner of the property that they or their employees, with wages as their sole compensation, will do the work and it is not intended or offered for sale. Contractor's License Law does not apply to an owner of property who builds or improves thereon and who does such work themselves or through their own employees, provided that such improvements are not intended or offered for sale. If however, the improvement is sold within one year of completion, the owner or builder will have the burden of proving that they did not build or improve for the purpose of sale.
- D. Notwithstanding any provision in this Chapter to the contrary, a contractor who has been awarded a competitive bid by the City for a public project involving street excavation or cutting shall not be required to file a bond or special deposit under Section 12.03.110 to cover the cost of repairing or replacement of street surface excavated or damaged, provided that the contractor's bid documents or contract require that they perform such street repair or replacement as a part of the awarded project and that they so perform in a manner satisfactory to the Director of Development Services and in accordance with all provisions of this Section.
- E. An agreement between the Redevelopment Agency and the City in a form satisfactory to the City Attorney unconditionally providing and guaranteeing that the agency provide and pay for those excavations/encroachments and other costs required pursuant to the provisions of this Section may be filed with the Director of Development Services as security in lieu of the bond, cash or certificate of deposit whenever the excavations/encroachments are located in a redevelopment project area and the agreement recites that the excavations/encroachments are in compliance with the redevelopment plan for the area and in furtherance of the public interest in promoting public or private development.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

[\[Return to Municipal Code Contents\]](#)

12.03.120 Notifications and Guidelines

- A. Twenty-four (24) hours prior to commencing any work within any public right of way or public place, the applicant shall notify the Department of Development Services Field Engineering Section to arrange for inspection service. All work shall be performed under the inspection and authority of the Director of Development Services or their authorized representative and shall comply with this Chapter and the policy concerning excavations/encroachments.

- B. It is unlawful for any person to make any excavations in any street or sidewalk without maintaining safe crossings for vehicle traffic at all street intersections, alleys, and private driveways, and safe crossing for pedestrians at intervals of not more than three hundred feet. If any excavation is made across any street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Free access must be provided and maintained to all fire hydrants and water valves.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.130 Completion of Work and Non-Conforming Work

- A. After work under the permit is commenced, the applicant shall perform the work with due diligence, and so as not to obstruct any street, alley, sidewalk or public place, or travel thereon more than is actually necessary. If the work is not so performed, or if the work does not, in the judgment of the Director of Development Services, comply with the terms of this Chapter, the Director of Development Services shall notify the applicant, in writing, that the work is not performed with due diligence, or that the work has not been properly done, and require the applicant, within three days after service of such notice, to diligently proceed with said work or properly complete the same. If the applicant fails to comply with such notice, the Director of Development Services shall do whatever work is necessary to restore the street, alley, sidewalk or public place to the same condition as existed before work began.

The applicant shall be responsible for all costs incurred by the City in the restoration and enforcement actions pursuant to this Section.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.140 Warranty of Work - Notice - Repair by City

- A. The applicant shall warrant the fitness of all work for the period of one year, or as specified in franchise agreements, after completion of said work against all defects in workmanship or materials. Whenever within said period of one year any public improvement so warranted becomes in need of repairs, by reason of any defect in workmanship or material, the Director of Development Services

[Return to Municipal Code Contents]

shall serve on the applicant written notice stating what repairs are necessary and requiring such repairs to be made within three days after receipt of said notice. If the applicant fails to comply with such notice, the Director of Development Services shall proceed to make such repairs.

The applicant shall be responsible for all costs including materials, labor and administration necessary to repair or replace defective work. Such funds shall be withheld from the bonds or security deposit submitted by the applicant until reimbursement is made or other acceptable arrangement for payment has been established.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.150 Abandonment of Facilities

- A. When abandonment of existing facilities is contemplated, the utility shall make every effort to utilize the current alignment and location for the proposed new facilities thereby preserving the available right-of-way. In the event this is impractical or technically infeasible, the owner/user shall be responsible for the removal of the abandoned facility.
- B. Abandoned facilities may be removed when new facilities are installed or may be deferred until such time as the abandoned facility conflicts with proposed new development or the installation of any new facilities. The owner shall coordinate the removal and disposal of the abandoned facilities with the contractor making the new improvements. The owner shall be fully responsible for the disposal of the ducts, conduits, conductors, pipes, fittings and all other portions of the abandoned work and for any hazardous materials that may be present in any of the abandoned facilities. Should contamination be evident in the surrounding soils, the owner shall investigate and mitigate the contamination.
- C. The owner shall maintain records of such abandoned facilities and shall show such abandoned facilities on any requests to locate facilities when there is a reasonable expectation of conflict with the proposed construction. Such facilities shall be clearly designated as abandoned and upon request the owner shall supply information on the material present.

12.03.160 Permit Expiration

- A. If after a permit has been issued pursuant to this Chapter, and construction has not commenced within sixty days after the date thereof or other date set forth in the permit, then such permit shall become void. Before work commences the applicant must obtain a new permit and pay the usual fee. Applicant may request, in writing, that the Director of Development Services extend the permit time but

[\[Return to Municipal Code Contents\]](#)

such requests shall be made prior to the 60 day expiration date. The request shall state the reasons for the extension, the duration of the extension request and shall provide justification for not beginning the work within the first 60 days. Deposits made on the value of the work may be released upon request of the applicant after the applicant submits evidence of the proper completion of the work or evidence that the permit terminated prior to the commencement of the work. Fees for plan review and inspections performed will not be reimbursed nor applied to re-submittal for a permit for the same area.

- B. Preliminary permits that have been issued to a public agency under the provisions of this Chapter but for which an Excavation/Encroachment permit has not been issued or work commenced within one (1) year of issuance of the Preliminary Permit, or other date set forth on the permit, shall become void. Re-submittal of the preliminary permit will be required to reactivate the process.
- C. Permits for encroachments into the public right-of-way shall not be granted for any period longer than thirty days.

(Ord. MC-1027, 9-09-98; Ord. MC-1004, 10-21-97)

12.03.170 Violation - Penalty

- A. Any person violating any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code. The enforcement of the penal provisions in this Section shall not bar the City from pursuing any other remedies permitted by law.

(Ord. MC-1004, 10-21-97)

Chapter 12.04 (Repealed by Ord. MC-1004, 10-21-97)

Chapter 12.05 Right-Of-Way Permits – Wireless Facilities

Sections:

- 12.05.010 Purpose
- 12.05.020 Definitions
- 12.05.030 Scope
- 12.05.040 Administration
- 12.05.050 General Standards for Wireless Facilities in the Public Rights-of-Way
- 12.05.060 Applications
- 12.05.070 Findings; Decisions; Consultants
- 12.05.080 Conditions of Approval
- 12.05.090 Breach; Termination of Permit
- 12.05.100 Infrastructure Controlled By City
- 12.05.110 Nondiscrimination

12.05.010 Purpose

- (a) The purpose of this Chapter is to establish a process for managing, and uniform standards for acting upon, requests for the placement of wireless facilities within the public rights of-way of the City consistent with the City's obligation to promote the public health, safety, and welfare, to manage the public rights-of-way, and to ensure that the public is not incomed by the use of the public rights-of-way for the placement of wireless facilities. The City recognizes the importance of wireless facilities to provide high quality communications service to the residents and businesses within the City, and the City also recognizes its obligation to comply with applicable Federal and State law regarding the placement of personal wireless services facilities in its public rights-of-way. This ordinance shall be interpreted consistent with those provisions.

(Ord. MC-1560, 6-16-21)

12.05.020 Definitions

The terms used in this Chapter shall have the following meanings:

Application: A formal request, including all required and requested documentation and information, submitted by an applicant to the City for a wireless encroachment permit.

Applicant: A person filing an application for placement or modification of a wireless facility in the public right-of-way.

[\[Return to Municipal Code Contents\]](#)

Base Station: shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(l), or any successor provision.

Eligible Facilities Request: shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.

FCC: The Federal Communications Commission or its lawful successor.

Municipal Infrastructure: City-owned or controlled property structures, objects, and equipment in the ROW, including, but not limited to, street lights, traffic control structures, banners, street furniture, bus stops, billboards, or other poles, lighting fixtures, or electroliers located within the ROW.

Permittee: any person or entity granted a wireless encroachment permit pursuant to this Chapter.

Personal Wireless Services: shall have the same meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

Personal Wireless Services Facility: means a wireless facility used for the provision of personal wireless services.

Public Right-of-Way, or ROW: shall have the same meaning as "Public Street" in Section 12.03.020(0), but shall also include any portion of any road or public way which the City has the responsibility to maintain or manage.

Small Cell Facility: shall have the same meaning as "small wireless facility" in 47 C.F.R. 1.6002(1), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

- (1) The facility-
 - (i) is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or
 - (ii) is mounted on a structure no more than 10 percent taller than other adjacent structures, or
 - (iii) does not extend an existing structure on which it are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;

- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration under 47 C.F.R. Part 17;
- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
- (6) The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Support Structure: Any structure capable of supporting a base station.

Tower: Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

Underground areas: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

Utility Pole: A structure in the ROW designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

Wireless Encroachment Permit: A permit issued pursuant to this Chapter authorizing the placement or modification of a wireless facility of a design specified in the permit at a particular location within the ROW; and the modification of any existing support structure to which the wireless facility is proposed to be attached.

Wireless Facility, or Facility: The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

Wireless Infrastructure Provider: A person that owns, controls, operates or manages a wireless facility or portion thereof within the ROW.

Wireless Regulations: Those regulations adopted pursuant to Section 5 and implementing the provisions of this Chapter.

Wireless Service Provider: An entity that provides personal wireless services to end users.

(Ord. MC-1560, 6-16-21)

12.05.030 Scope

- (a) In general. There shall be a type of encroachment permit entitled a "wireless encroachment permit," which shall be subject to all of the same requirements as an encroachment permit would under Chapter 12.03 in addition to all of the requirements of this Chapter. Unless exempted, every person who desires to place a wireless facility in the public rights-of-way or modify an existing wireless facility in the public rights-of-way must obtain a wireless encroachment permit authorizing the placement or modification in accordance with this Chapter. Except for small cell facilities, facilities qualifying as eligible facilities requests, or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless facilities shall be permitted pursuant to this Chapter.
- (b) Exemptions. This Chapter does not apply to:
 - (1) The placement or modification of facilities by the City or by any other agency of the state solely for public safety purposes.
 - (2) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- (c) Other applicable requirements. In addition to the wireless encroachment permit required herein, the placement of a wireless facility in the ROW requires the persons who will own or control those facilities to obtain all permits required by applicable law, and to comply with applicable law, including, but not limited to, applicable law governing radio frequency (RF) emissions.
- (d) Pre-existing Facilities in the ROW. Any wireless facility already existing in the ROW as of the date of this Chapter's adoption shall remain subject to the standards and conditions of this Code in effect prior to this Chapter, unless and until a renewal of such facility's then existing permit is granted, at which

[\[Return to Municipal Code Contents\]](#)

time the provisions of this Chapter shall apply in full force going forward as to such facility. The review of any request for a renewal of a permit for such pre-existing facilities shall be conducted pursuant to this Chapter, rather than the portion(s) of this Code that it was previously reviewed under.

- (e) Public use. Except as otherwise provided by California law, any use of the public right of-way authorized pursuant to this Chapter will be subordinate to the City's use and use by the public.

(Ord. MC-1560, 6-16-21)

12.05.040 Administration

- (a) Reviewing Authority. The Director of Public Works ("the Director") or its designee is responsible for administering this Chapter. As part of the administration of this Chapter, the Director may:
 - (1) Interpret the provisions of this Chapter;
 - (2) Develop and implement standards governing the placement and modification of wireless facilities consistent with the requirements of this Chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 - (3) Develop and implement acceptable designs and development standards for wireless facilities in the public rights-of-way, taking into account the zoning districts bounding the public rights-of-way;
 - (4) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this Chapter;
 - (5) Determine the amount of and collect, as a condition of the completeness of any application, any fee established by this Chapter;
 - (6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
 - (7) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;

[\[Return to Municipal Code Contents\]](#)

- (8) Require, as part of, and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
- (9) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
- (10) Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application

(b) Appeal.

- (1) Any person adversely affected by the decision of the Director pursuant to this Chapter may appeal the Director's decision to the Hearing Officer, as the term is defined in Section 9.94.010, which may decide the issues *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility.
- (2) Where the Director grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the Hearing Officer, consistent with provisions as provided in Chapter 9.94. All appeals must be filed within two (2) business days of the written decision of the Director, unless the Director extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
- (3) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

(Ord. MC-1560, 6-16-21)

**12.05.050 General Standards for Wireless Facilities
in the Public Rights-of-Way**

- (a) Generally. Wireless facilities in the ROW shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law.

[Return to Municipal Code Contents]

- (b) Regulations. The wireless regulations and decisions on applications for placement of wireless facilities in the ROW shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.
- (c) Minimum Standards. Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures in the public rights-of-way, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights of way; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the public rights of way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the rights of way.
- (d) Design and Location Standards. All applicants shall design and locate the wireless facilities in accordance with the Design and Development Standards for wireless facilities in the public right-of-way set forth and adopted by resolution of the Mayor and City Council and, from time to time, amended and updated by the Director.

(Ord. MC-1560, 6-16-21)

12.05.060 Applications

- (a) Submission. Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to an application, or responses to requests for information regarding an application to: Director, at 201 North E Street, Second Floor, San Bernardino, California 92401.
- (b) Pre-application meeting. Prior to filing an application for a wireless encroachment permit, an applicant is encouraged to schedule a pre-application meeting with the Director to discuss the proposed facility, the requirements of this Chapter, and any potential impacts of the proposed facility.

[\[Return to Municipal Code Contents\]](#)

(c) Content. An applicant shall submit an application on the form approved by the Director, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), City business license(s), documents, information, and any other materials necessary to allow the Director to make required findings and ensure that the proposed facility will comply with applicable federal and state law, this Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications: (i) must contain all information necessary to show that applicant is entitled to the wireless encroachment permit requested, including, but not limited to, the information and documents listed below; and must (ii) specify whether the applicant believes state or federal law requires action on the application within a specified time period.

- (1) Any information required pursuant to the wireless regulations;
- (2) The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the personal wireless services facility;
- (3) A complete description of the proposed wireless facility and the work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless facility, and specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photosimulations must be provided.
- (4) Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of this Code and the FCC's radio frequency emissions standards.
- (5) A copy of the lease or other agreement between the applicant and the owner of the property to which the proposed facility will be attached.
- (6) If the application is for a small cell facility, the application shall state as such and shall explain why the proposed facility meets the definition of small cell facility in this Chapter.
- (7) If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must show that there is an existing wireless facility that was approved by the City.

[\[Return to Municipal Code Contents\]](#)

Before and after 360 degree photosimulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of this Code and the FCC's radio frequency emissions standards.

- (8) Proof that notice has been mailed to owners of all property owners, and the resident manager for any multi-family dwelling unit that includes ten (10) or more units, within 500 feet of the proposed personal wireless services facility.
- (9) If applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent City from complying with any deadline for action on an application.
- (10) The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.
- (11) Any required fees.
- (d) Fees. Application fee(s) shall be required to be submitted with any application for a wireless encroachment permit. The Mayor and City Council are hereby authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless encroachment permit unless paid as a refundable deposit.
- (e) Waivers. Requests for waivers from any requirement of this section shall be made in writing to the Director or his or her designee. The Director may grant or deny a request for a waiver pursuant to this subsection. The Director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the City will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be: (i) granted only on a case-by-case basis, and (ii) narrowly-tailored to minimize deviation from the requirements of this Code.
- (f) Incompleteness. For personal wireless facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application

[\[Return to Municipal Code Contents\]](#)

is incomplete, the Director may notify the applicant in writing, and specifying the material omitted from the application.

(Ord. MC-1560, 6-16-21)

12.05.070 Findings; Decisions; Consultants

- (a) Findings Required for Approval.
 - (1) Except for eligible facilities requests, the Director or Hearing Officer, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - (i) The facility is not detrimental to the public health, safety, and welfare;
 - (ii) The facility complies with this Chapter and all applicable design and development standards; and
 - (iii) The facility meets applicable requirements and standards of state and federal law.
 - (2) For eligible facilities requests, the Director or Hearing Officer, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - (i) That the application qualifies as an eligible facilities request; and
 - (ii) That the proposed facility will comply with all generally-applicable laws.
- (b) Decisions. Decisions on an application by the Director or Hearing Officer shall be in writing and include the reasons for the decision.
- (c) Independent Consultants. The Director or Hearing Officer, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this Chapter. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

(Ord. MC-1560, 6-16-21)

[\[Return to Municipal Code Contents\]](#)

12.05.080 Conditions of Approval

- (a) Generally. In addition to any supplemental conditions imposed by the Director or Hearing Officer, as the case may be, all permits granted pursuant to this Chapter shall be subject to the following conditions, unless modified by the approving authority:
- (1) Code Compliance. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of public rights-of-way.
 - (2) Permit Duration. A wireless encroachment permit shall be valid for a period often (10) years, unless pursuant to another provision of this Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such Permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless encroachment permit must either (1) remove the facility within thirty (30) days following the permit's expiration (provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or (2) at least ninety (90) days prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the City and all appeals from the City's decision exhausted.
 - (3) Timing of Installation. The installation and construction authorized by a wireless encroachment permit shall begin within six (6) months after its approval, or it will expire without further action by the City. The installation and construction authorized by a wireless encroachment permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within thirty (30) days following the day construction commenced.
 - (4) Commencement of Operations. The operation of the approved facility shall commence no later than one (1) month after the completion of installation, or the wireless encroachment permit will expire without further action by the City.
 - (5) As-Built Drawings. The Permittee shall submit an as-built drawing within ninety (90) days after installation of the facility. As-builts shall be in an electronic format acceptable to the City.

- (6) Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the City. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The city shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case shall notify permittee within 24 hours of doing so.
- (7) Contact. The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a 24-hour emergency phone number, street mailing address and email address for at least one natural person.
- (8) Insurance. Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with a limit of \$2,000,000 per occurrence for bodily injury and property damage and \$4,000,000 general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy(ies) shall name the City, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide [thirty (30) days'] prior notice to the City of to the cancellation or material modification of any applicable insurance policy.
- (9) Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the property owner and shall reasonably cooperate in the defense. The City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the

City's defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

- (10) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.
- (11) Noninterference. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, City improvement. or property. No structure. improvement, or property owned by the City shall be moved to accommodate a permitted activity or encroachment, unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the City's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the Permittee shall provide the City with documentation establishing to the city's satisfaction that the Permittee has the legal right to use or interfere with any other structure, improvement, or property within the public right-of-way or city utility easement to be affected by Permittee's facilities.
- (12) No Right, Title, or Interest. The permission granted by a wireless encroachment permit shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title, or interest (including franchise interest) in the public right-of-way, or any part thereof, shall vest or accrue in Permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.
- (13) No Possessory Interest. No possessory interest is created by a wireless encroachment permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, Permittee acknowledges that City has given.to Permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a wireless encroachment permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against Permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this permit.

- (14) General Maintenance. The site and the facility, including, but not limited to, all landscaping, fencing, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
- (15) RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
- (16) Testing. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- (17) Modifications. No changes shall be made to the approved plans without review and approval in accordance with this Chapter.
- (18) Agreement with City. If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on Municipal Infrastructure. This permit is not a substitute for such agreement.
- (19) Conflicts with Improvements. For all facilities located within the ROW, the permittee shall remove or relocate, at its expense and without expense to the city, any or all of its facilities when such removal or relocation is deemed necessary by the city by reason of any change of grade, alignment, or width of any right-of-way, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, right-of-way improvements, or for any other construction, repair, or improvement to the right-of-way.
- (20) Abandonment. If a facility is not operated for a continuous period of six (6) months, the wireless encroachment permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the six- month period (i) the Director has determined that the facility has resumed operations, or (ii) the City has received an application

[\[Return to Municipal Code Contents\]](#)

to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased operation or the permittee has notified the Director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Director. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the City may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof.

- (21) Encourage Co-location. Where the facility site is capable of accommodating a co located facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow co-location of third party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- (22) Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- (23) Attorney's Fees. In the event the City determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with Permittee to waive said fees or any part thereof. The foregoing shall not apply if the Permittee prevails in the enforcement proceeding.

- (b) Eligible Facilities Requests. In addition to the conditions provided in Section 9(a) of this Chapter and any supplemental conditions imposed by the Director or Hearing Officer as the case may be, all permits for an eligible facility requests granted pursuant to this Chapter shall be subject to the following additional conditions, unless modified by the approving authority:
- (1) Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
 - (2) No permit term extension. The city's grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower, utility pole, or base station.
 - (3) No waiver of standing. The city's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- (c) Small Cell Facilities Requests. In addition to the conditions provided in Section 9(a) of this Chapter and any supplemental conditions imposed by the Director or Hearing Officer, as the case may be, all permits for a small cell facility granted pursuant to this Chapter shall be subject to the following condition, unless modified by the approving authority:
- (l) No waiver of standing. The city's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

(Ord. MC-1560, 6-16-21)

12.05.090 Breach; Termination of Permit

- (a) For breach. A wireless encroachment permit may be revoked for failure to comply with the conditions of the permit or applicable law. Upon revocation, the wireless facility must be removed; provided that removal of a support structure owned by

[Return to Municipal Code Contents]

City, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

- (b) For installation without a permit. An wireless facility installed without a wireless encroachment permit (except for those exempted by this Chapter) must be removed; provided that removal of support structure owned by City, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the City. All costs incurred by the City in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.
- (c) Municipal Infraction. Any violation of this Chapter will be subject to the same penalties as a violation of Chapter 1.12.

(Ord. MC-1560, 6-16-21)

12.05.100 Infrastructure Controlled By City

The City, as a matter of policy, will negotiate agreements for use of Municipal Infrastructure. The placement of wireless facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the City for use of the structures. The person seeking the agreement shall additionally reimburse the City for all costs the City incurs in connection with its review of, and action upon the person's request for, an agreement.

12.05.110 Nondiscrimination

In establishing the rights, obligations and conditions set forth in this Chapter, it is the intent of the City to treat each applicant or public right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the public rights-of-way.

(Ord. MC-1560, 6-16-21)

Chapter 12.08 (Repealed by Ord. MC-1004, 10-21-97)

Chapter 12.12 TELEGRAPH AND TELEPHONE POLES - UNDERGROUND UTILITIES¹

Sections:

- 12.12.010 Removal from streets and placement underground required**
- 12.12.020 Use of insulated conduits required**
- 12.12.030 Applicable districts**
- 12.12.040 Erection of poles - No permits issued**
- 12.12.050 Violation - Penalty**

12.12.010 Removal from streets and placement underground required

All poles heretofore erected for telephone, telegraph or other wires (except electric light, power and trolley wires), or for carrying or conducting wires for the purpose of conducting or transmitting telephonic or telegraphic messages, sounds or signals by electricity, within the district described in Section 12.12.030, shall on or before the first day of June, 1907, be removed from the public streets of the City, within the district described, and the keeping or maintaining thereafter in the public streets within said district of any pole or poles for telephone, telegraph or other purpose (except for electric light, power or trolley wire), or any wire or wires upon or above the surface of the ground, for the purpose of conducting, carrying or transmitting telephonic or telegraphic sounds, messages or signals, shall be deemed guilty of a misdemeanor.

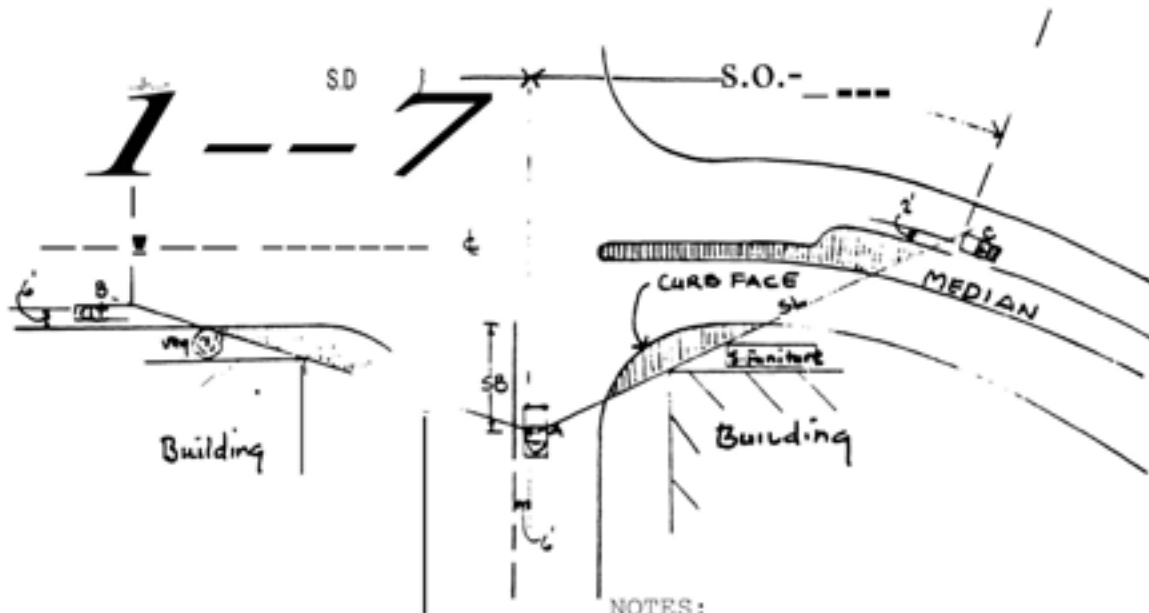
(Ord. 335, 10-10-1906)

12.12.020 Use of insulated conduits required

All telephone, telegraph or other wires used for the purpose of conducting, carrying or transmitting telephonic or telegraphic messages, sounds or signals, along or over the public streets of the City within that portion of the City described in Section 1.12.030 shall on or before the first day of June 1907, be removed and placed underground in properly insulated conduits constructed and built under the supervision of the Director of Development Services of the City, and to the satisfaction of the Mayor and Common Council.

(Ord. MC-1027, 9-09-98; Ord. MC-344, 2-22-84; Ord. 335, 10-10-1906)

¹For statutory provisions on conversion of utilities facilities to underground locations, see Str. And Hwys. Code §5896.1 et seq. and Gov. Code §38793.



NOTES:

- 1) SB = 18' at intersections
SB = 10' at driveways
(Under special conditions lesser SB. Values may be approved by Traffic Engineer)
- 2) $V = \text{Speed (MPH)} = 85\text{th Percentile i.e., prevailing speed or as determined by Traffic Engineer}$
- 3) S.D. = Minimum Sight Distance
- 4)

Speed (MPH)	Minimum Sight Distance (feet)
30	300
35	350
40	400
45	450
50	500
55	550
- 5) SL = Line of Sight
- 5) ///// = Area of Limited Use

*Refer to the City of San Bernardino Traffic Engineering Policy Paper for further detail.

- (a) There shall be no obstruction within the limited use area. Area of limited use shall be determined geophysically using appropriate distances given in the Minimum Sight Distance Table (4).
- (b) Obstructions shall include, but not be limited to, any signs or objects higher than 2.5' measured from pavement within the area of limited use. Example, block walls, utility vents, and cabinets, sign street furnitures, mature landscaping, etc.
- (c) Developer's Engineer shall evaluate and show sight lines at proposed intersections/driveways, grading plans, tentative tract maps and landscaping plans where sight distance is questionable.
- (d) Where existing sign, vegetation or objects constitute a sight distance hazard, property owner or occupant shall be notifiedj-required to meet minimum sight distance requirements within 15 days and maintain same thereafter.

SIGHT DISTANCE REQUIREMENTS AT CONTROLLED INTERSECTIONS AND DRIVEWAYS

12.12.030 Applicable districts

That portion or district of the City which is affected by the provisions of this Chapter and referred to in Sections 12.12.010 and 12.12.030, is particularly described as follows:

Commencing at the southeast corner of Lot Seven (7) of Block Fourteen (14) of the City of San Bernardino; thence north along the east line of said Block Fourteen (14) and along the east line of Block Nineteen (19) to the northeast corner of said Block Nineteen; thence west along the north lines of said Block Nineteen (19), Twenty (20) and Twenty-one (21) to a point fifty (50) feet west of the northeast corner of Lot Seven (7) of said Block Twenty-one (21); thence south to a point fifty(50) feet west of the northeast corner of Lot Two (2) of said Block Twenty-one (21); thence west to the northwest corner of said Lot Four (4) of said Block Twenty-one (21); thence south along the west line of said Lot Four (4) to a point midway between the north and south lines of said Lot Four (4); thence west across "F" Street and along the north lines of Lots One (1) and Two (2) of Block Twenty-two (22) to the northwest corner of Lot Two (2) of said Block Twenty-two (22); thence south to a point in the west line of Lot Five (5) of Block Eleven (11) midway between the north and south lines of said Lot Five (5); thence east to the southwest corner of Lot Five (5) of Block Twelve (12); thence south to the southwest corner of Lot Four (4) of said Block Twelve (12); thence east to the point of beginning, all according to the official map of said City of San Bernardino of record in the Office of the County Recorder of San Bernardino County in Book 7 of Maps, Page 1.

(Ord. 335, 10-10-1906)

12.12.040 Erection of poles - No permits issued

The Director of Development Services of the City is directed to issue no permits for the erection of poles for telephone or telegraph wires within the district described in Section 12.12.030 and to prevent the erection within said district of any more poles to be used for carrying or supporting of wire for the conducting or transmitting of electric messages, sounds or signals.

(Ord. MC-1027, 9-09-98; Ord. MC-344, 2-22-84; Ord. 335, 10-10-1906)

12.12.050 Violation - Penalty

Any person, firm or corporation who violates any provision of this Chapter, or fails to comply with the conditions of this Chapter, is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 335, 10-10-1906)

[\[Return to Municipal Code Contents\]](#)

Chapter 12.16 DATUM PLANE

Sections:

12.16.010 Established

12.16.020 Addition to official grades

12.16.010 Established

The official datum for all leveling for the City is established as the sea level datum of 1929.

(Ord. 2040, 8-03-54)

12.16.020 Addition to official grades

There shall be added to all official grades established prior to August 2, 1954, by the City Engineer and adopted by the Mayor and Common Council, seventy hundredths feet, which vertical distance shall be considered as the adjustment between the official datum plane established by Ordinance No. 383², and the sea level datum of 1929.

(Ord. 2040, 8-03-54)

²Ord. 383 was repealed by Ord. 2040, 8-03-54.

Chapter 12.20 PUBLIC PROJECTS

Sections:

- 12.20.010 Adoption of State statutes**
- 12.20.020 Applicable definitions**
- 12.20.030 Bids; expenditure requiring; notice**

12.20.010 Adoption of State statutes

Public Contract Code Sections 20161, 20163, 20164, 20166 and 20168 of the State are adopted as laws governing the City, and such sections shall take effect and be in force within the City except as set forth in this Chapter; provided, that any public project shall be exempted under this Chapter if the Mayor and Common Council or the Board of Water Commissioners determine that the work on such public project can be performed by day labor or City forces.

(Ord. MC-484, 11-20-85; Ord. 3275, 7-14-72; Ord. 821, 8-09-1921)

12.20.020 Applicable definitions

As used in Public Contract Code Section 20161, the phrase "public project" shall not mean the repair or maintenance of public projects. The phrase "repair or maintenance" as used in this Chapter is defined to mean only those items constituting rehabilitation to original condition, or, as applied to streets:

- A. The reworking of the existing street surface by the application of one and one-half inch or less overlay, except that twenty-five percent of the project may be of a greater thickness to provide a leveling course;
- B. The repair or replacement of existing signs, signals, safety devices, guard rails, seal coats, culverts, curbs, gutters, sidewalks, driveways and similar items.

(Ord. MC-484, 11-20-85; Ord. 3224, 1-04-72; Ord. 821, 8-09-1921)

12.20.030 Bids; expenditure requiring; notice

When the expenditure required for a public project exceeds five thousand dollars, it shall be contracted for and let to the lowest responsible bidder after notice.

(Ord. MC-484, 11-20-85; Ord. 821, 8-09-1921)

Chapter 12.21 Design-Build

Sections:

12.21.010	Purpose and Intent
12.21.020	Definitions
12.21.030	Design-Build Procurement Authorized
12.21.040	Procurement Process.
12.21.050	Bonds and Insurance
12.21.060	Subcontractors
12.21.070	Other Rights and Remedies

12.21.010 Purpose and Intent

The purpose of this Chapter is to provide definitions and guidelines for the award, use, and evaluation of design-build contracts.

(Ord. MC-1423, 7-05-16)

12.21.020 Definitions

For the purposes of this Chapter, the following definitions apply:

- (a) "Best value" means a value determined by evaluation of objective criteria that may include, but not be limited to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal meeting the interests of the City and meeting the objectives of the project, selection of the best proposal for a stipulated sum established by the City, or a tradeoff between price and other specified factors.
- (b) "Construction subcontract" means each subcontract awarded by the design-build entity to a subcontractor that will perform work or labor or render service to the design-build entity in or about the construction of the work or improvement, or a subcontractor licensed by the State of California that, under subcontract to the design-build entity, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications produced by the design-build team.
- (c) "Design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 12 Contents\]](#)

- (d) "Design-build entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.
- (e) "Design-build team" means the design-build entity itself and the individuals and other entities identified by the design- build entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.
- (f) "City" means the City of San Bernardino.
- (g) "Procurement Agent" means the City Manager, the General Manager of the San Bernardino Municipal Water Department, or the designee of either the City Manager or General Manager.
- (h) "Public Works Project" means any City project requiring design and construction services.

(Ord. MC-1423, 7-05-16)

12.21.030 Design-Build Procurement Authorized

Pursuant to Section 140 of the Charter of the City of San Bernardino, and notwithstanding any provision to the contrary in the California Public Contracts Code or in any other ordinance or procedure of the City of San Bernardino, the use of Design- Build procurement is authorized for any Public Works Project, including, but not limited to, any Public Works Project undertaken by the San Bernardino Municipal Water Department, no matter the amount. The City, with approval of the Mayor and Common Council, or for Public Works Projects undertaken by San Bernardino Municipal Water Department the approval of the Board of Water Commissioners, may award a Public Works Project contract to the low bid or the best value. Any code, ordinance, or procedure in conflict with the foregoing authorization is hereby specifically superseded.

(Ord. MC-1423, 7-05-16)

12.21.040 Procurement Process

- A. The Procurement Agent shall prepare a set of documents setting forth the scope and estimated price of the Public Works Project. The documents may include, but need not be limited to, the size, type, and desired design character of the Public Works Project, performance specifications covering the quality of materials, equipment,

[\[Return to Municipal Code Contents\]](#)

workmanship, preliminary plans or building layouts, or any other information deemed necessary to describe adequately the City's needs. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

- B. The Procurement Agent shall prepare and issue a request for qualifications in order to prequalify or short-list the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but need not be limited to, the following elements:
- (1) Identification of the basic scope and needs of the Public Works Project or contract, the expected cost range, the methodology that will be used by the City to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the City to inform interested parties of the contracting opportunity.
 - (2) Significant factors that the City reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other nonprice-related factors.
 - (3) A standard template request for statements of qualifications prepared by the City. In preparing the standard template, the City may consult with the construction industry, the building trades and surety industry, and other cities using design-build procurement. The template shall require the following information:
 - (a) If the design-build entity is a privately held corporation, limited liability company, partnership, or joint venture, a listing of all of the shareholders, partners, or members known at the time of statement of qualification submission who will perform work on the Public Works Project.
 - (b) Evidence that the members of the design-build team have completed, or demonstrated the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Public Works Project, and a financial statement that ensures that the design-build entity has the capacity to complete the Public Works Project.
 - (c) The licenses, registration, and credentials required to design and construct the Public Works Project, including, but not limited to, information on the revocation or suspension of any license, credential, or registration.

- (d) Evidence that establishes that the design- build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.
 - (e) Information concerning workers' compensation experience history and a worker safety program.
 - (f) If the proposed design-build entity is a corporation, limited liability company, partnership, joint venture, or other legal entity, a copy of the organizational documents or agreement committing to form the organization.
 - (g) An acceptable safety record. A proposer's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the proposer is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.
- (4)
- (a) The information required under this section shall be certified under penalty of perjury by the design-build entity and its general partners or joint venture members.
 - (b) Information required under this section that is not otherwise a public record under the California Public Records Act (Chapter 3.5 commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall not be open to public inspection.
- C. Based on the documents prepared as described in paragraph A of this section, the Procurement Agent shall prepare a request for proposals that invites prequalified or short- listed entities to submit competitive sealed proposals in the manner prescribed by the City. The request for proposals shall include, but need not be limited to, the following elements:
- (1) Identification of the basic scope and needs of the Public Works Project or contract, the estimated cost of the Public Works Project, the methodology that will be used by the City to evaluate proposals, whether the contract will be awarded on the basis of low bid or best value, and any other information deemed necessary by the City to inform interested parties of the contracting opportunity.

- (2) Significant factors that the City reasonably expects to consider in evaluating proposals, including, but not limited to, cost or price and all nonprice-related factors.
 - (3) The relative importance or the weight assigned to each of the factors identified in the request for proposals.
 - (4) Where a best value selection method is used, the City may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the City shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the City to ensure that any discussions or negotiations are conducted in good faith.
- D. For those Public Works Projects utilizing low bid as the final selection method, the competitive bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and awards shall be made by the Mayor and Common Council or, for Public Works Projects undertaken by the San Bernardino Municipal Water Department, the Board of Water Commissioners, to the design-build entity that is the lowest responsible bidder.
- E. For those Public Works Projects utilizing best value as a selection method, the design build competition shall progress as follows:
- (1) Competitive proposals shall be evaluated by using only the criteria and selection procedures specifically identified in the request for proposals. The following minimum factors, however, shall be weighted as deemed appropriate by the Procurement Agent:
 - (a) Price, unless a stipulated sum is specified.
 - (b) Technical design and construction expertise.
 - (c) Life-cycle costs over 15 or more years.
 - (2) Pursuant to paragraph C, the City may hold discussions or negotiations with responsive proposers using the process articulated in the City's request for proposals.
 - (3) When the evaluation is complete, the responsive proposers shall be ranked based on a determination of value provided, provided that no more than three proposers are required to be ranked.

- (4) The award of the contract shall be made to the responsible design-build entity whose proposal is determined by the Mayor and Common Council, or for Public Works Projects undertaken by the San Bernardino Municipal Water Department, the Board of Water Commissioners, to have offered the best value to the public.
- (5) Notwithstanding any other provision of this code, upon issuance of a contract award, the City shall publicly announce its award, identifying the design-build entity to which the award is made, along with a statement regarding the basis of the award.
- (6) The statement regarding the City's contract award, described in paragraph (5), and the contract file shall provide sufficient information to satisfy an external audit.

(Ord. MC-1423, 7-05-16)

12.21.050 Bonds and Insurance

- A. The design-build entity shall provide payment and performance bonds for the Public Works Project in the form and in the amount required by the City, and issued by a California admitted surety. The amount of the payment bond shall not be less than the amount of the performance bond.
- B. The design-build contract shall require errors and omissions insurance coverage for the design elements of the Public Works Project.
- C. The Procurement Agent shall develop a standard form of payment and performance bond for its design-build Public Works Projects

(Ord. MC-1423, 7-05-16)

12.21.060 Subcontractors

- A. The Procurement Agent, in each design-build request for proposals, may identify specific types of subcontractors that must be included in the design-build entity statement of qualifications and proposal.
- B. Following award of the design-build contract, the design-build entity shall proceed as follows in awarding construction subcontracts with a value exceeding one-half of 1 percent of the contract price allocable to construction work:

[\[Return to Municipal Code Contents\]](#)

- (1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the City, including a fixed date and time on which qualifications statements, bids, or proposals will be due.
- (2) Establish reasonable qualification criteria and standards.
- (3) Award the subcontract either on a best value basis or to the lowest responsible bidder. The process may include prequalification or short-listing. The foregoing process does not apply to construction subcontractors listed in the original proposal.

(Ord. MC-1423, 7-05-16)

12.21.070 Other Rights and Remedies

Nothing in this Chapter affects, expands, alters, or limits any rights or remedies otherwise available at law, including but not limited to the ability of the Mayor and Common Council, or for Public Works Projects undertaken by the San Bernardino Municipal Water Department, the Board of Water Commissioners, to reject all bids pursuant to the authority granted by Section 238 of the City Charter.

(Ord. MC-1423, 7-05-16)

Chapter 12.24 PUBLIC WORKS CONTRACTS

Sections:

- 12.24.010 Bond required**
- 12.24.020 Compliance with state statute**
- 12.24.030 Prevailing Wages (added by Ord. MC-1425, 7-18-16)**

12.24.010 Bond required

Each contractor shall execute and file with the City a good and sufficient surety company bond for labor and materials in the sum of not less than one-half of the total amount payable by the terms of the contract for any public works, provided that the amount exceeds two thousand dollars, at the time of execution of the contract.

(Ord. 2386, 9-05-61)

[\[Return to Municipal Code Contents\]](#)

12.24.020 Compliance with state statute

The provisions of such bond as required in Section 12.24.010 shall be in accordance with the provisions of the general law set forth in Chapter 3, Division 5, Title 1, of the Government Code of the state, as now in effect and as hereafter amended unless otherwise provided by ordinance.

(Ord. 2386, 9-05-61)

12.24.030 Prevailing Wages

Under and pursuant to Section 1770 of the Labor Code of the State of California, the Director of Industrial Relations determines the general prevailing rate of per diem wages in the City of San Bernardino for each craft or type of workman or mechanic. Such rates shall be applicable to any public works contract, as such term is defined under Section 1720, et seq., of the Labor Code of the State of California, of the City of San Bernardino.

(Ord. MC-1425, 7-18-16)

Chapter 12.28 IMPROVEMENTS³

Sections:

- 12.28.010 Procedure authorized**
- 12.28.020 Public hearing**
- 12.28.030 Combined hearing authorized**
- 12.28.040 Combined notices authorized**
- 12.28.050 Hearing - Decisions - Effect**
- 12.28.060 Permit required**
- 12.28.070 Written application required**
- 12.28.080 Fees required**
- 12.28.090 Plan fees**
- 12.28.100 Regulations**
- 12.28.110 Violation of Sections 12.28.060 through 12.28.100 - Penalty**

³For the Improvement Act of 1911, see Str. And Hwys. Code §5000 et seq.

12.28.010 Procedure authorized

- A. Before the Mayor and Common Council adopts any resolution or ordinance ordering the construction of any improvement or the acquisition of any property for public use, or both, herein referred to as "improvement," where the cost thereof is to be paid in whole or in part by special assessment taxes upon lands, a public hearing may be held and a finding and determination made by the Mayor and Common Council as provided herein that the public convenience and necessity require the same.
- B. If such procedure is not so followed and if such finding and determination is not made pursuant thereto, the requirements otherwise prescribed by Division 4, Streets and Highways Code of the state, and Article XIII, Section 17, of the Constitution shall be complied with before any such resolution or ordinance may be adopted.

(Ord. 2063, 5-17-55)

12.28.020 Public hearing

The Mayor and Common Council may hold a public hearing to find and determine whether the public convenience and necessity require any such improvement. Reference may be made to one or more plans, profiles, specifications, maps or plats for the description of the improvement and all particulars relative thereto, which plans, profiles, specifications, maps, or plats shall be on file with the City Clerk or the City Engineer and open to inspection.

(Ord. 2063, 5-17-55)

12.28.030 Combined hearing authorized

The hearing required by this Chapter may be a separate hearing or may be combined and held concurrently with the hearing required by the improvement act pursuant to which the improvement proceeding is proposed.

(Ord. 2063, 5-17-55)

12.28.040 Combined notices authorized

Whether the hearing is held separate, or combined and held concurrently with the hearing required by the improvement act pursuant to which the improvement proceeding is proposed, notice shall be given by posting and publication in the manner prescribed by the improvement act involved, and if the hearings are combined or held concurrently, such notice may be combined with the notice of hearing given under the improvement act under which the improvement proceeding is proposed.

(Ord. 2063, 5-17-55)

[\[Return to Municipal Code Contents\]](#)

12.28.050 Hearing - Decision - Effect

- A. The hearing may be continued from time to time. After the conclusion thereof and prior to adoption of a resolution or ordinance ordering the improvement, the Mayor and Common Council shall consider and pass upon all protests filed and all matters presented, and its decision thereon shall be final and conclusive.
- B. If by such decision the Mayor and Common Council finds and determines by no less than a four-fifths vote of all members thereof that the public convenience and necessity require such improvement, the Mayor and Common Council may thereafter, in accordance with the improvement act specified or designated for the project, adopt a resolution or ordinance ordering the improvement substantially as proposed, or as modified, altered or changed by order of the Mayor and Common Council as authorized by the improvement act for the project.
- C. After such finding and determination by the Mayor and Common Council, the provisions of law for debt limitation and majority protest as mentioned in Article XIII, Section 17, of the Constitution shall not apply.

(Ord. 2063, 5-17-55)

12.28.060 Permit required

It is unlawful for any person, firm or corporation to grade, prepare, subgrade, pave, lay sewer or drain pipe, construct curbs, gutters, driveways, sidewalks, manholes, catch basins, retaining walls, traffic signals, street lighting systems, or similar structures in any street, alley or way, which street, alley or way is dedicated or proposed to be dedicated for public use, within the City, without first obtaining a written permit from the City to do so. No such permit shall be issued for use of quarry tile or ceramic tile for such improvements, but permission may be granted for use of patterned concrete in such sidewalks, street medians and parkways. The Director of Development Services may establish a standard color for patterned concrete to be placed in sidewalks, street medians and parkways on public developments, but the developer shall have the right to choose the color if the improvements are being made by a private developer.

(Ord. MC-1027, 9-09-98; Ord. MC-460, 5-15-85; Ord. MC-320, 12-06-83;
Ord. 3918, 2-25-80; Ord. 2519, 8-20-63; Ord. 1963, 11-18-52)

12.28.070 Written application required

Any person, firm or corporation desiring a permit under this Chapter shall present a written application therefor to the City Engineer, setting forth the name and address of the applicant, details concerning the location, nature and extent of construction intended to be made, and the purpose for which the construction is to be made and used.

(Ord. 1963, 11-18-52)

[Return to Municipal Code Contents]

12.28.080 Fees required

For construction, repair and alteration of sidewalks, curbs, gutters, driveways, subgrades and pavements, manholes, catch basins, retaining walls, traffic signals, street lighting systems, and other structures, and for excavating, laying and backfilling sewers and drainage pipe lines, concerning which specifications, lines and grades therefor shall be determined by the City Engineer, charges for inspections and construction staking shall be based upon a schedule of fees fixed by resolution duly adopted by the Mayor and Common Council after the conclusion of a public hearing relating thereto.

(Ord. 3918, 2-25-80; Ord. 3432, 6-17-74; Ord. 1963, 11-18-52)

12.28.090 Plan fees

Charges shall be made by the City Engineer and paid by the applicant for checking improvement plans relating to street projects, except as otherwise provided in Title 18, based upon a schedule of fees fixed by resolution duly adopted by the Mayor and Common Council after the conclusion of a public hearing relating thereto.

(Ord. 3432, 6-17-74; Ord. 1963, 11-18-52)

12.28.100 Regulations

- A. It is unlawful for any person, firm or corporation performing work under this Chapter to fail, neglect or refuse to remove all unused materials and debris within three days after completion of the work.
- B. The materials used in the construction work may be stored on adjacent public property during the course of construction, provided that the same are so placed and safeguarded by lights, warning signs and barricades, as not to constitute a hazard to public peace and safety.
- C. No driveway approach shall cross over a lot line as extended without the consent of the City Engineer.
- D. Raw materials and workmanship for work provided under this Chapter shall conform to applicable provisions of standard specifications on file in the office of the City Engineer.
- E. Any person, firm or corporation doing work under this Chapter shall cause all such work to be inspected by the City Engineer's office, and shall notify said department twenty-four hours before the time set for inspection. Work completed without such notice or request for inspection will not be accepted, and work done during the absence of said inspector may not be accepted by the City. All work to be performed

[Return to Municipal Code Contents]

under this Chapter shall be to the satisfaction of the City and in accordance with laws of the City and state and under the supervision of the City Engineer or his authorized inspector.

(Ord. MC-460, 5-15-85; Ord. 1963, 11-18-52)

12.28.110 Violation of Sections 12.28.060 through 12.28.100 - Penalty

- A. Civil Penalties: Any person, firm or corporation doing work for which a permit is required under this Chapter, without having first obtained such permit, shall be required to pay fees for all such work in an amount twice the amount fixed by resolution for such work.
- B. Criminal Penalties: Any person, firm or corporation violating any provision of Sections 12.28.060 through 12.28.100 is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3774, 11-09-78; Ord. 1963, 11-18-52)

Chapter 12.30 SIGHT DISTANCE REQUIREMENT

Sections:

- 12.30.010 Definitions**
- 12.30.020 Provision of Sight Distance**
- 12.30.030 Obstructions**
- 12.30.040 Existing Obstructions**
- 12.30.050 Street Trees**
- 12.30.060 Violation - Penalty**

12.30.010 Definitions

- A. "Director of Development Services" as used in this Chapter includes any authorized representative of said director.
- B. "Traffic Engineer" as used in this Chapter includes any authorized representative of the City's Traffic Engineer.
- C. "Sight restriction" as used in this Chapter includes any obstruction to a driver's line of sight.

[\[Return to Municipal Code Contents\]](#)

- D. "Sight triangle" as used in this Chapter means the area in which no sight restrictions are allowed.

(Ord. MC-1027, 9-09-98; Ord. MC-783, 5-06-91)

12.30.020 Provision of Sight Distance

Sufficient sight distance shall be provided at all intersections to allow approaching vehicles to stop before colliding with a vehicle on an intersecting street. No obstructions that create a sight restriction shall be permitted within the clear sight triangle, as shown on the [Standard Drawing\(s\) for Sight Distance Requirements](#) incorporated into the [Traffic Policy Paper](#) promulgated from time to time by the Department of Development Services and on file with the City Clerk.

(Ord. MC-1027, 9-09-98; Ord. MC-783, 5-06-91)

12.30.030 Obstructions

Obstructions shall include any object extending more than two and one-half (2½') feet above the pavement, at the curb lines of the intersecting streets, such as trees, shrubs, fences, walls, newspaper racks, utility facilities, bus shelters, etc. Trees, trimmed to a minimum height of eight (8') feet above ground, traffic signal and street light poles, shall not be considered as obstructions, unless a finding is made by the Traffic Engineer that they constitute a sight restriction based on the size, trunk diameter, number in a small area, or number in a row. Legally parked motor vehicles shall not constitute an obstruction.

(Ord. MC-783, 5-06-91)

12.30.040 Existing Obstructions

This Chapter shall not apply to conditions existing on the effective date of this Chapter, but as preexisting corner sight obstructions are discovered which may affect the health and safety of residents of the City of San Bernardino, the provisions of this Chapter may be looked to as guidelines as to how such sight obstructions may be remedied.

(Ord. MC-783, 5-06-91)

12.30.050 Street Trees

Removal of street trees shall be in accordance with Chapter 12.40 of this Code.

(Ord. MC-783, 5-06-91)

12.30.060 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-783, 5-06-91)

Chapter 12.32 HOUSE NUMBERS

Sections:

- 12.32.010 Adoption of numbering system**
- 12.32.020 Assignment of Address Numbers**
- 12.32.030 Requirement for number**
- 12.32.040 Violations of Sections 12.32.010 through 12.32.030 - Penalty**
- 12.32.050 Curb house number business license required**
- 12.32.060 Size and color of house numbers
(Repealed by Ord. MC-1395, 1-06-14;
Ord. MC-1337, 11-15-10)**
- 12.32.070 Violation of Sections 12.32.050 through 12.32.060**

12.32.010 Adoption of numbering system

The following system for the numbering of the buildings in the City is adopted:

Commencing at First, on A, B, C, D, E, F, G, H, I, and such other streets as may exist, or may hereafter be established running in the same direction as said A, B, C, D, E, F, G, H, I Streets, with the number 100, and number north to the north boundary line of said City, allowing 100 numbers to each block of 600 feet, exclusive of street intersections; and commencing at A Street, on, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and such other streets as exist or may hereafter be established running in the same direction as said last named streets with the number 100 and number west to the west boundary line of said City, allowing 100 numbers to each block of 600 feet, exclusive of street intersections, and commencing at 1st Street, on A, B, C, D, E, F, G, H, I and such other streets as may exist, or may hereafter be established running in the same direction as said last named streets, with the number 100, and number south to the south boundary line of said City, allowing 100 numbers to each block of 600 feet, exclusive of street intersections, and commencing at A Street on 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and such other streets exist or may hereafter be established running in the same direction as the last named streets, with the number 100 and number east to the east boundary line of said City, allowing 100 numbers to each block of 600 feet exclusive of street intersections; with the even numbers placed on the north and west sides of said streets, and the odd numbers on the south and east side of streets.

(Ord. 102, 11-17-1891)

[\[Return to Municipal Code Contents\]](#)

12.32.020 Assignment of Address Numbers

It shall be the responsibility of the Building Official, or his/her designee, to assign building address numbers. The Building Official shall give written notice to the owner, occupant, lessee, tenant, or subtenant of the assignment of an address number. Address numbers that are already in place shall not be required to be changed unless a conflict exists, the street name is changed, or some other condition occurs that necessitates an address be changed. The size and location of address numbers shall be in accordance with the adopted Building and Fire Codes.

(Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10; Ord. 102, 11-17-1891)

12.32.030 Requirement for number

It is unlawful to keep or maintain any building or entrance in the City without the proper number being placed thereon.

(Ord. 102, 11-17-1891)

12.32.040 Violation of Sections 12.32.010 through 12.32.030 - Penalty

Any person, firm or corporation who violates any provision of Sections 12.32.010 through 12.32.030, or who refuses or neglects to comply with the notice required to be given within five days after receiving such notice, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 102, 11-17-1891)

12.32.050 Curb house number business license required

It is unlawful for any person, firm, corporation, co-partnership or association, either as owner, agent or otherwise to paint or otherwise place house numbers on curbs of streets in the City without first obtaining a curb house number business license from the Finance Department, and paying the fee therefore.

(Ord. MC-1484, 4-18-18; Ord. MC-344, 2-22-84;
Ord. 3346, 5-11-73; Ord. 2163, 2-19-57)

12.32.060 Size and color of house numbers

(Repealed by Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10)

[Return to Municipal Code Contents]

12.32.070 Violation of Sections 12.32.050 through 12.32.060

Any person, firm or corporation violating any provision of Sections 12.32.050 through 12.32.060 is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2163, 2-19-57)

**Chapter 12.36
STREET GRADES**

Sections:

- 12.36.010 Definitions**
- 12.36.020 Conformance of street grades**
- 12.36.030 Construction of buildings below street grade unlawful**
- 12.36.040 Violation of Section 12.36.030 - Penalty**

12.36.010 Definitions

The following words and phrases used in ordinances, resolutions, notices and proceedings of the Mayor and Common Council and other officers of the City are defined as follows; and when such words and phrases are used in any such ordinance, resolution, notice or proceeding shall be deemed to have such meaning unless a different meaning clearly appears in any such ordinance, resolution, notice or proceeding:

- A. "Centerline" means a line in the middle of the street along its course with an equal distance between it and the street line on each side.
- B. "Curb" means a street improvement generally constructed of cement concrete, six inches wide at the top, nine inches wide at the bottom, and fifteen inches in height, with the top edge nearest the centerline of the street constructed to conform to the curb line of the street, and the side nearest the street line constructed perpendicular and the top and bottom constructed horizontal. Said word may refer to a curb already constructed or which might be hereafter constructed and in places where no curb exists where the word is used as designating a location, it shall be presumed to exist.
- C. "Curb line" means the line at the top of the curb at the edge nearest the centerline of the street. The curb line on all streets, unless otherwise provided by ordinance, shall be the distance from the property line as provided by Section Two of Ordinance No. 338 of the City, entitled "An Ordinance establishing the width of sidewalks within the City of San Bernardino and establishing the width of cement sidewalks that may hereafter be constructed in said City" adopted and approved September 17, 1906.

- D. "Gutter line" means the line along the face of the curb at the top of the roadway and ten inches below the top of the curb.
- E. "Property line" means the boundary line along the street of any abutting land.
- F. "Roadway" means all that portion of the street between the curbs, and at intersections shall include that portion of the street described between the curb lines of the street extended along the course of the street across the intersecting street. In extending such curb lines, the lines shall produce a straight line between the points of intersection of the curb lines of the described street with the curb lines of the intersecting street.
- G. "Sidewalk" means that portion of the street between the curb line and the property line.
- H. "Street" means any land which has been dedicated and accepted according to law as a public street or highway, or which has been in common and undisputed use for general highway purposes by the public for a period of not less than five years. Such word shall be deemed to include avenues, highways, lanes, alleys, crossings or intersections, courts and places.
- I. "Street line" means, such as, for example, "the south line of Third Street," the boundary line of the street along the course of the street. At intersections such line shall be deemed to cross the intersecting street from one corner of the intersection to the other corner on the same side of the street.

(Ord. 756, 1-04-1920)

12.36.020 Conformance of street grades

- A. Except as otherwise provided by ordinance, or unless otherwise provided for by resolution of the Mayor and Common Council, or upon plans adopted for the improvement of any street within the City by the Mayor and Common Council, the grades of all streets in the City are established in conformity with the grades already established along such streets or which may be hereafter established along such streets, as follows:
 - 1. Where the grade is established along the curb line:
 - a. The grade of the street along the curb line shall be a straight line drawn between described points;

[\[Return to Municipal Code Contents\]](#)

- b. The grade at the property line at right angles to the curb line shall be higher than the grade at the curb line at the rate of one-quarter of an inch per foot of distance between the curb line and the property line;
 - c. The grade of the centerline of the street between the two curb lines shall be an average of the grade at the curb lines taken at right angles to the centerline of the street.
 - 2. Where the grade of the street is established along the property line:
 - a. The grade of the street along the property line shall be a straight line drawn between described points;
 - b. The grade at the curb line at right angles to the property line shall be lower than the grade at the property line at the rate of one quarter of an inch per foot of distance between the curb line and the property line.
 - 3. The grade of the sidewalk shall be a straight line drawn between the grade at the curb line and the grade at the property line taken at right angles with either curb line or property line.
- B. The grade of the roadway taken at right angles to the curb-line shall conform to a curved line which shall be a parabola intersecting gutter lines on each side or roadway and centerline of street.
- C. The grade of the street at the gutter line shall be ten inches below the grade at the curb line.
- D. Unless it clearly appears to the contrary, the grade of all streets heretofore established shall be construed to have been established in accordance with the grades hereby established, and all ordinances establishing the grades of any street in the City subsequently adopted by the Mayor and Common Council of the City shall be deemed to have been passed and adopted in the light of this section, and the grades of any such street shall be deemed established along and across any such street in accordance with the provisions of this section unless a contrary intention clearly appears.

(Ord. 1301, 5-12-26; Ord. 821, 8-09-1921)

12.36.030 Construction of buildings below street grade unlawful

It is unlawful to erect, build or construct any building, structure or improvement within the City below the official grade of the street as determined by the Mayor and Common Council except as follows: that in the event that the City Engineer determines by reason

[\[Return to Municipal Code Contents\]](#)

of mountains, hills or other topography that it is impractical to conform to the official grade, then, and in that event, the City Engineer shall notify the Chief Building Inspector of such determination and an exception shall be granted hereto permitting the erection or construction of buildings and structures at other than the official grade.

(Ord. 2265, 6-23-59; Ord. 1900, 11-30-50)

12.36.040 Violation of Section 12.36.030 - Penalty

Any person, firm or corporation violating any provisions of Section 12.36.030 is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1900, 11-30-50)

Chapter 12.40 STREET TREES⁴

Sections:

- 12.40.010 Definitions**
- 12.40.020 Street tree master plan**
- 12.40.030 Conformance with street tree master plan**
- 12.40.040 Petition of property owners for change in variety of trees**
- 12.40.050 Removal of City tree - Duty of Director of Public Services**
- 12.40.060 Authorized removal of tree - Criteria**
- 12.40.070 Permit required for cutting, trimming, etc**
- 12.40.080 Application for permit**
- 12.40.090 Compliance with permit**
- 12.40.100 Cost of removal of trees**
- 12.40.110 Unlawful acts**
- 12.40.120 Height of plants**
- 12.40.130 Duty of property owner and abatement of nuisance**
- 12.40.140 Violation - Penalty**

12.40.010 Definitions

- A. "Director of Public Services" as used in this Chapter includes any authorized representative of such Director.

⁴For statutory provisions on the planting of trees along public streets, see Str. And Hwys. Code §22000 et seq.

- B. "Director of Parks, Recreation, and Community Services" as used in this Chapter includes any designated representative of such Director.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.020 Street tree master plan

All streets, sidewalks, parkways, lanes, alleys, parks and other public places in the City now open or dedicated, or which may be hereafter opened or dedicated to public use, may be planted with trees, palms, shrubs, bushes, plants and flowers as specifically provided in the street tree master plan on file in the Parks, Recreation and Community Services Department.

(Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.030 Conformance with street tree master plan

It is unlawful for anyone to plant trees, shrubs or bushes upon the streets, sidewalks, parkways, lanes, alleys, parks and other public places to which the master plan is applicable, except in conformity with the master plan.

(Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.040 Petition of property owners for change in variety of trees

In the event a petition bearing the signatures of not less than seventy-five percent of the property owners owning property fronting upon any City street, sidewalk, parkway, lane, alley, park or other public place which is one block long or more, requests a change in the variety of trees used for planting in the place referred to in the petition, the petition shall be granted by the Director of Public Services following consultation with the Director of Parks, Recreation and Community Services if the variety requested for replacement or new planting is known and established as a street tree and is not of a variety that may tend to break sidewalks or curbs or is not objectionable as a street tree for other reasons.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.050 Removal of City Tree - Duty of Director of Public Services

Upon receipt of a request for the removal of a City tree or for a change in the type of tree designated in the master plan, the Director of Public Services shall investigate and respond in writing to the request, with a copy to the Council Member of the ward. The Director's decision shall be final unless an appeal to the Mayor and Common Council is filed with the City Clerk pursuant to the provisions of Chapter 2.64.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

[\[Return to Municipal Code Contents\]](#)

12.40.060 Authorized removal of tree - Criteria

The Director of Public Services is authorized to remove or approve the removal of those trees which:

- A. Are diseased;
- B. Constitute a traffic hazard;
- C. Threaten to damage sidewalks, curbs or gutters;
- D. Are not in conformity with adopted specifications:
- E. Interfere with street widening;
- F. Are located in a business district;
- G. Obstruct the moving of houses;
- H. Block proposed driveways or entrances to private property; or
- I. Interfere with or damage sewers or water lines.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.070 Permit required for cutting, trimming, etc

It is unlawful for any person, persons or corporation to cut down, trim, take up, remove, prune or injure any trees, shrubs, palms or flowers that are now planted or grown on any of the public streets, sidewalks, parkways, lanes, alleys, parks or other public places of the City, except after procuring a permit from the office of the Director of Public Services. A permit fee established by resolution of the Mayor and Common Council shall be collected, except that no fee shall be paid for any work required by any City department or performed pursuant to a contract with the City.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 2273, 9-22-59; Ord. 1655, 4-08-41)

12.40.080 Application for permit

Any person desiring to procure a permit as specified in Section 12.40.070 shall apply in writing to the Director of Public Services, who may require a good and sufficient bond in such sum as may be fixed by the Director, conditioned that the applicant will pay the City all costs and damages resulting from the removing, trimming, pruning of trees, shrubs or bushes, and the Director may, in his discretion, require the furnishing of a bond or policy

[Return to Municipal Code Contents]

of insurance to cover any and all claims for damages to persons or property resulting from the removal, pruning or trimming of trees, shrubs or bushes. The Director may establish other conditions to the permit for protection of persons and property.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 1655, 4-08-41)

12.40.090 Compliance with permit

Upon the issuance of any permit, the applicant shall comply with each condition of the permit and shall, at least eighteen hours before commencing work, notify the Director of Public Services to cause a field inspection to be made.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 1655, 4-08-41)

12.40.100 Cost of removal of trees

In the event of a request for the removal of trees by the Director of Public Services under the provisions of Section 12.40.060, sixty days' notice shall be given on all trees except palms, and thirty days' notice shall be given in the case of palm trees, except when the trees constitute a hazard. There shall be paid to the City by the person requesting removal a sum to compensate for the reasonable cost of the removal of the tree or trees, together with a reasonable sum to box, remove, replant and conserve the tree or trees so removed, if applicable. Such sums shall be fixed by the Director of Public Services and shall be paid prior to removal.

(Ord. MC-344, 2-22-84; Ord. MC-325, 12-06-83; Ord. 3016, 9-23-69; Ord. 1655, 4-08-41)

12.40.110 Unlawful acts

It is unlawful for any person to carve or injure the bark of any tree, shrub, palm or bush that is planted or grown on any of the public streets, sidewalks, parkways, lanes, alleys, parks, or other public places in the City. It is unlawful for any person to attach any rope, wire or other contrivance to the tree, shrub, palm or plant; to cause or permit anyone to dig in or otherwise disturb grass areas in public places, or in any other way injure or impair the natural beauty or usefulness of any public area; to cause or permit any wire charged with electricity to come in contact with the tree, shrub, palm or plant, to allow any gaseous, liquid or solid substance which is harmful to the tree, shrub, palm or plant to come in contact therewith.

(Ord. MC-460, 5-15-85; Ord. MC-325, 12-06-83; Ord. 1655, 4-08-41)

12.40.120 Height of Plants

- A. It is unlawful for the owner or occupant of any corner lot in the City to keep, permit, or maintain trees, hedges, shrubs, or any growth within the sight triangle as shown on the Standard Drawing(s) referenced in Section 12.30.020 of this Code, unless the

[Return to Municipal Code Contents]

trees, shrubs, hedges or other growth are trimmed so that the height of same shall not exceed two and one-half (2½') feet above the pavement at the curb lines of the intersecting streets, except that trees with main stalks or trunks exposed to a height of eight (8') feet above the ground need not be trimmed or cut, unless directed to do so by the Director of Development Services.

- B. It is unlawful for any owner or occupant of any premises in the City to permit, keep, or maintain hedges, shrubs, or any growth over two (2') feet in height within a distance of six (6') feet from the property line at any point within six (6') feet of a driveway, except that trees with main stalks or trunks exposed to a height of eight (8') feet above the ground need not be trimmed or cut unless the trees are determined to constitute a sight restriction to the Director of Development Services.

(Ord. MC-1027, 9-09-98; Ord. MC-783, 5-06-91; Ord. MC-344, 2-22-84;
Ord. MC-325, 12-06-83; Ord. 2273, 9-22-59; Ord. 1655, 4-08-41)

12.40.130 Duty of property owner and abatement of nuisance

- A. The owner or occupant described in Sections 12.40.110 and 12.40.120 and other property owners fronting any street, sidewalk, parkway, lane, alley, park or other public place shall water, keep, maintain and permit trees, hedges, shrubs or any other growth located thereon in accordance with this Chapter and other ordinances of the City or rules and regulations of the Director of Public Services.
- B. Any tree, shrub or palm growing on any parkway or sidewalk which is damaged in violation of Section 12.40.110 or any growth of any tree, shrub, or hedge or other vegetation which is in excess of the height limits set forth in Section 12.40.120, unless otherwise permitted by the Traffic Engineer, is hereby declared a public nuisance, the removal of which is necessary to protect the health and safety of the City's inhabitants. The Director of Development Services may find and declare the same to be a public nuisance, may order abatement thereof in accordance with the procedure set for abatement pursuant to Chapter 8.30, and may assess costs for the abatement pursuant to Chapter 3.68* of this Code

(Ord. MC-1027, 9-09-98; Ord. MC-783, 5-06-91; Ord. MC-344, 2-22-84;
Ord. MC-325, 12-06-83; Ord. 2273, 9-22-59; Ord. 1655, 4-08-41)

12.40.140 Violation - Penalty

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions, of Section

* Ord. MC-1418, 10-05-15 repealed/deleted Ch. 3.68 and stated that any remaining provisions of the San Bernardino Municipal Code that reference it should now be deemed to instead reference Ch. 8.30, which it also amended.

[\[Return to Municipal Code Contents\]](#)

1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-325, 12-06-83; Ord. 1885, 5-02-52)

Chapter 12.44 OBSTRUCTIONS⁵

Sections:

- 12.44.010 Prohibited deposits on street**
- 12.44.020 Depositing salt on streets unlawful**
- 12.44.030 Streets, sidewalks, and crosswalks to be kept free of obstructions**
- 12.44.040 Draining water on streets unlawful - Penalty**
- 12.44.050 Nuisance**
- 12.44.060 Disposal of dead animals and rubbish, garbage or filth**
- 12.44.070 Maintenance of premises**
- 12.44.080 Violation of Sections 12.44.040 through 12.44.070 - Penalty**
- 12.44.090 Use of sidewalks for display of goods, wares or merchandise unlawful.**
- 12.44.100 Removal of goods, wares and merchandise.**
- 12.44.110 Projection of signs**
- 12.44.120 Violation of Sections 12.44.090 through 12.44.110 - Penalty**

12.44.010 Prohibited deposits on street

It is unlawful for any person to deposit on any public street any bottles, broken ware, rubbish, waste paper, garbage, filth, refuse, dead animals or brine.

(Ord. 821, 8-09-1921)

12.44.020 Depositing salt on streets unlawful

It is unlawful for any person to deposit upon any paved street within the City any brine, salt, water containing any salts or any matter which is injurious to such pavement.

(Ord. 821, 8-09-1921)

⁵For statutory provisions authorizing cities to prevent encroachment and obstruction of City streets, see Gov. Code §38775.

12.44.030 Streets, sidewalks and crosswalks to be kept free of obstructions

- A. The public streets, sidewalks and crosswalks of the City, and the stairways, escalators, elevators, passageways and sidewalks in or surrounding public malls or buildings owned, operated, or maintained by the City, and the entrances and exits to and from public halls, meeting places, and public buildings within the boundaries of the City, being intended for the accommodation and convenience of the public, shall be kept and reserved free from all obstructions, including but not limited to obstructions by human beings.
- B. It is unlawful for any person to willfully and maliciously stand or sit in, obstruct or occupy any public street, sidewalk or crosswalk, or sit, stand in, obstruct or occupy any public stairway, escalator, elevator, passageway, or sidewalk in or immediately surrounding a public mall or building owned, operated or maintained by the City, or stand, sit in, occupy or obstruct the entrance or exit to and from any public hall, meeting place and public building within the boundaries of the City, so as in any manner to obstruct the free passage thereon or to hinder, molest or annoy any person while passing along the same.
- C. Any person who violates any provision of this section is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3950, 7-09-80; Ord. 3711, 3-07-78; Ord. 120, 9-13-1892)

12.44.040 Draining water on streets unlawful - Penalty

It is unlawful for any person to drain water or to permit water to be drained or to cause or permit water, except rainwater, to flow or escape from his or her lands onto any public street, alley, way, highway, park or other public place by any means which results in damage to the street, alley, way, highway, park or other public place, or which causes interference with or damage or hazard to public travel or use. It is unlawful to place or cause to be placed in any street, alley, way, highway, park, or other public place any obstruction which causes interference with, or damage or hazard to public travel or use.

Any person who violates any provision of this section is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2347, 3-27-61; Ord. 151, 1-16-1894)

12.44.050 Nuisance

The existence of anything prohibited by Section 12.44.040 is a nuisance, and it shall be the duty of the marshal or any policeman, or the Director of Public Services to immediately abate such nuisance upon knowledge of its existence.

(Ord. MC-344, 2-22-84; Ord. 151, 1-16-1894)

[\[Return to Municipal Code Contents\]](#)

12.44.060 Disposal of dead animals and rubbish, garbage or filth

Whenever any domestic or domesticated animal is killed or dies within this City, the owner or person having possession, charge or control thereof shall immediately after its death dispose of the dead body or carcass of such animal so that it shall not become a nuisance or in any way injurious to health, or indecent or offensive to the senses. No person shall throw into or place or deposit upon any public park, street, alley, or other highway or public place, except in such place or places as may be designated by the proper officer, any broken ware, rubbish, garbage, or filth.

(Ord. 151, 1-16-1894)

12.44.070 Maintenance of premises

Every owner or occupant of any house or houses, or other premises in this City, or person having possession, charge or control thereof, shall keep the house or houses, or other premises, and the premises around and about such house or houses, clean of all filth, or anything creating offensive odors or detrimental to health.

(Ord. 151, 1-16-1894)

12.44.080 Violation of Sections 12.44.040 through 12.44.070 - Penalty

Any person violating any provision of Sections 12.44.040 through 12.44.070 is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 151, 1-16-1894)

12.44.090 Use of sidewalks for display of goods, wares or merchandise unlawful

It is unlawful for any person, firm or corporation to use or make use of the public sidewalks of the City for the display of goods, wares, or merchandise, or to leave or permit to remain upon any portion of the public streets of the City any goods, wares, merchandise, boxes, barrels, cases, packages, trucks, or such other objects or things as will obstruct or prevent the free use and passage thereon.

(Ord. 475, 2-13-1912)

12.44.100 Removal of goods, wares and merchandise

Goods, wares and merchandise delivered or received upon the public sidewalks of the City shall immediately be taken or removed therefrom by the owner or person in charge thereof; provided, that goods, wares or merchandise received in bulk or packages of such size or weight that the same cannot be immediately removed, as aforesaid, the

[Return to Municipal Code Contents]

owner or person in charge thereof shall remove or cause the same to be removed within four hours from the time of delivery thereof; and provided further, that pending such removal of such goods, wares or merchandise, the same shall occupy the outer edge or space of the sidewalk, the inner line of such space shall be parallel with the curb line and not more than three feet distant therefrom.

(Ord. 475, 2-13-1912)

12.44.110 Projection of signs

No provision of Sections 12.44.090 through 12.44.120 shall be construed to prohibit the projection of signs over public property in conformity with Ordinances 1991 (Title 19. Zoning) [now replaced] and 2623 (Chapter 16.04) or other ordinances and laws in effect in the City.

(Ord. 2997, 7-01-69; Ord. 475, 2-13-1912)

12.44.120 Violation of Sections 12.44.090 through 12.44.110 - Penalty

Any person violating any provision of Sections 12.44.090 through 12.44.110 is guilty of an infraction, which upon conviction thereof is punishable in accordance with Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 475, 2-13-1912)

Chapter 12.48 BRIDGES

Sections:

- 12.48.010 Driving animals over bridge - Restrictions - Violation and penalty**
- 12.48.020 Unlawful placement of bridges**
- 12.48.030 Notice to remove bridges**
- 12.48.040 Duty to remove bridge**
- 12.48.050 Violation of Sections 12.48.020 through 12.48.040 - Penalty**

12.48.010 Driving animals over bridge - Restrictions - Violation and penalty

- A. It is not lawful to drive, lead or conduct any cattle, horses, mules, sheep, goats, or hogs, or in any manner cause any such animals to go across or upon any bridge in or upon any of the streets, avenues or highways in this City, in any greater number than twenty-five head of cattle, horses, or mules, or fifty sheep, goats, or hogs, at one time.

[\[Return to Municipal Code Contents\]](#)

B. Any person violating Subsection A is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 122, 9-27-1892)

12.48.020 Unlawful placement of bridges

It is unlawful for any person to place or cause to be placed, or to keep and maintain any bridge or crossing over and across the gutter along either side of any paved or macadamized street in the City.

(Ord. 111, 5-17-1892)

12.48.030 Notice to remove bridges

It shall be the duty of the Director of Public Services to notify any person maintaining any such bridge or crossing to have the same removed within ten days from the date of such notice and to cut down the curb and slope the sidewalk so as to permit the easy passage of vehicles, should any such passage be required for access to private property.

(Ord. MC-344, 2-22-84; Ord. 111, 5-17-1892)

12.48.040 Duty to remove bridge

Upon receiving such notice from the Director of Public Services, it shall be the duty of the person receiving the same to at once comply with the provisions of Section 12.48.030.

(Ord. MC-344, 2-22-84; Ord. 111, 5-17-1892)

12.48.050 Violation of Sections 12.48.020 through 12.48.040 - Penalty

Any person violating any provision of Section 12.48.020 through 12.48.040 is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 111, 5-17-1892)

Chapter 12.52 FIRE HYDRANTS

Sections:

- 12.52.010 Persons authorized to use hydrants - Prohibited acts**
- 12.52.020 Parking vehicles near hydrant**
- 12.52.030 Distance poles and wires to be kept from hydrant**
- 12.52.040 Violation - Penalty**

12.52.010 Persons authorized to use hydrants - Prohibited acts

It is unlawful for any person, except members of the Fire Department of the City, to use any fire hydrant in the City or to interfere with, tamper with or in any way molest any fire hydrant in the City except through special permission of the Fire Chief of the City and ratified by the Superintendent of the Water Department of the City.

(Ord. 1263, 12-08-25; Ord. 821, 8-09-1921)

12.52.020 Parking vehicles near hydrant

It is unlawful for any person to hitch, or leave standing any carriage, wagon, horse, truck, automobile, motorcycle, bicycle or any other such vehicle or animal, within fifteen feet of any fire hydrant within the City.

(Ord. 562, 4-06-1914)

12.52.030 Distance poles and wires to be kept from hydrant

It is unlawful for any person, firm or corporation to place, or erect any pole to carry or support electric, telephone or telegraph wires, or other similar devices, within five feet of any fire hydrant within the City.

(Ord. 562, 4-06-1914)

12.52.040 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 562, 4-06-1914)

[\[Return to Municipal Code Contents\]](#)

Chapter 12.56
PARADES⁶
(Repealed by Ord. MC-1414, 07-06-15)

Chapter 12.60
VENDING NEAR PUBLIC SCHOOLS

Sections:

12.60.010 Distance from public schools

12.60.020 Violation - Penalty

12.60.010 Distance from public schools

It is unlawful for any person, firm or corporation to vend, sell or give away ice cream, ices, cornucopias, candy or soda-water from vehicles upon the public streets of the City within twelve hundred feet of any public school house, excepting on Saturdays and Sundays.

(Ord. 614, 11-01-1915)

12.60.020 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 614, 11-01-1915)

Chapter 12.64
MOTION PICTURE AND TELEVISION PRODUCTION PERMITS
(Repealed by Ord. MC-1414, 07-06-15)

⁶For statutory authority for cities to regulate or prohibit processions or assemblages on the highways, see Vehicle Code §21100.

Chapter 12.68 PARK AND SCHOOL GROUNDS⁷

Sections:

- 12.68.010 Operation of vehicles in designated areas only**
- 12.68.020 Hours of use**
- 12.68.030 Violation - Penalty**

12.68.010 Operation of vehicles in designated areas only

It is unlawful for any person to operate, drive or ride a bicycle, unicycle, tricycle, motorcycle, horse or any other animal in any public park or on school grounds except in areas designated and posted specifically for such use.

(Ord. MC-460, 5-15-85; Ord. 3455, 11-05-74; Ord. 295, 12-15-1903)

12.68.020 Hours of use

- A. During the months of January, February, March, October, November, and December of each and every year, it is unlawful for any person to be or remain in any public park between the hours of six p.m. (6:00 p.m.) of any day to six a.m. (6:00 a.m.) of the succeeding day except upon written approval of the Director of Parks, Recreation and Community Services or the Mayor and Common Council. During the months of April, May, June, July, August, and September of each and every year, it is unlawful for any person to be or remain in any public park between the hours of eight p.m. (8:00 p.m.) of any day to six a.m. (6:00 a.m.) of the succeeding day except upon written approval of the Director of Parks, Recreation and Community Services or the Mayor and Common Council. Notwithstanding the provisions of the first two sentences herein, person(s) who are utilizing the lighted activity portions of the public park for those intended lighted activities (including the time necessary to go to and from the intended lighted activities), when no such written approval is required for such intended lighted activities, may remain in the public park until the hour of ten p.m. (10:00 p.m.), but thereafter it is unlawful for any such person(s) to be or remain in any public park between the hours of ten p.m. (10:00 p.m.) of any day to six a.m. (6:00 a.m.) of the succeeding day.
- B. This section shall not be applicable to any person who is present in the park performing duties relating to employment by the City.

⁷For statutory provisions on municipal regulation of parks, see Pub. Res. Code §5181 et seq.

- C. The Chief of Police, or his or her designee, shall be authorized to close any City park whenever, in his or her best judgment, it is necessary for the health, safety and welfare of the community. It is unlawful for any person to be or remain in any public park after having been informed that such park has been closed by order of the Chief of Police or his or her designee.

(Ord. MC-1152, 10-08-03; Ord. MC-460, 5-15-85; Ord. 3868, 9-18-79; Ord. 3698, 12-21-77; Ord. 3455, 11-05-74; Ord. 295, 12-15-1903)

12.68.030 Violation - Penalty

Any person violating any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 295, 12-15-1903)

Chapter 12.72 CLOCKS

Sections:

- 12.72.010 Permit - Required for clocks overhanging public streets**
- 12.72.020 Application for permit**
- 12.72.030 Termination of permit for cause**
- 12.72.040 Clocks to indicate correct time**
- 12.72.050 Violation-Penalty**

12.72.010 Permit - Required for clocks overhanging public streets

It is unlawful for anyone to install, erect, maintain or operate a clock or device which tells or indicates the time upon or overhanging the public streets of the City without first obtaining a permit from the Common Council.

(Ord. 1739, 4-12-45)

12.72.020 Application for permit

Any person so desiring to procure a permit to erect, install, maintain or operate a clock or device to tell or indicate the time shall make written application to the Mayor and Common Council stating therein the name or make of the clock or device, the plan or manner in which the clock or device is to be erected, installed, maintained or operated; the amount of advertising matter to be displayed thereon or in connection therewith; such other information as the Council may from time to time desire.

(Ord. 1739, 4-12-45)

[\[Return to Municipal Code Contents\]](#)

12.72.030 Termination of permit for cause

The permit so issued may be terminated at any time by the Mayor and Common Council upon the following grounds:

- A. The clock or device has not been installed, erected, maintained, or operated in accordance with the permit granted;
- B. The clock or device is or has been maintained for a period of thirty days in such condition that it does not show, indicate or tell the correct time;
- C. It is necessary or advantageous that public or private improvements be made upon the streets which necessitate or render it advantageous that the clock or device be removed.

(Ord. 1739, 4-12-45)

12.72.040 Clocks to indicate correct time

It is unlawful for anyone to permit, maintain, operate or own a clock or device which does not tell, indicate or show the correct time and which has been erected or installed upon the public streets of the City or which overhangs the public streets; provided, that the face of any clock or device may be covered during the period necessary for repairs but not to exceed a period of thirty days without permission of the Mayor and Common Council.

(Ord. 1739, 4-12-45)

12.72.050 Violation - Penalty

Any person, firm or corporation violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1739, 4-12-45)

Chapter 12.76 SECCOMBE LAKE PARK

Sections:

- 12.76.010 Change of name**
- 12.76.020 Swimming in lake unlawful**
- 12.76.030 Operation of boats by permission only**
- 12.76.040 Ducks, geese and fowl to be left unharmed**
- 12.76.045 Fishing unlawful**
- 12.76.050 Violation - Penalty**

12.76.010 Change of name

On and after August 28, 1967, Inland Lake Park shall be known as Seccombe Lake Park and the lake situated therein shall be known as Seccombe Lake.

(Ord. 2844, 8-29-67; Ord. 1761, 5-25-46)

12.76.020 Swimming in lake unlawful

It is unlawful for anyone to swim or bathe in the lake situated in Seccombe Lake Park in the City.

(Ord. 1761, 5-25-46)

12.76.030 Operation of boats by permission only

It is unlawful for anyone to paddle, row, pole, or in any way launch, operate or propel a boat, canoe, raft, or any floating conveyance upon the lake situated in Seccombe Lake Park in the City except with the permission of, and subject to any regulations that may be imposed by, the Common Council.

(Ord. 2700, 11-02-65; Ord. 1761, 5-25-46)

12.76.040 Ducks, geese and fowl to be left unharmed

It is unlawful for anyone to kill, maim, or injure in any way any duck, goose, or any fowl kept, maintained, or situated in Seccombe Lake Park in the City.

(Ord. 1761, 5-25-46)

[\[Return to Municipal Code Contents\]](#)

12.76.045 Fishing unlawful

It is unlawful for anyone to fish on the lake except in designated areas and subject to any regulations imposed by the State Fish and Game laws and to any regulation that may be imposed by the Common Council.

(Ord. MC-489, 1-08-86)

12.76.050 Violation - Penalty

Any person violating any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 1761, 5-25-46)

Chapter 12.80 PUBLIC PARKS AND RECREATIONAL FACILITIES

Sections:

- 12.80.010 Short title**
- 12.80.020 Definitions**
- 12.80.030 Use of parks and buildings exclusive**
- 12.80.040 Permit - Required when group exceeds twenty-five persons**
- 12.80.050 Park and recreation sponsored classes - Permit required**
- 12.80.055 Consumption of Alcohol in a Public Park - Permit required**
- 12.80.060 Application for permit**
- 12.80.070 Issuance of permit**
- 12.80.080 Denial of permit**
- 12.80.090 Right of appeal of denial of permit or conditions imposed on issuance of permit**
- 12.80.100 Fees and deposits**
- 12.80.110 Liability**
- 12.80.120 Displays and sales**
- 12.80.130 Park regulations**
- 12.80.140 Violation - Penalty**

12.80.010 Short title

The ordinance codified in this Chapter shall be known as the "parks and recreation ordinance."

(Ord. 3326, 1-03-73)

[\[Return to Municipal Code Contents\]](#)

12.80.020 Definitions

For the purpose of carrying out the intent of this Chapter, the following words, phrases, and terms shall be deemed to have the meaning ascribed to them in this section:

- A. "Amplified sound" means speech or music, projected or transmitted by electronic equipment, including amplifiers, loudspeakers, microphones, bull horns or similar devices which are intended to increase the volume, range, distance, or intensity of speech or music and are powered by electricity, battery, or combustible fuel.
- B. "Building" includes any building, or portion thereof, under the supervision of the Parks and Recreation Department of the City.
- C. "Director" refers to the Director of the Department of Parks and Recreation.
- D. "Park" includes all grounds, roadways, avenues, park facilities, municipal parks and playground areas, or portions thereof, under the supervision of the Parks and Recreation Department .
- E. "Permit" means a permit for exclusive use of any park or building, or portions thereof, as provided for in this Chapter.
- F. "Person" means persons, groups, associations, partnerships, firms or corporations unless the context in which such word is used indicates the singular word person was intended.
- G. "Inline skates" mean skates which are attached to a boot, shoe, or other footwear to be worn by the skater.

(Ord. MC-1185, 10-05-04; Ord. 3326, 1-03-73)

12.80.030 Use of parks and buildings exclusive

The City's public parks and buildings, or portions thereof, may be made available for the exclusive use of persons subject to the issuance of a permit by the Director as provided for in this Chapter.

(Ord. 3326, 1-03-73)

12.80.040 Permit - Required

- A. For any private groups of persons using a public park that have fewer than twenty-five no permit is required.

[Return to Municipal Code Contents]

- B. It is unlawful for any group of persons, firm or corporation, society or organization which anticipates an attendance of more than twenty-five to conduct any picnic, celebration, parade, service or exercise in any public park or building or use any park facility, without first obtaining a written permit from the Director as provided for in this Chapter.
- C. It is unlawful for any group of persons, firm or corporation, society or organization which anticipates an attendance of more than one hundred to conduct any picnic, celebration, parade, service or exercise in any public park or building or use any park facility, without first obtaining a Special Event Permit pursuant to Municipal Code Section 19.70.036.

(Ord. MC-1414, 7-06-15; Ord. MC-460, 5-15-85; Ord. 3326, 1-03-73)

12.80.050 Park and recreation sponsored classes - Permit required

It is unlawful for any person, firm, corporation, society or organization to hold classes, courses of instruction or any activity where a fee or any form of compensation is charged or anything of value is obtained in a park or building, except in accordance with a written permit issued by the Director for such classes, courses of instruction or activity sponsored by or approved by the Department of Parks and Recreation pursuant to the provisions of this Chapter.

(Ord. MC-460, 5-15-85; Ord. 3525, 9-10-75; Ord. 3326, 1-03-73)

**12.80.055; 12.80.060; 12.80.070; 12.80.080; 12.80.090;
12.80.100; 12.80.110; 12.80.120**
(Repealed by Ord. MC-1414, 07-06-15)

12.80.130 Park regulations

Within the limits of any public park or playground in or upon any facility or building located therein and owned or controlled by the City, it is unlawful for any person to:

- A. Cause the amplification of sound exceeding twenty-five watts total output from all channels of equipment used except pursuant to an exclusive use permit issued under this Chapter and subject to the following conditions:
 - 1. The location of any bandstand and the position of each loudspeaker shall be as specified by the Director so as to allow the least amount of amplified sound to be audible in any adjacent residential neighborhoods.

[\[Return to Municipal Code Contents\]](#)

2. Amplified sound shall not exceed ninety-five decibels (dba) at a point fifty feet in front of the center point of the distance between loudspeaker installations.
- B. Play or practice golf or use golf clubs in any area not designated for such use;
 - C. Operate any motor driven model airplane except in areas designated for such use;
 - D. Operate or park any motor vehicle as defined in the California Vehicle Code within a park except upon areas designated for such use;
 - E. Operate, drive, or ride upon any bicycle, unicycle, tricycle, horse or any other animal in any park except in areas designated and posted specifically for such use;
 - F. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacle provided therefor;
 - G. Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved for any other person or group which has received a permit from the Director for the use thereof;
 - H. Discharge or shoot any firearm, air gun, slingshot, or bow and arrow except at places designated and posted specifically for such purposes;
 - I. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof except a duly authorized City employee in the performance of his duty;
 - J. Remove any wood, turf, grass, soil, rock, sand or gravel from any park except a duly authorized City employee in the performance of his duty;
 - K. Cut, break, deface, or disturb any rock, building, cage, pen, monument, sign, fence, structure, apparatus, equipment or property except a duly authorized City employee in the performance of his duty;
 - L. Light or maintain any fire unless such fire is lighted and maintained only in a stove or fire circle or place provided for such purpose;
 - M. Throw rocks and waste matter in unauthorized places;
 - N. Bathe or wade in or otherwise pollute the waters of any pond, stream, lake or pool unless wading or bathing are allowed in designated streams or pools or portions thereof;

[\[Return to Municipal Code Contents\]](#)

- O. Frighten, chase, set snare for, catch, injure or destroy any wild quadrupeds or birds; or destroy, remove or disturb any of the young or eggs of same, or to injure or maltreat any domestic or other animals;
- P. Camp, lodge or tarry overnight unless there are set aside certain places for this purpose; the provisions of Section 12.68.020 regulating loitering and tarrying in any public park is adopted by reference;
- Q. Indulge in riotous, boisterous or indecent conduct; and no noisy, disorderly or offensive person shall be allowed within the park; the provisions of Chapter 9.32 prohibiting any person from drinking alcoholic beverages in a public place is adopted by reference;
- R. Roller skate or bicycle upon tennis courts in any public park within the City; and
- S. Enter any toilet facility designated for the use of female persons within any public park or go into the vault of or be within such toilet facility, excepting therefrom females, boys under the age of six years, and park employees while acting within the scope of their duties of cleaning or repairing the toilets; or cut, deface, or make any writing or marking on, the walls of any toilet facility or structure within any public park.
- T.
 1. Skateboard or inline skate at a City-owned skateboard park without wearing a helmet, elbow pads, and knee pads;
 2. use this facility for skateboarding or inline skating if under the age of fourteen (14) years without being supervised by an adult;
 3. use any other equipment other than skateboards or inline skates at this facility;
 4. skateboard or inline skate during rain or wet conditions at this facility; and/or,
 5. if not an adult supervising someone under the age of fourteen (14) years, enter (by passing through the entrance/fence) or remain in the skateboard park while not actively skating at all times.
- U. To Smoke or engage in the act of Smoking in any Public Park in violation of San Bernardino Municipal Code Section 8.73.050

(Ord. MC-1319, 11-16-09; Ord. MC-1180, 9-09-04; Ord. MC-1171, 4-06-04;
Ord. MC-1170, 3-18-04; Ord. MC-460, 5-15-85; Ord. 3643, 5-25-77; Ord. 3326, 1-03-73)

[\[Return to Municipal Code Contents\]](#)

12.80.140 Violation - Penalty

Any person, firm or corporation violating or causing the violation of any provision of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section I.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3326, 1-03-73)

Chapter 12.84 OFF-STREET PUBLIC PARKING

ARTICLE I. GENERAL PROVISIONS

Sections:

- 12.84.010 Citation**
- 12.84.020 Findings and general statement**
- 12.84.030 Chapter not exclusive**
- 12.84.040 Initiation of proceedings**
- 12.84.050 Determination that public convenience and necessity require improvements and acquisitions**
- 12.84.060 Preliminary determination of necessity**
- 12.84.070 Notice of hearing**
- 12.84.080 Objections**
- 12.84.090 Final determination of necessity**
- 12.84.100 Modification**
- 12.84.110 Council findings and determinations are final and conclusive**
- 12.84.120 Applicability of findings**
- 12.84.130 Proceedings undertaken without compliance with investigation - Finality of order of Mayor and Common Council**
- 12.84.140 General provisions**
- 12.84.150 City may take action without petition**
- 12.84.160 Resolution setting forth majority protest**
- 12.84.170 Parking places not necessarily in parking district**
- 12.84.180 No specific time limit between acts**
- 12.84.190 Publication of notice**
- 12.84.200 Use of resolution**
- 12.84.210 Assessment upon public property**
- 12.84.220 When bonds may be issued**

[\[Return to Municipal Code Contents\]](#)

- 12.84.230 Payment of bonds
- 12.84.240 Registration and redemption of bonds
- 12.84.250 Issuance of bonds in different divisions
- 12.84.260 Bids for bonds - Sale to highest responsible Bidder - Rejection of bids - Re-advertisement - Private sale - Use of proceeds
- 12.84.270 Bonds - Additional sources of payment
- 12.84.280 Rental of facilities
- 12.84.290 Incidental use
- 12.84.300 Disposition of property
- 12.84.310 Other procedures
- 12.84.320 Assessment without bonds

ARTICLE II. PROCEDURAL ALTERNATIVE I

- 12.84.330 Generally
- 12.84.340 Two parking districts
- 12.84.350 Administration
- 12.84.360 Additional collection provision
- 12.84.370 Tax levy

ARTICLE III. PROCEDURAL ALTERNATIVE II

- 12.84.380 Generally
- 12.84.390 Findings of majority protest
- 12.84.400 Maturity of bonds
- 12.84.410 Annual assessments
- 12.84.420 Enlargement of district
- 12.84.430 Additional parking place pledge
- 12.84.440 Mayor and Common Council as Parking Place Commission
- 12.84.450 Provision for residential property

ARTICLE IV. PROCEDURAL ALTERNATIVE III

- 12.84.460 Generally
- 12.84.470 Contents of resolution - Intention to form district
- 12.84.480 Resolution - Purpose of debt - Amount - Property taxable to pay debt

[\[Return to Municipal Code Contents\]](#)

- 12.84.490 Division of district into zones
- 12.84.500 Resolution - Description of Improvement Map of district - Availability for inspection
- 12.84.510 Resolution - Time and place of hearing - Who may be heard
- 12.84.520 Notice of hearing - Publication - Posting - Mailing
- 12.84.530 Hearing - Time and place - Who may appear - Continuance
- 12.84.540 Change in purpose of bond and amount
- 12.84.550 Notice of intention to make change - Publication - Posting
- 12.84.560 Hearing on change - Who may appear - Continuance
- 12.84.570 Protests by holders of title to one-half of value of Taxable property - Resolution of necessity to Incur debt - Contents
- 12.84.580 Disapproval of formation resolution for determination of no benefit
- 12.84.590 Effective date of improvement district - Effect of determinations in resolution
- 12.84.600 Effect of formation on bond proceedings and tax levy
- 12.84.610 Issuance of bonds by resolution
- 12.84.620 Series of bonds - Different maturity dates - Maximum term of series
- 12.84.630 Form of bonds and coupons - Time of principal payments
- 12.84.640 Interest rate - Payment dates
- 12.84.650 Call and redemption before maturity - Provision in bond
- 12.84.660 Denomination
- 12.84.670 Place of payment
- 12.84.680 Form of bonds - Date - Number - Signing and countersigning- Seal - Mechanical Reproduction of signatures
- 12.84.690 Bonds of improvement districts - Statement of limitation on levy
- 12.84.700 Payment of proceeds into City Treasury - Special improvement funds - Expenditure for purpose of debt - Application of surplus on accomplishment of purpose
- 12.84.710 Interest paid from bond proceeds - Maximum limitation
- 12.84.720 Bonds - Payment of principal and interest
- 12.84.730 Annual assessments
- 12.84.740 Exemption of residential property.

ARTICLE V. PROCEDURAL ALTERNATIVE IV

-
- 12.84.750 Generally

[\[Return to Municipal Code Contents\]](#)

- 12.84.760 Issuance of bonds
- 12.84.770 Remedies for collection

ARTICLE VI. PROCEDURAL ALTERNATIVE V

- 12.84.780 Generally
- 12.84.790 Issuance of bonds

ARTICLE I. GENERAL PROVISIONS

12.84.010 Citation

The ordinance codified in this Chapter may be cited as the "San Bernardino Off-street Public Parking Improvement and Finance, Procedural Ordinance" (sometimes referred to as "Off-street Parking Ordinance").

(Ord. 3589, 7-06-76)

12.84.020 Findings and general statement

- A. The Mayor and Common Council hereby find that in order to provide an orderly procedure for the acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance, operation and disposal of public off-street parking places, issuance and payment of bonds to pay the cost thereof, the making of contributions therefor, and the making of covenants and agreements with the bond holders for the security and payment of such bonds, it is necessary for the City to exercise the powers it has by virtue of being a home rule City and to provide such a procedure. As used in this Chapter, "parking places" includes public parking lots, garages, buildings and other improvements for the parking of motor vehicles. The procedure provided for in this Chapter is to be an alternative to any others provided by, under or pursuant to the Charter of the City or the general laws of the state.
- B. In addition to matters specified elsewhere in this Chapter, the City is authorized to perform the acts authorized by the procedural alternatives, including without limitation, the following:
 - 1. Acquire, by condemnation, purchase, gift, lease or any other means, property necessary or convenient for use as parking places, including any property necessary or convenient for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for ingress to or egress from any parking place;

[\[Return to Municipal Code Contents\]](#)

2. Improve any property by the construction thereon of garages, buildings, or other improvements necessary or convenient for parking purposes;
3. Improve parking places and any property necessary or convenient for ingress to or egress from parking places;
4. Administer, maintain, operate, and repair parking places or provide therefor;
5. Collect fees or charges to pay all or any part of the cost of improving, repairing, maintaining, and operating parking places and of acquiring and improving additional parking places;
6. Levy taxes to pay all or any part of the cost of improving, repairing, maintaining, and operating parking places and of acquiring and improving additional parking places;
7. Employ engineers, attorneys and other persons necessary or convenient for the doing of any act authorized by this Chapter;
8. Do all acts and things necessary or convenient for the accomplishment of the purposes of this Chapter.

(Ord. 3589, 7-06-76)

12.84.030 Chapter not exclusive

This Chapter is not exclusive. The Mayor and Common Council shall have the power to provide other procedures or to follow parking place or district procedures now or hereafter provided by general law; provided, however, that whenever the City is acting pursuant to this Chapter, the provisions of this Chapter shall be controlling to the extent that they are in conflict with any of the provisions of said laws.

(Ord. 3589, 7-06-76)

12.84.040 Initiation of proceedings

Whenever the Mayor and Common Council deem it necessary to provide public off-street parking places under and pursuant to this Chapter, the Mayor and Common Council shall by resolution declare their intention to proceed and shall describe in general terms the procedural alternative they intend to follow, the proposed improvements or acquisitions involved, the estimated costs of the improvements or acquisitions involved and the maximum amount of bonds, if any, to be issued to finance the improvements or acquisitions. The requirement of a resolution as provided for in this section may be satisfied by the adoption of the resolution provided for

[\[Return to Municipal Code Contents\]](#)

in Sections 12.84.050 through 12.84.130.

(Ord. 3589, 7-06-76)

12.84.050 Determination that public convenience and necessity require improvements and acquisitions

Before ordering any acquisitions or improvements or both, or the creation of any district pursuant to this Chapter, where the costs of the acquisitions or improvements are to be paid in whole or in part by special assessment or other special assessment taxes upon property, whether the special assessment will be specific or a special assessment tax upon property wholly or partially according to the assessed value of such property, the Mayor and Common Council shall find that the public convenience and necessity require such acquisitions or improvements, or both, in the manner provided in Section 19, Article XVI of the California Constitution.

(Ord. 3589, 7-06-76)

12.84.060 Preliminary determination of necessity

A resolution of preliminary determination shall be adopted describing in general terms the intention to proceed under this Chapter, the procedural alternative to be followed, the proposed improvements or acquisitions involved, the estimated costs of such improvements or acquisitions, whether the assessment is to be levied on all real property or on land only, the amount, based upon the estimated costs, to be assessed against each particular parcel, the maximum amount of bonds, if any, to be issued to finance the proposed improvements or acquisitions. The resolution shall also state that any person interested may file a protest in writing with the City Clerk containing therein a description of the property in which the signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. The resolution shall also set a time and place when and where any and all persons interested may appear and show cause, if they have any, why the Mayor and Common Council should not find and determine that the public convenience and necessity require the formation of the proposed improvement district and the proposed acquisitions or improvements without compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, sometimes referred to in this Chapter as "Investigation Act."

(Ord. 3589, 7-06-76)

12.84.070 Notice of hearing

The resolution shall contain a notice of the time and place of hearing. Notice of the hearing shall be given by publishing a copy of the resolution of preliminary determination once at least fifteen days prior to the time fixed for the hearing in a

[\[Return to Municipal Code Contents\]](#)

newspaper of general circulation published in the City. Such notice shall also be given by posting a copy of the resolution of preliminary determination in three public places within the proposed improvement district at least fifteen days before the time fixed for the hearing. Such notice shall also be given by mailing a copy of the resolution of intention at least fifteen days before the time fixed for the hearing to each holder of title to taxable real property or land, as the case may be, within the proposed improvement district as such ownership is shown on the last equalized county assessment roll. The City Clerk shall cause all the above notices to be given.

(Ord. 3589, 7-06-76)

12.84.080 Objections

At the time and place fixed for the hearing and so noticed, any person interested may object to undertaking the proceedings without first complying with the provisions of the Investigation Act.

(Ord. 3589, 7-06-76)

12.84.090 Final determination of necessity

If no protests are made, or if the protests have been heard and overruled, the Mayor and Common Council may adopt a resolution finding and determining that the public convenience and necessity require the proposed improvements and/or acquisitions, and that the Investigation Act shall not apply. The finding may be incorporated in the resolution ordering the improvement and/or acquisition.

(Ord. 3589, 7-06-76)

12.84.100 Modification

When proceedings are had for a change and modification, the resolution of preliminary determination to change and modify shall be deemed a resolution of preliminary determination and the resolution ordering the change and modifications shall be deemed a resolution determining the convenience and necessity as to the changes and modifications.

(Ord. 3589, 7-06-76)

12.84.110 Council findings and determinations are final and conclusive

The resolution determining the convenience and necessity shall be adopted by the affirmative vote of four-fifths of the members of the Common Council and its findings and determinations shall be final and conclusive.

(Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.120 Applicability of findings

Sections 12.84.050 through 12.84.130 shall not apply when investigation proceedings have been avoided or taken pursuant to the Investigation Act.

(Ord. 3589, 7-06-76)

12.84.130 Proceedings undertaken without compliance with investigation - Finality of order of Mayor and Common Council

Where proceedings for any improvements and/or acquisitions or any part thereof have been undertaken without compliance with the Investigation Act or without proceedings under Sections 12.84.050 through 12.84.130, proceedings may thereafter be had under Sections 12.84.050 through 12.84.130, with reference thereto, and the order of the Mayor and Common Council determining convenience and necessity therein shall be final and conclusive.

(Ord. 3589, 7-06-76)

12.84.140 General provisions

The general provisions set forth in Sections 12.84.150 through 12.84.320 shall apply to all proceedings taken under this Chapter. (Ord. 3589 §6 (part), 1976) 12.84.150 City may take action without petition. The City may prepare a report, adopt a resolution of intention, form a parking district, or take any other action to provide public off-street parking places without any petition therefor.

(Ord. 3589, 7-06-76)

12.84.150 City may take action without petition

The City may prepare a report, adopt a resolution of intention, form a parking district, or take any other action to provide public off-street parking places without any petition therefor

(Ord. 3589, 7-06-76)

12.84.160 Resolution setting forth majority protest

The Mayor and Common Council, in their discretion, may set forth in a resolution the basis for determining the existence of a majority protest, which may include, but shall not be limited to, land area, assessed valuation of real property, assessed valuation of land only or the number of property owners.

(Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.170 Parking places not necessarily in parking district

When a parking district is formed, it shall not be necessary for all parking places to be located within the parking district.

(Ord. 3589, 7-06-76)

12.84.180 No specific time limit between acts

It shall not be necessary for any specified time to elapse between the performance of acts except as otherwise required by this Chapter.

(Ord. 3589, 7-06-76)

12.84.190 Publication of notice

The first publication and the mailing of any resolution or notice shall be not later than fifteen days before the day fixed therein for hearing or other act.

(Ord. 3589, 7-06-76)

12.84.200 Use of resolution

The Mayor and Common Council may act by resolution where an ordinance is provided except as provided in Section 12.84.710 and Section 12.84.720.

(Ord. 3589, 7-06-76)

12.84.210 Assessment upon public property

Whenever proceedings are to be undertaken in accordance with Procedural Alternatives I, II or III, the Mayor and Common Council may provide in the resolution of intention that any real property belonging to any county, City, public agency, school board, educational, penal or reform institution or institution for the feebleminded or the insane shall be assessed in accordance with the provisions of Sections 5300-5325, inclusive, of the Streets and Highways Code of the state as the same now appear or are hereafter amended.

(Ord. 3589, 7-06-76)

12.84.220 When bonds may be issued

Bonds may be issued at such time or times as the Mayor and Common Council in their discretion by resolution determine, including, but not limited to, before contracting or obtaining options for the purchase of land, property or rights-of way to be acquired, or

[Return to Municipal Code Contents]

obtaining a judgment in eminent domain for the acquisition thereof.

(Ord. 3603, 9-20-76; Ord. 3589, 7-06-76)

12.84.230 Payment of bonds

Any bonds issued in accordance with Procedural Alternatives I, II or III, the interest thereon, and premium, if any, shall be payable from assessments levied, as determined by the Mayor and Common Council, upon land only or upon all real property within the district. The resolution of intention shall state the basis upon which the assessment is to be levied.

(Ord. 3603, 9-20-76; Ord. 3589, 7-06-76)

12.84.240 Registration and redemption of bonds

The Mayor and Common Council shall, by resolution, prescribe the form of the bonds and of the coupons attached thereto, the conversion and registration privileges carried by the bonds and fix the time when the whole or any part of the principal shall become due and payable. The Mayor and Common Council may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as they may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

(Ord. 3589, 7-06-76)

12.84.250 Issuance of bonds in different divisions

The bonds may be issued in different divisions with different dates and dates of maturity.

(Ord. 3589, 7-06-76)

12.84.260 Bids for bonds - Sale to highest responsible bidder - Rejection of bids - Re-advertisement - Private sale - Use of proceeds.

- A. The bonds shall be sold for such price or prices as the Mayor and Council, in their discretion, shall determine, which may be at the par value thereof with or without premium or discount. The bonds may be sold at public or private sale as the Mayor and Common Council shall determine. If the Mayor and Common Council determine to sell the bonds by private sale, the same shall be awarded by resolution to the buyer or buyers thereof. If the Mayor and Common Council determine to sell the bonds at public sale, before selling the bonds or any part thereof, the City Clerk shall give notice inviting sealed bids in such manner as the Mayor and Common

[\[Return to Municipal Code Contents\]](#)

Council shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded by resolution to the highest responsible bidder. If no bids are received, or if the Mayor and Common Council determine that the bids received are not satisfactory as to price or responsibility of the bidders, they may reject all bids received, if any, and either re-advertise or sell the bonds at private sale.

- B. The purposes for which the proceeds of the bonds may be used may also include, without limitation, incidental expenses, such as engineering, appraisal, legal fees, bond counsel fees, financial consultant fees, land and rights-of-way acquisition, reserve funds and expenses of financing the district, if any, and expenses of all proceedings for the authorization, issuance and sale of the bonds or related thereto.

(Ord. 3589, 7-06-76)

12.84.270 Bonds - Additional sources of payment

The Mayor and Common Council, in their sole discretion, may provide in the resolution required by Section 12.84.040 or Sections 12.84.050 through 12.84.130, that bonds, both principal and interest, issued for the purposes provided for herein may be additionally payable from any legally available source of funds, including, without limitation, revenues derived from the operation of the public off-street parking places or grants from other governmental agencies to the City to be used for any of the purposes set forth herein.

(Ord. 3589, 7-06-76)

12.84.280 Rental of facilities

The City may acquire, construct, rent, lease, maintain, repair, manage and operate all or any portion of any real and personal property for the purpose of providing public off-street parking places and may provide by lease or otherwise with any person, firm, corporation, or nonprofit association or corporation for the management, operation, maintenance or repair of the public off-street parking places.

(Ord. 3589, 7-06-76)

12.84.290 Incidental use

- A. As an incident to the operation of any parking facility, the City may devote a portion of its property to uses such as retail stores, bus terminal, gasoline service station, helicopter landing area, or any other commercial use, when in its judgment it is convenient or necessary to conduct or permit such use in order to utilize the property as a parking facility. Any such incidental use shall be secondary to the primary use as a parking facility, and the portion of the land devoted to the incidental use shall not exceed twenty-five percent of the surface area of the property. If a building is

[\[Return to Municipal Code Contents\]](#)

erected on the property for the purpose of parking motor vehicles, the incidental use of the building shall not occupy more than twenty-five percent of the floor area.

- B. The Mayor and Common Council shall use its best efforts to lease surplus space devoted to commercial purposes other than parking vehicles, to any person, firm, corporation, or nonprofit association or corporation as the Mayor and Common Council shall determine.
- C. As an incidental use to a parking facility, foundations, platforms and other like structural forms may be constructed in any feasible manner, as an integral part thereof or otherwise, for provision or utilization of air rights sites for buildings to be used for, without limitation, residential, commercial or other uses; provided, that the cost of such structural forms shall be recovered from the parties utilizing such air rights sites and used, as determined by the Mayor and Common Council, to pay the costs of acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance or operation of the parking places involved or other parking places located within the City.

(Ord. 3589, 7-06-76)

12.84.300 Disposition of property

The Mayor and Common Council, subject to the provisions of the City Charter, may determine that any parcel of property, or any improvements, extensions or replacements thereof or additions thereto, either acquired from the proceeds of the bonds or leased to the City with rents therefor derived from assessments levied pursuant to this Chapter are no longer needed for off-street parking purposes or such facilities may be otherwise better provided. Subject to the provisions of the City Charter, and any restriction in the resolution providing for the issuance of any outstanding bonds relating to the facilities involved, the property may thereafter be sold, leased or otherwise disposed of, either during or after the term of the bonds and the proceeds placed in a fund as designated by the Mayor and Common Council and used for the purposes of this Chapter.

(Ord. 3759, 9-13-78; Ord. 3589, 7-06-76)

12.84.310 Other procedures

When proceedings are had under this Chapter, its provisions may be supplemented by other proceedings or as otherwise provided in the resolution of intention, including without limitation provisions for credit for parking places made available for public or private uses pursuant to agreement with the City, credit for taxes or assessments paid to the City and used primarily for parking purposes, and the replenishment for reserve funds.

(Ord. 3603, 9-20-76; Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.320 Assessment without bonds

In addition, or as an alternative to, the other provisions contained in Procedural Alternatives II or III, the Mayor and Common Council may provide in the resolution of intention for the levy each year of an ad valorem assessment on all taxable real property or all taxable land, as the case may be, within the district to provide moneys for all or any part of the costs and expenses of providing parking places prior to the issuance of bonds or without issuing bonds. The costs and expenses of providing parking places may include, but shall not be limited to, lease payments, the costs and expenses of operating, maintaining, repairing and improving the parking places, engineering fees, appraisal fees, legal fees, financial consultant fees, cost of land and rights-of-way acquisition, expenses of all proceedings for the formation of the district and all other costs and expenses for carrying out the purposes of this Chapter. The rate of ad valorem assessment shall be fixed by the Mayor and Common Council each year so as to produce sums required to pay the estimated costs and expenses mentioned above. The assessment shall be levied, collected and enforced in the same manner, at the same time, and with the same penalties and interest, as in the case of taxes levied for the City.

(Ord. 3603, 9-20-76; Ord. 3589, 7-06-76)

ARTICLE II. PROCEDURAL ALTERNATIVE I

12.84.330 Generally

Any part or parts of the City may be created and operated as a district or districts for the acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance, operation and disposal of public off-street parking places; bonds to pay the cost thereof may be issued and paid; contributions may be made, covenants and agreements with the bondholders for the security and payment of such bonds may be made; and the Mayor and Common Council shall have the powers, jurisdiction and authority all as now or hereafter provided in the Parking District Law of 1943 (herein called "1943 Act"), excepting as herein otherwise provided.

(Ord. 3589, 7-06-76)

12.84.340 Two parking districts

Territory included in one parking district may be included in another parking district if the Mayor and Common Council find that the territory will be benefited by being included in the subsequent parking district.

(Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.350 Administration

The Mayor and Common Council, in their discretion, may, by the adoption of a resolution, declare themselves to be the Parking Place Commission with any and all powers and duties of parking place commissioners as provided in the 1943 Act.

(Ord. 3589, 7-06-76)

12.84.360 Additional collection provision

The provisions of Sections 8680 to 8688, inclusive, and 8830 to 8835, inclusive, of the Streets and Highways Code of the state shall apply to assessments levied hereunder.

(Ord. 3589, 7-06-76)

12.84.370 Tax levy

Annually on or before June 30th, the Mayor and Common Council shall prepare an estimate of the expenditures required for the maintenance, operation, repair, and improvement of the parking places under its charge for the ensuing fiscal year, and, in their discretion, required during that year for the acquisition of additional parking places, if any. The Mayor and Common Council shall also estimate the amount, if any, of revenues to be derived from rentals, fees, or charges for the use of the parking places and the amount, if any, to be raised by taxation. The amount to be raised by taxation for the acquisition of additional parking places shall be stated separately. At the time and in the manner for levying general taxes, the Mayor and Common Council may levy and collect upon and against all of the taxable real property or land only, as the case may be, within the district at the rate determined by the Mayor and Common Council, a special ad valorem tax sufficient to raise the sum of money estimated as required to be raised by taxation.

(Ord. 3589, 7-06-76)

ARTICLE III. PROCEDURAL ALTERNATIVE II

12.84.380 Generally

Any part or parts of the City may be created and operated as a district or districts for the acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance, operation and disposal of public off-street parking places; bonds to pay the cost thereof may be issued and paid; revenues from on- and off-street parking facilities may be allocated and pledged; annual ad valorem assessments may be levied and collected; contributions may be made; covenants and agreements with the bondholders for the security and payment of such bonds may be made; and the Mayor and

[\[Return to Municipal Code Contents\]](#)

Common Council shall have the powers, jurisdiction and authority all as now or hereafter provided in the Parking District Law of 1951 (herein called "1951 Act"), excepting as herein otherwise provided.

(Ord. 3589, 7-06-76)

12.84.390 Findings of majority protest

If the owners of taxable real property or taxable land, as the case may be, in the district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property or all taxable land, as the case may be, in the district at the conclusion of the hearing have on file and have not withdrawn their written protests objecting to the formation of the district, the legislative body shall find that a majority protest has been filed, and no further proceedings shall be taken for a period of one year from the date of the decision of the Mayor and Common Council on the hearing unless the protests are overruled by an affirmative vote of four-fifths of the members of the Common Council in which event the proceedings may continue as if no majority protest had been made. Any person making a protest may withdraw the protest, in writing, at any time prior to the conclusion of the protest hearing.

(Ord. 3589, 7-06-76)

12.84.400 Maturity of bonds

The full amount of the bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed forty years from the date of the series.

(Ord. 3589, 7-06-76)

12.84.410 Annual assessments

The annual assessment provided for in the 1951 Act shall be computed on the basis of the formula set forth in the resolution of intention to form the district as originally adopted or as modified by subsequent change and modification or other proceedings conducted pursuant to this Chapter or any other law, and the limitations upon the rate or period thereof provided in the Act shall not apply. If the assessed value of any parcel of property does not appear on the tax roll, an estimated assessed value of such parcel shall be made by the Director of Development Services in consultation with the County Assessor, and such estimate shall for purposes of such ad valorem assessment be considered the assessed value of such parcel.

[\[Return to Municipal Code Contents\]](#)

- A. Supplemental Advances and Levies. The provisions of Sections 8800 to 8809, inclusive, of the Streets and Highways Code of the state shall apply to assessments levied hereunder if so stated in the resolution of intention.
- B. Additional Collection Provisions. The provisions of Sections 8680 to 8688, inclusive, and 8830 to 8835, inclusive, of the Streets and Highways Code of the state shall apply to assessments levied hereunder.
- C. Charges. The Mayor and Common Council or the Parking Commission of the City, as the case may be, may by resolution prescribe, revise and collect fees, tolls, rates, rentals and other charges (other than special assessments), including but not necessarily limited to service charges and standby charges for services or facilities furnished by the district, charges for the availability of the facilities of the district regardless of whether the facilities are used or not, and minimum charges. Such charges shall be payable on a uniform and equitable basis by the owner of the property to which the facilities of the district are available, including the owners of publicly owned property.

Any delinquent charges and all penalties thereon when recorded as hereinafter provided shall constitute a lien on the real property to which the facilities of the district are available (except that no such lien shall be created against any publicly owned property), and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor. .

All remedies provided for collection of due and unpaid charges which are provided in the Revenue Bond Law of 1941 of the state may be exercised to enforce payment of any charges levied under this article

A resolution prescribing or revising such charges shall not be adopted until the Mayor and Common Council or the Commission, as the case may be, has given notice of and held a hearing thereon substantially as provided in Section 54354.5 of the Government Code, being part of the Revenue Bond Law of 1941.

Any assessment levied against any parcel of real property pursuant to this Article which is held by any court of competent jurisdiction to be invalid or unenforceable for any reason shall be deemed to be a charge under this Article, and the amounts of any assessments levied and collected against other parcels in the district and not affected by said holding of invalidity shall be credited against any charges which might otherwise be payable by the owners thereof, to the end that no parcel in the district is charged both an assessment and a charge for the same facility. Any change and modification or other proceeding

conducted for the purpose of levying assessments under this Article shall comply with the notice and hearing requirement of Government Code Section 54354.5.

(Ord. MC-1027, 9-09-98; Ord. 3589, 7-06-76)

12.84.420 Enlargement of district

The boundaries of the district heretofore or hereafter formed may be enlarged from time to time.

- A. Resolution of Intention. The territory to be annexed shall be set forth in a resolution of preliminary determination and of intention to be adopted by the Mayor and Common Council which shall give notice that the matter and all persons interested will be heard by the Mayor and Common Council at a time to be stated therein.
- B. Publication. The resolution shall be published twice in a newspaper of general circulation published in the City and posted as provided in Section 12.84.070.
- C. Hearing. The hearing may be adjourned from time to time. At the hearing the Mayor and Common Council shall have the power to determine whether or not the entire territory, or only a portion thereof, to be annexed and the district will be benefited by the annexation.
- D. Order. The Mayor and Common Council shall by resolution order the annexation of such territory, defining its boundaries therein. Its decision thereon shall be final and conclusive.
- E. Ad Valorem Assessment. Thereafter the property annexed shall be subject to special levies for maintenance and operation and for any bonds issued for the acquisition for construction of improvements, the same as are the properties already in the parking district.

(Ord. 3589, 7-06-76)

12.84.430 Additional parking place pledge

The Mayor and Common Council may at any time pledge revenues from off-street parking places heretofore or hereafter acquired in other than the proceedings provided for herein in addition to those acquired in the proceedings.

(Ord. 3589, 7-06-76)

[Return to Municipal Code Contents]

12.84.440 Mayor and Common Council as Parking Place Commission

The Mayor and Common Council, in their discretion, may, by the adoption of a resolution, declare themselves to be the Parking Place Commission with any and all powers and duties of Parking Place Commissioners as provided for in the 1951 Act.

(Ord. 3589, 7-06-76)

12.84.450 Provision for residential property

Should there be included in the district property used for residential purposes, including in said term single-family and multiple-unit residential property, regardless of the zoning applicable thereto, the same shall be exempt from the assessments levied hereunder, so long as such property is lawfully used for residential purposes, upon a finding by the Mayor and Common Council that: (1) such property is lawfully used for residential purposes; and (2) such property has adequate off-street parking for the residential uses involved. Each year, at the time of levying the assessment as provided in this Chapter, such findings shall be reviewed, to the end that such exempt property will no longer be exempt and will be assessed: (1) when the use is changed from the exempt residential use; and/or (2) when the property, although still devoted to the same use, no longer has adequate off-street parking. Should a particular parcel of real property have another use, in addition to the residential use, only the proportionate value thereof attributable to the residential use shall be exempt.

(Ord. 3589, 7-06-76)

ARTICLE IV. PROCEDURAL ALTERNATIVE III

12.84.460 Generally

Whenever the Mayor and Common Council deem it necessary to form an improvement district within the City and to issue bonds which shall be special obligations of and be issued on behalf of such improvement district, for the acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance, operation, disposal or financing of any or all works, improvements and facilities referred to in this Chapter, they shall, by resolution, so declare the intention to form an improvement district and to issue such bonds.

(Ord. 3589, 7-06-76)

12.84.470 Contents of resolution - Intention to form district

The resolution of intention shall state that the Mayor and Common Council intend to form an improvement district of any portion of the City, which in the opinion of the Mayor

[\[Return to Municipal Code Contents\]](#)

and Common Council will be benefited by the acquisition and construction of certain improvements and to incur bonded indebtedness by the issuance of bonds on behalf of such improvement district.

(Ord. 3589, 7-06-76)

12.84.480 Resolution - Purpose of debt - Amount - Property taxable to pay debt

The resolution of intention shall also state:

- A. The purposes for which the proposed bonds are to be issued which may include any or all of the purposes stated in this Chapter;
- B. The estimated cost of the accomplishment of such purposes and the amount of bonds to be issued therefor, which may include incidental expenses, including, without limitation, engineering, appraisal, legal fees, bond counsel fees, financing consultant fees, land and rights-of-way acquisition, reserve funds and expenses of financing the district and expenses of all proceedings for the authorization, issuance and sale of the bonds or related thereto;
- C. That the bonds shall not be general obligations of the City, nor shall the credit of the City or the property or revenue of any public utility owned by the City be pledged for the payment thereof; and that the bonds shall be special obligations of and be issued on behalf of the improvement district; and whether ad valorem assessments for the payment of the interest on the bonds and the principal thereof shall be levied upon the taxable real property or upon land only in the improvement district;
- D. The maximum interest rate which the bonds may bear, payable semiannually, except that interest for the first year may be payable at the end of that year or at such time prior to the end of that year as may be determined in the resolution providing for the issuance of the bonds.

(Ord. 3589, 7-06-76)

12.84.490 Division of district into zones

If, in the judgment of the Mayor and Common Council, varying benefits will be derived by the different parcels of real property lying within the improvement district, the district may be divided into zones according to benefits.

- A. Number. The district may be divided into as many zones, up to the total number of parcels of real property in the district as may be deemed necessary, and each zone shall be composed of and include all the real property within the district which will be benefited in like manner.

[\[Return to Municipal Code Contents\]](#)

B. Percentage.

1. The Mayor and Common Council shall also determine the percentage of the sum to be raised each year by the levy and collection of the special assessment taxes in the district for the payments on the principal and interest of the bonds, which will be raised from the real property or land only, as the case may be, in each zone.
2. As an alternative, the Mayor and Common Council may determine the percentage of assessed valuation of taxable real property or land only, as the case may be, within each zone which shall be used in computing the annual rate of ad valorem assessment within the district and to which the annual rate shall be applied.

C. Resolution of Intention. When the district is divided into such zones, the resolution of intention shall so state, giving the percentages to be raised from the real property or land only, as the case may be, in each zone.

D. Designation. Each zone shall be designated by a different letter or number and shall be plainly shown on the map of the improvement district filed in the office of the City Clerk and referred to in the resolution of intention, either by separate boundaries, coloring or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of property is located.

E. Plat. It shall be sufficient in all cases where the improvement district is to be divided into such zones according to benefits if the resolution of intention states that fact and refers to the map for the boundaries and all details concerning the zones.

F. Changes in Boundaries at Hearing. At the hearing, the Mayor and Common Council may eliminate, create or alter the boundaries of proposed zones in the manner provided for the alteration of the boundaries of the proposed district.

G. Subsequent Changes in Boundaries. If the Mayor and Common Council from time to time determine that the public interest will be served thereby, they may from time to time add property to a zone or transfer property from a zone of lesser benefit to a zone of greater benefit, in the manner provided for enlarging the improvement district.

(Ord. 3589, 7-06-76)

12.84.500 Resolution - Description of improvement - Map of district - Availability for inspection

The resolution of intention shall also state that such resolution, together with a general description of the proposed improvement and a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, is on file with the City Clerk and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

(Ord. 3589, 7-06-76)

12.84.510 Resolution - Time and place of hearing - Who may be heard

The resolution of intention shall also state:

- A. The time and place for a hearing by the Mayor and Common Council on the questions of the formation and extent of the proposed improvement district, the proposed improvement, the estimated cost and the amount of bonds to be issued;
- B. That at the time and place specified in the resolution any person interested will be heard; and that any holder of title to taxable real property or land only, as the case may be, within the proposed improvement district may file with the City Clerk at any time prior to the time set for the hearing thereon written protest to the formation of the proposed improvement district.

(Ord. 3589, 7-06-76)

12.84.520 Notice of hearing - Publication - Posting - Mailing

Notice of the hearing shall be given by publishing a copy of the resolution of intention once at least ten days prior to the time fixed for the hearing in a newspaper of general circulation published in the City. Such notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed improvement district at least fifteen days before the time fixed for the hearing. Such notice shall also be given by mailing a copy of the resolution of intention at least fifteen days before the time fixed for the hearing to each holder of title to taxable real property within the proposed improvement district as such ownership is shown on the last equalized county assessment roll. The City Clerk shall cause all the above notices to be given.

(Ord. 3589, 7-06-76)

12.84.530 Hearing - Time and place - Who may appear - Continuance

At the time and place fixed in the resolution of intention, the Mayor and Common Council shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution of intention. The Mayor and Common Council shall hear and pass upon all written protests filed by the holders of title to taxable real property or land as the case may be, within the proposed improvement district. Such protests must be in writing, must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. The hearing may be continued from time to time by the Mayor and Common Council.

(Ord. 3589, 7-06-76)

12.84.540 Change in purpose of bond and amount

The Mayor and Common Council may change the purposes for which the proposed bonds are to be issued, the estimated cost, or the amount of the bonds. The Mayor and Common Council may also change the boundaries of the proposed improvement district, but not so as to include any territory which will not, in their judgment, be benefited by the proposed improvement.

(Ord. 3589, 7-06-76)

12.84.550 Notice of intention to make change - Publication - Posting - Contents

The purposes, estimated cost, or amount of bonds to be issued or the boundaries of the proposed improvement district shall not be changed by the Mayor and Common Council except after adoption by the Mayor and Common Council of a resolution declaring their intention to order changes and fixing a time and place for a hearing on the changes. The resolution shall be published, posted and mailed in the same manner as set forth in Section 12.84.480 for the original resolution of intention. The resolution shall state the purposes, estimated cost and debt as originally proposed, and as changed if such is the case, and that the exterior boundaries as originally proposed, and as changed, if such is the case, are set forth on maps on file with the City Clerk and that the map showing the boundaries as changed shall govern for all details as to the extent of the proposed improvement district.

(Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.560 Hearing on change - Who may appear - Continuance

At the time and place fixed in the resolution of intention to make changes, the Mayor and Common Council shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the matters contained in the resolution. Written protests to the proposed changes may be filed with the City Clerk by the holder of title to taxable real property or land, as the case may be, within the proposed improvement district at any time up to the hour set for hearing on the proposed changes in the same manner as set forth in Section 12.84.480 for the original resolution of intention. The hearing may be continued from time to time by the Mayor and Common Council.

(Ord. 3589, 7-06-76)

12.84.570 Protests by holders of title to one-half of value of taxable property - Resolution of necessity to incur debt - Contents

If written protests are filed by the holders of title to one-half or more of the value of the taxable real property or taxable land, as the case may be, within the proposed improvement district, as shown by the last equalized assessment roll of the county, prior to the hearing on the resolution of intention or prior to the hearing on any proposed changes with respect thereto, and, if there remain on file protests representing one-half or more of the value of such taxable real property or taxable land, as the case may be, at the time the Mayor and Common Council have concluded the hearing on the resolution of intention and any hearing on proposed changes with respect thereto, further proceedings shall not be taken, and the Mayor and Common Council shall declare the proceedings abandoned unless the protests are overruled by an affirmative vote of four-fifths of the members of the Common Council. If such protests do not remain on file at the conclusion of the hearing or hearings or if they are overruled by a four-fifths vote of the members of the Common Council, the Mayor and Common Council shall by resolution determine whether or not it is deemed necessary to form the improvement district and issue bonds which shall be special obligations of and be issued on behalf of the improvement district. If the Mayor and Common Council determine that it is necessary to form the improvement district and issue bonds, the resolution shall also state, in accordance with the prior proceedings:

- A. The purposes for which the proposed bonds are to be issued;
- B. The estimated cost of the accomplishment of such purposes and the amount of the proposed bonds;
- C. That the exterior boundaries of the portion of the City which will be benefited by the accomplishment of the purpose are set forth on a map on file with the City Clerk, which map shall govern for all details as to the extent of the improvement district;

[Return to Municipal Code Contents]

- D. That such portion of the City set forth on the map shall thereupon constitute and be known by the name designated in the resolution.

(Ord. 3589, 7-06-76)

12.84.580 Disapproval of formation resolution for determination of no benefit

If the Mayor and Common Council find and determine that the area proposed to constitute the improvement district will not be benefited thereby, the Mayor and Common Council shall by resolution disapprove the formation.

(Ord. 3589, 7-06-76)

12.84.590 Effective date of improvement district - Effect of determinations in resolution

From and after the date the Mayor and Common Council adopt the resolution forming the improvement district, the area named therein shall constitute the improvement district within the City bearing the name set forth in the resolution. The determinations made in the resolution forming the improvement district shall be final and conclusive. Any action or proceeding to attack, review, set aside, avoid the resolution, or any of the proceedings, acts, or determinations theretofore taken, done, or made pursuant to this Chapter shall not be maintained by any person unless such action or proceeding is commenced within thirty days of the adoption of such resolution. Thereafter, all persons are barred from such action or proceeding or any defense of invalidity of such resolution or of such proceedings, acts or determinations.

(Ord. 3589, 7-06-76)

12.84.600 Effect of formation on bond proceedings and tax levy

After the formation of the improvement district pursuant to this Chapter, the Mayor and Common Council may, by resolution, at such time or times as they deem proper, issue bonds on behalf of the improvement district, and thereafter all proceedings shall be limited and shall apply only to the improvement district, and assessments for the payment of the bonds and the interest thereon shall be levied upon the real property or land only, as determined in the resolution of intention, in the improvement district.

(Ord. 3589, 7-06-76)

12.84.610 Issuance of bonds by resolution

The Mayor and Common Council may, by resolution, at such time or times as they deem proper, issue bonds which shall be special obligations of and be issued on behalf of the improvement district for the whole or any part of the total amount authorized, and

[Return to Municipal Code Contents]

may from time to time provide for the issuance of such amounts as the necessity thereof may appear until the full amount of such bonds authorized has been issued.

(Ord. 3589, 7-06-76)

12.84.620 Series of bonds - Different maturity dates - Maximum term of series

The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed forty years from the date of the series.

(Ord. 3589, 7-06-76)

12.84.630 Form of bonds and coupons - Time of principal payments

The Mayor and Common Council shall, by resolution, prescribe the form of the bonds and of the coupons attached thereto, the conversion and registration privileges carried by the bonds and fix the time when the whole or any part of the principal shall become due and payable.

(Ord. 3589, 7-06-76)

12.84.640 Interest rate - Payment dates

The bonds shall bear interest at a rate or rates not to exceed the rate specified in the resolution of intention, payable semi-annually, except that interest for the first year may be payable at the end of that year or at such time prior to the end of that year as may be determined in the resolution providing for the issuance of the bonds.

(Ord. 3589, 7-06-76)

12.84.650 Call and redemption before maturity - Provision in bond

The Mayor and Common Council may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as they may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

(Ord. 3589, 7-06-76)

12.84.660 Denomination

The denomination of the bonds shall be stated in the resolution providing for their issuance.

(Ord. 3589, 7-06-76)

[\[Return to Municipal Code Contents\]](#)

12.84.670 Place of payment

The principal and interest on the bonds shall be payable in lawful money of the United States of America at the office of the Treasurer of the City or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

(Ord. 3589, 7-06-76)

12.84.680 Form of bonds - Date - Number - Signing and countersigning - Seal - Mechanical reproduction of signatures

The bonds shall be dated, numbered consecutively, signed by the Mayor and Treasurer of the City, countersigned by the City Clerk, and the official seal of the City impressed, imprinted or reproduced thereon. The interest coupons of the bonds shall be signed by the Treasurer. All such signatures and counter-signatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or counter-signatures to the bonds shall be manually affixed. Neither the Mayor, nor any members of the Common Council, nor any other officer of the City executing the bonds are liable personally thereon by reason of their issuance.

(Ord. 3589, 7-06-76)

12.84.690 Bonds of improvement districts - Statement of limitation on levy

The bonds shall be special obligations of and be issued on behalf of the improvement district, and shall be designated in accordance with the prior proceedings. Each bond shall state, in substance, that the bond is not a general obligation of the City, nor is the credit of the City or the property or revenue of any public utility owned by the City pledged for its payment; and that the bond is a special obligation of and is issued on behalf of the improvement district; and that ad valorem assessments levied for the payment of the interest thereon and principal thereof shall be levied upon the taxable real property or land only, as the case may be, in the improvement district.

(Ord. 3589, 7-06-76)

12.84.700 Payment of proceeds into City treasury - Special improvement funds - Expenditure for purpose of debt - Application of surplus on accomplishment of purpose

The proceeds from the sale of bonds, except for premium and accrued interest, if any, shall be paid into the treasury of the City, placed to the credit of a special improvement fund, debt service fund and any reserve fund, all as provided in the resolution providing for the issuance of the bonds and expended only in connection with the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys

[Return to Municipal Code Contents]

remaining in the special improvement fund may be transferred to the debt service fund to be used for the payment of principal of and interest on the bonds or to any reserve fund established therefor. Premium and accrued interest, if any, shall be paid into the treasury and placed to the credit of the fund to be used for the payment of the principal of and interest on the bonds.

(Ord. 3589, 7-06-76)

12.84.710 Interest paid from bond proceeds - Maximum limitation

Interest on the bonds coming due before the proceeds of a tax levied at the next general tax levy after the sale of the bonds are available, and/or interest on any bonds coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued, may be paid from the proceeds of the sale of the bonds as may be provided in the resolution providing for the issuance of the bonds.

(Ord. 3589, 7-06-76)

12.84.720 Bonds - Payment of principal and interest

- A. At the time of making the general tax levy after the issuance of the bonds, as may be provided in the resolution providing for the issuance of the bonds, and annually thereafter until the bonds are paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on the bonds as they become due, the Mayor and Common Council shall cause an assessment to be levied upon all real property or land only, as the case may be, in the improvement district sufficient to pay the interest on the bonds and such part of the principal as will become due before the proceeds of such an assessment levied at the next general tax levy will be available and to provide a contingency reserve for delinquencies. Such assessment shall be levied and collected at the same time as other City taxes, and shall be used only for the payment of interest on and principal of the bonds. Assessments for the payment of such bonds shall constitute a lien on all of the taxable real property within the improvement district. Such liens shall be of the same force and effect as other liens for City taxes and their collection may be enforced by the same means as provided for the enforcement of liens for City taxes.
- B. Nothing in this Article shall be deemed to prevent the Mayor and Common Council from using any lawfully available funds of the City, including, without limitation, those which are attributable to the improvement district, for payment of such principal and interest, and to the extent that such funds are in the treasury set apart for that purpose, the assessment required by this Article need not be levied. For purposes of this Article, the phrase "funds of the City which are attributable to the district includes without limitation, grants from other governmental agencies to the City on"

[\[Return to Municipal Code Contents\]](#)

behalf of the improvement district or revenues raised by operation of the facilities constructed under this Chapter within the improvement district.

(Ord. 3589, 7-06-76)

12.84.730 Annual assessments

The annual assessment provided for in this Article shall be computed on the basis of the formula set forth in the resolution of intention to form the district as originally adopted or as modified by subsequent change and modification or other proceedings conducted pursuant to this Chapter or any other law, and shall be without limitation upon the rate or period thereof. If the assessed value of any parcel of property does not appear on the tax roll, an estimated assessed value of such parcel shall be made by the Director of Development Services in consultation with the County Assessor, and such estimate shall for purposes of such ad valorem assessment be considered the assessed value of such parcel.

- A. Supplemental Advances and Levies. The provisions of Sections 8800 to 8809, inclusive of the Streets and Highways Code of the state shall apply to assessments levied hereunder.
- B. Additional Collection Provision. The provisions of Sections 8680 to 8688, inclusive, and 8830 to 8835, inclusive, of the Streets and Highways Code of the state shall apply to assessments levied hereunder.
- C. Charges. Should the Mayor and Common Council determine to prescribe, revise and collect fees, tolls, rates, rentals and other charges (other than special assessments), including but not necessarily limited to service charges and standby or maximum charges for services or facilities furnished by the district, charges for the availability of the facilities of the district regardless of whether the facilities are used or not, the same shall be done by resolution. Such charges shall be payable on a uniform and equitable basis by the owner of the property to which the facilities of the district are available, including the owners of publicly owned property. Any delinquent charges and all penalties thereon when recorded as hereinafter provided shall constitute a lien on the real property to which the facilities of the district are available (except that no such lien shall be created against any publicly owned property), and such lien shall continue until the charge and all penalties thereon are fully paid or the property sold therefor. All remedies provided for collection of due and unpaid charges which are provided in the Revenue Bond Law of 1941 of the state (commencing with Government Code Section 54300) may be exercised to enforce payment of such charges shall not be adopted until the Mayor and Common Council have given

[\[Return to Municipal Code Contents\]](#)

notice of and held a hearing thereon substantially as provided in Section 54354.5 of the Government Code, being part of the Revenue Bond Law of 1941.

(Ord. MC-1027, 9-09-98; Ord. 3603, 9-20-76; Ord. 3589, 7-06-76)

12.84.740 Exemption of residential property

Should there be included in the district property used for residential purposes, including in said term single-family and multiple-unit residential property, regardless of the zoning applicable thereto, the same shall be exempt from the assessments levied hereunder, so long as such property is lawfully used for residential purposes, upon a finding by the Mayor and Common Council that: (1) such property is lawfully used for residential purposes; and (2) such property has adequate off-street parking for the residential uses involved. Each year, at the time of levying the assessment as provided in this Chapter, such findings shall be reviewed, to the end that such exempt property will no longer be exempt and will be assessed: (1) when the use is changed from its exempt residential use; and/or (2) when the property although still devoted to the same use no longer has adequate off-street parking. Should a particular parcel of real property have another use, in addition to the residential use, only the proportionate value thereof attributable to the residential use shall be exempt.

(Ord. 3589, 7-06-76)

ARTICLE V. PROCEDURAL ALTERNATIVE IV

12.84.750 Generally

Whenever the Mayor and Common Council deem it necessary to form a parking authority (hereinafter referred to as "authority") to operate within the City, the Mayor and Common Council shall by resolution declare that there is a need for the authority to function in the City, and the authority shall have the powers, jurisdiction and authority all so now or hereafter provided in the Parking Law of 1949 (hereinafter referred to as the "1949 Act") excepting as herein otherwise provided.

(Ord. 3589, 7-06-76)

12.84.760 Issuance of bonds

The Mayor and Common Council may authorize the authority to issue revenue bonds without first submitting the question of whether the City or the authority, or both, shall be authorized to adopt the revenue bond method of financing projects provided for in this section to the electors of the City. The Mayor and Common Council shall make such authorization by ordinance. The ordinance shall describe in general terms the improvements or acquisitions to be funded by the revenue bonds and the maximum

[\[Return to Municipal Code Contents\]](#)

amount of the bonds proposed to be issued. Each such ordinance shall state that it is subject to the provisions for referendum applicable to the City.

(Ord. 3589, 7-06-76)

12.84.770 Remedies for collection

All remedies provided for collection of due and unpaid charges which are provided in the Revenue Bond Law of 1941 of the state may be exercised to enforce payment of any charges levied under this section. A resolution prescribing or revising such charges shall not be adopted until the Mayor and Common Council or the commission has given notice of and held a hearing thereon substantially as provided in Section 54354.5 of the Government Code, being part of the Revenue Bond Law of 1941.

(Ord. 3589, 7-06-76)

ARTICLE VI. PROCEDURAL ALTERNATIVE V

12.84.780 Generally

Whenever the Mayor and Common Council deem it necessary, in order to provide public off-street parking places or to otherwise perform the acts set forth in Section 12.84.020, the Mayor and Common Council shall have and may exercise all of the powers, jurisdiction and authority all as now or hereafter provided for in the Revenue Bond Law of 1941 excepting as herein otherwise provided.

(Ord. 3589, 7-06-76)

12.84.790 Issuance of bonds

The Mayor and Common Council may authorize the issuance of revenue bonds without first submitting to its qualified voters, at an election held for that purpose, the proposition of issuing bonds pursuant to the Revenue Bond Law of 1941. The Mayor and Common Council shall make such authorization by ordinance. The ordinance shall describe in general terms the improvements or acquisitions to be funded by the revenue bonds and the maximum amount of the bonds proposed to be issued. Each such ordinance shall state that it is subject to the provisions for referendum applicable to the City.

(Ord. 3589, 7-06-76)

Chapter 12.88 HANG GLIDING

Sections:

- 12.88.010 Definition - Activity restricted except in certain places**
- 12.88.020 Violation - Penalty**

12.88.010 Definition - Activity restricted except in certain places

It is unlawful for any person to engage in the activity of hang gliding in or over any place within the City limits except in those places recommended by the Director of Parks, Recreation and Community Services and approved by the Mayor and Common Council. As used in this Chapter, "hang gliding" means any activity whereby any person or persons glide, float or sail through the air in or on a hang glider. A "hang glider" means a glider, kite, hot air balloon, device or contrivance so constructed that it will carry a person on wind, air or human power.

(Ord. MC-460, 5-15-85; Ord. 3704, 2-09-78)

12.88.020 Violation - Penalty

Any person, firm or corporation violating or causing the violation of any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 3704, 2-09-78)

Chapter 12.90 ESTABLISHMENT, FINANCING AND OPERATION OF ASSESSMENT DISTRICTS

Sections:

- 12.90.010 General statement**
- 12.90.015 Landscape Maintenance Assessment District Regulations**
- 12.90.020 Provisions not exclusive**
- 12.90.030 Definitions**
- 12.90.040 Investigation and resolution**
- 12.90.050 Zones**
- 12.90.060 Changes in boundaries at hearing**
- 12.90.070 Final determination of necessity and ordering work**
- 12.90.080 Assessment financing alternatives**

[\[Return to Municipal Code Contents\]](#)

- 12.90.090 Assessment according to benefit**
- 12.90.100 Engineer's report**
- 12.90.110 General provisions**
- 12.90.120 Payment of construction assessment - Discharge of lien**
- 12.90.130 Changes**
- 12.90.140 Violation - Penalty**

12.90.010 General statement

- A. The Mayor and Common Council hereby find that in order to provide an orderly procedure for the acquisition, construction, improvement, completion, repair, management, reconstruction, administration, maintenance, operation and disposition of public property, public places and public improvements, for the collecting of assessments to pay the cost thereof, for the making of contributions therefor, and for the making of covenants and agreements with the bondholders, if any, to secure payment of such bonds, if any, it is necessary that the City exercise the powers it has by virtue of being a home rule City and to provide such a procedure. The procedure provided for herein is to be an alternative to any others provided by, under or pursuant to the Charter, ordinances, and code provisions of the City or the general laws of the State.

- B. In addition to matters specified elsewhere in this Chapter, the City is authorized to utilize assessment financing alternatives, including without limitation, the following:
 - 1. Acquire, by condemnation, purchase, gift, lease or any other means, property necessary or convenient for the improvement, including any property necessary or convenient for the opening, widening, straightening, or extending of streets or alleys necessary or convenient for the improvement.
 - 2. Improve any public places or public property within the district by the construction thereon of any improvements necessary or convenient for the purpose of the district.
 - 3. Administer, maintain, operate or repair the improvement or provide therefor.
 - 4. Collect fees or charges to pay all or any part of the cost of improving, repairing, maintaining, or operating the improvement and of acquiring and improving additional properties necessary to the improvement.
 - 5. Levy taxes and/or assessments to pay all or any part of the cost of improving, repairing, maintaining or operating the improvement and of acquiring and improving additional properties necessary to the improvement.

[\[Return to Municipal Code Contents\]](#)

6. Employ engineers, attorneys, financial consultants and other persons necessary or convenient for the doing of any act authorized by this Chapter.
7. Do all acts and things necessary or convenient for the accomplishment of the purposes of this Chapter.

(Ord. MC-150, 4-07-82)

12.90.015 Landscape Maintenance Assessment District Regulations

Within the limits of any City Landscape Maintenance Assessment District (hereinafter "Assessment District") or upon any public improvement, facility, or building located therein and owned or controlled by the City, it is unlawful for any person to:

- A. Play or practice golf or use golf clubs in any area not designated for such use;
- B. Operate any motor driven model airplane except in areas designated for such use;
- C. Operate or park any motor vehicle as defined in the California Vehicle Code within any Assessment District except upon areas designated for such use;
- D. Operate, drive, or ride upon any bicycle, unicycle, tricycle, horse or any other animal in any Assessment District except in areas designated and posted specifically for such use;
- E. Leave any garbage, trash, cans, bottles, papers or other refuse elsewhere than in the receptacle provided therefor;
- F. Discharge or shoot any firearm, air gun, slingshot, or bow and arrow except at places designated and posted specifically for such purposes;
- G. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof except a duly authorized City employee in the performance of his duty;
- H. Remove any wood, turf, grass, soil, rock, sand, gravel or landscape sprinkler system or any part thereof from any Assessment District except a duly authorized City employee in the performance of his duty;
- I. Cut, break, deface, or disturb any rock, building, cage, pen, monument, sign, fence, structure, apparatus, equipment or property, or landscape sprinkler system or any part thereof except a duly authorized City employee in the performance of his duty;

[\[Return to Municipal Code Contents\]](#)

- J. Light or maintain any fire unless such fire is lighted and maintained only in a stove or fire circle or place provided for such purpose;
- K. Throw rocks or waste matter in unauthorized places;
- L. Camp, lodge or tarry overnight unless there are set aside certain places for this purpose; the provisions of Section 12.68.020 prohibiting any person to be or remain in any public park between the hours of ten p.m. of any day to six a.m. of the next succeeding day is adopted herein by reference and hereby made applicable to Assessment Districts;
- M. Indulge in riotous, boisterous or indecent conduct; and no noisy, disorderly or offensive person shall be allowed within any Assessment District; the provisions of Chapter 9.32 prohibiting any person from drinking alcoholic beverages in a public place is adopted herein by reference.

(Ord. MC-981, 9-18-96)

12.90.020 Provisions not exclusive

The provisions of this Chapter are not exclusive. The Mayor and Common Council shall have the power to provide other procedures or to follow district procedures now or hereafter provided by general law; provided, however, that whenever the City is acting pursuant to this Chapter the provisions of this Chapter shall be controlling to the extent that they are in conflict with any of the provisions of said laws.

(Ord. MC-150, 4-07-82)

12.90.030 Definitions

Unless the particular provision or the context otherwise requires, the definitions as contained in Sections 5003 through 5024, inclusive, and Section 22531 of the Streets and Highways Code shall apply.

(Ord. MC-150, 4-07-82)

12.90.040 Investigation and resolution

- A. Before ordering any acquisitions or improvements or both, or the creation of any district pursuant hereto, where the costs of said acquisitions or improvements, construction, completion, repair, management, reconstruction, administration, maintenance, and/or operation are to be paid in whole or in part by special assessment or other special assessment taxes upon property, the Mayor and Common Council shall find that the public convenience and necessity require such acquisitions, improvements, construction, completion, repair,

[\[Return to Municipal Code Contents\]](#)

management, reconstruction, administration, maintenance and/or operation in the manner provided in Section 19, Article XVI of the California Constitution.

- B. Preliminary determination of necessity and intention to proceed: A resolution of preliminary determination of necessity and intention to proceed (hereinafter referred to as resolution of intention) shall be adopted describing in general terms, the following:
1. The intention to proceed under this Chapter.
 2. The proposed improvements, acquisition, construction, completion, repair, management, reconstruction, administration, maintenance and/or operation involved.
 3. The assessment financing alternative to be followed.
 4. The assessment benefit procedure to be followed.
 5. The estimated costs of such improvements, acquisition, construction, completion, repair, management, reconstruction, administration, maintenance or operation.
 6. The amount, based upon the estimated costs, to be assessed against each particular parcel. This requirement may be satisfied by referencing the engineer's report.
 7. The maximum number of years such assessment shall be levied.
 8. The maximum amount of bonds, if any, to be issued to finance the proposed improvements or acquisitions.
 9. Whether any ongoing management, administration, maintenance or operation of the improvement will be required.
 10. That such resolution, together with a general description of the proposed improvement and a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, is on file with the City Clerk and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.
 11. The resolution shall also state the time and place for a hearing by the Mayor and Common Council when and where any and all persons interested may appear and show cause, if any, why the Mayor and Common Council should

[\[Return to Municipal Code Contents\]](#)

not find and determine that the public convenience and necessity require the formation of the proposed improvement district and the proposed acquisitions or improvements without compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (hereinafter referred to as the "Act"); on the question of the estimated cost, the amount of bonds to be issued, if any, and the intention of the Mayor and Common Council to proceed.

12. The resolution shall also state that at the time and place specified in the resolution that any person interested will be heard; and, for the purpose of determining a majority protest, any holder of title to taxable real property within the proposed improvement district, acting individually or as part of a group, may file a protest. Any such protest must be filed in writing with the City Clerk, and shall include a description of the property in which the signer thereof is interested sufficient to identify the same. If the signers are not shown on the last equalized assessment roll as the owners of such property, such protest must be accompanied by written evidence that such signers are the owners of such property.

C. Notice of hearing. Notice of hearing as set forth in the resolution shall be given as follows:

1. By publishing a copy of the resolution of intention once at least fifteen days prior to the time fixed for the hearing in a newspaper of general circulation published in the City.
2. By posting a notice of the adoption of the resolution of intention on all open streets within the district at not more than three hundred foot intervals, but not less than three in all, on each street so posted, at least fifteen days before the time fixed for the hearing. No proceeding shall be held invalid for failure to post any street if this section has been substantially complied with. If the boundaries of the proposed assessment district include more than one-half square mile in area, posting requirements shall be satisfied by the City Clerk posting such notice conspicuously on or near the main door of the Council Chambers at least five days prior to the time fixed for the hearing. For such districts, no street posting shall be required.
3. By mailing a notice of the adoption of said resolution of intention at least fifteen days before the time fixed for the hearing to each holder of title to taxable real property within the proposed improvement district as such ownership is shown on the last equalized County assessment roll. The notices posted and mailed shall conform to Sections 5193 and 5195 respectively of the Streets and Highways Code. The City Clerk shall cause all the above notices to be given.

4. At least fifteen days before the time fixed for the hearing, the engineer shall record an Assessment District Boundary Map with the County Recorder, said map to conform to the requirements of Streets and Highways Code, Section 3110.
 5. The Mayor and Common Council may proceed without notice and hearing if, when considering passage of the resolution of intention, it is determined by at least a four-fifths affirmative vote thereof (as determined in Subsection D) that all of the owners of lots or land liable to be assessed or their bona fide agents, have signed and filled a petition requesting the formation of the district, indicate that they have no objections to the proposed work or work and acquisition, and agree as to the extent of the district to be assessed and waive notice and hearing.
 6. If the Mayor and Common Council are proceeding pursuant to Section 12.90.040 Subsection C, Paragraph 5, the Map required to be recorded pursuant to Section 12.90.040 Subsection C, Paragraph 4, shall be recorded within five days after adoption of the resolution of intention.
- D. Majority protest. The Mayor and Common Council shall set forth in the resolution of intention, the basis by which a determination shall be made whether a majority protest exists; possible bases may include, but shall not be limited to, determination based on land area, assessed valuation of real property, assessed valuation of land only or the number of property owners, or any other suitable determinant. At the time set for hearing protests the Mayor and Common Council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive. The Mayor and Common Council may adjourn the hearing from time to time. Any such protest may be withdrawn by any owner making the same, either in writing at any time prior to the conclusion of said protest hearing or any adjournment thereof, or orally on the record during a hearing. If the Mayor and Common Council find that the written protests are made by persons who represent more than fifty percent of the property to be assessed for the improvements, as determined on the basis of the determining factor announced in advance, and protests are not withdrawn so as to reduce the same to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the Mayor and Common Council on the hearing, unless the protests are overruled by action of the Mayor and Common Council. Action to overrule a majority protest shall require not less than a four-fifths affirmative vote of the Council members present and voting; for this purpose, five affirmative votes of six voting, or six affirmative votes of seven voting shall be required.

(Ord. MC-349, 3-07-84; Ord. MC-150, 4-07-82)

[\[Return to Municipal Code Contents\]](#)

12.90.050 Zones

- A. If, in the judgment of the Mayor and Common Council, varying benefits will be derived by the different parcels of real property lying within the assessment district, the district may be divided into zones according to benefits.
- B. Number. The district may be divided into as many zones, up to the total number of parcels of real property in the district, as may be deemed necessary, and each zone shall be composed of and include all the real property within the district which will be benefited in like manner.
- C. Resolution. When the district is to be divided into such zones, the resolution of intention shall so state.
- D. Designation. Each zone shall be designated by a different letter or number and shall be plainly shown on the map of the assessment district filed in the office of the City Clerk and referred to in the resolution of intention, either by separate boundaries, coloring or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of property is located.
- E. Plat. It shall be sufficient, in all cases where the improvement district is to be divided into such zones according to benefits, if the resolution of intention states that fact and refers to the map for the boundaries and all details concerning the zones.

(Ord. MC-150, 4-07-82;)

12.90.060 Changes in boundaries at hearing

- A. Based on the evidence presented during any hearing, the Mayor and Common Council may order changes in any of the matters provided in the resolution of intention, including changes in the improvements, the boundaries of the proposed assessment district and any zones therein, and the proposed diagram map or the proposed assessment. The Mayor and Common Council may, without further notice, order the exclusion of territory from the proposed district, but shall not order the inclusion of additional territory within the district except upon written request by a property owner for the inclusion of his property or upon the giving of mailed notice of hearing to property owners upon the question of the inclusion of their property in the district.
- B. Hearing. The hearing regarding majority protest shall be conducted as announced in the resolution of intention, and any protests shall be filed in the manner specified in Section 12.90.040 Subsection B, Paragraph 12.

(Ord. MC-150, 4-07-82)

[\[Return to Municipal Code Contents\]](#)

12.90.070 Final determination of necessity and ordering work

- A. If no protests are made, or if any protests shall have been heard and overruled, the Mayor and Common Council may adopt a resolution finding and determining that the public convenience and necessity require the proposed improvements and/or acquisitions, management, administration, maintenance and/or operation. Such resolution shall be referred to as "resolution ordering work". Such resolution shall determine that the Act shall not apply; shall order the work; shall direct the City Clerk to advertise for bids; and shall specify that the contract will be awarded pursuant to the standard procedures used by the City in the award of public works contracts

- B. The resolution ordering work shall be adopted by the affirmative vote of not less than four-fifths of the members of the Common Council voting thereon, as in Section 12.90.040, and any findings and determination so adopted shall be final and conclusive.

- C. Whenever the total amount bid by the lowest responsible bidder plus the estimated amount of incidental costs exceed by more than fifteen percent the engineer's estimate of cost as stated in the resolution of intention, the Mayor and Common Council shall be consulted before further action is taken. The Mayor and Common Council may thereupon order any one of the following:
 - 1. Re-advertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, or
 - 2. Terminate the proceedings; or
 - 3. Notify the property owners within the district by mail of such increase and seek guidance from affected property owners. Each affected property owner will be asked to express a preference as to:
 - a. Accepting the bid as submitted.
 - b. Rejecting the bid and re-advertising.
 - c. Terminating the proceedings.

If the proceedings are taken pursuant to Subsection C Paragraph 3 of this section, existence of a majority protest as earlier provided for will be determined; if such majority protest is determined to exist, the Mayor and Common Council shall utilize the procedures of Section 12.90.040 Subsection D herein, and proceed in accordance therewith.

(Ord. MC-150, 4-07-82)

[\[Return to Municipal Code Contents\]](#)

12.90.080 Assessment financing alternatives

The Mayor and Common Council shall determine which of various financing alternatives shall be utilized. Alternatives available include:

- A. The improvement and/or acquisition may be prefunded by the City and the assessment levied, collected and enforced in the same manner, at the same time, and with the same penalties and interest, as in the case of taxes levied for the City, to secure repayment to the City of said prefunding; or
- B. Bonds may be issued to finance the improvement and/or acquisition and the assessment may be levied, collected and enforced in the same manner, at the same time, and with the same penalties and interest, as in the case of taxes levied for the City, to pay the premium and interest, if any, due on said bonds. If this assessment financing alternative is used, the City may retain bond counsel to provide the details of the issuance and repayment of said bonds.
- C. Bonds may be issued before contracting or obtaining options for the purchase of land, property or rights-of-way to be acquired, if any, or obtaining a judgment in eminent domain for the acquisition thereof.
- D. The financing for maintenance, repair, management, reconstruction, administration or operation of the district, if any, shall be included in the assessment roll for the improvement and/or acquisition, if any, and shall be the total cost for such maintenance, repair, management, reconstruction, administration or operation as estimated by the engineer for each fiscal year in which the assessment is to be levied and collected.
- E. The provisions of Sections 8800 to 8809, inclusive, of the Streets and Highways Code shall apply to assessments levied hereunder.

(Ord. MC-150, 4-07-82)

12.90.090 Assessment according to benefit

- A. After the adoption of the resolution ordering work, the engineer shall proceed to estimate as to all lots and parcels of land within the assessment district, as shown by the diagram map, the benefits arising from such work, and to be received by each such lot or parcel of land. He shall thereupon prepare an assessment roll for submission to the Mayor and Common Council for confirmation by resolution, which assesses upon and against the lands in the assessment district the total amount of the costs and expenses of such work and/or the cost of management administration, maintenance or operation of the improvement, if any, for the first year or for the term of the assessment. Such roll shall assess the total sum upon,

[\[Return to Municipal Code Contents\]](#)

the several lots or parcels of land in the assessment district benefited thereby, in proportion to the estimated benefits to be received by each of the several lots or parcels of land within the district or within each zone included in the district, if any.

- B. Method of determining the assessment benefit. The method of determining the assessment benefit to be received by each of the said several lots or parcels of land within the district and/or zone shall be set forth in the resolution of intention, which may include but shall not be limited to, land area, assessed valuation of real property, assessed valuation of land only or number of lots or parcels.
- C. Assessment computation. The annual assessment provided for in this section shall be computed on the basis of the formula set forth in the resolution of intention originally adopted or as modified by subsequent change and modification or other proceedings conducted pursuant to this Chapter or any other law, and the limitations upon the rate or period thereof provided in the Act (as defined in Section 12.90.040 Subsection B, Paragraph 11) shall not apply. If the assessed value of any parcel of property does not appear on the tax roll, an estimated assessed value of such parcel shall be made by the Director of Development Services in consultation with the County Assessor, and such estimate shall for purposes of such ad valorem assessment be considered the assessed value of such parcel.
- D. Subsequent year assessments. Except as otherwise provided by the issuance of bonds, the cost for the improvement and/or acquisition or management, administration, maintenance or operation of the improvement, if any, for any subsequent fiscal year during which an assessment is to be levied and collected within the assessment district pursuant to this Chapter, shall be accomplished by preparing an assessment roll for submission to the Mayor and Common Council for confirmation by resolution for each fiscal year in which the assessment is to be levied and collected, and shall constitute the levy of an assessment for the fiscal year referred to in the assessment. When a bond issue funds the costs involved, such assessments shall be levied and collected as specified in the bond authorizing resolution or ordinance.

(Ord. MC-1027, 9-09-98; Ord. MC-150, 4-07-82)

12.90.100 Engineer's report

Prior to or at the time of the adoption of the resolution of intention, the engineer shall file a report with the City Clerk. When the report is filed with the City Clerk, the City Clerk shall present it to the Mayor and Common Council for consideration. The Mayor and Common Council may modify it in any respect. The report, as modified, shall stand as the report for the purpose of all subsequent proceedings except that it may be confirmed, modified or corrected as provided in this Chapter. The report shall be made available to the public for inspection and shall include, but shall not be limited to, the following:

[\[Return to Municipal Code Contents\]](#)

- A. A description of the type of improvement and/or acquisition.
- B. An estimate of the cost of the improvement, including incidental costs, and/or the cost of the acquisition, if any, and the annual costs of management, administration, maintenance or operation of the improvement, if any.
- C. A plat map indicating thereon the boundaries of the proposed assessment district.
- D. A proposed assessment roll showing the estimated individual assessments to be assessed against each parcel within the district for each year an assessment is to be levied and collected within the district.

(Ord. MC-150, 4-07-82)

12.90.110 General provisions

The following general provisions shall apply to all proceedings taken hereunder:

- A. City initiation. The City may prepare a report, adopt a resolution of intention, form an assessment district, or take any other action to provide the improvement and/or acquisition, construction, completion, repair, management, reconstruction, administration, maintenance or operation, without any petition therefor.
- B. Contributions. Notwithstanding any other provision in this Chapter, the Mayor and Common Council may provide for a contribution or contributions by the City of part of the costs and expenses of the work or may accept and provide for contribution toward the cost and expenses of any work done under this Chapter, from any funds made available for the purpose of the district by any local, state or national agency or authority, or from any other person or entity, and it shall not be necessary to set forth or give notice of such contribution in the resolution of intention or in any other proceedings under this Chapter. Such notice may be given in the discretion of the Mayor and Common Council.
- C. Lapse of time. It shall not be necessary for any specified time to elapse between the performance of acts except as otherwise required by this Chapter.
- D. Resolution sufficient. The Mayor and Common Council may act by resolution where an ordinance is specified by general law.
- E. Assessment upon public property. Whenever proceedings are to be undertaken in accordance with this Chapter, the Mayor and Common Council may provide in the resolution of intention that any real property belonging to any county, City, public agency, school board, educational, penal or reform institution or institution for the

[\[Return to Municipal Code Contents\]](#)

feeble minded or the insane shall be assessed in accordance with the provisions of Sections 5300 through 5325, inclusive, of the Streets and Highways Code.

- F. Termination upon determination of no benefit. If the Mayor and Common Council find and determine that the area proposed to constitute the assessment district will not be benefited thereby the Mayor and Common Council shall terminate the proceedings.
- G. Effective date; effect of determinations in resolution; limitation on actions. From and after the date the Mayor and Common Council adopt the resolution of intention, the area named therein shall constitute the assessment district within the City bearing the name set forth in the resolution. The determinations made in the resolution forming the assessment district shall be final and conclusive. No action or proceeding to attack, review, set aside, or void the resolution, or any of the proceedings, acts or determinations theretofore taken, done, or made pursuant to this Chapter, shall be maintained by any person unless such action or proceeding is commenced within thirty days after the adoption of such resolution. Thereafter, all such actions or proceedings, and any defense of invalidity of such resolution or of such proceedings, acts or determinations, are forever barred.
- H. Disposition of property. The Mayor and Common Council, subject to the provisions of the City Charter, may determine that any parcel of property acquired from the proceeds of the assessment district or any improvements, extensions or replacements thereof or additions thereto, are no longer needed for the purpose of the assessment district or such facilities may be otherwise better provided. Subject to the provisions of the City Charters and restrictions in the resolution providing for the issuance of any outstanding bonds, if any, relating to the facilities involved, the property may thereafter be sold, leased or otherwise disposed of, either during or after the term of the assessment or bonds and the proceeds placed in a fund as designated by the Mayor and Common Council and used for the benefit of the assessment district.
- I. Assessment roll. Except as otherwise provided by the issuance of bonds, the assessment roll shall state the amount to be assessed upon each lot or parcel of land within the district and shall refer to said lots or parcels of land by their respective County Assessor's parcel number as shown on the last equalized County assessment roll, and shall refer to the fiscal year to which it applies, and shall upon its confirmation be filed in the office of the Director of Development Services. When a bond issue funds the costs involved, such assessment roll procedures as are provided for in the bond-authorizing resolution or ordinance shall prevail.
- J. Assessment diagram map. Prior to the confirmation of the assessment roll by the Mayor and Common Council, the Engineer shall file with the City Clerk and the Director of Development Services an assessment diagram map. Upon the confirmation of

[\[Return to Municipal Code Contents\]](#)

the assessment roll, the City Clerk shall record a notice of assessment, as provided in Streets and Highways Code Section 3114. Whereupon the said assessment shall attach as a lien upon the property assessed, as provided in Streets and Highways Code Section 3115. A copy of the notice of assessment so recorded shall be published pursuant to Section 6066 of the Government Code. Notice of the recording of said assessment shall be given pursuant to the provisions of Streets and Highways Code Section 10404(a), (b) and (c) only. The diagram map shall show the following:

1. The exterior boundaries of the assessment district.
 2. The boundaries of any zones within the district.
 3. The lines and dimensions of each lot or parcel of land within the district and the relative location of the same to the work to be done. Each lot or parcel shall be identified by a distinctive number or letter.
 - a. The lines and dimensions of each lot or parcel of land shown on the diagram map shall conform to those shown on the County's Assessor's maps for the fiscal year in which the diagram map is prepared. The diagram map may refer to the County Assessor's maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps shall govern for all details concerning the lines and dimensions of such lots or parcels.
 - b. Any changes in the lines and dimensions of any lot or parcel of land shown on the diagram map so filed with the City Clerk due to any lot splits or subdivisions which may occur in subsequent years need not be changed on the diagram map; however, such changes shall be reflected in the assessment roll for each subsequent year.
- K. Dissolution of assessment district. Upon completion of the term for the collection of assessments within the district as set forth in the resolution of intention, the confirmation and collection of the final assessment, or upon adoption of a resolution dissolving the district, the district shall automatically dissolve and shall no longer be binding upon the property within the district.
- L. District not exclusive. The formation of an assessment district pursuant to this Chapter within any area of the City shall not be exclusive. The Mayor and Common Council shall have the authority to create any number of districts within the same area, subject to the provisions of this Chapter.

(Ord. MC-1027, 9-09-98; Ord. MC-150, 4-07-82)

[\[Return to Municipal Code Contents\]](#)

12.90.120 Payment of construction assessment - Discharge of lien

The owner of or any person interested in any lot or parcel of land upon which an assessment for construction has been levied under the terms of this Chapter may at any time before commencement of proceedings for sale, pay off the assessment and discharge the land involved from the lien of the assessment. The discharge may be had by paying to the Treasurer the unpaid principal sum of the assessment, with interest thereon (if any) up to the next succeeding July 1. As used in this section, "unpaid principal sum" means those installments of principal that are due to be paid at future dates through the term of the assessment. This provision shall not apply to any maintenance assessment.

(Ord. MC-150, 4-07-82)

12.90.130 Changes

Any change of work, boundaries of assessment district, amounts of assessments or proceedings taken pursuant to this Chapter after the hearing of protests on the resolution of intention shall be conducted under the provisions of Streets and Highways Code Sections 10350 through 10358.

(Ord. MC-150, 4-07-82)

12.90.140 Violation - Penalty

Any person, firm or corporation violating or causing the violation of any provision of Section 12.90.015 is guilty of an infraction or a misdemeanor, which upon conviction, thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-981, 9-18-96)

Chapter 12.92
CONSTRUCTION AND MAINTENANCE OF SIDEWALKS
CURBS AND DRIVEWAYS

Sections:

- 12.92.010 Scope and Definitions**
- 12.92.020 Adoption of State Statutes By Reference**
- 12.92.030 Duty To Remove Abandoned Driveways and Reconstruct Appurtenant Areas**
- 12.92.035 Removal of Curbs and Gutters**
- 12.92.040 Duty To Maintain and Repair Sidewalks and Curbs**
- 12.92.050 Duty to construct**
- 12.92.060 Service and Contents of Notice**
- 12.92.070 Hearing and Assessment of Costs**
- 12.92.080 (Repealed by Ord. MC-737, 7-16-90)**
- 12.92.090 Limitation of Actions**

12.92.010 Scope and definitions

- A. This Chapter shall apply to the maintenance, repair, construction, reconstruction or removal of sidewalks, gutters, pavements, driveways and curbs, the installation of storm and sanitary drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities, or curb, or all of them.
- B. This Chapter shall apply to property fronting on, or otherwise adjacent to, or in conjunction with any street, arterial or collector street section.
- C. This Chapter shall apply to driveway construction, reconstruction, or removal and curb infill in front of a vacant lot, unimproved property, or where an existing driveway no longer serves any development on a lot or property.
- D. Definitions.

As used in this Chapter:

[\[Return to Municipal Code Contents\]](#)

1. "Sidewalks or curbs" includes gutters, driveways, pavement to the center line of the street, full pavement in alleys, storm and sanitary drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, paving to provide a parking lane on arterial or collector street sections, parkway trees, and street lighting facilities.
2. "Fronting and facing" means abutting in the case of property adjoining an alley improvement. In the case of street lighting, in determining how much of the front footage of a block has been improved, the front footage of property benefiting from existing installations may be included regardless of the side of the street on which the installation has been constructed.
3. "Block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street. Street does not include an alley or other right-of-way unless it is of same width as a regular residential minimum-width street. approved as part of a master plan of circulation or streets by the City. In the case of an alley, block means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street. In the case of street lighting, block means property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right-of-way of a street and a street intersecting the side to be improved; or property facing the side of any street on which the improvement is to be constructed between the next intersecting streets on the side to be improved or between the terminus of a dedicated right of way of a street and a street intersecting the side to be improved and the property facing the opposite side of the street. Where a block exceeds 1,000 feet in length, a length of frontage of 1,000 feet constitutes a block as used in this Chapter, if so designated by the Director of Development Services. A determination by the Director of Development Services of such a 1,000-foot block establishes a block and cannot later be changed to include a portion of said 1,000-foot block in another block
4. "Driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an off street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.
5. "Cost, construction cost," or variants thereof, means and includes the actual cost of construction of the work and any incidental or administrative expenses.
6. "Superintendent of Streets" means the Director of Development Services of the City of San Bernardino or his designee.

[\[Return to Municipal Code Contents\]](#)

- E. This Chapter shall apply to the removal of existing curbs and gutters, and construction of new curbs and gutters and fill-in street paving, as required to match adjoining curb alignments, for parcels with a frontage of less than 300 feet.

(Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89; Ord. MC-796, 7-02-91)

12.92.020 Adoption of State Statutes By reference

The rules, regulations and procedures as set forth in Chapters 22, 24, and 27, of Division 7 of the California Streets and Highways Code, are hereby adopted by reference except as modified by this Chapter.

(Ord. MC-691, 12-19-89)

12.92.030 Duty to Remove Abandoned Driveways and Reconstruct Appurtenant Areas

- A. When the owners of lots or portions of lots fronting on any portion of a public street have driveways existing which no longer serve any improvements on said lot or parcel of property, the owners shall remove and eliminate the driveways and construct or reconstruct sidewalks, curbs and parkways in conformance with the remainder of the block.
- B. When the Director of Development Services finds any such abandoned driveways, the Director of Development Services shall notify the owners of the property to remove the abandoned driveways and to reconstruct the appurtenant areas.

(Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89)

12.92.035 Removal of Curbs and Gutters

- A. For any lot with a total frontage of less than 300 feet on a public street where that lot's existing curbs and gutters do not match adjoining sections, the owner of such lot shall remove the existing curbs and gutters and other appurtenant improvements in conflict and shall construct new curbs and gutters and other appurtenant improvements which are aligned with the adjoining sections. For corner lots, the parcel on the other side of the intersecting street shall be considered as an adjoining section.

These improvements will be required only if the existing dedicated right-of-way for street and highway purposes will accommodate the relocation of the curbs and gutters, except for minor amounts required to allow construction of standard handicap ramps at intersections.

[Return to Municipal Code Contents]

- B. When the Director of Development Services finds any such improvements adjoining any lots or portions of lots, that need to be widened to match adjoining sections, the Director of Development Services shall notify the owners of the property to remove the existing improvements and construct new improvements, in conformance with the remainder of the block.

(Ord. MC-1027, 9-09-98; Ord. MC-796, 7-02-91)

12.92.040 Duty To Maintain and Repair Sidewalks and Curbs

- A. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk and curb in such condition that the sidewalk and curb will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in its use.
- B. When the Director of Public Services finds any sidewalks or curbs out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in its use, the Director of Public Services shall notify the owners of the property fronting on that portion of such sidewalk or curb so out of repair, to repair the sidewalk or curb.

(Ord. MC-1274, 7-22-08; Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89)

12.92.050 Duty to Construct

- A. The owners of lots or portions of lots fronting on any public street or place when the street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the City Clerk requesting the installation of such improvements in front of said part, or whenever the City upon its own motion orders the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of sidewalks or curbs in front of their properties upon notice so to do by the City.
- B. When the Director of Development Services finds that sidewalks or curbs have been constructed in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the City Clerk requesting the installation of such improvements, or whenever the City upon its own

[\[Return to Municipal Code Contents\]](#)

motion has ordered the installation of such improvements in front of said part, said Director of Development Services shall notify the owners of the property fronting on that portion of the street in such block in which no sidewalks or curbs have been constructed theretofore, to construct or cause to be constructed sidewalks or curbs in front of their property.

(Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89)

12.92.060 Service and Contents of Notice

- A. Notice to construct, repair, maintain, remove or reconstruct sidewalks, curbs or driveways may be given by delivering a written notice personally to the owner of the property or to the person in possession of the property facing upon the sidewalks, curbs or driveways to be improved or by mailing a written notice to the owner of the property thereof at his last known address as appears on the tax assessment rolls of mailing a written notice to the owner of the property thereof at his last known address as appears on the tax assessment rolls of the County. Immediately upon mailing the notice, the property shall be posted in a conspicuous place.
- B. The notice shall particularly specify what work is required to be done, where standard construction drawings may be obtained showing how it is to be done and what materials shall be used in the construction and shall further specify that if a permit is not obtained and the construction is not commenced within sixty (60) days after notice is given and diligently and without interruption prosecuted to completion, the Director of Development Services shall cause the construction to be done, and the cost of the same shall be a lien on the property. However, upon petition by all of the affected property owners, the 60-day period may be waived and the Director of Development Services may immediately cause the construction to be done, and the cost of the same shall be a lien upon the property.
- C. The notice shall specify the day, hour and place when the Mayor and Common Council will hear objections or protests, if any, which may be raised by any property owner or other interested persons, but in no case shall such hearing be sooner than ten (10) days after giving notice. Upon the day and hour fixed for the hearing the Mayor and Common Council shall hear and pass upon objections or protests and their decision shall be final and conclusive.
- D. If the required improvements are not commenced and prosecuted to completion with due diligence as required by the notice, the Director of Development Services shall forthwith make the required improvements.

(Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89)

[\[Return to Municipal Code Contents\]](#)

12.92.070 Hearing and Assessment of Costs

- A. Upon the completion of the improvements, the Director of Development Services shall cause notice of the cost of the improvements to be given in the manner specified in Subsection 12.92.060, except for posting, said notice shall specify the day, hour and place when the Mayor and Common Council will hear and pass upon a report by the Director of Development Services of the cost of the improvements, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such improvements and any other interested persons. In no case shall the hearing provided for in this section be sooner than ten (10) days after giving of notice.
- B. The cost of the improvements may include administrative expenses required for the proper coordination and functioning of the improvements in front of the parcel as determined by the Mayor and Common Council.
- C. Upon the day and hour fixed for the hearing the Mayor and Common Council shall hear and pass upon the report of the Director of Development Services, together with any objections or protests which may be raised by any of the property owners liable to be assessed for such construction and any other interested persons. Thereupon the Mayor and Common Council may make such revision, correction or modifications in the report as it may deem just, after which, by resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The Mayor and Common Council may adjourn the hearings from time to time. The decisions of the Mayor and Common Council on all protests and objections which may be made, shall be final and conclusive.
- D. Upon confirmation of the above report, the Mayor and Common Council may order the notice of lien to be turned over to the accounting officer of the City, whereupon it shall be the duty of this officer to have the amount of the assessment added to the next regular bill for taxes levied against the lot or parcel of land. If the City taxes are collected by the county officials, the notice of lien shall be delivered to the County Auditor, who shall enter the amount thereof on the County assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the County Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization

(Ord. MC-1027, 9-09-98; Ord. MC-691, 12-19-89)

12.92.080 (Repealed by Ord. MC-737, 7-16-90)

[\[Return to Municipal Code Contents\]](#)

12.92.090 Limitation of Actions

- A. Time. No action, suit, or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts or determinations therein, or to question the validity of, or to enjoin the collection of the assessments or reassessments, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action is commenced within 30 days after the recording of the warrant, diagram and assessment or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon or of the reassessment if such is made and of bonds issued thereon.
- B. Property unlawfully dedicated or acquired. No proceedings taken or had under this division shall ever be held to be invalid on the ground that the street, right-of-way, public property or any portion thereof, upon which the work or any part thereof is or was done has not been lawfully dedicated or acquired; provided, the same is lawfully dedicated or acquired, or an order for possession prior to judgment has been obtained.

(Ord. MC-691, 12-19-89)

Chapter 12.93 CITY PARTICIPATION IN SIDEWALK/CURB REPAIR AND SEWER CONNECTION COSTS

Sections:

12.93.010 Participation by City

12.93.020 Administration

12.93.010 Participation by City

- A. Notwithstanding other provisions of this Code, the Streets and Highways Code or any other provision of law, the City, at its discretion, may contribute up to one-hundred percent (100%) of the costs to be paid by the property owner for repair or installation of sidewalk, curb, gutter, paved parkway improvements, infilling of curb depressions or driveway approaches excluding improvements projects constructed under Chapter 12.92 of the Municipal Code. The Public Services Director shall determine when to contribute up to one-hundred percent (100%) based on the cost of the repair, the ability of the property owner to pay, and the cooperation exhibited by the property owner, provided that the property owner executes and delivers to the Public Services Director a waiver and release in a form approved by the City Attorney or his/her designee. Such determination shall be subject to appeal to the Mayor and Common Council pursuant to Chapter 2.64 of this Code.

(Ord. MC-1274, 7-22-08; Ord. MC-778, 4-16-91)

[\[Return to Municipal Code Contents\]](#)

- B. Notwithstanding other provisions of this Code, the Streets and Highways Code or any other provision of law, the City, at its discretion, may waive fifty percent (50%) of the installation costs to be paid by the property owner for connection of the sewer line from the lateral to the property line for an existing owner-occupied single family residence when installed by the Public Services Department. The Public Services Director shall determine when to waive the fifty percent (50%) based on the cost of the installation, the ability of the property owner to pay and the length of time the owners of the property have paid a monthly sewer service charge, provided that the property owner executes and delivers to the Public Services Director a waiver and release in a form approved by the City Attorney or his/her designee. Such determination shall be subject to appeal to the Mayor and Common Council pursuant to Chapter 2.64 of this Code.

(Ord. MC-1274, 7-22-08; Ord. MC-737, 7-16-90)

12.93.020 Administration

The Director of Public Services may promulgate written procedures, regulations, guidelines and fees pertaining to the implementation of this chapter. Such procedures, regulations, guidelines and fees shall not become effective until approved by resolution by the Mayor and Common Council.

(Ord. MC-737, 7-16-90)

Chapter 12.94 IMPROVEMENT DISTRICTS

Sections:

- 12.94.010 Definitions**
- 12.94.020 Issuance of bonds - Administrative fee**
- 12.94.030 Advance of estimated costs -
Reimbursement of expense - surplus**

12.94.010 Definitions

- A. "Improvement District" means any assessment district created by action of the Mayor and Common Council for the purpose of funding curbs, gutters, streets, storm sewers, sanitary sewers, water mains and other public improvements necessary or convenient for the purpose of the district being formed. Public improvements shall include, but shall not be limited to, those itemized in Streets and Highways Code Sections 5101, 8570, and 10100.

[\[Return to Municipal Code Contents\]](#)

- B. "Developer-requested improvement district" means any improvement district where a developer representing a majority in interest of the owners of the land affected requests that the City form such district to enable such owners to develop a new subdivision or parcel map of any type or undertake enlargement, development, expansion or change of use of existing commercial or industrial development. Whether a particular developer represents a majority in interest of the owner shall be determined by the Director of Development Services.
- C. "1911 Act" refers to "The Improvement Act of 1911", Streets and Highways Code, Division 7, being Section 5000, et seq.
- D. "1913 Act" refers to "The Municipal Improvement Act of 1913", Streets and Highways Code, Division 12, Section 10000, et seq.
- E. "1915 Act" refers to "The Improvement Bond Act of 1915", Streets and Highways Code, Division 10, being Section 8500, et seq.

(Ord. MC-1027, 9-09-98; Ord. MC-149, 4-07-82)

12.94.020 Issuance of bonds - Administrative fee

For any developer-requested improvement district in which the improvements are to be financed by issuance of assessment district bonds, bonds may be authorized and issued by authority of the Mayor and Common Council under the provisions of the 1911 Act, the 1913 Act, the 1915 Act, or any other state law or any ordinance or provision of the San Bernardino Municipal Code, as the Mayor and Common Council may determine. For any such issuance, an administrative fee of one percent of the total bond issue shall be paid to the City's Assessment District Reserve Fund to be used exclusively for the financing of assessment districts as authorized by the Mayor and Common Council. Such fee shall be paid out of the proceeds of the sale of the bonds, and shall be in addition to any other applicable fees, charges or incidental expenses.

(Ord. MC-467, 7-16-85; Ord. MC-149, 4-07-82)

12.94.030 Advance of estimated costs - Reimbursement of expenses of surplus

Prior to the adoption of a resolution of intention relative to any developer requested improvement district, the developer representing the owner or owners of the property therein shall advance to the City the estimated costs of organizing, engineering and developing the proposed assessment district, in such amount and payable at such times as the Director of Development Services shall designate. Such advancement of funds shall be utilized solely for the expenses of organizing, engineering and developing the proposal for such district. In the event the district fails at the public hearing or is otherwise terminated for any reason, or the bonds are not sold, such portion of the advancement

[Return to Municipal Code Contents]

representing actual costs to the City in preparing for such improvement district, including administrative costs, shall be held by the City, as reimbursement for such expense, and any surplus remaining shall be returned to the person or persons depositing such funds. If the improvement district is finalized and bonds are sold, the expenses shall be reimbursed to the City from bond proceeds; and the entire amount deposited shall be returned to the person or persons depositing such funds.

(Ord. MC-1027, 9-09-98; Ord. MC-149, 4-07-82)

Chapter 12.95

SUBSTANDARD DRIVEWAY APPROACHES

Sections:

12.95.010 Substandard Driveway Approaches: City Participation

12.95.020 Eligible Projects

12.95.030 Work Performed

12.95.010. Substandard Driveway Approaches: City Participation

Notwithstanding other provisions of this Code, the Streets and Highways Code or any other provision of law, the City, at its discretion, may contribute fifty percent (50%) of the cost incurred for removal and reconstruction of substandard driveway approaches as provided in this Chapter.

(Ord. MC-854, 11-17-92)

12.95.020. Eligible Projects

Eligible projects for City participation of one-half the cost shall be only those driveway approaches which exit onto arterial or collector streets and which have been found by the Director of Development Services to not be in accordance with the Department of Development Services' Standard Drawing No. 203.

(Ord. MC-1027, 9-09-98; Ord. MC-854, 11-17-92)

12.95.030 Work Performed

The work hereunder may be performed by a private contractor engaged by the property owner or, by the City, at the discretion of the Director of Development Services and following application to the Development Services Department for participation in the program.

- (a) An application for work to be performed may be initiated by either the City or the property owner.

[\[Return to Municipal Code Contents\]](#)

- (b) Applications, outlining the work to be performed shall be completed on forms to be provided by the Development Services Department.
- (c) The Director of Development Services, upon finding that an application is consistent with the intent of this Chapter, shall have an inspection made of the project; estimate the cost of the work; and advise the property owner of the dollar amount of the City's one-half contribution.
- (d) If the Director of Development Services makes a determination that the City shall perform the work, the property owner shall deposit the sum determined pursuant to (a) above with the Development Services Department, prior to the work being performed. The Director of Development Services shall determine time frame for such payment and if the property owner shall have not made such deposit, within such time frame then that property shall be dropped from the project.
- (e) If the Director of Development Services makes a determination that the property owner may perform the work, then the property owner or his/her private contractor must obtain a no cost Public Works construction permit. Following final inspection and approval of the work by the City, and upon the presentation of receipted bills or invoices, the Director of Development Services shall authorize 50% of the actual cost of the project, or the sum determined pursuant to (c) above, whichever is less, to be paid to the property owner.
- (f) The Director of Development Services may initiate the removal and reconstruction hereunder by mailing a letter to the property owner advising of the City's participation program and enclosing an application form. In the event a property owner fails to respond or declines to participate in the program within 15 days after the date of the notice, all proceedings will terminate.
- (g) Any unforeseen necessary extra work which may arise during such removal and reconstruction or caused by such removal and reconstruction shall be shared equally by the property owner and the City.

(Ord. MC-1027, 9-09-98; Ord. MC-854, 11-17-92)

Chapter 12.96
INSTALLATION AND MAINTENANCE OF LANDSCAPED FRONTAGES ON
CITY RIGHTS-OF-WAY AND WITHIN THE BUILDING SET-BACK AREA
UP TO A MAXIMUM OF TWENTY (20') FEET

Sections:

- 12.96.010 Scope and Definitions**
- 12.96.030 Participation by Property Owners**
- 12.96.040 Participation by City**
- 12.96.050 Duty to Install Landscaping**
- 12.96.060 Duty to Maintain and Repair After Installation**
- 12.96.070 Service And Contents of Notice to Maintain After Installation**
- 12.96.080 Hearing and Assessment of Costs**
- 12.96.090 Limitation of Actions**

12.96.010 Scope and Definitions

- A. This Chapter shall apply to the installation and maintenance of landscaping in front of properties in any specified block where frontages do not have landscaping which complies with City standards and development codes and provides for City participation with property owners for sharing the costs of installation on that portion of the property fronting on the right-of-way and the building set-back area up to a maximum of twenty (20) feet.
- B. This Chapter shall apply to a lot or property fronting on, or otherwise adjacent to, or in conjunction with specified street, arterial or collector street section or specified commercial zones as listed in the procedure resolution.
- C. Definitions.

As used in this Chapter:

- 1. "Frontages" means all the property within the City rights-of-way and the building set-back up to a maximum of twenty (20) feet fronting and facing the streets and arterials in specified locations and commercial zones in the City of San Bernardino.
- 2. "Cost", "installation cost", or variants thereof means and includes the actual cost of installation and/or maintenance of the landscaping and any incidental or administrative expenses.

[\[Return to Municipal Code Contents\]](#)

3. Director of Parks, Recreation and Community Services Department or designee shall be responsible for review and approval of landscape development plans and specifications and final inspection after completion of construction phase.

(Ord. MC-786, 5-21-91)

12.96.030 Participation by Property Owners

- A. When the owners of lots or portions of lots fronting on any portion of a public street have frontages existing which do not meet City codes and standards for landscape improvements on said lot or parcel of property, the owners may apply for City cost sharing assistance to install landscaping in conformance with the remainder of the block and in compliance with City approved plans and specifications.
- B. After applications for assistance and the Agreement for joint City property owner participation are approved, the Director of Development Services shall notify the property owner to prepare landscape plans for approval and upon approval of plans to cause landscaping to be installed on the frontages. Landscape plans shall be reviewed and approved by the Director of Parks, Recreation and Community Services Department prior to commencement of landscape installation.

(Ord. MC-1027, 9-09-98; Ord. MC-786, 5-21-91)

12.96.040 Participation by City

Notwithstanding other provisions of this Chapter or any other provision of law, the City may pay ½ of the cost of construction of landscaping located on the right-of-way and within the building set-back area up to a maximum of twenty (20) feet, at the discretion of the Development Services Director. The Development Services Director shall make such determination based on the cost of the construction, the ability of the property owner to pay and the cooperation exhibited by the property owner. Such determination shall be subject to appeal to the Mayor and Common Council pursuant to Chapter 2.64 of this Code.

(Ord. MC-1027, 9-09-98; Ord. MC-786, 5-21-91)

12.96.050 Duty to Install Landscaping

The owners of lots or portions of lots fronting on the City rights-of-way in the specified areas whenever the City has approved the application and signed the agreement to pay the 50% portion of the costs of the installation of such landscape improvements in front of said part, shall have the duty of installation or causing the installation of landscaping in front of their properties upon notice so to do by the City.

(Ord. MC-786, 5-21-91)

[\[Return to Municipal Code Contents\]](#)

12.96.060 Duty to Maintain and Repair After Installation

- A. The owners of lots or portions of lots fronting on any portion of the public right-of-way on the specified streets and arterials or in the specified commercial zones shall after such property is improved, maintain that property in accordance with established City standards and in such condition that the improved area will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in its use.

- B. When the Director of Development Services finds any landscaped frontages which are not being maintained up to City maintenance standards or which are in condition to endanger persons or property or in condition to interfere with the public convenience in its use, the Director of Development Services shall notify the owners of the property fronting on that portion of such rights-of-way to perform maintenance of the landscaped frontages.

(Ord. MC-1027, 9-09-98; Ord. MC-786, 5-21-91)

12.96.070 Service And Contents of Notice to Maintain After Installation

- A. Notice to repair or maintain landscaping and appurtenant areas may be given by delivering a written notice personally to the owner of the property or to the person in possession of the property facing upon the City rights-of-way to be maintained or by mailing a written notice to the owner of the property thereof at his last known address as appears on the tax assessment rolls of the County. Immediately upon mailing the notice, the property shall be posted in a conspicuous place.

- B. The notice shall particularly specify what work is required to be done, where standard landscape maintenance requirements may be obtained showing how it is to be done and what materials and plants shall be used in the maintenance improvements and shall further specify that if the maintenance is not commenced within thirty (30) days after notice is given and diligently and without interruption prosecuted to completion, the Director of Development Services shall cause the maintenance to be done, and the cost of same shall be billed to the property owner. Failure to pay invoices for landscape maintenance within thirty (30) days shall result in a lien on the property.

- C. The notice shall specify the day, hour and place when the Mayor and Common Council will hear objections or protests, if any, which may be raised by any property owner or other interested persons, but in no case shall such hearing be sooner than ten (10) days after giving notice. Upon the day and hour fixed for the hearing, the Mayor and Common Council shall hear and pass upon objections or protests and their decision shall be final and conclusive.

- D. If the required maintenance improvements are not commenced and prosecuted to completion with due diligence as required by the notice, the Director of Development Services shall forthwith make the required improvements.

(Ord. MC-1027, 9-09-98; Ord. MC-786, 5-21-91)

12.96.080 Hearing and Assessment of Costs

- A. Upon the completion of the maintenance improvements, the Director of Development Services shall cause notice of the cost of the maintenance improvements to be given in the manner specified in Subsection 12.96.060, except for posting, said notice shall specify the day, hour and place when the Mayor and Common Council will hear and pass upon a report by the Director of Development Services of the cost of the improvements, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such maintenance improvements and any other interested persons. In no case shall the hearing provided for in this section be sooner than ten (10) days after giving of notice.
- B. The cost of the maintenance improvements may include administrative expenses required for the proper coordination and functioning of the maintenance improvements in front of the parcel as determined by the Mayor and Common Council.
- C. Upon the day and hour fixed for the hearing the Mayor and Common Council shall hear and pass upon the report of the Director of Development Services, together with any objections or protests which may be raised by any of the property owners liable to be assessed for such maintenance improvements and any other interested persons. Thereupon the Mayor and Common Council may make such revision, correction or modifications in the report as it may deem just, after which, by resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The Mayor and Common Council may adjourn the hearings from time to time. The decisions of the Mayor and Common Council on all protests and objections which may be made, shall be final and conclusive.
- D. Upon confirmation of the above report, the Mayor and Common Council may order the notice of lien to be turned over to the accounting officer of the City, whereupon it shall be the duty of this officer to have the amount of the assessment added to the next regular bill for taxes levied against the lot or parcel of land. If the City taxes are collected by the County officials, the notice of lien shall be delivered to the County Auditor, who shall enter the amount thereof on the County assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be

[\[Return to Municipal Code Contents\]](#)

delivered to the County auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

(Ord. MC-1027, 9-09-98; Ord. MC-786, 5-21-91)

12.96.090 Limitation of Actions

- A. Time. No action, suit, or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts or determinations therein, or to question the validity of, or to enjoin the collection of the assessments or reassessments or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action is commenced within 30 days after the recording of the warrant, diagram and assessment or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon.

- B. Property Unlawfully Dedicated or Acquired. No proceedings taken or had under this provision shall ever be held to be invalid on the ground that the street right-of-way, public property or any portion thereof upon which the work or any part thereof is or was done has not been lawfully dedicated or acquired; provided, the same is lawfully dedicated or acquired, or an order for possession prior to judgment has been obtained.

(Ord. MC-786, 5-21-91)

Chapter 12.98 CAMPING ON PUBLIC STREETS AND PARKS

Sections

- 12.98.010 Purpose**
- 12.98.020 Definitions**
- 12.98.030 Unlawful camping**
- 12.98.040 Storage of personal property in public places**

12.98.010 Purpose

The public streets and areas within the City of San Bernardino should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for the purposes for which they were intended. The purpose of this Chapter is to maintain public streets and areas within the City of San Bernardino in a clean and accessible condition.

(Ord. MC-945, 6-20-95)

[\[Return to Municipal Code Contents\]](#)

12.98.020 Definitions

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

- (a) "Camp" means to pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- (b) "Camp facilities" include, but are not limited to, tents, huts, or temporary shelters.
- (c) "Camp paraphernalia" includes, but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or non-City designated cooking facilities and similar equipment.
- (d) "Park" means the same as defined in Section 12.80.020 of this Code.
- (e) "Store" means to put aside or accumulate for use when needed, to put aside for safekeeping, to place or leave in a location.
- (f) "Street" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular and/or pedestrian travel.

"Street" includes highways.

(Ord. MC-945, 6-20-95)

12.98.030 Unlawful camping

It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided:

- (a) any street;
- (b) any public parking lot or public area, improved or unimproved;
- (c) any park.

(Ord. MC-945, 6-20-95)

12.98.040 Storage of personal property in public places

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided:

- (a) any street;
- (b) any public parking lot or public area, improved or unimproved;
- (c) any park.

(Ord. MC-945, 6-20-95)

Title 13 PUBLIC UTILITIES

Chapters:

- 13.04 Wells
- 13.08 Connection with Public Sewer
- 13.12 Cross-connections and Backflow Prevention Devices
- 13.16 (Repealed by Ord. MC-950, 8-22-95)
- 13.20 Geothermal Resources
- 13.24 Water Supply System
- 13.25 Spreading or Extraction Within The Management Zone
- 13.28 Collection of Delinquent Water, Rubbish, Sewer or Other
Municipal Utility Charges
- 13.32 Wastewater Facilities
- 13.36 Underground Utilities

Chapter 13.04 WELLS

Sections:

- 13.04.010 Measurement of water - Records required
- 13.04.020 Record of wells that have been bored
- 13.04.030 Record keeping requirement

13.04.010 Measurement of water - Records required

It shall be the duty of the Board of Water Commissioners of the City to cause measurements to be taken of all water naturally flowing out of the San Bernardino artesian basin and also of all water artificially taken and transported out of the San Bernardino artesian basin or any of its tributaries; to cause measurements to be taken of the flow of water from artesian wells in the San Bernardino artesian basin and also the depth to water in such wells that do not naturally flow to the surface of the ground; to cause to be taken measurements of the pressure of water at the surface of the ground flowing from artesian wells in the San Bernardino artesian basin; to cause to be taken measurements of all water used in the water system of the City; to keep a record, in the office of such commissioners, of all measurements of water and water pressure herein-before referred to, and also to keep a book in which all persons employed in or engaged in taking any of such measurements shall record a true copy of such measurements and the person so taking such measurements shall be required in such book to state the time of taking such measurement and by some proper designation the place of such measurement and when so recorded, the person shall sign his name to such record.

(Ord. 677, 6-01-1917)

[\[Return to Municipal Code Contents\]](#)

13.04.020 Record of wells that have been bored

The Board of Water Commissioners of the City shall procure and cause to be recorded in a proper book a true and correct log of all wells that have been bored in the San Bernardino valley subsequent to the first day of August, 1916, or that may hereafter be bored therein.

(Ord. 677, 6-01-1917)

13.04.030 Record keeping requirement

The Board of Water Commissioners of the City is authorized and directed to procure such books necessary to preserve the records herein required of them to be taken and kept and to do all other things and to make such rules and regulations necessary and proper to carry this Chapter into effect in order to preserve a true record of all the matters herein referred to and in order to be fully advised as to the condition of the water level and the flow and pressure of water from and in wells within the San Bernardino artesian basin, and also to preserve a true and correct record of the quantity of water being taken from said basin and conveyed to lands not overlying the same, as well as a true and correct record of all of the other matters hereinbefore referred to. The measurements and other things herein provided to be taken and done shall be taken and done at such time and in such manner as the Board of Water Commissioners shall from time to time direct.

(Ord. 677, 6-01-1917)

Chapter 13.08 CONNECTION WITH PUBLIC SEWER¹

Sections:

- 13.08.010 Regulation of Wastewater Connections by the Water Board**
- 13.08.020 Inoperative Private Sewer Laterals**
- 13.08.030 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.040 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.050 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.055 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.060 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.070 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.080 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.090 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.100 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.105 (eliminated by Ord. MC-1562, 9-15-21)**
- 13.08.110 (eliminated by Ord. MC-1562, 9-15-21)**

13.08.010 Regulation of Wastewater Connections by the Water Board

In accordance with Section 603 of the City Charter, the Water Board shall be responsible for oversight and management of the City's wastewater collection system, including the regulation of connections. Any rules or regulations promulgated by the Water Board in connection with its powers under Section 603 of the City Charter may be enforced as laws of the City in accordance with Chapter 2.28 of this Municipal Code.

(Ord. MC-1562, 9-15-21; Ord. 3407, 3-06-74; Ord. 2158, 2-11-57)

13.08.020 Inoperative Private Sewer Laterals

Inoperative private sewer laterals shall be maintained in good condition (and free of defects). Inoperative private sewer laterals constituting a "nuisance", as that term is defined in California Health and Safety Code section 5410, shall be subject to the regulations outlined by Health and Safety Code sections 5410 through 5416 and such regulations shall be enforced by the City's Public Works Department."

(Ord. MC-1562, 9-15-21; Ord. 3835, 6-19-79; Ord. 2158, 2-11-57)

13.08.030 - 13.08.110 (eliminated by Ord. MC-1562, 9-15-21)

¹For statutory provisions on sewers, see Health and Saf. Code §5400 et seq.; for provisions authorizing cities to construct sewers, see Gov. Code §38900.

Chapter 13.12
CROSS-CONNECTIONS AND BACKFLOW PREVENTION DEVICES

Sections:

- 13.12.010 Compliance with Chapter and other laws.**
- 13.12.020 Test and report of check valves, pressure vacuum breakers or backflow prevention devices.**
- 13.12.030 Administration.**
- 13.12.040 Violation - Penalty.**

13.12.010 Compliance with Chapter and other laws

It is unlawful for any person to install, maintain or allow to exist, or to fail, neglect or refuse to comply with a notice correction of any cross-connection, which is not in compliance with the provision of this Chapter, the Uniform Plumbing Code, latest adopted edition, the California Administrative Code, and other laws relating to cross-connections and backflow prevention devices. A finding by the Water Department of the City or the county health officer that a cross-connection does or may contaminate water for drinking or domestic purposes shall be prima facie evidence of a violation of this Chapter.

(Ord. 3007, 8-19-69; Ord. 2168, 5-07-57)

13.12.020 Test and report of check valves, pressure vacuum breakers or backflow prevention devices

No person shall fail, refuse or neglect to test and report to the Water Department or health officer on the condition of all check valves, double-check valves, pressure vacuum breakers or backflow prevention devices installed to prevent contamination or pollution of drinking water systems. Such tests, maintenance and reports shall be as required by rules adopted by the Water Commissioners and by Section 13.12.010.

(Ord. 3007, 8-19-69; Ord. 2168, 5-07-57)

13.12.030 Administration

The agency responsible for the enforcement of this Chapter shall be the Water Department of the City.

(Ord. 3007, 8-19-69; Ord. 2168, 5-07-57)

13.12.040 Violation - Penalty

Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by

[Return to Municipal Code Contents]

a fine of not to exceed five hundred dollars, or by imprisonment in the San Bernardino City jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

(Ord. 2168, 5-07-57)

Chapter 13.16
(Repealed by Ord. MC-950, 8-22-95)

Chapter 13.20
GEOTHERMAL RESOURCES

ARTICLE I. GENERAL ADMINISTRATIVE PROVISIONS

Sections:

- 13.20.010 Purpose**
- 13.20.020 Scope**
- 13.20.030 Definitions**
- 13.20.035 Altering**
- 13.20.040 Applicant**
- 13.20.045 Artesian flow**
- 13.20.050 Artesian well**
- 13.20.055 Board**
- 13.20.060 BTU**
- 13.20.065 By-product**
- 13.20.070 City**
- 13.20.075 Constructing**
- 13.20.080 Council**
- 13.20.085 Department**
- 13.20.090 Drilling a well**
- 13.20.095 Drilling Site**
- 13.20.100 Franchise**
- 13.20.105 General Manager**
- 13.20.110 Geothermal Data Center**
- 13.20.115 Geothermal facility**
- 13.20.120 Geothermal fluid**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 13 Contents\]](#)

- 13.20.125 Geothermal heat
- 13.20.130 Geothermal resources
- 13.20.135 Ground water
- 13.20.140 Heat rate
- 13.20.145 Heating service
- 13.20.150 Inhabitant
- 13.20.155 Injection well
- 13.20.160 Owner
- 13.20.165 Person
- 13.20.170 Pollution
- 13.20.175 Prospect well
- 13.20.180 Secondary use
- 13.20.185 Service
- 13.20.190 Service connection
- 13.20.195 Therm
- 13.20.200 Thermal ground water
- 13.20.205 Underground reservoir
- 13.20.210 User
- 13.20.215 User service pipeline
- 13.20.220 Water well contractor and drilling machine operator
- 13.20.225 Well
- 13.20.230 Well drilling machine
- 13.20.240 Rates, fees and charges
- 13.20.250 Service map - Adoption of standards
- 13.20.260 Conformity with General Plan and other ordinances
- 13.20.270 Appeal of administrative decisions

ARTICLE II. CITY HEATING SERVICE

Sections:

- 13.20.280 Administrative organizations and principal functions
- 13.20.290 Boundary
- 13.20.300 Finances
- 13.20.310 Authorized facilities and other heat sources
- 13.20.320 Improvement procedures
- 13.20.330 Service connection procedures
- 13.20.340 User service procedures
- 13.20.350 Terms and conditions of heating service

[\[Return to Municipal Code Contents\]](#)

ARTICLE III. GEOTHERMAL AND GROUND WATER RESERVOIR MANAGEMENT

Sections:

- 13.20.360 Reservoir management policy**
- 13.20.370 Existing wells**
- 13.20.380 New wells**
- 13.20.390 Injection wells**
- 13.20.400 Resource data collection**
- 13.20.410 City inspection and monitoring of wells
and geothermal facilities**
- 13.20.420 Wasteful or defective wells - Repair - Violation**

ARTICLE IV. PRIVATE HEATING SERVICES

- 13.20.430 Establishment, services, and conditions**

ARTICLE V. ENFORCEMENT

- 13.20.440 Enforcement**

ARTICLE I. GENERAL ADMINISTRATIVE PROVISIONS

13.20.010 Purpose

The purpose of this Chapter is to provide comprehensive management of the geothermal resources and thermal ground waters within and adjacent to the City of San Bernardino. In furtherance of this overall purpose, this Chapter is specifically intended to serve the following sub-purposes:

- A. Conservation and beneficial management of geothermal resources and thermal ground waters in a comprehensive and coordinated manner, so as to assure their continued availability and productivity;
- B. Continued technical assistance for individual private geothermal resource and thermal ground water uses, including residential, commercial, and industrial activities;

[\[Return to Municipal Code Contents\]](#)

- C. Maximization of the public welfare and economic benefit to be derived from geothermal resources and thermal ground waters, by extending their availability throughout the City and elsewhere as much as practical with City and private heating services;
- D. Minimization of the potential for damage or degradation to geothermal resources and thermal ground waters;
- E. Protection of the surface and subsurface environment during development and utilization of geothermal resources and thermal ground waters;
- F. Advancement of the scientific study of geothermal resources and thermal ground waters, through the collection and dissemination of resource data and the demonstration of geothermal technologies;
- G. Implementation of the City's General Plan and its goals and policies for geothermal development and utilization;
- H. Implementation of the authority and provisions of Section 40, Subsection (u) of the Charter of the City of San Bernardino, and any amendments thereto; and coordinated with the provisions of Division 3 and Division 6 of the Public Resources Code, and any amendments thereto.

(Ord. MC-298, 8-17-83)

13.20.020 Scope

This Chapter includes general provisions for administration of this Chapter; the establishment of, and operating measures for, a City-owned and operated geothermal district heating service in the City and elsewhere; the establishment of geothermal and thermal ground water reservoir management procedures; and authorization for certain private geothermal heating services which will operate independently of the City's heating service.

(Ord. MC-298, 8-17-83)

13.20.030 Definitions

For the purpose of carrying out the intent of this Chapter, the words, phrases and terms set forth in this Chapter shall be deemed to have the meaning ascribed to them in Sections 13.20.035 through 13.20.230.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.035 Altering

"Altering" means the deepening, recasing, perforating, reperforating, installation of packers or seals and other material changes in the design of a well.

(Ord. MC-298, 8-17-83)

13.20.040 Applicant

"Applicant" means the person making application for a geothermal heating connection or geothermal heating service from the City under the provisions of this Chapter.

(Ord. MC-298, 8-17-83)

13.20.045 Artesian flow

"Artesian flow" means that water discharging to the natural ground surface if the flow is unrestricted.

(Ord. MC-298, 8-17-83)

13.20.050 Artesian well

"Artesian well" means a well taking water from an aquifer holding water under pressure greater than atmospheric pressure, which causes the water to seek a static level above the wells juncture with the aquifer.

(Ord. MC-298, 8-17-83)

13.20.055 Board

"Board" means the Board of Water Commissioners of the City of San Bernardino.

(Ord. MC-298, 8-17-83)

13.20.060 BTU

"BTU" means British thermal unit.

(Ord. MC-298, 8-17-83)

13.20.065 By-product

"By-product" means any mineral or minerals, exclusive of oil, hydrocarbon gas, helium or other hydrocarbon substances, which are found in solution or in association with geothermal resources, and which have a value of less than seventy-five percent of

[Return to Municipal Code Contents]

the value of geothermal resources or are not, because of quantity, quality or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves.

(Ord. MC-298, 8-17-83)

13.20.070 City

"City" means the City of San Bernardino.

(Ord. MC-298, 8-17-83)

13.20.075 Constructing

"Constructing" means the boring, digging, drilling, or excavating of a well, including the installation of casing or well screens.

(Ord. MC-298, 8-17-83)

13.20.080 Council

"Council" means the Mayor and Common Council of the City of San Bernardino, sometimes called "Common Council".

(Ord. MC-298, 8-17-83)

13.20.085 Department

"Department" means the Water Department of the City of San Bernardino.

(Ord. MC-298, 8-17-83)

13.20.090 Drilling a well

"Drilling a well" means the drilling, re-drilling, or deepening of a well.

(Ord. MC-298, 8-17-83)

13.20.095 Drilling site

"Drilling site" means any site where drilling operations will be, are being, or have been undertaken to construct or alter a well.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.100 Franchise

"Franchise" means an agreement granting a land developer authorization to construct, operate, and maintain a private heating service.

(Ord. MC-298, 8-17-83)

13.20.105 General Manager

"General Manager" means manager of the Water Department of the City, or the manager's authorized representative, sometimes referred to herein as "Manager".

(Ord. MC-298, 8-17-83)

13.20.110 Geothermal Data Center

"Geothermal Data Center" means the City office which acts as a geothermal information clearing house and data repository and is maintained in the Water Department.

(Ord. MC-298, 8-17-83)

13.20.115 Geothermal facility

"Geothermal facility" means any space or process, heating or cooling, apparatus or system used to pump, convey, or transport geothermal resources or thermal ground water, including but not limited to, ground water heat pumps, fluid heat exchangers, well and circulating pumps, pipelines, valves, fittings, or controls.

(Ord. MC-298, 8-17-83)

13.20.120 Geothermal fluid

"Geothermal fluid" means any fluid transporting or capable of transporting geothermal heat.

(Ord. MC-298, 8-17-83)

13.20.125 Geothermal heat

"Geothermal heat" means heat derived from geothermal resources.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.130 Geothermal resources

"Geothermal resources" means the natural heat of the earth and the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of oil, hydrocarbon gas, helium or other hydrocarbon substances, but including specifically:

- A. All products of geothermal processes, embracing indigenous steam, hot water, and hot brines;
- B. Steam and gases, hot water, and hot brines resulting from water, gas or other fluids artificially introduced into geothermal formations;
- C. Heat or other associated energy found in geothermal formations; and
- D. Any by-product derived from them.

(Ord. MC-298, 8-17-83)

13.20.135 Ground water

"Ground water" means any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves.

(Ord. MC-298, 8-17-83)

13.20.140 Heat rate

"Heat rate" means the user fee schedule charged by the City for geothermal heat according to a rate schedule adopted by a resolution of the Board.

(Ord. MC-298, 8-17-83)

13.20.145 Heating service

"Heating service" means the provision of geothermal heat by the City to a user pursuant to the City Charter, and any amendment thereto, and the provisions of Article II of this Chapter.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.150 Inhabitant

"Inhabitant" means businesses and persons within the City.

(Ord. MC-298, 8-17-83)

13.20.155 Injection well

"Injection well" means any well or converted well constructed to dispose of geothermal fluids or ground water into an underground reservoir.

(Ord. MC-298, 8-17-83)

13.20.160 Owner

"Owner" means the holder of the record title to real property or the vendee under a recorded land sale contract or any lessee having a long-term leasehold interest in the property.

(Ord. MC-298, 8-17-83)

13.20.165 Person

"Person" means an individual person, firm, partnership, association, social or fraternal organization, corporation, nonprofit corporation, trust, estate, receiver, syndicate, branch of government, or similar entities, any group or combination acting as a unit, or the successors or assigns of any of the aforesaid.

(Ord. MC-298, 8-17-83)

13.20.170 Pollution

"Pollution" means the contamination or other alteration of the physical, chemical, or biological properties of any surface or ground waters which will or can reasonably be expected to render such waters harmful, detrimental, or injurious to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial use.

(Ord. MC-298, 8-17-83)

13.20.175 Prospect well

"Prospect well" means any well constructed or altered as a geophysical test well, seismic shot hole, mineral exploration drilling, core drilling or temperature gradient test well, less than two thousand feet in depth, and constructed or altered specifically in prospecting for geothermal resources.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.180 Secondary use

"Secondary use" means any use which receives the City heating service from fluids discharged by a foregoing use, prior to the return of such fluids to a City heating service pipeline.

(Ord. MC-298, 8-17-83)

13.20.185 Service

"Service" - see "heating service".

(Ord. MC-298, 8-17-83)

13.20.190 Service connection

"Service connection" means that part of the City heating service distribution system which connects the City's meter and pipeline to the user's pipeline.

(Ord. MC-298, 8-17-83)

13.20.195 Therm

"Therm" means a unit of measure consisting of 100,000 BTU's. This unit is used to measure delivered geothermal heat for billing purposes.

(Ord. MC-298, 8-17-83)

13.20.200 Thermal groundwater

"Thermal ground water" means ground water which is less than two hundred fifty degrees Fahrenheit at bottom-hole temperature, and possessing sufficient heat to be used for a direct thermal application or in conjunction with a ground water heat pump for which the heat is put to beneficial use.

(Ord. MC-298, 8-17-83)

13.20.205 Underground reservoir

"Underground reservoir" means an aquifer or combination of aquifers or zones containing a common geothermal and/or ground water resource.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.210 User

"User" means a person who receives or is capable of receiving geothermal heat from the City.

(Ord. MC-298, 8-17-83)

13.20.215 User service pipeline

"User service pipeline" means the private pipeline that connects the user's private heating system to the City's meter and distribution pipeline.

(Ord. MC-298, 8-17-83)

13.20.220 Water well contractor and drilling machine operator

"Water well contractor and drilling machine operator" is as defined by ordinance or State law, and any amendment thereto.

(Ord. MC-298, 8-17-83)

13.20.225 Well

"Well" means any artificial opening or artificially altered natural opening, however made, by which geothermal fluids or ground water is sought or through which geothermal fluids or ground water flows under natural pressure or is artificially withdrawn or is used to operate a heat exchanger within the well, provided that this definition shall not include a natural spring.

(Ord. MC-298, 8-17-83)

13.20.230 Well drilling machine

"Well drilling machine" means any power-driven percussion, rotary, boring, digging or augering machine used in the construction or alteration of wells.

(Ord. MC-298, 8-17-83)

13.20.240 Rates, fees and charges

The rates, service charges, connection fees and such other charges as provided for by this Chapter shall be established by resolution of the Board and may be amended by resolution of the Board at any time. Rates charged may be fixed and classified according to the type of use or the amount of geothermal heat used or any combination thereof. Such rates, fees and charges shall not be changed without a public hearing first being held before the Board. Such hearing shall be advertised by published notice in a local

[Return to Municipal Code Contents]

newspaper of general circulation not less than ten days prior to the date of such hearing, and in the geothermal heating bills sent to users during the period of thirty days prior to the date of the hearing. Such notices shall set forth the time and place of the hearing and a summary of said amendment.

(Ord. MC-298, 8-17-83)

13.20.250 Service map - Adoption of standards

- A. San Bernardino geothermal heating service map. The locations of heating service facilities are hereby established on the map entitled "San Bernardino Geothermal Heating Service Map" as presently on file in the Geothermal Data Center, which map is incorporated herein by reference. The map shall hereinafter be referred to as the "Heating Service map", and shall be maintained on file in the Geothermal Data Center. Any revisions or replacement of this map shall be approved by ordinance and shall be likewise filed and incorporated into this Chapter by reference.
- B. Water Department geothermal heating user service pipeline connection standards. Pipeline connection standards shall be established by the General Manager.
- C. Water Department standards for maintenance related surface discharge. The General Manager may establish standards for maintenance related surface discharges.

(Ord. MC-298, 8-17-83)

13.20.260 Conformity with General Plan and other ordinances and statutes

All actions pursuant to this Chapter and all uses of land in conjunction herewith shall conform to Title 19 of this Code, the City's General Plan, all other applicable code provisions and ordinances, and applicable state statutes.

(Ord. MC-298, 8-17-83)

13.20.270 Appeal of administrative decisions

Any decision rendered by administrative officials of the Department pursuant to this Chapter may be appealed to the Board. Such appeal shall be in writing, shall identify the administrative decision appealed from, the specific grounds for appeal, and shall be filed with the General Manager not more than fourteen days following the date of the notice to the affected party of the administrative decision. The Board shall consider the appeal at its next regular meeting following the filing of the appeal, and upon considering all pertinent testimony and evidence, may sustain, modify, or reverse the decision appealed from. The Board shall provide a written report of its decision to the affected party by certified mail within five days of the Board's action.

(Ord. MC-298, 8-17-83)

[Return to Municipal Code Contents]

ARTICLE II. CITY HEATING SERVICE

13.20.280 Administrative organization and principal functions

- A. Officials. The Board shall act as the governing body of the heating service, and the General Manager shall act as the chief administrative officer of the service.
- B. Assignment of organizational responsibilities. The General Manager may delegate or assign responsibilities for heating service functions and activities to such divisions and personnel as the General Manager may deem appropriate or necessary .
- C. Principal functions and activities. The principal functions and activities of the heating service shall include but not be limited to:
 - 1. The exploration for and confirmation of geothermal resources and/or ground waters;
 - 2. The monitoring of geothermal and/or ground water reservoirs and the management of reservoir activities, so as to promote stable reservoir conditions and enhance reservoir productivity;
 - 3. The supplying, furnishing, and selling of geothermal heat to City inhabitants;
 - 4. The supplying, furnishing, and selling of any surplus geothermal heat over and above the heating needs of the City to persons outside the City, and for purposes deemed appropriate by the Board;
 - 5. The establishment and maintenance of a Geothermal Data Center, where local geothermal information and all geothermal records authorized or required by this Chapter shall be kept and made available for public inspection and reproduction; a registry of local wells and geothermal facilities shall be established and maintained at the Geothermal Data Center;
 - 6. The sponsoring of and participation in the scientific study and demonstration of geothermal resources and technologies;
 - 7. Geothermal disposal drainage work as authorized by City; and
 - 8. All other acts and things which may be requisite, necessary, or convenient in carrying out the purpose of this Chapter and State law.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.290 Boundary.

- A. Establishment. The heating service boundary shall encompass all land within the corporate limits of the City, as now or hereafter constituted, excluding all railroad rights-of-way pursuant to state law, unless the owner of the railroad property expressly consents to its inclusion.
- B. Extension of service outside City boundary. Service shall normally be available only to users located within the City boundary. However, the Board may, by contract, extend service outside the boundary in cases where such extension is deemed in the best interests of the City, but only after determining that such service capability is based upon a surplus of geothermal heat existing over and above any and all demands of the users within the City boundary. Contracts for service outside the City boundary shall condition continued service upon the continuance of the surplus over City needs.

(Ord. MC-298, 8-17-83)

13.20.300 Finances.

- A. Operational financing. Heating service operations and maintenance, within or without the City boundary, may be financed by one or more, or any combination, of the following methods:
 - 1. Such rates, fees, and charges as may be required by this Chapter;
 - 2. Annual ad valorem taxation in an amount which shall not exceed the true cash value of all taxable property within the City;
 - 3. General obligation bonds, upon authorization of the City's voters, in an amount which shall not exceed in the aggregate ten percent of the true cash value of all taxable property within the City; such general obligation bonds may be additionally secured, by resolution of the Board, by pledging all or any part of the net revenue of the City's heating service;
 - 4. Refunding bonds, of the same character and tenor as those general obligation bonds replaced thereby, by resolution of the Board;
 - 5. Revenue bonds pledging the gross revenues of the City's heating service, if approved by the Council;
 - 6. Federal and state grants-in-aid, and private endowments; and
 - 7. All other legal means.

[Return to Municipal Code Contents]

- B. Improvement financing. Heating service improvements, within or without the City boundary, and including but not limited to the purchase, lease, or acquisition of real estate or equipment, and the planning, design, construction, reconstruction, extension, enlargement, purchase, lease, or acquisition of geothermal facilities, may be financed by one or more, or any combination, of the following methods:
1. Such rates, fees, and charges as may be required by this Chapter;
 2. Annual ad valorem taxation, as specified in Subsection A paragraph 2 hereof;
 3. General obligation bonds, as specified in Subsection A paragraph 3 hereof;
 4. Revenue bonds secured by all or any part of the heating service's gross revenues subject to approval of the Council; such revenue bonds shall not be subject to the percentage limitations applicable to general obligation bonds, but shall be payable solely from such part of the revenues of the heating service;
 5. Refunding bonds, of the same character and tenor as those revenue bonds replaced thereby, by resolution of the Council;
 6. Special assessments, pursuant to laws of the State of California, and City procedures for local improvement districts;
 7. Federal and state grants-in-aid, and private endowments; and
 8. All other legal means.
- C. Special bond retirement financing. The City may, by Council resolution, annually tax all taxable property within the City, in an amount sufficient to pay the annual interest on general obligation bonds theretofore issued by the City and then outstanding, together with any portion of the principal of such bonds maturing within the year.
- D. Refund of certain heating pipeline extension costs. If any person is required by the Board to advance to the Board the cost of extending a geothermal heating pipeline adjacent to property other than their own so that geothermal heating service is provided for such other property without further extension of the geothermal heating pipeline, the Board shall require the owner of the other property, prior to providing geothermal heating service to that property, to pay to the Department a pro rata portion of the cost of the extension, from which the Board may refund all or a portion of such funds so advanced. The right to require shall not continue for more than ten years after the date of installation of the extension of the geothermal heating pipeline. The amount to be refunded shall be determined by Board resolution.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.310 Authorized facilities and other heat sources

- A. Authorized facilities. In performance of the functions and activities specified in Section 13.20.280 Subsection C, the Board may plan, design, construct, acquire, lease, operate, maintain, and improve a system of geothermal facilities, which may include, but need not be limited to, wells; heat exchangers; pumps for fluid extraction, circulation, and injection; pipelines for conveying fluids; disposal facilities; tanks for storing fluids; fluid or heat metering devices; and various testing instruments and system control devices.
- B. Other heat sources. The Board may authorize, by contract, the Department's purchase and distribution of heat generated by sources other than the City's wells, in order to supplement the City's geothermal heat.

(Ord. MC-298, 8-17-83)

13.20.320 Improvement procedures

- A. Authority to initiate improvement projects. Improvement projects for the heating service shall be initiated by the Board, upon its own motion or upon the written petition of the owners of one-half of the property that benefits specifically by the proposed improvement. A study will be initiated by the Board to assess economic feasibility.
- B. Compliance with state siting requirements. All contemplated improvements shall comply with applicable statutes and regulations of the State of California.
- C. Procedures for special assessments. Whenever any heating service improvement is to be paid for in whole or in part by special assessments according to benefits, the Board shall administer such assessment procedure in accordance with state law and this Code, and such other Board procedures applicable to local improvement districts. Such assessments as are approved by the Board shall be subject to confirmation by the Council.
- D. Means of improvements. The construction work for improvements will be done in whole, or in part, by the Board, by a contract, or by any other governmental agency, or by any combination thereof, as authorized by the Board.
- E. Acquisition of private wells and geothermal facilities. As provided for in Section 13.20.300 Subsection B, the Board may purchase, lease, or receive as a gift, any privately-owned wells and/or geothermal facilities within or without the City boundary, for purposes of improving the heating services principal functions and activities.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

13.20.330 Service connection procedures

- A. Application procedure. Any person desiring to connect a user pipeline to the City's heating distribution pipeline, or to connect a secondary use to a user's discharge pipeline, may apply for such service connection with the Department on forms provided for that purpose. The Department shall approve or deny said application in writing within fourteen days of its filing.
- B. Service connection fees. Upon approval of a service connection application, the applicant shall remit a connection fee to the Department in an amount to be established by resolution of the Board.
- C. Failure to remit the fee in full, or otherwise comply with fee requirements, within fourteen days of the date of application approval shall render said approval void. The applicant shall be given written notice of such voiding by certified mail.
- D. Service connection standards and inspections. All user service pipeline connections to the heating service system, including secondary use connections, shall be completed under procedures promulgated by the Department. All completed and approved user service pipeline connections shall remain inoperable, by Department deactivation of the City heat meter, until such time as a service account is activated by the Department. All completed and approved service connections shall be used only for the purpose expressly cited in the connection permit; service users shall not, in any manner, otherwise connect or divert the heat or fluid provided by the service connection. The City shall not be liable for the materials, workmanship, operation, or maintenance, relating to the user service pipeline or to private heating or cooling equipment installed beyond the City's service connection.

(Ord. MC-298, 8-17-83)

13.20.340 User service procedures

The Board shall establish application procedures, required service deposits, billing procedures, service charges, and procedures for delinquent accounts.

(Ord. MC-298, 8-17-83)

[Return to Municipal Code Contents]

13.20.350 Terms and conditions of heating service

All heating services provided by the City shall be subject to the following terms and conditions:

- A. Service accounts with all users outside the City boundary shall be subject to immediate cancellation of service whenever there exists no surplus supply, of heat over and above any and all demands of users within the City boundary;
- B. The Board reserves the right to cease operation of the heating system, or any part thereof, and cancel such services as may be provided by the system, for reasons of emergency maintenance or repairs as authorized by the General Manager. The General Manager shall diligently endeavor to provide user and public notice prior to such emergency actions at the earliest time and most comprehensive extent;
- C. The City may, by Board resolution, establish regular seasonal periods of heating service operation and non-operation;
- D. The City shall assume no liability whatsoever, direct or implied for any user damages or injuries incurred as a result of heating service interruption or cancellation, when such interruption or cancellation is due to circumstances beyond the control of the City, or due to operational actions authorized by this Chapter;
- E. The City shall not warrant or guarantee the temperature or chemical quality of the fluid delivered to users, but shall advise of the temperature or chemical quality of the fluid delivered to the users as they occur. The City shall not assume any liability whatsoever, direct or implied, for corrosion, scaling, or similar physical degradation of user pipelines or private heating or cooling equipment utilized beyond each service connection;
- F. Force majeure: Natural catastrophe, or other causes beyond the reasonable control of the parties, which prevent Board from providing, or user from accepting, any of Board's services covered by this Chapter, shall operate to suspend the obligations of user and Board during the period required to remove such cause, provided it is immediately reported in writing within forty-eight hours of specific cause.

(Ord. MC-298, 8-17-83)

[\[Return to Municipal Code Contents\]](#)

ARTICLE III. GEOTHERMAL AND GROUND WATER RESERVOIR MANAGEMENT

13.20.360 Reservoir management policy

In furtherance of the purposes of this Chapter, it shall be the policy of the City, in exercise of its powers to provide for the public health, safety and welfare, that all wells existing on the effective date of this Chapter, and those constructed or altered thereafter, be used in such a manner as to:

- A. Conserve and protect the geothermal fluids and ground water within and adjacent to the City, in order to enhance reservoir productivity and benefit; prevent wasteful extraction and disposal of geothermal fluids and thermal ground water; prevent geothermal fluid and thermal ground water temperature degradation; maintain stable static levels of geothermal fluids and thermal ground waters; prevent thermal pollution of surface environs and waters; and prevent harmful intermixing of geothermal fluids or thermal ground water with nonthermal ground waters;
- B. Allow continued individual inhabitant utilization of geothermal fluids and thermal ground water for residential, commercial, industrial, and other legitimate beneficial purposes;
- C. Increase and disseminate the scientific knowledge of geothermal and ground water resources; and
- D. Protect the public health, safety, and welfare from improperly constructed, operated, maintained, or abandoned wells.

(Ord. MC-298, 8-17-83)

13.20.370 Existing wells

- A. All wells existing or under construction within the City on the effective date of this Chapter shall be known as existing wells, and shall be subject to the requirements of this Article.
- B. Registration of existing wells. Owners of existing wells, within and without the City, may register their wells with the Geothermal Data Center as soon as this Chapter becomes effective. Such registration shall be voluntary and without cost to the owner, and shall be for purposes of providing Information to the Geothermal Data Center in accordance with Section 13.20.280 Subsection C paragraph 5. Said registration shall be on forms supplied by the Geothermal Data Center for that purpose, and may

[\[Return to Municipal Code Contents\]](#)

include but not be limited to the name and address of the owner, specific location of the well, date of construction, depth and diameter of the well, specifications of casing, bottom hole temperature, static fluid or water level, type of geothermal utilization system, accessibility for monitoring devices, and disposal method, if any. The General Manager shall direct reasonable public notice to the City's inhabitants at large, explaining the registration program and encouraging participation.

- C. Existing surface discharge elimination. In order to eliminate the wasteful and harmful effects of thermal fluid or water surface discharges, any well or geothermal facility discharging geothermal fluids or thermal ground water onto the surface of the ground or into any public ditch or drainage facility, on the effective date of this Chapter, shall be brought into conformity with all applicable environmental requirements within one year of such effective date. The General Manager shall cause such discharging wells or facilities to be identified by the Geothermal Data Center, and shall cause to be offered technical assistance to affected owners during the conversion or abandonment of such discharging wells or facilities.

(Ord. MC-298, 8-17-83)

13.20.380 New wells

- A. All wells constructed or altered within the City subsequent to the effective date of this Chapter shall be known as new wells, and shall be subject to the requirements of this Article.
- B. Application for well permit. In addition to all applicable state and federal requirements, any person, except the Board, desiring to construct, install, or alter a well within the City shall first apply for a well permit at the Geothermal Data Center, on forms provided for that purpose by the Geothermal Data Center. Well contractors or drilling operators shall not commence construction or alteration of a well prior to the owner of a proposed well receiving a well permit.
- C. Application fee. All applications for a well permit shall be accompanied by an application fee established by Board resolution.
- D. Application review. The General Manager shall review each application to determine any potential impacts upon the City heating service; any potential for adverse effects to the surrounding reservoir and other wells; conformity with City plans and ordinances; and to assure registration with the Geothermal Data Center.

[\[Return to Municipal Code Contents\]](#)

- E. Permit decision. No later than twenty-one days from the date of filing a well permit application, using the criteria contained in Subsection F hereof, the General Manager shall notify the applicant, by certified mail, of his or her decision, setting forth any conditions imposed, and, if denied, the basis thereof. Any well permit issued pursuant to this Chapter is in addition to any permits required by state and federal regulations.

- F. Permit decision criteria. Permit decisions pursuant to Subsection E hereof shall contain written findings for approval or denial which may include, but are not limited to, the following criteria:
 - 1. The estimated hydrological impacts of the proposed wells operation upon the reservoir and surrounding wells;
 - 2. The adequacy of provisions for environmental protection and public safety;
 - 3. The compliance of the proposed well and its use with this Chapter, the City General Plan, and all other applicable City laws, ordinances, regulations; and
 - 4. Such other reservoir management criteria as may be deemed directly relevant to the proposed well or its operation.

- G. Appeal of permit decision. Applicants or other affected persons may appeal the permit decision to the Board in accordance with Section 13.20.270.

- H. Authority to attach conditions to permits. When the General Manager determines that certain construction or operational conditions are necessary to assure the conservation and protection of thermal ground water and/or geothermal resources, or to assure the conservative and efficient utilization of said water and/or resources, the General Manager may stipulate conditions within a well permit issued according to Subsection E hereof; such conditions may include, but are not limited to:
 - 1. Restrictions on hours of well construction, with appropriate requirements for noise muffling and waste disposal necessary to assure compatibility with surrounding land uses;
 - 2. Well casing requirements above and beyond state requirements, necessary for ground water and geothermal fluid protection;
 - 3. Restrictions on pumping, heat exchanging, storage, and injection operations necessary for the conservation or protection of ground waters and geothermal fluids;

[\[Return to Municipal Code Contents\]](#)

4. Requirements for scientific sampling, testing, or monitoring, necessary to conserve or protect ground water or geothermal fluids, or to determine the permitted wells impacts on such water or fluids.
- I. Completion inspection. Upon completion of any well construction or alteration, but prior to any testing or commencement of regular use, the owner shall promptly notify the Geothermal Data Center to request a well completion inspection. Promptly after receiving such request the Board shall cause an inspection and written report thereof to be made for purposes of assuring compliance with this Chapter and registration with the Geothermal Data Center. Notice of well pump testing shall be given in accordance with Section 13.20.400 Subsection C.
- J. New surface discharges. Any well or geothermal facilities constructed or altered after the effective date of this Chapter shall be operated or altered in such a manner as to conform with applicable environmental rules and regulations. Surface discharges for maintenance purposes shall be conducted in accordance with applicable environmental rules and regulations.

(Ord. MC-298, 8-17-83)

13.20.390 Injection wells

Filing of application copy. All wells constructed, operated, or maintained for purposes of injecting geothermal fluids or ground water into the ground shall comply with applicable state statutes and rules relating to injection.

(Ord. MC-298, 8-17-83)

13.20.400 Resource data collection

- A. Annual well survey. The Geothermal Data Center, in accordance with Section 13.20.280 Subsection C shall annually mail to all registered well owners within and without the City a questionnaire to update original registration information and to document, to the extent possible, well operation characteristics of the preceding year. Scheduling of the survey shall be determined by the General Manager and response to it shall be voluntary. The City may issue such surveys on a more frequent and geographically selective basis when investigating specialized geothermal or ground water matters.
- B. Well-drilling data. A copy of all well logs prepared in accordance with state or City law shall be furnished to the Geothermal Data Center within thirty days after the completion of the well construction or alteration by the well contractor or drilling operator.

[\[Return to Municipal Code Contents\]](#)

- C. Well maintenance or pumping notice. No less than twenty-four hours prior to performing any well maintenance or maintenance-related well pumping within the City, the person performing said work shall notify, telephonically or by written or personal message, the Geothermal Data Center. Such notification shall include, but need not be limited to, the nature of maintenance or pumping to be performed, well location, name of owner, and the approximate duration of the work. Notice of maintenance necessary for emergency reasons for which advance notice was impossible may be given to the Geothermal Data Center as soon as such emergency conditions will reasonably permit.

(Ord. MC-298, 8-17-83)

13.20.410 City inspection and monitoring of wells and geothermal facilities

- A. In connection with the principal functions and activities of the City heating service, Board officials may enter upon any property within the City for purposes of inspecting wells and geothermal facilities, or monitoring the operational characteristics of such wells and facilities, when such inspection and monitoring is reasonably necessary to the assessment of ground water or geothermal fluid temperatures, chemistry, static levels, quantities, and movements; the assessment of land subsidence or erosion; or the assessment of other indices related to geothermal or ground water reservoir management, or protection of the public safety and welfare.
- B. The Board shall provide affected property owners with reasonable prior notice of any intended inspection or monitoring, describing the nature, purpose, and duration of the necessary inspection or monitoring; such inspections or monitoring shall be conducted in accordance with applicable City and state procedures for inspection warrants, if the land owner or other person in possession objects to any such inspection or monitoring.

(Ord. MC-298, 8-17-83)

13.20.420 Wasteful or defective wells - Repair - Violation

Whenever the General Manager determines that any well within the City is, by nature of its construction, installation, or operation, causing wasteful use of thermal ground water or geothermal fluids, or is adversely interfering with other wells, or is polluting ground water or surface water, the General Manager shall promptly notify the affected owner, by certified mail, of the wasteful or defective well, and require said owner to repair or adjust the well within sixty days. It is unlawful to fail to repair a well or to continue a wasteful or defective operation after expiration of the sixty days following notification. And violation of this section is an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. MC-298, 8-17-83)

[Return to Municipal Code Contents]

ARTICLE IV. PRIVATE HEATING SERVICES

13.20.430 Establishment, services, and conditions

- A. Authorization for establishment. The Board may, by resolution, authorize the establishment and operation of private geothermal heating services within the City boundary upon application therefor by any person. Such application shall be in a manner and form prescribed by and filed with the General Manager.
- B. Authorized services. Private heating services may provide geothermal heating, when specifically authorized by the Board, for the following uses:
 - 1. Less than six structures, excepting structures containing accessory uses, as such uses are defined in Title 19 of this Code.
 - 2. Six or more structures in new land developments whose developers have also been granted a franchise by the Board for the construction, operation, and maintenance of a private heating service. Such franchise shall be individually negotiated between the Board and the developer; however, any such franchise shall contain the following minimum provisions: the franchise shall be for no longer than twenty years; the franchise shall require that such land developer compensate the Board annually with a franchise fee in an amount to be negotiated; and that such franchised geothermal heating systems shall be subject to board acquisition at depreciated fair market value upon the expiration of the franchise.
- C. Conditions of authorization. All private heating services authorized by the Board shall be subject to the following conditions:
 - 1. All private heating service plans, improvements, construction, facilities, operations, maintenance, and scientific research shall comply with Title 19 of this Code, this Chapter and all other applicable City ordinances;
 - 2. All private heating service properties and facilities shall be subject to Board inspection in accordance with section 13.20.410; and;
 - 3. All private heating services shall maintain and make available for board inspection, such operational and maintenance records as may be stipulated by the Board at the time of authorization.
- D. Private heating service facility standards. Private heating service facility standards and improvement plans, including but not limited to, wells, pumps, pipelines, storage tanks, fittings, and control devices, shall be approved in writing by the General Manager, prior to their acquisition, construction, installation, or operation.

- E. State jurisdiction. Board authorization shall not relieve private heating services from requirements which may be imposed upon public utility or private heating services by state statutes or rules.

(Ord. MC-298, 8-17-83)

ARTICLE V. ENFORCEMENT

13.20.440 Enforcement

- A. Responsible official. The General Manager, or his authorized representative, shall be responsible for enforcing this Chapter.
- B. Violations. Any person violating any provision of this Chapter is guilty of an infraction which upon conviction thereof is punishable in accordance with the provisions of section 1.12.010 of this Code.
- C. Equity. In addition to any other remedies provided by law, the Board or its authorized representative acting for and on behalf of the Council may institute injunction, mandamus, abatement, or any other appropriate proceedings to prevent or temporarily or permanently enjoin or abate the violation of any provisions of this Chapter.
- D. User noncompliance. In addition to other enforcement measures provided by this Chapter, the Board may discontinue heating service to any user who fails to comply with provisions of this Chapter after fourteen day written notice to comply, sent by certified mail to said user. Said notice shall include an explanation of the Board's intent to discontinue service, and shall offer the user an administrative hearing before an authorized board representative in order to resolve the dispute. If no hearing is requested, or if the hearing fails to resolve the dispute. The Department may proceed to discontinue service as scheduled.

(Ord. MC-460, 5-15-85; Ord. MC-298, 8-17-83)

Chapter 13.24

WATER SUPPLY SYSTEM

Sections:

- 13.24.010 Purpose**
- 13.24.020 Definitions**
- 13.24.030 Investigation of Facilities and Distribution System**
- 13.24.040 Reports**
- 13.24.050 Administrative Variance**
- 13.24.060 Hearing Upon Suspension, Denial or Revocation of Permit**
- 13.24.070 Water Hygiene Standards Advisory Committee**
- 13.24.080 Responsibility of Enforcement**
- 13.24.090 Design, Construction, Operation, Maintenance, Repair and Monitoring Standards**
- 13.24.100 Permit - Required**
- 13.24.110 Permit - Conditions of Approval**
- 13.24.120 Permit - Temporary**
- 13.24.130 Permit - Denial**
- 13.24.140 Permit - Revocation**
- 13.24.150 Modifications to System - Notice Required**
- 13.24.160 Monitoring**
- 13.24.170 Water Quality Standards**
- 13.24.180 Water Quantity, Source and Storage Requirements**
- 13.24.190 Required Separation Between Water Mains and Sanitary Sewers**
- 13.24.200 Backflow and Cross-Connection Control**
- 13.24.210 Treatment Facilities and Operation**
- 13.24.220 Correction of Sanitary Defects and Health Hazards**
- 13.24.230 Notification of Failure to Meet Water Quality Standards**
- 13.24.240 Permits for Wells - Required**
- 13.24.250 Permits for Wells - Application**
- 13.24.260 Permits for Wells - Conditions for Approval**
- 13.24.270 Permits for Wells - Denial**
- 13.24.280 Licensing and Registration of Water Well Drillers and Contractors**
- 13.24.290 Standards for Construction of Wells**
- 13.24.300 Lateral (Horizontal) Well Standards**
- 13.24.310 Approval of Well Site**
- 13.24.320 General Location of Water Well**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 13 Contents\]](#)

- 13.24.330 Log of Well
- 13.24.340 Well Surface Construction Features
- 13.24.350 Disinfection of Water Wells
- 13.24.360 Water Quality Standards
- 13.24.370 Required Inspection of Wells
- 13.24.380 Approval of Wells by Director
- 13.24.390 Well Abandonment
- 13.24.400 Declaration of Proposed Reuse of Wells
- 13.24.410 Duties of Director
- 13.24.420 Director's Right of Entry
- 13.24.430 Violation - Right of Entry - Penalty
- 13.24.440 (Repealed by Ord. MC-460, 5-15-85)

13.24.010 Purpose

The purpose of this Chapter is to assure that the water furnished or supplied by the domestic water supply system under the jurisdiction of the City shall at all times be pure, wholesome, potable, healthful, and in adequate supply and to provide minimum standards for construction, reconstruction, abandonment, and destruction of wells in order to:

- A. Protect underground water resources; and
- B. Provide safe water to persons within the City.

(Ord. 3475, 1-22-75)

13.24.020 Definitions

For the purpose of this Chapter, the following words and phrases are defined and shall have the meanings ascribed to them in this section:

- A. "Abandoned well" and "abandonment" apply to a well which has not been declared for reuse by the legal owner with the director. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction and testing work has been completed. A well whose original or functional purpose and use have been permanently discontinued or which is in such a state of disrepair that it cannot be made functional for its original purpose or any other function regulated by this Chapter shall be considered an abandoned well.

[\[Return to Municipal Code Contents\]](#)

- B. "Agricultural well" is any water well used to supply water for irrigation or other agricultural purposes, including so-called "stock wells."
- C. "Cathodic protection well" means any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.
- D. "Community water supply well" means any well which provides water for domestic water supply systems.
- E. "Contamination" means an impairment of the quality of water of the City by wastes or other degrading elements to a degree which creates a hazard to the public health through the possibility of poisoning or through the possibility of the spreading of disease.
- F. "Cross-connection" means any unprotected connection between any part of a water system used or intended to supply water for domestic purposes and any source or system containing water or other substance that is not or cannot be approved as safe, pure, wholesome, and potable for human consumption.
- G. "Customer system" means those parts of the facilities beyond the termination of the distribution system which are utilized in conveying water to points of use beyond point of delivery.
- H. "Department" means the Department of Environmental Health Services of the county.
- I. "Director" means the Director of Environmental Health Services for the county or his duly authorized representative.
- J. "Distribution system" includes the facilities, conduits, or any other means used for the delivery of water from the source facilities to the customer's system.
- K. "Domestic water supply system" means any water system serving two or more places of human habitation where the places are connected by an integrated pipe system owned and operated by the supplier, and all motels, hotels, mobile home parks, campgrounds, resorts and any other places that provide domestic water to their consumers, tenants, renters or customers from a water source other than a water utility operating under a valid permit.
- L. "Individual domestic well" means any well used to supply water for domestic needs of an individual residence or commercial establishment.

[\[Return to Municipal Code Contents\]](#)

- M. "Lateral (horizontal) well" means a well drilled or constructed horizontally or at an angle with the horizon as contrasted with the common vertical well and does not include horizontal drains or "wells" constructed to remove subsurface water from hillsides, cuts, or fills.
- N. "Observation well" means a well used for monitoring or sampling the conditions of a water-bearing aquifer, such as water pressure, depth, movement or quality.
- O. "Person" means any individual, firm, corporation, or governmental agency.
- P. "Pollution" means an alteration of the quality of the waters of the City by waste to a degree which affects:
1. such waters for beneficial uses, or
 2. facilities which serve such beneficial uses.
- "Pollution" may include "contamination."
- Q. "Source facilities" includes wells, stream diversion works, infiltration galleries, springs, reservoirs, tanks and all other facilities used in the production, treatment, disinfection, storage or delivery of water to the distribution system.
- R. "Test hole" or "exploratory hole" means an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation or any other means.
- S. "User" means any individual, firm, corporation or governmental agency using water for domestic purposes except that "user" shall not be defined to include any individual, firm, corporation, or governmental agency furnishing or supplying water to the public in any manner.
- T. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into the ground. This definition shall not include:
1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
 2. Wells used for the purpose of:
 - a. Dewatering excavation during construction, or
 - b. Stabilizing hillsides or earth embankments.

(Ord. 3475, 1-22-75)

[\[Return to Municipal Code Contents\]](#)

13.24.030 Investigation of facilities and distribution system

Upon receipt of application for a permit pursuant to this Chapter, the Department shall make a thorough investigation of the proposed or existing source facilities and distribution system and all other circumstances and conditions which it deems material.

(Ord. 3475, 1-22-75)

13.24.040 Reports

The Department may require any permit holder or applicant to file a complete report on the condition and operation of the source facilities and distribution system. The report shall be made in such form and cover such matters as the Department prescribes and by a suitably qualified person acceptable to the Department at the sole cost and expense of the permit holder or applicant.

(Ord. 3475, 1-22-75)

13.24.050 Administrative variance

The Director may grant an administrative variance to the provisions of this Chapter where evidence is submitted that a modification of the standards, as provided herein, will not endanger the health or safety of the public generally and strict compliance would be unreasonable in view of all the circumstances.

(Ord. 3475, 1-22-75)

13.24.060 Hearing upon suspension, denial or revocation of permit

Any person whose application for a permit, or permit has been suspended, denied, or revoked may request the Department for a hearing. The person shall file with the Department a written petition requesting the hearing and setting forth a brief statement of the grounds for the request. Notice of the hearing shall be given the applicant not less than five days prior to such hearing either by registered mail or in the manner required for the service of summons in civil action. At the time and place set for the hearing, the Director will give the applicant and other interested persons an adequate opportunity to present any facts pertinent to the matter at hand. The Director may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the applicant of such action. At the close of the hearing or at any time within ten days thereafter, the Director will order such disposition of the application or permit as he has determined to be proper and will make such disposition known to the applicant.

(Ord. 3475, 1-22-75)

[Return to Municipal Code Contents]

13.24.070 Water Hygiene Standards Advisory Committee

The water hygiene standards advisory committee, consisting of seven persons who shall be appointed by the Board of Supervisors of the county pursuant to the provisions of Division 6, Title 3 of the San Bernardino County Code, shall function as the Water Hygiene Standards Advisory Committee for the City.

(Ord. 3475, 1-22-75)

13.24.080 Responsibility of Enforcement

The San Bernardino County Department of Environmental Health Services shall have the responsibility to monitor and enforce all applicable laws and orders for domestic water supply systems with less than two hundred service connections and any motels, hotels, mobile home parks, campgrounds, resorts and any other places that provide water to their consumers, tenants, renters or customers from a source other than a water utility operating under a valid permit.

(Ord. 3475, 1-22-75)

13.24.090 Design, construction, operation, maintenance, repair and monitoring standards

Minimum standards for the design, construction, operation, maintenance, repair and monitoring for domestic water systems requiring a permit by this Chapter shall also include those standards in the California Health and Safety Code, Division 5, Part 1, Chapter 7, "Water and Water Systems"; and California Administrative Code, Title 17, Part 1, Chapter 5, Sub-chapter 1:

- A. Water Quality Monitoring, Sections 7001-7025;
- B. Water Quality Standards, Sections 7001-7025;
- C. Waterworks Standards, Sections 7050-7081;
- D. Cross-Connection Control, Sections 7583-7622;
- E. Operator Certification, Sections 7100-7134.

(Ord. 3475, 1-22-75)

[\[Return to Municipal Code Contents\]](#)

13.24.100 Permit - Required

It is unlawful for any person to furnish or supply water to a user for domestic purposes from any source of water supply unless he or she first files a written application to do so with the Department and receives and possesses a valid permit as provided in Sections 13.24.110 through 13.24.140.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.110 Permit - Conditions of approval

Permits shall be issued subject to compliance with the standards provided in this Chapter and with the submission and subsequent approval by the Department of Plans demonstrating compliance with these standards, except where such standards shall be inapplicable or modified as expressly provided for in this Chapter. Permits may also include any other condition or requirement found by the Department to be necessary to accomplish the purpose of this Chapter.

(Ord. 3475, 1-22-75)

13.24.120 Permit - Temporary

The Department may for good cause, grant a temporary permit to any person who has filed an application for a permit as provided in Section 13.24.100 upon such terms as it determines are in the public interest pending completion of the investigation required by Section 13.24.030.

(Ord. 3475, 1-22-75)

13.24.130 Permit - Denial

If, upon the completion of the investigation, the Department determines, as a fact, that the water furnished or supplied or proposed to be supplied is such that under any circumstances and conditions it is impure, unwholesome, unpotable or may constitute a menace or danger to health or lives of human beings, or the existing or proposed source facility or distribution system is unhealthful or insanitary or not suited to the production and delivery of pure, wholesome, potable and healthful water at all times, it shall deny the application and order the applicant to make such changes as it deems necessary to secure a continuous supply of pure, wholesome, potable, and healthful water.

(Ord. 3475, 1-22-75)

13.24.140 Permit - Revocation

Any permit issued may be revoked or suspended by the Department at any time if it determines that the water being supplied or furnished by the permittee is or will become impure, unwholesome, unpotable, or endanger the lives or health of human beings.

(Ord. 3475, 1-22-75)

13.24.150 Modifications to system - Notice required

It is unlawful for any person to modify, add to, or change his or her source facilities or distribution system until he or she notifies the Department, submits information required by the Department, and receives approval from the Director authorizing such modifications, additions, or changes.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.160 Monitoring

Any person who furnishes or supplies water to a user for domestic purposes shall provide at such person's expense analysis of such water to the Department as per California Administrative Code, Title 17, Domestic Water Supplies Quality and Monitoring.

(Ord. 3475, 1-22-75)

13.24.170 Water quality standards

All water sources used for domestic water supply shall meet the minimum standard in California Administrative Code, Title 17, Domestic Water Supplies Quality and Monitoring.

(Ord. 3475, 1-22-75)

13.24.180 Water quantity, source and storage requirements

The quantity of water available from all water sources and distribution storage reservoirs shall be as per Table I and Table II of this section.

Table 1
Gravity Storage System
Source and Storage Capacity

No. of Service Connections	Minimum Use		Median Use		High Use		
	Recreational Dwelling with No Irrigation	Typical or Average Residence and Lot	Residence with Large Lot	Source Capacity (gpm)	Storage Capacity (gals)	Source Capacity (gpm)	Storage Capacity (gals)
10	11	17	28	4,000	4,900	28	4,900
20	19	32	53	7,800	9,600	53	9,600
30	26	45	75	11,400	14,100	75	14,100
40	33	57	95	14,800	18,400	95	18,400
50	40	69	115	18,000	22,500	115	22,500
60	46	80	134	21,000	26,400	134	26,400
70	52	90	151	23,800	30,200	151	30,200
80	58	100	167	25,400	33,900	167	33,900
90	64	109	181	27,800	37,500	181	37,500
100	69	117	195	30,100	41,000	195	41,000
120	74	133	220	34,500	47,700	220	47,700
140	79	149	245	38,900	54,000	245	54,000
160	84	165	270	43,300	59,900	270	59,900
180	89	181	295	47,700	65,400	295	65,400
200	94	197	320	52,200	70,500	320	70,500

Source and Storage Design Guide for Small Water Systems,
State of California, State Department of Health,
Water Sanitation Section, 1967
Ord. 3475, 1-22-75)

**Table 2
Pressure Tank System
Source Capacity**

No. of Service Connections	Minimum Use			Median Use		High Use	
	Recreational Dwelling with No Irrigation	Source Capacity (gal. per min.)		Typical or Average Residence and Lot	Source Capacity (gal. per min.)	Residence with Large Lot	Source Capacity (gal. per min.)
10		40		50			69
20		77		97			133
30		110		140			193
40		142		180			248
50		174		219			302
60		200		255			354
70		226		288			403
80		251		312			449
90		273		341			494
100		294		367			537
120		328		420			618
140		363		473			695
160		387		526			770
180		416		579			840
200		444		630			908

"Source and Storage Design Guide for Small Water Systems,"
State of California, State Department of Health,
Water Sanitation Section, 1967
Ord. 3475, 1-22-75)

13.24.190 Required separation between water mains and sanitary sewers

Underground street utility location for water and sewer mains shall conform to the standards contained in the current county road department publication entitled "Standard Specifications, Drawings 310 and 311," the State Department of Health bulletin entitled "Required Separation Between Water Mains and Sanitary Sewers," and any standards established by the City.

(Ord. 3475, 1-22-75)

13.24.200 Backflow and cross-connection control

Every person furnishing or supplying water to users shall, by approved methods, prevent water from unapproved sources or any other substances from entering the domestic water system and shall conform to the standards of California Administrative Code, Title 17, Cross-Connection Control.

(Ord. 3475, 1-22-75)

13.24.210 Treatment facilities and operation

Treatment facilities and operation shall be provided as required by the Department on a case-by-case basis. Treatment of all surface waters shall be provided and shall include, but not be limited to, reliable disinfection.

(Ord. 3475, 1-22-75)

13.24.220 Correction of sanitary defects and health hazards

The Department may order such repairs, alterations, or additions to the proposed or existing source facilities and distribution system as will ensure that the water furnished or supplied shall at all times be pure, wholesome, potable, and healthful without danger to the health of human beings.

(Ord. 3475, 1-22-75)

13.24.230 Notification of failure to meet water quality standards

[\[Return to Municipal Code Contents\]](#)

- A. When it is determined by the Department that it is in the public interest, the Department shall notify a person who has not met the standards of the Department for water quality of such noncompliance, and shall require such person to notify each of his or her customers in writing of the Department's determination that the quality of the water fails to comply with the standards, requirements, or conditions established by the Department and to include any comments of the Department regarding the possible dangers because of such noncompliance. The content of such statement shall be approved by the Department prior to distribution. Notification by such person shall be repeated at intervals as required by the Department or until the Department determines that the quality of the water complies with the standards or requirements of the Department.
- B. Any person who fails to comply with the provisions of this section is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- C. After ninety days from the date of notification that the quality of domestic water fails to comply with the standards or requirements established by the Department, the Department may bring an action in the superior court where such person shall be required to establish that he is not in violation of these requirements or that he has a reasonable plan for bringing the source facilities, distribution system, and the domestic water into compliance. If this is not established, a cease-and-desist order shall be issued to prevent any new service connection by such person until such time that the standards or requirements are met.
- D. If a reasonable plan is established, but is not being complied with, the Department shall request that the court review the person's actions. If the court determines that the plan is not being complied with, a cease-and-desist order shall be issued as described in Subsection C of this section.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.240 Permits for wells - Required

It is unlawful for any person, as principal, agent, or employee, to dig, drill, bore, reconstruct, or destroy:

- A. a well that is or has been used to produce or inject water;

[\[Return to Municipal Code Contents\]](#)

- B. a cathodic protection well;
- C. an observation well; or
- D. an exploration well unless he or she first files a written application to do so with the Department and receives and possesses a valid permit as provided in this Chapter.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.250 Permits for wells - Application

Applications for permits shall be submitted to the Department and shall include the following:

- A. A plot plan showing the location for the well with respect to the following items within a radius of five hundred feet from the well:
 - 1. Property lines, including ownership;
 - 2. Sewage or waste disposal systems or works for carrying or containing sewage or waste;
 - 3. All intermittent or perennial, natural or artificial bodies of water or watercourses;
 - 4. The approximate drainage pattern of the property;
 - 5. Other wells, including abandoned wells;
 - 6. Access road(s) to well site;
- B. Location of the property (legal description);
- C. The name and contractor's license classification, including number, of the person constructing the well;
- D. The proposed or probable depth of the well;
- E. The proposed minimum depths and types of casing and probable minimum depth of perforations to be used if such data can be reasonably projected;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 13 Contents\]](#)

- F. The proposed use of the well;
- G. Where proposed work is reconstruction or destruction of a well, provide the following, if available:
 - 1. Total depth;
 - 2. Depth and type of casing used;
 - 3. Depth of perforations;
 - 4. Well log;
 - 5. Any other pertinent information;
- H. Description of method of reconstruction or destruction of well;
- I. Location and classification of any solid waste disposal sites within two miles of the proposed well;
- J. Other information as may be necessary to determine if the underground waters will be adequately protected.

(Ord. 3475, 1-22-75)

13.24.260 Permits for wells - Conditions for Approval

Permits shall be issued subject to compliance with the standards provided in Sections 13.24.240 through 13.24.270 and with the submission and subsequent approval by the Department of plans demonstrating compliance with these standards, except that such standards shall be inapplicable or modified as expressly provided for in Sections 13.24.240 through 13.24.270. Permits may also include any other condition or requirement found by the Department to be necessary to accomplish the purposes of Sections 13.24.240 through 13.24.270.

(Ord. 3475, 1-22-75)

13.24.270 Permits for wells - Denial

If, upon the completion of the investigation, the Department determines, as a fact, that the standards of this Chapter have not been met, it shall deny the application.

(Ord. 3475, 1-22-75)

13.24.280 Licensing and registration of water well drillers and contractors

[\[Return to Municipal Code Contents\]](#)

It is unlawful for any person to engage in an activity listed in this Chapter unless he or she is in compliance with the provisions of this Chapter and has a valid license in accordance with the California Contractor's State License Law (Chapter 9, Division 3 of the Business and Professions Code), as appropriate to the activity to be engaged in. Such a person shall register with the Department prior to commencing any activity regulated by this Chapter.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.290 Standards for construction of wells

Standards for the construction, reconstruction, destruction, or abandonment of wells shall be the standards recommended in the California Department of Water Resources Bulletin No. 74, Chapter II. For cathodic protection wells, the standard shall be those recommended in Chapter II of the California Department of Water Resources Bulletin No. 74-1.

(Ord. 3475, 1-22-75)

13.24.300 Lateral (horizontal) well standards

Location, design, and monitoring of lateral wells will be in accordance with the standards recommended in the State Department of Health, Water Sanitation Section handout titled "Requirements for Use of Lateral Wells in Domestic Water Systems."

(Ord. 3475, 1-22-75)

13.24.310 Approval of well site

Before construction begins on a well that is intended to be part of a system that purveys domestic water, the drilling site shall first be approved by the Director or his representative. In the event that the well is to serve a system under the direct jurisdiction of the State Department of Health, then that agency may make site approval and notify the Director of their approval or disapproval.

(Ord. 3475, 1-22-75)

13.24.320 General location of water well

- A. It is unlawful for any person to drill, dig, excavate, or bore any water well in any location in which sources of pollution or contamination are known to exist or at such location whereby such water may become contaminated or polluted even though the wells were properly constructed and maintained. All wells shall be located an adequate horizontal distance from potential sources of contamination and pollution:
1. Sewers, watertight septic tank, or pit privy, fifty feet minimum;
 2. Subsurface sewage leaching field, one hundred feet minimum;

[\[Return to Municipal Code Contents\]](#)

3. Cesspool or seepage pit, one hundred fifty feet minimum;
 4. Animals or fowl kept, one hundred feet minimum;
 5. Any subsurface sewage disposal system discharging five thousand gallons/day or more, two hundred feet minimum .
- B. Minimum distances from other sources of pollution or contamination shall be as established by the State Department of Health's "Standards Regarding Location of Public Water Supply Wells With Respect to Sources of Contamination of Pollution."
- C. Where adverse or special hazards are involved, the above distances shall be increased or special means of protection, particularly in the construction of the well, shall be provided as determined by the Department.

(Ord. 3475, 1-22-75)

13.24.330 Log of well

- A. Any person who has drilled, dug, excavated, or bored a well, subject to this Chapter, shall within thirty days after completion of the drilling, digging, excavation, or boring of such well, furnish the department with a complete log of such well. This log shall include depths of formation, character, size distribution, color for all lithological units penetrated, as well as the type of casing, the depth of the well, the number and location of the perforations in the casing and any other data required by the Department. In any areas where insufficient subsurface information is available, the Department may require inspection of the well log during any phase of the wells construction where required to achieve the purposes of this Chapter may require modification of the remaining planned work.
- B. A copy of the log providing such information submitted to concerned state agencies shall satisfy this requirement.

(Ord. 3475, 1-22-75)

13.24.340 Well surface construction features

- A. Water Well Surface Sealing. All water wells drilled, dug, excavated or bored shall be provided with: a watertight reinforced concrete slab of minimum thickness of six inches, top of slab to be a minimum four inches above ground level or floor level at well site, and slab shall extend horizontally at least three feet from the center of the well casing in all directions, and the concrete slab shall adequately slope so as to drain water away from the well casing.

[Return to Municipal Code Contents]

- B. Sample Spigot. A sample spigot shall be provided on the pump discharge line of any water well used as a domestic water supply, as close to the pump as practical and on the distribution side of the check valve.
- C. Check Valve. A check valve shall be provided on the pump discharge line as near the pump as possible for all community water supply wells.
- D. Water Well Disinfection Pipe. All community water supply wells and individual domestic wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. The pipe shall be extended to a height equal to the pump slab or at least four inches above the finished grade, shall be kept sealed and shall be provided with a threaded or equivalently secured cap.
- E. Water Well Master Meter. A master meter or other suitable measuring device shall be provided for each source facility to register accurately the quantity of water delivered to the distribution system for all community water supply wells.
- F. Air-Relief Vent. An air-relief vent, if used, shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.

(Ord. 3475, 1-22-75)

13.24.350 Disinfection of water wells

Every new, repaired, or reconstructed community water supply well or individual domestic well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well, including the gravel used in the gravel-packed wells, the pump, pump column and all portions of equipment coming in contact with well water shall be disinfected with a solution containing at least fifty parts per million available chlorine, which shall remain in the well for a period of at least twenty-four hours or by an equivalent method of disinfection satisfactory to the Department, and such procedure shall be repeated, as necessary, to produce water which is bacteriologically satisfactory as set forth by California Administrative Code, Title 17, Water Quality Standards.

(Ord. 3475, 1-22-75)

13.24.360 Water quality standards

Water from all new and reconstructed wells shall be tested for chemical and

[\[Return to Municipal Code Contents\]](#)

physical quality in accordance with California Administrative Code, Title 17, Water Quality Standards, by a laboratory approved by the State Department of Health.

(Ord. 3475, 1-22-75)

13.24.370 Required inspections of wells

The Department shall be notified at least twenty-four hours in advance to make an inspection of the following operations:

- A. Prior to the sealing of the annular space or filing of the conductor casing;
- B. After installation of the surface protective slab and pumping equipment;
- C. During destruction of all wells, after the well has been sealed as per the approved plans;
- D. Any other operation which might be stipulated on the permit by the Director to cope with special or unusual conditions.

(Ord. 3475, 1-22-75)

13.24.380 Approval of wells by Director

No water from a new or reconstructed well shall be used for domestic purposes until the well is given final approval by the Director.

(Ord. 3475, 1-22-75)

13.24.390 Well abandonment

At the time of removal of a pump, the casing shall be provided with an adequate cap at the surface and shall be maintained so that it will not be a hazard to health or safety until such time that the abandoned well is properly sealed from the bottom to the top. It is unlawful to use an abandoned well for the disposal of any waste material. If, after thirty days, the owner of the well has not declared the well for proposed reuse pursuant to Section 13.24.400, then the well shall be destroyed (sealed) pursuant to Section 13.24.290. If an abandoned well is found by the Director to be a hazard, that by its continued existence causes significant damage to the groundwater or to the health, safety, or welfare of the people of this City, the Director shall direct the owner to destroy (seal) the well within a stated period of time.

(Ord. 3475, 1-22-75)

13.24.400 Declaration of proposed reuse of wells

[\[Return to Municipal Code Contents\]](#)

The owner of a well, the use of which has been or is soon to be discontinued, may apply to the Department, in writing, his intention to use the well again for its original or other approved purpose. The Department shall review such a declaration and grant an exemption from certain of the provisions of Section 13. 24.390 provided no undue hazard to health or safety is created by the continued existence of the well. Such an exemption must be applied for and granted annually and may be terminated for cause by the Director at any time.

(Ord. 3475, 1-22-75)

13.24.410 Duties of Director

It shall be the duty of the Director of Environmental Health Services of the Department of Environmental Health Services of the County to enforce the terms and provisions of this Chapter. In the event it is determined that any fees or charges are to be established and collected by the Director, then the City shall make and establish such fees and charges pursuant to this Chapter, and the City and the County shall enter into a contract concerning same.

(Ord. 3475, 1-22-75)

13.24.420 Director's right of entry

It is unlawful for any person to resist or attempt to resist the entrance of the Director or his or her deputy onto any premises for the purposes of the performance of his or her duty or to refuse to obey any lawful order of the Director made in the performance of his or her duties within the power conferred upon him or her by law or by this Chapter.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.430 Violation - Right of entry - Penalty

- A. The Director may at any and all reasonable times enter any and all places, property, enclosures, and structures for the purpose of making examinations and investigations to determine whether any provision of this Chapter is being violated.
- B. It is unlawful for any person to furnish or supply to a user water used or intended to be used for human consumption or for domestic purposes which is impure, unwholesome, unpotable, polluted, or dangerous to health.

[Return to Municipal Code Contents]

- C. Every person, firm, association, society or corporation violating any provision of this Chapter or failing to comply with any order the Department issued pursuant to this Chapter, or who procures, aids, or abets in any such violation or failure, is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- D. The continued existence of any violation of this Chapter, or of any order of the Department issued pursuant to this Chapter, beyond the time stipulated for compliance with its provisions, constitutes a separate and distinct offense.
- E. Anything done, maintained or suffered in violation of any of the provisions of this Chapter is a public nuisance dangerous to health, and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered so to do shall abate the nuisance immediately.
- F. Any person who furnishes or supplies to a user water used or intended to be used for human consumption or for domestic purposes, without having a valid permit so to do, may be enjoined from so doing by any court of competent jurisdiction at the suit of the Director.

(Ord. MC-460, 5-15-85; Ord. 3475, 1-22-75)

13.24.440 (Repealed by Ord. MC-460, 5-15-85)

**Chapter 13.25
SPREADING OR EXTRACTION WITHIN
THE MANAGEMENT ZONE**

Sections:

- 13.25.010 Purpose**
- 13.25.015 Background Pertaining to Newmark Groundwater Contamination Superfund Site**
- 13.25.020 Definitions**
- 13.25.025 Permits**
- 13.25.035 Approval of Permits**
- 13.25.040 Reporting**
- 13.25.045 Revocation and Emergency Powers**
- 13.25.047 Interference by Existing Wells with Consent Decree or SOW**
- 13.25.050 Consent Orders**
- 13.25.055 Cease and Desist Orders**
- 13.25.060 Hearing Procedures and Appeals**

[\[Return to Municipal Code Contents\]](#)

13.25.070 Violations, Remedies and Penalties

13.25.010 Purpose

The purpose of this Chapter is to assure that activities occurring in the Management Zone, including but not limited to development, digging, drilling, boring or reconstruction of wells, extraction of groundwater from wells and spreading of water do not interfere with or cause pass through of contaminants from the Newmark and Muscoy Operable Units. Activities such as well construction or reconstruction or artificial recharge undertaken in the Management Zone shall not cause or contribute to the migration of groundwater contaminants from the Newmark and Muscoy Operable Units to uncontaminated areas, nor shall such activities, even at their maximum operation, interfere with or adversely affect the integrity of the Newmark or Muscoy extraction and treatment systems, nor shall they otherwise interfere with the performance of these Interim Remedial Actions at the Newmark and Muscoy Operable Units.

It is the further purpose of this chapter to assure the protection of human health and the environment, and compliance with relevant Federal and State requirements directly associated with the performance of the remedy. It is the further purpose of this chapter to manage the spreading of water within the Management Zone and manage the development, digging, drilling, boring, reconstruction of wells, and extraction of groundwater from wells, to assure compliance with the remedial program set forth in the RODs, Consent Decree and Statement of Work, as defined below and aid in the eventual restoration of the aquifer to beneficial use.

It is the further intent of this Chapter to regulate activities within the Management Zone only to the extent necessary to achieve the purposes set forth and to minimize the regulatory impacts to those intending to spread water or develop groundwater resources in the Management Zone. In addition to any other requirements of Chapter 13.25, the following requirements shall apply to the Management Zone. Nothing contained herein shall exclude compliance with the other provisions of Chapter 13.25. In the event of any conflict between the provisions of this Chapter 13.25 and any other Chapter, the terms and provisions of this Chapter shall apply.

13.25.015 Background Pertaining to Newmark Groundwater Contamination Superfund Site

Background:

- A. In 1980 the State of California performed sampling of certain wells belonging to the City of San Bernardino Municipal Water Department ("SBMWD"). These samples disclosed the presence of various contaminants, including trichloroethylene (TCE) and perchloroethylene (PCE).

[\[Return to Municipal Code Contents\]](#)

- B. Pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 USC 9605, the United States Environmental Protection Agency ("EPA") placed the Newmark Groundwater Contamination Superfund Site ("Site") on the National Priorities List ("NPL"), as set forth in 40 CFR Part 300, Appendix B, by publication in the Federal Register on March 31, 1989, 54 Fed. Reg. 13296, 13301.
- C. In late 1990, EPA commenced a Remedial Investigation ("RI") focusing on the Newmark Operable Unit ("OU"). In September 1992, EPA expanded the RI to include the Muscoy OU.
- D. In March 1993, EPA published notice of the completion of the Feasibility Study ("FS") and the Proposed Plan for interim remedial action pertaining to the Newmark OU. In December 1994, EPA published notice of the completion of the FS and Proposed Plan for interim remedial action pertaining to the Muscoy OU.
- E. EPA's determinations concerning the interim remedial actions to be implemented at the Site are set forth in the Newmark OU Record of Decision ("ROD"), signed August 4, 1993, and Muscoy ROD signed March 24, 1995 and the Explanation of Significant Differences (ESD) signed on August 18, 2004.
- F. On September 18, 1995, EPA, the State of California and SBMWD entered into a Cooperative Agreement providing, in part, for SBMWD to perform the operation and maintenance (O&M) of the remedial action set forth in the RODs, and for EPA to fund the O&M.
- G. In September 1996, the SBMWD commenced an action against the United States Army pursuant to Section 107 and 113 of CERCLA seeking to obtain its costs for response and the operation and maintenance of the Newmark and Muscoy OUs [City of San Bernardino v. United States of America, Dept. of the Army, et al. USDC Case No. CV 96-5205 MRP (JGx) consolidated with USDC Case No. CV 96-8867 MRP (JGx)].
- H. Commencing in June 2000, SBMWD, State of California Department of Toxic Substance Control ("DTSC") and EPA commenced negotiations to resolve various issues relating to the Site OU, Newmark OU and Muscoy OU. On March 23, 2005, the Consent Decree memorializing the settlement was entered by the Court.

- I. The Consent Decree requires, in part, for the City of San Bernardino (City) to implement an ordinance providing for protection and management of the Interim Remedy set forth in the RODs and ESD and specifically for the City to regulate the spreading and extraction of water from the Bunker Hill Basin within the City in order to prevent or correct spreading practices or extraction operations that could interfere with or interrupt or degrade the performance of the Interim Remedy.
- J. The protection of groundwater resources within the City is of utmost importance to the City and SBMWD. The public health, safety and general welfare of the people of the State of California and of the more than 600,000 residents of the Counties of San Bernardino and Riverside who depend upon the continued availability of potable groundwater from the Bunker Hill Basin is paramount. The public health, safety and general welfare of the people of the State of California and the residents of the City of San Bernardino require assurance that spreading of water and extraction of groundwater do not interrupt or interfere with the construction, operation and maintenance of the Interim Remedy or degrade the performance of the Interim Remedy.
- K. The Interim Remedy requires, in part, the extraction of contaminated groundwater from the Bunker Hill Water Basin, and within the Newmark and Muscoy OUs, and treatment of the groundwater to meet all State and federal permits and requirements for drinking water and delivery of treated water to SBMWD for distribution to the public through its potable water system, or in the alternative, for recharge to the aquifer.
- L. Inhibitor wells extract groundwater. The inhibitor wells are located at the downgradient end of the Management Zone. The inhibitor wells currently in place were designed to function based upon hydrological factors relating to the flow of water through the basin. The rate of flow through the basin may increase when additional spreading occurs at spreading basins located upgradient from the inhibitor wells. Another factor affecting flow rate is the amount of water flowing through the basin and either extracted or flowing out of the basin. When extraction of groundwater occurs downgradient or to the side of Management Zone, or the capacity of existing downgradient or adjacent wells are increased, the rate of flow may increase. Should an increase in the flow of water occur beyond the capacity of the inhibitor wells, the inhibitor wells may not be able to contain and extract the additional contaminated water before it enters the aquifer downgradient from the inhibitor wells.
- M. As required by the Consent Decree, the City must exercise its police power to protect the public welfare of the City by adopting reasonable regulatory measures.

13.25.020 Definitions

[\[Return to Municipal Code Contents\]](#)

- A. "Adverse Effect," and "Adversely Effect," Any proposed new or reconstructed well, or any water spreading (artificial recharge) activity, forecast to reduce particle capture (as measured using Predictive Particle Tracking) below 95% at any time in the proposed future permit term, shall be presumed to have an adverse effect under this Ordinance. This presumption may be rebutted by Project Re-design or Mitigation Measures to restore particle capture percentages, over a hydrologic cycle representative of long-term hydrology and extending for a term at least as long as a proposed permit term, to at least 95% at all times, with the proposed project operating at the full permitted capacity for the life of the proposed project.
- B. "Applicant": The person or entity submitting the application addressed in this chapter. The term "Applicant" shall also include the person or entity granted any permit or permission pursuant to the terms of this chapter, and shall also include all licensees, lessees, agents, contractors, operators, employees, officers, directors, representatives, attorneys, successors, assigns, heirs and other persons or entities exercising the rights of the permit through applicant. The term "Applicant" shall not include a Party to the ICGMP that is exempt from the provisions of this Ordinance as provided in section 13.25.025(G) below
- C. "Aquifer": A geologic formation that stores, transmits and yields significant quantities of water to wells and springs.
- D. "Barrier well": See "Inhibitor well" below.
- E. "Basin": The Bunker Hill Basin
- F. "City": The City of San Bernardino.
- G. "Code": The San Bernardino Municipal Code.
- H. "Contamination" means any impairment in the quality of water of the City by wastes or other degrading elements in amounts or concentrations violating any federal or state drinking water standard or applicable permit limit for the water produced by the Interim Remedy, or otherwise.
- I. "Day" means a calendar day.
- J. "Department" means the San Bernardino Municipal Water Department.
- K. "DOHS": State of California Department of Health Services.
- L. "DTSC": State of California Department of Toxic Substance Control.
- M. "EPA": The United States Environmental Protection Agency.

[\[Return to Municipal Code Contents\]](#)

- N. "Extraction": The process of taking water from the groundwater aquifer by way of wells and other appurtenances.
- O. "FS": The Feasibility Studies performed by EPA for the Site and completed in March, 1993 and December 1994.
- P. "General Manager" means the San Bernardino Municipal Water Department General Manager or designee.
- Q. "Groundwater": All water beneath the surface of the earth within the zone below the water table in which the soil is saturated with water.
- R. "Groundwater Model" or "Model" means the mathematical calculations required to be produced pursuant to the Consent Decree and SOW addressing the physical characteristics of the groundwater in the Bunker Hill Basin under various conditions. The Groundwater Model is a three-dimensional numerical model that will account for changes in water levels over time, and will account for spatial variations in underground hydrologic parameters. The Groundwater Model can be used to perform Predictive Particle Tracking by simulating future groundwater levels in three dimensions over time.
- S. "Inhibitor Well": The wells designed by EPA for the extraction of water from specific areas of the basin and identified in the RODs.
- T. "Management Zone": The geographic area depicted and defined on Exhibit "A" and Exhibit "B", on file in the office of the General Manager of SBMWD. The "Management Zone" is referred to in the Consent Decree as the "Permit Zone".
- U. "Mitigation Measures" mean readily enforceable and verifiable steps taken to reduce or eliminate Adverse Effects forecast for a proposed new or reconstructed well or water spreading (artificial recharge) project by Predictive Particle Tracking. Mitigation Measures can include, but are not limited to:
1. locating an additional well or wells in the contaminant plume to counteract migration of contaminants past the inhibitor wells;
 2. readily enforceable and verifiable pumping restrictions;
 3. physical reductions in the size of well equipment to limit the well capacity.
- V. "NPL": National Priorities List.

[\[Return to Municipal Code Contents\]](#)

- W. "OU: Operable Unit.
- X. "Person": Any state or local government agency, private corporation, firm, partnership, individual, group of individuals, organization, association, or to the extent authorized by law, any federal agency.
- Y. "Predictive Particle Tracking" means the use of the Groundwater Model, with the inhibitor wells operating at Design Rate under the SOW, over a representative hydrologic cycle, including representative wet and dry periods for the Bunker Hill Basin, to determine the percentage of particle capture achieved at all times over the life of the proposed project, including any applicable Mitigation Measures or Project Re-Design, with the proposed project operating at full permitted capacity for the entire permit term.
- Z. "Project Re-Design" means verifiable and enforceable changes in the physical design, equipment, or location or volume of a proposed water spreading (artificial recharge) or new or reconstructed well project intended to reduce or eliminate Adverse Effects forecast for a project evaluated with Predictive Particle Tracking.
- AA. "RI": The Remedial Investigations performed at the Site for the Newmark Operable Unit and the Muscoy Operable Unit.
- BB. "Record of Decision" or "ROD": The Record of Decision for the Newmark Operable Unit signed August 4, 1993 and the Record of Decision for the Muscoy Operable Unit signed March 24, 1995 setting forth the provisions of the Interim Remedy to be implemented in addressing the contamination identified in RI/FS.
- CC. "Remedy" or "Interim Remedy": The course of action set forth in the RODs, Statement of Work (SOW), and Consent Decree (CD) relating to the operation and maintenance of the remedial action specified in said documents.
- DD. "SBMWD": The San Bernardino Municipal Water Department.
- EE. "Site": The Newmark Groundwater Contamination site identified in 40 CFR Part 3rd Appendix B, published in the Federal Register on March 3 1, 1989, 54 Fed. Reg. 13296, 13301.
- FF "Spreading Basin": Areas, facilities and portions of land set aside for the deposit of water with the intent to allow the water to percolate into the groundwater basin, as depicted on Exhibit "C", attached hereto and incorporated by this reference and on file in the office of the General Manager of SBMWD.

[\[Return to Municipal Code Contents\]](#)

- GG. "Statement of Work" (SOW): The document incorporated into the Consent Decree, referenced in Section 13.25.015 H., setting forth the implementation of the remedial action to be performed by SBMWD, EPA and DTSC relating to the Newmark OU and Muscoy OU.
- HH. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into the ground. This definition shall not include:
1. Oil or gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or
 2. Wells used for the purpose of:
 - a. Dewatering excavation during construction, or
 - b. Stabilizing hillsides or earth embankments.

13.25.025 Permits

- A. Spreading. Unless a permit issued by SBMWD pursuant to this Chapter is first obtained, it shall be unlawful for any person, as principal, agent or employee, to spread water (artificial recharge) within the Management Zone.
- B. Groundwater Extraction. Unless a permit issued by SBMWD pursuant to this Chapter is first obtained, it shall be unlawful for any person to develop, dig, or drill a new well, or to reconstruct an existing well in a manner to increase its maximum capacity over its maximum capacity on March 23, 2005, or the most recent operation if the well was inoperable on March 23, 2005, or to allow the development, digging, drilling, or reconstruction of any well on land located within the Management Zone.
- C. Application for Permit. An application for a permit shall be filed by the landowner or Applicant with the SBMWD on a form provided by SBMWD. Applicant has an affirmative duty to provide accurate representations of all material facts in the application.

- D. Contents of Application for Permit for Extraction. The contents of the Application for Permit for Extraction shall include, as a minimum, all of the items set forth in Section 13.24.250 and the elevations of proposed screening intervals, and such other information as SBMWD determines necessary and appropriate to evaluate the application and assure that the proposed extraction will not interfere with, compromise, endanger or detrimentally or Adversely Affect the Interim Remedy or otherwise cause or contribute to the movement of contaminants to areas downgradient of the Inhibitor Wells, or increase the likelihood that contaminants will migrate past or around these wells, or interfere with or Adversely Affect the Interim Remedy.
- E. Contents of Application for Permit for Spreading. The contents of the Application for Permit for Spreading shall include, as a minimum, the name of the person proposing to conduct the spreading, the time period over which the spreading is proposed to occur, the volume, location and such other information as SBMWD may determine necessary and appropriate to evaluate the application and assure the proposed spreading will not interfere with, compromise, endanger or detrimentally affect the Interim Remedy or otherwise cause or contribute to the movement of contaminants to areas downgradient of the Inhibitor Wells.
- F. Fees. SBMWD may levy a fee for review of the Application for Permit and monitoring of compliance with the permit. The fee shall be established by resolution of the SBMWD Board of Water Commissioners.
- G. Exemption from Permit and Related Requirements for Institutional Controls Groundwater Management Program (ICGMP) Members. By agreement effective

January 1, 2005, a number of local water agencies have entered into the agreement entitled Agreement to Develop and Adopt an Institutional Controls Groundwater Management Program. That program currently provides for short-term restrictions on production and spreading to protect the Interim Remedy while a long-term agreement is negotiated. The long-term agreement will be as protective of the Interim Remedy as this Chapter, and projects which are subject to the ICGMP or successors to that Agreement will be reviewed and approved by the ICGMP Parties pursuant to those agreements. As long as a party proposing to construct or reconstruct a well or to spread water for artificial recharge is a member in good standing of the ICGMP under the agreement effective January 1, 2005, or successors to that Agreement, that Party's project(s) will be exempt from the provisions of this Ordinance and will be reviewed and approved pursuant to the ICGMP or successors to that Agreement rather than this Ordinance. Compliance with ICGMP requirements shall be deemed to be full compliance with this Chapter. Non-compliance with ICGMP requirements shall be addressed pursuant to remedies provided for in the ICGMP Agreement or successors to it. In the event the ICGMP expires or lapses while this Chapter is in force, or a Party with an approved spreading or well project withdraws from the ICGMP, any Mitigation Measures, Project Re-Design measures, access and monitoring requirements, and parallel undertakings imposed or agreed to by the Party under the ICGMP shall become fully enforceable by the City under this Chapter.

H. Review of Application.

1. The review process of the application will commence when SBMWD determines it has received from the Applicant all documents and necessary information to commence its review.
2. Subject to timely participation by EPA and DTSC, SBMWD shall endeavor to complete the review within One Hundred Twenty (120) days from Notice by SBMWD to Applicant that the application is deemed complete.
3. The completed application shall be subject to review and comment by the EPA and DTSC. SBMWD shall provide to EPA and DTSC a copy of its proposed decision, after which EPA and DTSC, pursuant to the Consent Decree, shall have a minimum of thirty (30) days to comment on the proposed decision. If either EPA or DTSC object in writing to the permit application, proposed decision or modeling work on which a proposed permit decision is based, the SBMWD, EPA and DTSC, shall consult for up to sixty (60) days in order to resolve any material differences among them over such matters. Consistent with the Consent Decree, the SBMWD shall not issue a permit over the unresolved objections of either EPA or DTSC.

4. Except as provided below, Applications shall be evaluated using the Predictive Particle Tracking in order to determine if there is an Adverse Effect. Once approved by EPA, the Groundwater Model will be used for Predictive Particle Tracking, to forecast particle capture through a hydrologic cycle reasonably representative of long-term hydrology lasting for at least the proposed permit term, which hydrologic cycle shall include a wet cycle and a dry cycle, based on historic hydrologic data for similar periods, and which shall assume that the Inhibitor Wells are operated at Design Rates. Mitigation Measures and any Project Re-Design are to be evaluated using the same method. No proposed well construction or reconstruction, or future spreading operation, shall be approved if the project is forecast to have an Adverse Effect unless such Adverse Effect is eliminated through readily enforceable Mitigation Measures or Project Re-Design.
- I. Permit Applications for Extraction Wells in Plume Areas and for Irrigation Use on Overlying Land.
 1. Applications to drill in the areas shown on the attached map, Exhibit C to this Chapter, are strongly encouraged. The boundaries of these areas correspond to the City's estimates of areas within the Newmark and Muscoy contaminant plumes where extraction and treatment of water from these areas will slow the spread of contaminants.
 2. For wells proposed in the designated areas shown in the map, the Applicant and the City may use a streamlined modeling process, to be developed by the City, to model the projected hydraulic impacts of the proposed extraction well in the proposed location upon the operations of the inhibitor wells. Such application shall clearly demonstrate that:
 - a. the well will conform to standards for structural integrity;
 - b. the water it produces will be properly treated; and
 - c. the well is screened at a depth and in such a manner that its construction and operation will not cause the migration of contaminants between different confined intervals of the aquifer.
 3. The City shall set the permit term for such wells in the designated areas for not less than 15 years, with the option, in the City's discretion, to set the permit term for up to 30 years.
 4. Wells used by overlying landowners solely for non-potable irrigation or solely for sand and gravel operations on such land, may be replaced on the same

[\[Return to Municipal Code Contents\]](#)

parcel without a permit under this Chapter provided that no such overlying landowner shall extract more than 250 acre feet per year from the same or contiguous parcels without a permit issued pursuant to this Chapter.

5. The City recognizes that the wells listed in Exhibit D by Assessor Parcel Number (APN) have been used by the overlying landowners solely for non-potable irrigation on such land. These landowners may replace these wells on these properties without making the modeling demonstration required by this Chapter provided that such Applications clearly demonstrate that:
 - a. The water it produces will continue to be used only for non-potable irrigation or sand and gravel operations on the land, or contiguous parcels of the same landowner, where the well is located;
 - b. the well is constructed and screened in such a manner that it will not cause migration of contaminants between different confined intervals of the aquifer, provided, however, that if the replacement well is screened in substantially the same interval as the well it replaces, the replacement well shall be entitled to a rebuttable presumption of compliance with this condition; and
 - c. that extractions shall not increase by more than 25% over the maximum annual production and extraction rates for the last ten years, as shown by contemporaneous documentary evidence or by an Edison Pump Test and review of electrical consumption.

13.25.035 Approval of Permits

- A. Standard of Review. Except as provided above, a permit may be granted for a period of up to fifteen (15) years with or without conditions under the provisions of this chapter only if the Applicant demonstrates that the proposed extraction or spreading and method of operation is not forecast to cause an Adverse Effect when evaluated using the Predictive Particle Tracking, and will not interfere with, compromise, endanger or detrimentally affect the Interim Remedy, or cause the City to be in potential violation or non-conformance with the SOW, Consent Decree or RODs, or EPA or DTSC approved plans adopted thereunder.

1. Prior to the completion of an updated Groundwater Model the Applicant shall bear the burden of demonstrating through the use of engineering and other satisfactory scientific data that the proposed extraction or spreading will not cause an Adverse Effect and will not interfere with, compromise, endanger or detrimentally affect the Interim Remedy.
2. After an updated Model has been completed, the Applicant shall bear the burden of demonstrating through the use of the Predictive Particle Tracking and other satisfactory scientific evidence that the proposed extraction or spreading is not forecast to cause an Adverse Effect, and will not interfere with, compromise, endanger or detrimentally affect the Interim Remedy.

B. Conditions of Approval.

1. In the event the application is approved, EPA, DTSC and SBMWD shall have the right to condition approval upon Mitigation Measures, Project Re-Design, or other remedial activities to be performed by Applicant. EPA, DTSC or SBMWD may require Applicant to prepare a mitigation or remedial plan subject to approval by EPA, DTSC and SBMWD prior to issuance of the permit.
2. If Mitigation Measures, Project Re-Design, or remedial activities are required as a condition of the issuance of a permit, SBMWD may require Applicant to post a bond of sufficient value to assure compliance with the mitigation or remedial activities.
3. Upon approval of the application, with or without Mitigation Measures, Project Re-Design, or remedial activities, and after the posting of a bond, if required, SBMWD shall issue a permit.
4. The approval and issuance of a permit shall be subject at all times to the monitoring of Applicant's activities and suspension or revocation of the permit if it is determined by SBMWD, EPA or DTSC that Applicant's activities interfere with, compromise, endanger or detrimentally affect the Interim Remedy.
5. The issuance of a permit shall be conditioned on the grant to EPA, DTSC and the City, including SBMWD, their contractors and representatives, of access to the wells or spreading basins or related areas for the purpose of verifying compliance with the permit, and upon reasonable notice to inspect and copy documents and records of Applicant's operations of the permitted facilities.
6. Misrepresentation or failure to disclose material facts in the application shall be grounds for denial of the application.

7. The approval and issuance of a permit shall be conditioned upon Applicant indemnifying, defending, and holding City and SBMWD harmless from any and all claims, causes of action, injury to person or property and enforcement proceedings arising from or related to the Application for Permit, property subject to the permit, work to be undertaken relating to the permitted property,

including work not the subject of the permit or any other matter related to the permit or granting of the permit, including but not limited to any costs incurred by SBMWD or City from any contest to the issuance of the permit.

- C. Denial of Application. SBMWD shall deny the application if it determines that the standards of this Chapter have not been attained or if either SBMWD, EPA or DTSC determines that the proposed project is forecast to cause an Adverse Effect which is not eliminated by Mitigation Measures or Project Re-Design or will interfere with or adversely affect the integrity of the Newmark and Muscoy extraction and treatment systems, or will increase the likelihood that contaminants will migrate past or around the barrier walls that are part of those systems or will otherwise interfere with the performance of the Interim Remedial Actions, or cause the City to be in potential violation or non-conformance with the SOW, Consent Decree or RODs, or any plan approved by EPA or DTSC in order to implement those documents. SBMWD shall provide to Applicant a copy of the written objections made together with any additional written statement of reasons by EPA, DTSC and/or SBMWD for disapproval of the permit. An Applicant denied a permit may appeal the decision pursuant to Section 13.25.060.

13.25.040 Reporting

- A. Reporting by Applicants. A condition of each and every permit shall be the requirement that the Applicant provide, at least quarterly, regular written reports to SBMWD of water levels, chemistry and other information affecting water quality deemed appropriate by SBMWD. The SBMWD may specify forms for such reports and such forms shall be used by Applicant to comply with the provisions of this section. Such reports shall require Applicant to perform monitoring, sampling and record keeping of any wells that are the subject of the permit, including the amount, rate and timing of extraction or spreading and the quality of water being extracted or spread, including, but not limited to, concentrations of perchloroethylene (PCE), Trichloroethylene (TCE), Freon and other water quality related concentrations. specified by SBMWD. Upon receipt of any report requested or required by this chapter, SBMWD may require a follow-up report of additional data and/or information. Applicant shall keep records of all activities relating to the operation of wells and/or spreading activities, including all sampling results and flow data. Such records shall be available for inspection and copying by SBMWD, EPA and DTSC upon forty-eight (48) hours notice. These records shall be maintained for a period of not less than five (5) years. The period for retention of records shall automatically be extended for any period of litigation between SBMWD, the City of San Bernardino, EPA and/or DTSC and Applicant.

- B. Reporting by Non-Applicants. Every person, except Parties to the ICGMP described in section 13.25.025(G) above, spreading or extracting more than 250 acre-feet in any month shall report the amount of such spreading or extraction to the City within ninety (90) days of the close of the calendar year quarter in which such spreading or extraction occurred. Said report shall be submitted under penalty of perjury. The SBMWD may specify forms for such reports and such reports shall be used to comply with the provisions of this section.

13.25.045 Revocation and Emergency Powers

- A. If there is an immediate and serious threat to the Interim Remedy, and its performance in accordance with the SOW, Consent Decree or RODs, and if SBMWD believes it may be due in whole or in part to Applicant's operations, SBMWD may order Applicant to cease or reduce its operations and show cause why the permit should not be revoked, modified or restricted.

- B. In addition to the provisions set forth above, the permit may be revoked upon the determination of the SBMWD General Manager of any of the following:
 - 1. Misrepresentation or failure to disclose material facts in the application.

2. Falsifying or making misrepresentations on any reports submitted to SBMWD, whether as part of the application, as a condition of the permit or as submitted voluntarily by the Applicant.
 3. Tampering with monitoring equipment subject to the permit.
 4. Refusing or obstructing SBMWD or its designee, or EPA or DTSC, or their designees' timely access to the permitted sites and operations, and records of those operations.
 5. Failure to pay fines.
 6. Failure to meet compliance schedules.
 7. Failure to comply with conditions of approval.
 8. Failure to file timely reports or to respond to requests for reports, sampling data, monitoring activities or cooperation with the Interim Remedy for the Newmark Superfund Site.
- C. In the event the activities of the Applicant, or Applicant's agents, contractors, licensees, lessees or employees are deemed by SBMWD to interfere with or adversely affect the integrity of the Newmark and Muscoy extraction and treatment systems, or will increase the likelihood that contaminants will migrate past or around the barrier wells that are part of those systems or will otherwise interfere with the performance of the Interim Remedy, SBMWD may revoke or suspend the permit and compel Applicant to cease all activities covered by the permit until either a hearing is held before the Board of Water Commissioners pursuant to Section 13.025.060 below for Applicant to demonstrate why the permit should not be modified or revoked, or Applicant and the General Manager reach a mutually acceptable resolution. In all other circumstances, Applicant shall be advised in writing of any noncompliance with the permit or other condition that may warrant a modification of permit conditions or revocation of the permit, and Applicant shall be afforded the opportunity for a hearing before the Board of Water Commissioners pursuant to the provisions of Section 13.25.060, below, to present any evidence as to why the permit should not be modified or revoked.

13.25.047 Interference by Existing Wells with Consent Decree or SOW

In the event an existing well, not subject to the Permit requirements of this Chapter, is operated in a manner which materially interferes with the City's compliance with the provisions of the Consent Decree or SOW, or requires an increase in operating rates above Design Rate in order to maintain compliance with the requirements of the Consent

[\[Return to Municipal Code Contents\]](#)

Decree or SOW, the City may halt, abate, or reduce such activities by injunction from the San Bernardino County Superior Court, or by the United States District Court for the Central District of California, acting pursuant to the U.S. District Court's retention of jurisdiction over Institutional Controls in paragraph 1.b, page 11, lines 6-19 of the Consent Decree. This provision is in addition to, and not in derogation of, the City's other statutory, equitable, and common law remedies.

13.25.050 Consent Orders

The SBMWD may enter into consent orders, assurances of voluntary compliance, or similar arrangements establishing an agreement with any person responsible for non-compliance with the provisions of this Chapter. Such arrangements will include specific action to be taken by the person to correct any non-compliance and shall be enforceable in a court of competent jurisdiction.

13.25.055. Cease and Desist Orders

If SBMWD finds that a person has violated any provision of this Chapter, or a permit, or the person's activities pose an immediate and serious threat to the Interim Remedy, and that it is likely the person will continue with such violation or detrimental activities, SBMWD may issue an administrative order directing such person immediately to cease and desist from such conduct and to take all actions necessary to comply fully with the order. If the person fails immediately to comply with such an administrative order, that person shall be subject to criminal and civil liability in addition to whatever civil liability the person may have been subject to as a result of the conduct that prompted the issuance of the cease and desist order.

13.25.060 Hearing Procedures and Appeals

- A. In the event SBMWD denies an application, imposes or materially modifies a condition of approval that is/are unacceptable to Applicant, or suspends or revokes a permit, an appeal may be commenced by Applicant.
- B. All appeals must be filed in the office of the SBMWD General Manager within fifteen (15) days of any denial, approval with conditions, suspension or revocation. The Appeal filed with SBMWD shall include the name of the Applicant, name, address and telephone number of the person representing applicant, Assessor's Parcel Number (APN) or other description of property involved, any identifying case number or application number issued by SBMWD; the basis for the appeal, the date and signature of the Applicant.

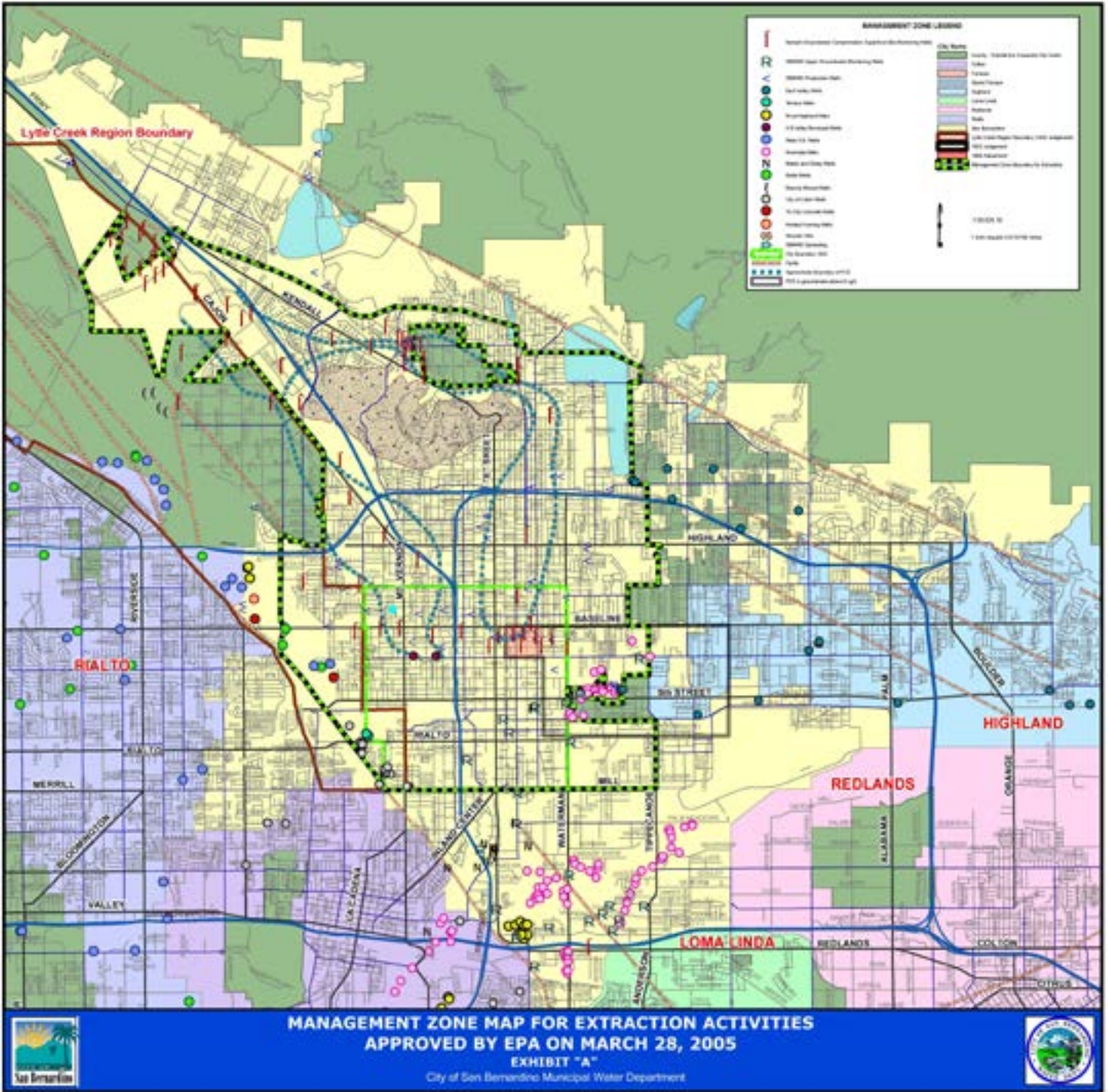
[\[Return to Municipal Code Contents\]](#)

- C. All appeals shall be heard by the SBMWD Board of Water Commissioners during their regular meetings. The burden of proof at such hearing shall be upon the Applicant. Following the hearing the Board of Water Commissioners shall issue its decision. Said decision shall be deemed a final administrative decision. Upon rendition of any adjudicatory administrative decision by the SBMWD Board of Water Commissioners, notice shall be given to the parties that the time within which judicial review must be sought is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.
- D. Any issue relating to the Consent Decree or SOW may, at the discretion of the SBMWD, be adjudicated in the United States District Court for the Central District of California, including the right of the SBMWD to remove any action initially brought in a California trial court.

13.25.070 Violations, Remedies and Penalties

- A. Any person violating any provision of this chapter or any condition of a permit shall be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000.00 per violation, and/or by imprisonment not exceeding six months for each violation. Each day a violation occurs may be deemed a separate violation.
- B. Notwithstanding anything to the contrary contained herein, and in addition to any other penalties, fines or other action, the SBMWD Board of Water Commissioners may order the payment of damages and civil penalties not to exceed \$10,000.00 per day and actual damages for any violation of any provision of this chapter. Said penalties shall be deemed to be civil penalties and may be imposed in addition to any criminal penalties.
- C. In the event of any violation of any provision of this chapter, and in addition to any other remedies, at the sole and exclusive discretion of SBMWD, the permit may be revoked.
- D. A violation of any provision of this ordinance or any permit provision or condition shall be deemed to be a public nuisance.

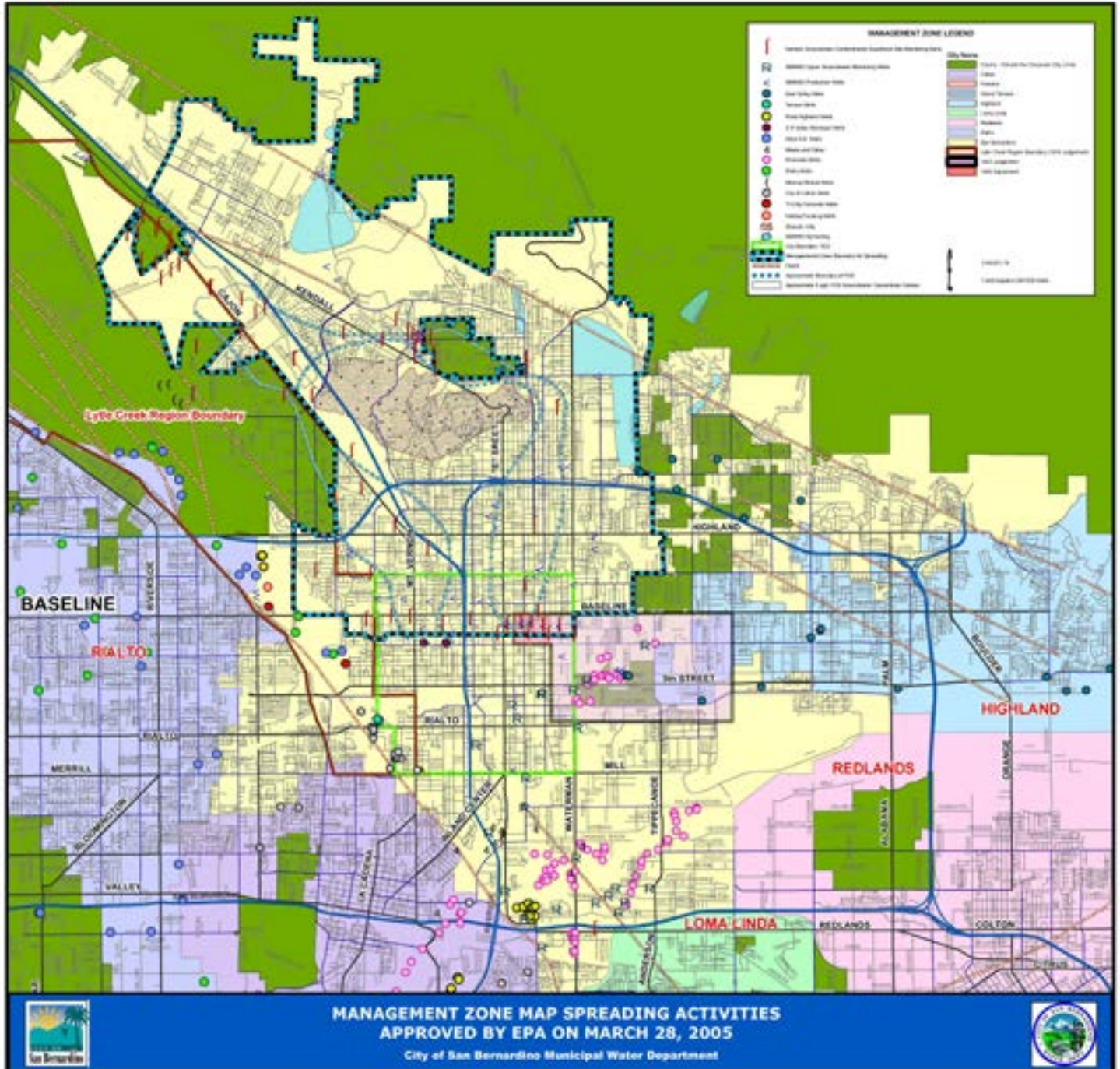
(Ord. MC-1221, 3-20-06)



"EXHIBIT A"

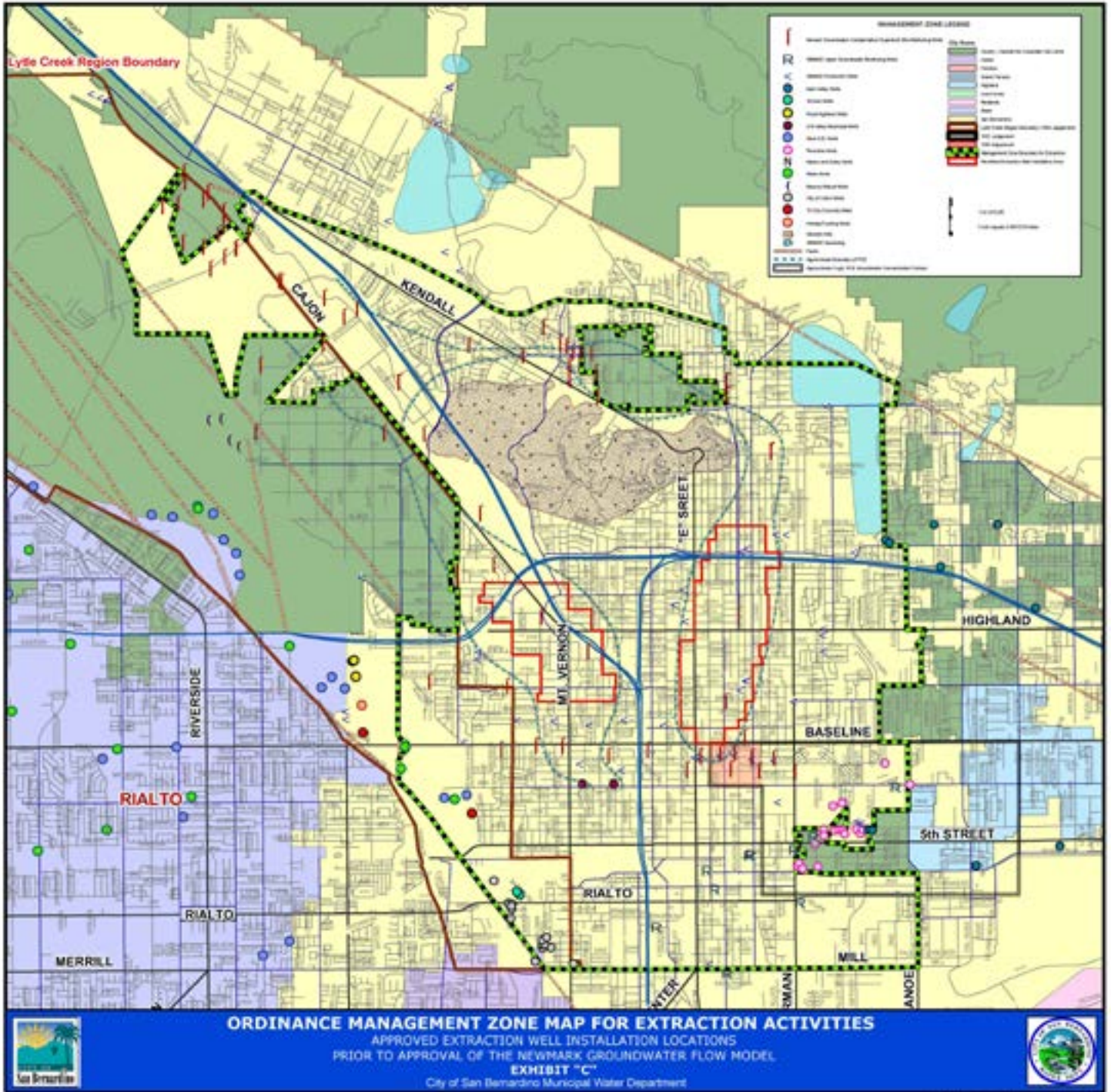
[Return to Municipal Code Contents]

[Return to Title 13 Contents]



"EXHIBIT B"

[Return to Municipal Code Contents]



"EXHIBIT C"

[Return to Municipal Code Contents]

[Return to Title 13 Contents]

ORDINANCE MC-1221, 3-20-06

**AN ORDINANCE OF THE CITY OF SAN BERNARDINO, CALIFORNIA, ADDING
CHAPTER 13.25 OF THE SAN BERNARDINO MUNICIPAL CODE ENTITLED
SPREADING OR EXTRACTION WITHIN THE MANAGEMENT ZONE.**

EXHIBIT D

County Well Recordation Numbers	APNs
3601925	0153351170000
	0153351171001
3600119, 3600742, 3600743	0150161120000
	0150154140000
	0272161120000
	0272161070000

Chapter 13.28
**COLLECTION OF DELINQUENT WATER, RUBBISH,
SEWER OR OTHER MUNICIPAL UTILITY CHARGES**

Sections:

- 13.28.010 Collection of water, sanitation, sewer or other utility charges pursuant to State statute**
- 13.28.020 Definitions**
- 13.28.025 Notice of Delinquent Utility Accounts**
- 13.28.030 Description of parcel receiving services to be filed with City Clerk**
- 13.28.040 Notice of filing of reports - Hearing**
- 13.28.050 Hearing for objections and protests**
- 13.28.060 Revision of charges or overrule of objections - Notice of pendency of administrative action**
- 13.28.070 Filing of report with County Auditor**
- 13.28.080 Charges constitute lien against lot or parcel of land**
- 13.28.090 Inclusion of amount of charges on bills for taxes**
- 13.28.100 Collection of charges**
- 13.28.110 Application of laws to levy, collection and enforcement of general taxes**
- 13.28.120 Issuance of separate bills**

13.28.010 Collection of water, sanitation, sewer or other utility charges pursuant to State statute

- (A) The City hereby elects to avail itself of the provisions of Article 4 of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code, Section 5470, et seq., which set forth an alternative method of collecting charges for services and facilities furnished in connection with sanitation, sewerage, or any other utility, whereby the same are collected by the county tax collector.
- (B) This Chapter shall be effective from the date of its adoption for a period of fifty (50) years, including amendments thereto during that time.
- (C) With respect to any individual account, and without prior notice thereof, the City may elect to forego the provisions of this Chapter and to pursue collection of delinquent charges in any other manner permitted by law. The Integrated Waste Management Division of the Public Works Department shall develop policies and procedures regarding the collection of delinquent charges.

[Return to Municipal Code Contents]

- (D) In addition to any remedy contained herein, the City and the San Bernardino Municipal Water Department are hereby authorized to discontinue all utility services and provide notice to the property owners's forty-one (41) days after the payment was due.

(Ord. MC-1335, 10-04-10; Ord. MC-229, 12-21-82; Ord. 3533, 10-28-75)

13.28.020 Definition

- (A) "Delinquent Charges" for the purposes of this chapter means those charges for services, equipment or facilities which remain unpaid after the date due.
- (B) "Sanitation" for the purposes of this Chapter means refuse services, including but not limited to, residential, commercial, recycling or roll-off services, for the removal or recycling of rubbish, garbage, by-products and like matter.

(Ord. MC-1335, 10-04-10; Ord. MC-229, 12-21-82; Ord. 3533, 10-28-75)

13.28.025 Notice of Delinquent Utility Accounts

- (A) Any person or entity who receives water, sanitation, storm drainage, or sewerage services whose account has delinquent charges for services shall be mailed a notice of the delinquent charges.
- (B) The City Manager, or his or her designee, shall notify the assessed owner shown on the latest equalized tax assessor's roll whenever delinquent and unpaid charges for services which may become a lien on real property in the manner set forth in the is chapter, remain delinquent and unpaid for sixty (60) days. The notice so provided shall notify the assessed owner of the delinquent charges and the lien provided by this Chapter.

(Ord. MC-1335, 10-04-10)

13.28.030 Description of parcel receiving services to be filed with City Clerk

The City Manager, or his or her designee, shall cause to be prepared a written report which shall be filed with the City Clerk. Said report shall contain a description of each parcel of real property receiving such water, sanitation, sewer or other utility services and the amount of the delinquent charges for each parcel computed in conformity with charges prescribed by resolution of the Mayor and Common Council or pursuant to the rules and regulations of the board of water Commissioners. The real property may be described by reference to maps prepared in accordance with California Revenue and Taxation Code,

[Return to Municipal Code Contents]

Section 327, and on file in the Office of the County Assessor or by reference to plats or maps on file in the Office of the City Clerk.

(Ord. MC-1335, 10-04-10; Ord. MC-229, 12-21-82; Ord. 3533, 10-28-75)

13.28.040 Notice of filing of report - Hearing

- A. The City Clerk shall cause notice of the filing of said report, and of a time and place of hearing thereon, to be published pursuant to California Government Code Section 6066 prior to the date set for hearing in a newspaper of general circulation printed and published within the City.
- B. The City Clerk shall cause a notice in writing of the filing of the report proposing to have such charges collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the Clerk. If the Mayor and Common Council adopt the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as herein provided shall be adequate.

(Ord. 3533, 10-28-75)

13.28.050 Hearing for objections and protests

At the time stated in the notice, the Mayor and Common Council shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the Mayor and Common Council find that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

(Ord. 3533, 10-28-75)

13.28.060 Revision of charges or overrule of objections - Notice of pendency of administrative action

- A. Upon the conclusion of the hearing, the Mayor and Common Council may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final.

[Return to Municipal Code Contents]

- B. The City Administrator may file a notice of pendency of administrative action with the County Recorder for any parcel or parcels of real property against which any water, sanitation, sewer or other utility charge is found to be delinquent hereunder by the Mayor and Common Council.

(Ord. MC-229, 12-21-82; Ord. 3533, 10-28-75)

13.28.070 Filing of report with County Auditor

On or before the tenth day of August of each year following such final determination, the Clerk shall file with the County Auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the Mayor and Common Council, and the County Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the City, they shall be added to the assessment roll of the City for the purpose of collecting such charges. If the property is not described on the roll, the auditor may enter the description thereon together with the amounts of the charges, as shown on the report.

(Ord. 3533, 10-28-75)

13.28.080 Charges constitute lien against lot or parcel of land

The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon the first Monday in March immediately preceding the date of levy, except as hereinafter provided.

(Ord. 3533, 10-28-75)

13.28.090 Inclusion of amount of charges on bills for taxes

The County Tax Collector shall include the amount of the charges on bills for taxes against the respective lot and parcels of land.

(Ord. 3533, 10-28-75)

13.28.100 Collection of charges

Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes of the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

(Ord. 3533, 10-28-75)

[\[Return to Municipal Code Contents\]](#)

13.28.110 Application of laws to levy, collection and enforcement of general taxes

All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemptions are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 13.28.080 shall not attach to such real property, and the charges relating to such property shall be transferred to the unsecured roll of collection.

(Ord. 3533, 10-28-75)

13.28.120 Issuance of separate bills

The Tax Collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges in an amount to be fixed by agreement between the Board of Supervisors of San Bernardino County and the Mayor and Common Council of the City. In any event, the compensation shall not exceed five dollars for each account handled, or one percent of all money collected, whichever is greater. The compensation shall be paid into the county salary fund.

(Ord. 3533, 10-28-75)

Chapter 13.32 WASTEWATER FACILITIES

In accordance with Section 603 of the City Charter, the Water Board shall be responsible for oversight and management of the City's wastewater collection and treatment systems, including the regulation of wastewater facilities. Any rules or regulations promulgated by the Water Board in connection with its powers under Section 603 of the City Charter may be enforced as laws of the City in accordance with Chapter 2.28 of this Municipal Code.

(Ord. MC-1562, 9-15-21; Ord. MC-1216, 2-22-06; Ord. MC-1012, 1-13-98;
Ord. MC-1010, 11-18-97; Ord. MC-853, 11-03-92; Ord. MC-835, 6-03-92;
Ord. MC-571, 12-24-86; Ord. MC-460, 5-15-85; Ord. MC-273, 5-23-83)

[\[Return to Municipal Code Contents\]](#)

Chapter 13.36 UNDERGROUND UTILITIES²

Sections:

- 13.36.010 Definitions
- 13.36.020 Public Hearing by Council
- 13.36.030 Council may designate underground utility districts by resolution
- 13.36.040 Unlawful acts
- 13.36.050 Exception, emergency or unusual circumstances
- 13.36.060 Other exceptions
- 13.36.070 Notice to property owners and utility companies
- 13.36.080 Responsibility of utility companies
- 13.36.090 Responsibility of property owners
- 13.36.100 Responsibility of City
- 13.36.110 Extension of time
- 13.36.120 Violation - Penalty

13.36.010 Definitions

Whenever in this Chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. "Commission" means the Public Utilities Commission of the state.
- B. "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.
- C. "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.

²For statutory provisions on conversion of utilities' facilities to underground locations, see Str. and Hwys. Code §5896.1 et seq. and Gov. Code §38793; for provisions on telegraph and telephone poles, see Ch. 12.12 of this Code.

- D. "Underground utility district" or "districts" means that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 13.36.030.
- E. "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

(Ord. 2919, 7-02-68)

13.36.020 Public hearing by Council

The Mayor and Common Council, hereinafter called 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 ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

(Ord. 2919, 7-02-68)

13.36.030 Council may designate underground utility districts by resolution

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 under-ground 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. 2919, 7-02-68)

[\[Return to Municipal Code Contents\]](#)

13.36.040 Unlawful acts

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 13.36.030, 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 13.36.090, 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. 2919, 7-02-68)

13.36.050 Exception, 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 Council in order to provide emergency service. The Council may grant special permission on such terms as the Council 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. 2919, 7-02-68)

13.36.060 Other exceptions

In any resolution adopted pursuant to Section 13.36.030, the City may authorize any or all of the following exceptions:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;
- B. Poles, or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

[Return to Municipal Code Contents]

- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services;
- G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Ord. 2919, 7-02-68)

13.36.070 Notice to property owners and utility companies

- A. Within ten days after the effective date of a resolution adopted pursuant to Section 13.36.030, 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, 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.
- B. Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 13.36.030, 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. 2919, 7-02-68)

13.36.080 Responsibility of utility companies

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 13.36.030, 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. 2919, 7-02-68)

[\[Return to Municipal Code Contents\]](#)

13.36.090 Responsibility of property owners

- A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 13.36.080 and the termination facility on or within the building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 13.36.030, the City Engineer shall give 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 San Bernardino. 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 City Engineer 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 City Engineer 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 City Engineer 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 provided, the City by order of the Mayor and upon issuance of a work order shall forthwith proceed to cause the work to be done; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City 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, the City Engineer shall file a written report with the City Council setting forth the fact that the required underground facilities

[\[Return to Municipal Code Contents\]](#)

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 time shall not be less than ten days thereafter.

- E. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the 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 are 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 the City Engineer, and the City Engineer is directed to turn over to the assessor and tax collector a notice of lien on each of the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year.

(Ord. 2919, 7-02-68)

13.36.100 Responsibility of City

- A. The City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 13.36.030.
- B. Notwithstanding the provisions of any other ordinance to the contrary, any fee required to be paid for a wiring permit is waived when the work is to be provided upon and in the private property of any property owner pursuant to the wiring permit by such property owner or his contractor in an approved underground utility district.

(Ord. 3217, 12-21-71; Ord. 2919, 7-02-68)

[Return to Municipal Code Contents]

13.36.110 Extension of time

In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 13.36.030 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 period within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. 2919, 7-02-68)

13.36.120 Violation - Penalty

It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-460, 5-15-85; Ord. 2919, 7-02-68)

Title 14 FRANCHISES

Chapters:

- 14.04 **General Regulations**
- 14.08 **Cable, Video and Telecommunications Service Providers**

Chapter 14.04 GENERAL REGULATIONS

Sections:

- 14.04.010 **Franchise required when**
- 14.04.020 **Application**
- 14.04.030 **Granting of franchise - Conditions**
- 14.04.040 **Violation - Penalty**
- 14.04.050 **Operation after Franchise Expiration - Revocable License**

14.04.010 Franchise required when

It is unlawful for any person, firm or corporation to exercise any privilege or franchise to lay or maintain any pipes or conduits in or under any public street, or alley in the City, for the transmission of gas, water, heat, steam, or other substance or to exercise any franchise or privilege for the erection or maintenance, in or upon any public street or alley in the City, of any telephone, telegraph, electric light or power poles, wires, or system, or for the erection of any pole or wire for the purpose of transmitting electrical energy or current, without first having procured a franchise to do so unless such person, firm or corporation is entitled to do so by direct and unlimited authority of the Constitution of the state or the Constitution of the laws of the United States.

(Ord. 541, 11-10-1913)

14.04.020 Application

Any person desiring to procure a franchise for any of the purposes mentioned in Section 14.04.010 shall make application therefor in accordance with the procedural requirements set forth in the Franchise Act of 1937 (Public Utilities Code Section 6201 et seq.), and as amended.

(Ord. MC-1135, 12-18-02; Ord. 2162, 2-19-57; Ord. 541, 11-10-1913)

[\[Return to Municipal Code Contents\]](#)

14.04.030 Granting of franchise - Conditions

The Mayor and Common Council may grant a franchise, subject to any restrictions, terms, and conditions (including compensation), without limitation, that they deem to be in the best interests of the City. The Mayor and Common Council may refuse to grant a franchise, when in their opinion the granting of any such franchise will not be in the best interests of the City.

(Ord. MC-1135, 12-18-02; Ord. 541, 11-10-1913)

14.04.040 Violation - Penalty

Any person, firm or corporation exercising or attempting to exercise any franchise for any of the purposes mentioned in Section 14.04.010, or laying or maintaining any pipes or conduits in or upon any street in the City, for the transmission of gas, water, heat, steam or other substance, or erecting any telephone, telegraph or electric light or power poles, wires, or system, within the City in violation of any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code. In addition, any person, firm or corporation exercising or attempting to exercise any franchise for any of such purposes after a franchise or license (issued pursuant to Chapter 14.04) has expired shall be subject to a civil penalty of three (3) times the compensation required under the expired franchise or license prorated on a "per day" basis. Such civil penalty shall be in addition to any other terms and conditions set out in the franchise or license, and shall not, in any way, limit or otherwise restrict any other legal or equitable remedy available to City.

(Ord. MC-1135, 12-18-02; Ord. MC-460, 5-15-85; Ord. 541, 11-10-1913)

14.04.050 Operation after Franchise Expiration - Revocable License

If a franchise is to expire within sixty days according to the franchise terms, and a new franchise has been requested, but has not yet been granted, the franchisee may request the Mayor and Common Council to issue the franchisee a written revocable license, for a renewable term not to exceed one hundred-twenty (120) days from the expiration of the franchise, permitting the franchisee to continue to locate its existing facilities in or upon public property in the City during the term of the license. The Mayor and Common Council may issue such a revocable license, subject to any restrictions, terms, and conditions (including compensation), without limitation, that they deem to be in the best interests of the City. Nothing herein requires the Mayor and Common Council to grant such a revocable license, nor does the issuance of such a revocable license require that the Mayor and Common Council grant the franchisee a new franchise. Upon request of the franchisee, the City Clerk shall provide a revocable license application form.

(Ord. MC-1135, 12-18-02)

[\[Return to Municipal Code Contents\]](#)

CHAPTER 14.08
CABLE, VIDEO AND TELECOMMUNICATIONS SERVICE PROVIDERS

ARTICLE I. GENERAL PROVISIONS

Sections:

- 14.08.01 Short title
- 14.08.02 Authority
- 14.08.03 Defined Terms and Phrases

**ARTICLE II. PROCEDURES FOR GRANTING, RENEWING, AND
TRANSFERRING FRANCHISES FOR CABLE SYSTEMS**

Sections:

- 14.08.04 Franchise required
- 14.08.05 City grants of cable franchises
- 14.08.06 Franchise duration and renewal
- 14.08.07 Limitations of franchise
- 14.08.08 Rights reserved to the City
- 14.08.09 Transfers and assignments
- 14.08.10 Franchise service area; annexations
- 14.08.11 Application for new franchise; contents
- 14.08.12 Franchise approval
- 14.08.13 Franchise renewal
- 14.08.14 Multiple franchises
- 14.08.15 Franchise application processing costs
- 14.08.16 Franchise fee for cable services
- 14.08.17 Contents of cable television franchise agreement

ARTICLE III. OPEN VIDEO SYSTEMS

Sections:

- 14.08.18 Applicability
- 14.08.19 Application required
- 14.08.20 Review of application
- 14.08.21 Agreement required

ARTICLE IV. OTHER VIDEO AND TELECOMMUNICATIONS SERVICES AND SYSTEMS

Sections:

- 14.08.22 Other multichannel video programming distributors
- 14.08.23 Video providers-registration; customer service standards
- 14.08.24 Telecommunications service provided by telephone corporations
- 14.08.25 Public, educational, and governmental support fee (PEG fee) and requirement to provide PEG channels

ARTICLE V. DEFINITIONS

Section:

- 14.08.26 Defined terms and phrases

ARTICLE VI. VIOLATIONS; ENFORCEMENT

Section:

- 14.08.27 Violations; Enforcement

ARTICLE I. GENERAL PROVISIONS

14.08.01 Short Title

This chapter is known and may be cited as the "Cable, Video, and Telecommunications Service Providers Ordinance" of the City of San Bernardino.

14.08.02 Authority

This chapter is enacted by the City of San Bernardino pursuant to the Communications Act, the City's police powers under its Charter, its authority to control the use of the public rights-of-way within the City, and all other applicable laws.

14.08.03 Defined Terms and Phrases

Various terms and phrases used in this chapter are defined below in Section 14.08.26 of Article V.

[\[Return to Municipal Code Contents\]](#)

ARTICLE II. PROCEDURES FOR GRANTING, RENEWING, AND TRANSFERRING CABLE SYSTEMS FRANCHISES

14.08.04 Franchise Required

It is unlawful for any person to construct, install, maintain, or operate a cable television system within any street or public way in the City without first obtaining a franchise under the provisions of this Article II or, if applicable, under the provisions of the Digital Infrastructure and Video Competition Act of 2006; provided, however, that any cable operator authorized to provide cable service under a franchise granted by the City prior to the effective date of this chapter may continue to exercise that authority until the expiration or termination of that franchise.

14.08.05 City Grants of Cable Franchises

Subject to applicable law, the City may by ordinance or resolution grant a franchise to any person, whether or not operating under an existing franchise, or who elects to provide cable service pursuant to the provisions of this chapter. The franchise shall be subject to all ordinances and regulations of general application now in effect or subsequently enacted, including, without limitation, those related to encroachment permits, business licenses, zoning, and building.

14.08.06 Franchise Duration and Renewal

- A. The term of the franchise or of any franchise renewal shall be established in the franchise agreement.
- B. A franchise may be renewed by the City upon application of the Grantee pursuant to procedures established by the City, subject to applicable federal and state law. In the event the City does not establish such renewal procedures, the franchise renewal procedures set forth in federal law shall apply.

14.08.07 Limitations of Franchise

- A. A franchise granted under this chapter shall be nonexclusive.
- B. The grant of a franchise, right, or license to use public rights-of-way for purposes of providing cable service shall not be construed as a right or license to use such public rights-of-way for any other purpose.
- C. Any right or privilege claimed by a Grantee under a franchise in public rights-of-way or other public property shall be subordinate to any prior or subsequent lawful occupancy or use thereof, or easement therein, by the City or other governmental entity.

[\[Return to Municipal Code Contents\]](#)

- D. A franchise granted under this chapter shall not relieve a Grantee of any obligation to obtain pole space from any City department, utility company, or others maintaining poles in the public rights-of-way.

14.08.08 Rights Reserved to the City

- A. Subject to any restrictions that are mandated by state or federal law, neither the granting of any franchise nor any provisions of this chapter shall be construed to preclude the City from granting additional franchises.
- B. By its acceptance of a franchise, a Grantee agrees to comply with all lawful ordinances and regulations of general application now in effect or subsequently enacted; provided, however, that such ordinances and regulations shall not materially affect Grantee's rights or obligations under the franchise.
- C. Neither the granting of a franchise, nor any provisions of this chapter, shall constitute a waiver or bar to the City's lawful exercise of any governmental right or power.
- D. This chapter shall not be construed to impair or affect, in any way, the right of the City to acquire the Grantee's property through the exercise of the power of eminent domain, in accordance with applicable law.
- E. The Mayor and City Council may do all things necessary in the exercise of its jurisdiction under this chapter and may determine any question of fact that may arise during the term of any franchise granted under this chapter.
- F. Any right or power in, or duty imposed 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.

(Ord. MC-1484, 4-18-18)

14.08.09. Transfers and Assignments

- A. Grantee may not sell, transfer, lease, assign, sublet, or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation, or otherwise, the franchise or any of the rights or privileges therein granted, without the prior written consent of the Mayor and City Council. Any attempt to sell, transfer, lease, assign, or otherwise dispose of the franchise without the written consent of the Mayor and City Council is null and void. The granting of a security interest in any assets of the Grantee, or any mortgage or other hypothecation, will not be deemed a transfer for the purposes of this section.

[\[Return to Municipal Code Contents\]](#)

- B. The requirements of paragraph A of this section apply to any change in control of Grantee. The word "control" as used herein is not limited to the ownership of major stockholder or partnership interests, but includes actual working control in whatever manner exercised. If Grantee is a partnership or a corporation, prior authorization of the City is required where ownership or control of 25% or more of the partnership interests or of the voting stock of the corporation, or any company in the tier of companies controlling the Grantee, whether directly or indirectly, is acquired by a person or a group of persons acting in concert, none of whom, individually or collectively, owns or controls those partnership interests or that voting stock of the Grantee, or Grantee's upper tier of controlling companies, as of the effective date of the franchise.
- C. Unless precluded by federal law, Grantee must give prior written notice to the City of any proposed foreclosure or judicial sale of all or a substantial part of the Grantee's franchise property. That notification will be considered by the City as notice that a change in control of ownership of the franchise will take place, and the provisions of this section that require the prior written consent of the Mayor and City Council to that change in control of ownership will apply.
- D. For the purpose of determining whether it will consent to an acquisition, transfer, or change in control, the City may inquire about the qualifications of the prospective transferee or controlling party, and Grantee must assist the City in that inquiry. In seeking the City's consent to any change of ownership or control, Grantee or the proposed transferee, or both, must complete Federal Communications Commission Form 394 or its equivalent. This application must be submitted to the City not less than 120 days prior to the proposed date of transfer. The transferee must establish that it possesses the legal, financial, and technical capability to remedy all then-existing defaults and deficiencies, and during the remaining term of the franchise, to operate and maintain the cable system and to comply with all franchise requirements. If the legal, financial, and technical qualifications of the proposed transferee are determined to be satisfactory, then the City will consent to the transfer of the franchise.
- E. Any financial institution holding a pledge of Grantee's assets to secure the advance of money for the construction or operation of the franchise property has the right to notify the City that it, or a designee satisfactory to the City, will take control of and operate the cable television system upon Grantee's default in its financial obligations. Further, that financial institution must also submit a plan for such operation within 90 days after assuming control. The plan must ensure continued service and compliance with all franchise requirements during the period that the financial institution will exercise control over the system. The financial institution may not exercise control over the system for a period exceeding one year unless authorized by the City, in its sole discretion, and during that period it will have the right to petition the City to transfer the franchise to another Grantee.

[\[Return to Municipal Code Contents\]](#)

- F. Unless prohibited by applicable law, Grantee must reimburse the City for the City's reasonable review and processing expenses incurred in connection with any transfer or change in control of the franchise, as provided for in Section 14.08.15.

(Ord. MC-1484, 4-18-18)

14.08.10 Franchise Service Area; Annexations

- A. The franchise service area shall be established in the franchise agreement.
- B. Territory annexed to the City that is not within the service area of a franchised or licensed cable operator at the time of annexation may be included within the franchise service area of an incumbent cable operator, as determined by Mayor and City Council resolution.
- C. Territory annexed to the City that is included within the service area of a franchise or license issued by a local franchising authority other than the City is subject to the following provisions:
 - 1. If the franchisee or licensee has not commenced construction or installation of a cable system before the annexation becomes effective, then all rights acquired by a cable operator under that franchise or license will terminate by operation of law.
 - 2. If the franchisee or licensee has commenced construction or installation of a cable system before the annexation becomes effective, then that franchisee or licensee may continue to provide cable service to the annexed territory in accordance with the terms and conditions of the existing franchise or license, provided that all obligations thereunder, including the timely payment of franchise fees and PEG support fees, if any, shall be due and owing to the City by operation of law.

(Ord. MC-1484, 4-18-18)

14.08.11 Application for New Franchise; Contents

- A. An application for the grant of a new franchise may be submitted by any person pursuant to the requirements of this chapter and subject to the terms of the City's schedule of fees, as such schedule may from time to time be amended. The City may, by advertisement or any other means, solicit applications for a new franchise by issuing a request for proposals.

(Ord. MC-1484, 4-18-18)

[\[Return to Municipal Code Contents\]](#)

- B. An application for a new franchise to construct, install, operate, or maintain a cable system in the City shall be filed with the Finance Department and shall be on forms prescribed by the City. The City reserves the right to waive all application formalities where the City determines that the best interests of the City would be served by such waiver.

(Ord. MC-1484, 4-18-18)

- C. Unless waived in writing by the City, all applications for a franchise shall contain the following:

1. The name, address, and telephone number of the applicant.
2. A detailed statement concerning the applicant's business entity, including, but not limited to, the following:
 - a. The names and business addresses of all officers and directors.
 - b. The names and business addresses of all persons having an ownership interest of 5% or more in the applicant and the respective ownership interest of each such person.
 - 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 business of any such parent or subsidiary, including but not limited to cable systems owned or controlled by the parent or subsidiary, and the geographic areas served.
- (3) A description of the applicant's previous experience in providing cable service or similar communications services.
- (4) A detailed financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year preceding the date of the application. The City may require a statement from an independent certified public accountant, or a recognized lending institution, certifying that the applicant has sufficient financial resources available to construct and operate the proposed cable system in the City.
- (5) A detailed pro forma financial plan for the operation of the cable system during the term of the proposed franchise, in a format prescribed by the City.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 14 Contents\]](#)

- (6) A description of any cable system franchises awarded to the applicant, its parent or subsidiary, including the location and term of these franchises, the status of their completion, the total cost of completion of each cable system, and the amount of applicant's and its parent's or subsidiary's resources committed to the completion of these cable systems.
 - (7) A detailed description of the applicant's proposed plan of operation which shall include, but not be limited to, the following:
 - a. A detailed map that describes all areas of the City proposed to be served, and a proposed schedule for the construction of the cable system and the installation of all equipment necessary to become operational throughout the area to be served;
 - b. A schedule setting forth all proposed classifications of rates and charges to be paid by subscribers, including installation and other service charges.
 - c. A description of the equipment and operational standards proposed by the applicant.
 - d. A description of the applicant's plan to provide public, educational and governmental access channel capacity, services, facilities, and equipment, including a description of the method to be used by the applicant in reserving and inserting PEG programming.
 - e. A description of the applicant's plans to address the City's institutional network needs.
 - (8) A copy of any existing agreement covering the proposed franchise service area between the applicant and local telephone or electric utilities that provides for applicant's use of any facilities of that utility, including but not limited to poles, lines or conduits.
 - (9) Any additional information that the City deems to be reasonably necessary to evaluate the applicant's qualifications.
- D. The applicant's failure to comply with the requirements of this section may be grounds for rejection of an application at the City's sole discretion.

14.08.12 Franchise Approval

- A. The City may make such investigation as it deems necessary to determine the ability of an applicant to satisfactorily perform its obligations under a franchise. The applicant shall timely furnish to the City such additional information as the City may request.
- B. Upon receipt of a complete application, and following the City's investigation and review of that application, the City Manager shall prepare a report and make recommendations to the Mayor and City Council concerning the application.
- C. The Mayor and City Council shall hold a noticed public hearing on the application. Written notice shall be given to the applicant at least 10 days prior to the hearing by U.S. mail, postage prepaid, and by publication once in a newspaper of general circulation within the City. Within 60 days after the close of the hearing, unless an extension of time is mutually agreed upon by the City and the applicant, the Mayor and City Council shall make a written decision on whether the franchise should be granted, and if granted, subject to what conditions.
- D. In determining whether to grant an application for a new franchise, the City may consider all factors that affect the interests of the community including, but not limited to, the quality of the proposed cable service, the areas to be served, the rates to be charged, the amount of franchise fees to be generated, the experience, character, background, performance history, and financial responsibility of an applicant (and its management and owners), the technical performance and quality of equipment, the applicant's willingness and ability to meet construction requirements, and all other matters deemed relevant by the City to protect the interests of the City and the public.
- E. The decision of the Mayor and City Council concerning the granting or denial of a franchise pursuant to this chapter shall be final.

Ord. MC-1484, 4-18-18;

14.08.13 Franchise Renewal

Franchise renewals shall be processed in accordance with then-applicable law and with the renewal terms, if any, of the franchise agreement. The City and Grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise.

[\[Return to Municipal Code Contents\]](#)

14.08.14 Multiple Franchises

- A. In its sole discretion, the City may limit the number of franchises granted at any one time based upon its consideration of all appropriate criteria, which shall include but not be limited to the following:
 - (1) The capability of the public rights-of-way to accommodate the facilities of any proposed additional cable systems.
 - (2) The advantages and disadvantages that may result from additional cable system competition.
- B. The City may require that a Grantee be responsible for its own underground trenching and any associated costs if, in the City's opinion, the public rights-of-way in any area cannot reasonably accommodate the additional cables, machinery, equipment, or other facilities contemplated in connection with the construction, maintenance, and operation of a proposed new cable system.

14.08.15 Franchise Application Processing Costs

- A. In connection with any application for a new franchise, a franchise modification requesting entry into a new area of the City, a franchise renewal, or a franchise transfer, applicant shall pay an application fee deposit equal to the City's estimated costs in processing and reviewing the application, as such costs may be established from time to time by resolution of the Mayor and City Council. Such costs shall include all estimated administrative, consultant, noticing, and document preparation expenses. No application shall be considered without payment of the application fee deposit. If the application fee deposit is less than the City's actual costs, the applicant shall pay such additional costs to the City within 30 days after written notice from the City that such additional payment is required. If payment of such amount is not made within such time, the City shall cease all further proceedings related to the application. If actual costs are less than the application fee deposit, the remaining balance will be refunded to the applicant.

(Ord. MC-1484, 4-18-18)

- B. Application fee deposits are exclusive of an applicant's or Grantee's obligation to pay other costs and fees required by this chapter or the franchise agreement, including without limitation construction inspection fees, permit fees, and franchise fees.

[\[Return to Municipal Code Contents\]](#)

14.08.16 Franchise Fee for Cable Services

- A. In consideration for the privilege to use the City's public rights-of-way in the operation of its cable system, and because the City will incur costs and expenses in regulating and administering the franchise, Grantee shall pay to the City a franchise fee in an amount equal to five percent (5%) of Grantee's gross revenues, unless a greater amount is authorized by applicable law.
- B. The franchise fee shall be paid quarterly and must be received by the City not later than 45 days after the close of each calendar quarter.
- C. Concurrently with the payment of franchise fees, Grantee shall provide to the City a statement verified by a financial officer of Grantee that sets forth gross revenues for the previous calendar quarter, listing every revenue source and describing gross revenue computations.
- D. On an annual basis, Grantee shall file a statement certified by a financial officer that sets forth all gross revenues for the previous calendar year, listing every revenue source and describing gross revenue computations.

If the City has any objections relating to that report, the City shall have 30 days to notify Grantee and to request additional information. Grantee shall have 30 days to provide additional information to resolve any objections to the City's satisfaction.

- E. At any time during the term of a franchise, the City has the right to conduct, or require Grantee to obtain, an independent audit by certified public accountants approved by the City of all records of Grantee related to gross revenue reports or computations. Grantee shall pay all costs of that audit. Grantee shall cooperate with any such audit and shall make readily available all information requested by the City without regard as to whether information is contained in "documents" (as defined in the Public Records Act) or other media in the possession or under the control of Grantee.

The certified public accountants shall be required to certify in the audit that the Grantee is in compliance with this chapter and the franchise agreement. Grantee shall maintain in a readily accessible place all relevant financial records for a minimum of four years after any payment period that such records pertain to.

- F. If any franchise fee payment is not made by the due date, interest shall be charged monthly at a rate of one percent (1%). In addition, if any franchise fee is not paid in full within 15 days after Grantee's receipt of notice from the City concerning the delinquency of that payment, a late fee in the amount of five percent (5%) of the delinquent amount shall be assessed.

[\[Return to Municipal Code Contents\]](#)

14.08.17 Contents of Cable Television Franchise Agreements

- A. The provisions of a franchise agreement for the operation of a cable television system may relate to or include without limitation the following subject matters:
- (1) The geographical area, duration, and nonexclusive nature of the franchise.
 - (2) The applicable franchise fee to be paid to the City, including the percentage amount, the method of computation, and the time for payment.
 - (3) Requirements relating to compliance with and implementation of state and federal laws and regulations pertaining to the operation of the cable television system.
 - (4) Requirements relating to the construction, upgrade, or rebuild of the cable television system, as well as the provision of special services, such as outlets for public buildings, emergency alert capability, and parental control devices.
 - (5) Requirements relating to the maintenance of a performance bond, a security fund, a letter of credit, or similar assurances as determined by the City to secure the performance of the Grantee's obligations under the franchise agreement.
 - (6) Requirements relating to liability insurance, workers' compensation insurance, and indemnification.
 - (7) Requirements relating to consumer protection and customer service standards, including the resolution of subscriber complaints and disputes and the protection of subscribers' privacy rights, which requirements may include, without limitation, compliance with the statutes, rules and regulations set forth below in Section 14.08.23.
 - (8) Requirements relating to the Grantee's support of local cable usage, including the provision of public, educational, or governmental access channels, the coverage of public meetings and special events, interconnection requirements, and financial support for the required access channel facilities and activities that is consistent with this Title.
 - (9) Requirements relating to construction, operation, and maintenance of the cable system within the public rights-of-way, including compliance with all applicable building codes and permit requirements, the abandonment, removal, or relocation of facilities, and compliance with FCC technical standards.

[\[Return to Municipal Code Contents\]](#)

- (10) Requirements relating to record keeping, accounting procedures, reporting, periodic audits, performance reviews, and the inspection of Grantee's books and records.
 - (11) Acts or omissions constituting material breaches of or defaults under the franchise agreement, and the applicable penalties or remedies for those breaches or defaults, including fines, penalties, liquidated damages, suspension, revocation and termination.
 - (12) Requirements relating to the sale, assignment, or other transfer or change in control of the franchise.
 - (13) Grantee's obligation to maintain continuity of service and to authorize, under certain specified circumstances, the City's operation and management of the cable system.
 - (14) Such additional requirements, conditions, policies, and procedures as may be mutually agreed upon by the parties to the franchise agreement and that will, in the judgment of the City, best serve the public interest and protect the public health, welfare, and safety.
- B. If there is any conflict or inconsistency between the provisions of a franchise agreement authorized by the Mayor and City Council and provisions of this Section 14.08.17, the provisions of the franchise agreement will control.

(Ord. MC-1484, 4-18-18)

ARTICLE III. OPEN VIDEO SYSTEMS

14.08.18 Applicability

The provisions of this Article III apply to an open video system operator that intends to deliver video programming to consumers in the City over an open video system.

14.08.19 Application Required

- A. Before commencing the delivery of video programming services to consumers in the City over an open video system, the open video system operator must file an application with the City. That application must include or be accompanied by the following, as applicable:
 - 1. The identity of the applicant, including all affiliates of the applicant.

[\[Return to Municipal Code Contents\]](#)

2. Copies of FCC Form 1275, all "Notices of Intent" filed under 47 CFR §76.1503(b) (1), and the Order of the FCC, all of which relate to certification of the applicant to operate an open video system in accordance with Section 653(a)(1) of the Communications Act and the FCC's rules.
3. The area or areas of the City that the applicant desires to serve.
4. A description of the open video system services that will be offered by the applicant over its existing or proposed facilities.
5. A description of the transmission medium that will be used by the applicant to deliver the open video system services.
6. Information in sufficient detail to establish the applicant's technical qualifications, experience, and expertise regarding the ownership and operation of the open video system described in the application.
7. Financial statements prepared in accordance with generally accepted accounting principles that demonstrate the applicant's financial ability to:
 - a. Construct, operate, maintain and remove any new physical plant that is proposed to be constructed in the City.
 - b. Comply with the City's PEG access channel requirements as specified below in Section 14.08.21 (B)(4).
 - c. Comply with the City's requirement that gross revenue fees be paid in the sum of 5 percent (5%), as specified below in Section 14.08.21 (B)(2).
8. An accurate map showing the location of any existing telecommunications facilities in the City that the applicant intends to use, to purchase, or to lease.
9. If the applicant's operation of the open video system will require the construction of a new physical plant in the City, the following additional information must be provided:
 - a. A preliminary construction schedule and completion dates.
 - b. Preliminary engineering plans, specifications, and a network map of any new facilities to be constructed in the City, in sufficient detail to identify:
 - (i) The location and route requested for the applicant's proposed facilities.

[\[Return to Municipal Code Contents\]](#)

- (ii) The locations, if any, for interconnection with the facilities of other telecommunications service providers.
 - (iii) The specific structures, improvements, facilities relocate on a temporary or permanent basis.
 - c. The applicant's statement that, in constructing any new physical plant, the applicant will comply with all applicable ordinances, rules, and regulations of the City, including the payment of all required permit and processing fees.
- 10. The information and documentation that is required to be submitted to the City by a video provider, as specified below in paragraph B of Section 14.08.23.
- 11. Such additional information as may be required by the City Manager.
- 12. A nonrefundable filing fee in an amount established by resolution of the Mayor and City Council.
- B. If any item of information specified above in paragraph (a) is determined under paramount federal or state law to be unlawful, the City Manager is authorized to waive the requirement that such information be included in the application.

(Ord. MC-1484, 4-18-18)

14.08.20 Review of Application

Within 30 days after receipt of an application filed under Section 14.08.19 that is deemed to be complete, the City Manager will give written notice to the applicant of the City's intent to negotiate an agreement setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the City. The commencement of those negotiations will be on a date that is mutually acceptable to the City and to the applicant.

14.08.21 Agreement Required

- A. No video programming services may be provided in the City by an open video system operator unless the operator and the City have executed a written agreement, which may be designated as a franchise, setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the City.

[\[Return to Municipal Code Contents\]](#)

- B. The agreement between the City and the open video system operator may contain terms and conditions that relate to the following subject matters, to the extent that such terms, conditions, and subject matters are not preempted by federal statute or regulations:
1. The nature, scope, and duration of the agreement, including provisions for its renewal or extension.
 2. The obligation of the open video system operator to pay to the City, at specified times, fees on the gross revenue received by the operator, as authorized by 47 CFR §76.1511, in accordance with the following standards and procedures:
 - a. The amount of the fees on the gross revenue will be five percent (5%), and will be paid in lieu of the franchise fees authorized under Section 622 of the Communications Act.
 - b. The term "**gross revenue**" means
 - (i) all gross revenue received by an open video system operator or its affiliates, including all revenues received from subscribers and all carriage revenues received from unaffiliated video programming providers; and
 - (ii) all advertising revenues received by the operator or its affiliates in connection with the provision of video programming, where such revenues are included in the calculation of the cable franchise fee paid to the City by the franchised cable operator. The term "gross revenue" does not include revenue, such as subscriber or advertising revenue, collected by unaffiliated video programming providers.
 3. The obligation of the open video system operator to comply with requirements relating to information collection and record keeping, accounting procedures, reporting, periodic audits, and inspection of records in order to ensure the accuracy of the fees on the OVS gross revenue that are required to be paid as specified above in paragraph B (2).
 4. The obligation of the open video system operator to meet the City's requirements with respect to PEG access facilities, as provided for in 47 CFR §76.1505. In this regard, the following standards and procedures are applicable:
 - a. The open video system operator is subject to the same PEG access channel requirements that apply within the cable television franchise service area with which its system overlaps.

[\[Return to Municipal Code Contents\]](#)

- b. The open video system operator must ensure that all subscribers receive all PEG access channels within the franchise service area in which the City's subscribers are located.
- c. The open video system operator may negotiate with the City to establish the operator's obligations with respect to PEG access facilities. These negotiations may include the City's franchised cable operator if the City, the open video system operator, and the franchised cable operator so desire.
- d. If the open video system operator and the City are unable to reach an agreement regarding the operator's obligations with respect to Public, Educational, and Government Access channel capacity, services, facilities, and equipment within the City's jurisdiction, then the following obligations will be imposed:
 - (i) The open video system operator must satisfy the same PEG access channel obligations as the City's franchised cable operator by providing the same amount of channel capacity for PEG access and by matching the City's franchised cable operator's annual financial contributions in support of public, educational, and government Access services, facilities, and equipment that are actually used by the City. For in-kind contributions, such as cameras or production studios, the open video system operator may satisfy its statutory obligation by negotiating mutually agreeable terms with the City's franchised cable operator, so that PEG access services to the City are improved or increased. If such terms cannot be agreed upon, the open video system operator must pay to the City the monetary equivalent of the franchised cable operator's depreciated in-kind contribution, or, in the case of facilities, the annual amortization value. Any matching contributions provided by the open video system operator must be used to fund activities arising under Section 611 of the Communications Act.
 - (ii) The City will impose upon the open video system operator the same rules and procedures that it imposes upon the franchised cable operator with regard to the open video system operator's use of channel capacity designated for PEG access channel use when that capacity is not being used for such purposes.

- e. The City's franchised cable operator is required under federal law to permit the open video system operator to connect with its PEG access channel feeds. The open video system operator and the franchised cable operator may decide how to accomplish this connection, taking into consideration the physical and technical characteristics of the cable and the open video systems involved. If the franchised cable operator and the open video system operator cannot agree on how to accomplish the connection, the City has the right to decide. The City may require that the connection occur on City-owned property or on public rights-of-way.
 - f. All costs of connection to the franchised cable operator's PEG access channel feed must be borne by the open video system operator. These costs will be counted towards the open video system operator's matching financial contributions set forth above in subparagraph (d)(i).
 - g. The City will not impose upon the open video system operator any Public, Educational, or Government Access Channel obligations that are more favorable or less burdensome than those imposed upon the franchised cable operator.
 - h. If there is no existing franchised cable operator, the provisions of 47 CFR §76.1505(d)(6) will be applicable in determining the obligations of the open video system operator.
 - i. The open video system operator must adjust its system to comply with new public, educational, governmental and access channel obligations imposed on the City's franchised cable operator following a renewal of the cable television franchise; provided, however, that the open video system operator will not be required to displace other programmers using its open video system to accommodate PEG access channels. The open video system operator must comply with such new PEG access channel obligations whenever additional capacity is or becomes available, whether it is due to increased channel capacity or to decreased demand for channel capacity.
5. If the City and the open video system operator cannot agree on the application of the FCC's rules regarding the open video system operator's obligations to provide PEG access under the provisions of subsection 4 set forth above, then either party may file a complaint with the FCC in accordance with the dispute resolution procedures set forth in 47 CFR §76.1514. No agreement will be executed by the City until the dispute has been finally resolved.

[\[Return to Municipal Code Contents\]](#)

6. If the open video system operator intends to maintain an institutional network, as defined in Section 611(f) of the Communications Act, the City will require that educational and government access channels be designated on that institutional network to the same extent that those channels are designated on the institutional network of the City's franchised cable operator. In addition, to the extent authorized by federal law, the open video system operator may be required by the City to satisfy the same financial obligations and other requirements that are imposed upon the franchised cable operator to support data-transmission and related services that are provided by the institutional network.
7. The authority of an open video system provider to exercise editorial control over any Public, Educational, or Government use of channel capacity will be restricted in accordance with the provisions of 47 CFR §76.1505(f).
8. The obligation of the open video system operator to comply with all applicable federal, state, and local statutes, ordinances, and regulations relating to customer service standards, including the Cable Television and Video Customer Service and Information Act (Government Code §§53054, et seq.), the Video Customer Service Act (Government Code §§53088, et seq.), and the Consumer Protection and Service Standards of this chapter, commencing with Section 14.08.22.
9. If new physical plant is proposed to be constructed within the City, the obligation of the open video system operator to comply with the following rights-of-way use and management responsibilities that are also imposed by the City upon other telecommunications service providers in a nondiscriminatory and competitively neutral manner:
 - a. Compliance with all applicable City laws, including applications for excavation, encroachment, and construction permits and the payment of all required permit and inspection fees.
 - b. The coordination of construction activities.
 - c. Compliance with established standards and procedures for constructing lines across private property.
 - d. Compliance with all applicable insurance and indemnification requirements.
 - e. The repair and resurfacing of construction-damaged streets.

[\[Return to Municipal Code Contents\]](#)

- f. Compliance with all public safety requirements that are applicable to telecommunications service providers using public property or public rights-of-way.
10. Acts or omissions constituting breaches or defaults of the agreement, and the applicable penalties, liquidated damages, and other remedies, including fines or the suspension, revocation, or termination of the agreement.
11. Requirements relating to the sale, assignment, or transfer of the open video system.
12. Requirements relating to the open video system operator's compliance with and implementation of state and federal laws, rules, and regulations pertaining to the operation of the open video system.
13. Such additional requirements, conditions, terms, policies, and procedures as may be mutually agreed upon by the City and the open video system operator and that will, in the judgment of the Mayor and Common Council, best serve the public interest and protect the public health, welfare, and safety.

ARTICLE IV. OTHER VIDEO AND TELECOMMUNICATIONS SERVICES AND SYSTEMS

14.08.22 Other Multi-channel Video Programming Distributors

The term "cable system" does not include a facility that serves subscribers without using any public rights-of-way. Consequently, the categories of multichannel video programming distributors identified below are not deemed to be "cable systems" and are therefore exempt from the City's franchise requirements and from certain other local regulatory provisions authorized by federal law, provided that their distribution or transmission facilities do not involve the use of the City's public rights-of-way.

- A. **Multi-channel multi-point distribution service ("MMDS")**, also known as "**wireless cable**," which typically involves the transmission by an FCC-licensed operator of numerous broadcast stations from a central location using line-of-sight technology.
- B. **Local multi-point distribution service ("LMDS")**, another form of over-the-air, wireless video service for which licenses are auctioned by the FCC, and that offers video programming, telephone, and data networking services.

[\[Return to Municipal Code Contents\]](#)

- C. **Direct broadcast satellite ("DBS")**, also referred to as "**direct-to-home satellite services**," which involves the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground-receiving or distribution equipment, except at the subscriber's premises or in the up-link process to the satellite. Local regulation of direct-to-home satellite services is further proscribed by the following federal statutory provisions:
- (1) 47 U.S.C. §303(v) confers upon the FCC exclusive jurisdiction to regulate the provisions of direct-to-home satellite services.
 - (2) Section 602 of the Communications Act states that a provider of direct-to-home satellite service is exempt from the collection or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction on direct-to-home satellite service. The terms "**tax**" and "**fee**" are defined by federal statute to mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

14.08.23 Video Providers - Registration; Customer Service Standards

- A. Unless the customer protection and customer service obligations of a video provider are specified in a franchise with the City, a video provider must comply with all applicable provisions of the following state statutes:
- (1) The Cable Television and Video Customer Service and Information Act (Government Code §§53054, et seq.).
 - (2) The Video Customer Service Act (Government Code §§53088, et seq.).
- B. All video providers that are operating in the City on the effective date of this chapter, or that intend to operate in the City after the effective date of this chapter, and are not required under applicable law to operate under a franchise, license, lease, or similar written agreement with the City, must register with the City. The registration form must include or be accompanied by the following:
- (1) The video provider's name, address, and local telephone numbers.
 - (2) The names of the officers of the video provider.

(3) A copy of the video provider's written policies and procedures relating to customer service standards and the handling of customer complaints, as required by California Government Code §§53054, et seq. These customer service standards must include, without limitation, standards regarding the following:

- a. Installation, disconnection, service and repair obligations, employee identification, and service call response time and scheduling.
- b. Customer telephone and office hours.
- c. Procedures for billing, charges, refunds, and credits.
- d. Procedures for termination of service.
- e. Notice of the deletion of a programming service, the changing of channel assignments, or an increase in rates.
- f. Complaint procedures and procedures for bill dispute resolution.
- g. The video provider's written acknowledgment of its obligation under California Government Code §53055.1 to provide to new customers a notice describing the customer service standards specified above in

sub-paragraphs a through f at the time of installation or when service is initiated. The notice must also include, in addition to all of the information described above in sub-paragraphs a through f, all of the following:

- (i) A listing of the services offered by the video provider that clearly describes all levels of service and the rates for each level of service.
- (ii) The telephone number or numbers through which customers may subscribe to, change, or terminate service, request customer service, or seek general or billing information.
- (iii) A description of the rights and remedies that the video provider may make available to its customers if the video provider does not materially meet its customer service standards.

- h. The video provider's written commitment to distribute annually to its employees and customers, and to the City, a notice describing the customer service standards specified above in sub-paragraphs a through f. This annual notice must include the report of the video provider on its performance in meeting its customer service standards, as required by California Government Code §53055.2.
- (4) Unless a video provider is exempt under federal law from its payment, a registration fee in an amount established by resolution of the Mayor and Common Council to cover the reasonable costs incurred by the City in reviewing and processing the registration form.
 - (5) In addition to the registration fee specified above in subsection (4), the written commitment of the video provider to pay to the City, when due, all costs and expenses reasonably incurred by the City in resolving any disputes between the video provider and its subscribers, which dispute resolution is mandated by California Government Code §53088.2(p).
- C. The customer service obligations imposed upon video providers by the Video Customer Service Act California Government Code §§53088 et seq.) consist of the following:
- (1) Every video provider must render reasonably efficient service, make repairs promptly, and interrupt service only as necessary.
 - (2) All video provider personnel contacting subscribers or potential subscribers outside the office of the provider must be clearly identified as associated with the video provider.
 - (3) At the time of installation, and annually thereafter, all video providers must provide to all customers a written notice of the programming offered, the prices for that programming, the provider's installation and customer service policies, and the name, address, and telephone number of the City's office that is designated for receiving complaints.
 - (4) All video providers must have knowledgeable, qualified company representatives available to respond to customer telephone inquiries Monday through Friday, excluding holidays, during normal business hours.
 - (5) All video providers must provide to customers a toll-free or local telephone number for installation, service, and complaint calls. These calls must be answered promptly by the video providers.

- (6) All video providers must render bills that are accurate and understandable.
- (7) All video providers must respond promptly to a complete outage in a customer's service. The response must occur within 24 hours of the reporting of such outage to the provider, except in those situations beyond the reasonable control of the video provider. A video provider will be deemed to respond to a complete outage when a company representative arrives at the outage location within 24 hours and begins to resolve the problem.
- (8) All video providers must provide a minimum of 30 days' written notice before increasing rates or deleting channels. All video providers must make every reasonable effort to submit the notice to the City in advance of the distribution to customers. The 30-day notice is waived if the increases in rates or deletion of channels are outside the control of the video provider. In those cases, the video provider must make reasonable efforts to provide customers with as much notice as possible.
- (9) Every video provider must allow every residential customer who pays his or her bill directly to the video provider at least 15 days from the date the bill for services is mailed to the customer, to pay the listed charges unless otherwise agreed to pursuant to a residential rental agreement establishing tenancy. Customer payments must be posted promptly. No video provider may terminate residential service for nonpayment of a delinquent account unless the video provider furnishes notice of the delinquency and impending termination at least 15 days prior to the proposed termination. The notice must be mailed, postage prepaid, to the customer to whom the service is billed. Notice must not be mailed until the 16th day after the date the bill for services was mailed to the customer. The notice of delinquency and impending termination may be part of a billing statement. Additionally, no video provider may assess a late fee any earlier than the 22nd day after the bill for service has been mailed.
- (10) Every notice of termination of service pursuant to the preceding subsection (9) must include all of the following information:
 - a. The name and address of the customer whose account is delinquent.
 - b. The amount of the delinquency.
 - c. The date by which payment is required in order to avoid termination of service.
 - d. The telephone number of a representative of the video provider who can provide additional information and handle complaints or initiate an investigation concerning the service and charges in question.

[Return to Municipal Code Contents]

- (11) Service may only be terminated on days in which the customer can reach a representative of the video provider either in person or by telephone.
- (12) Any service terminated without good cause must be restored without charge for the service restoration. Good cause includes, but is not limited to, failure to pay, payment by check for which there are insufficient funds, theft of service, abuse of equipment or system personnel, or other similar subscriber actions.
- (13) All video providers must issue requested refund checks promptly, but no later than 45 days following the resolution of any dispute, and following the return of the equipment supplied by the video provider, if service is terminated.
- (14) All video providers must issue security or customer deposit refund checks promptly, but no later than 45 days following the termination of service, less any deductions permitted by law.
- (15) Video providers must not disclose the name and address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video providers or their affiliates, unless the video providers have provided to the subscriber a notice, separate or included in any other customer notice, that clearly and conspicuously describes the subscriber's ability to prohibit the disclosure. Video providers must provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name and address.

D. As authorized by Government Code §53088.2(r), the following schedule of penalties is adopted. These penalties may be imposed for the material breach by a video provider of the consumer protection and service standards that are set forth above in paragraph c, provided that the breach is within the reasonable control of the video provider. These penalties are in addition to any other remedies authorized by this chapter or by any other law, and the City has discretion to elect the remedy that it will apply. The imposition of penalties authorized by this paragraph d will not prevent the City or any other affected party from exercising any other remedy to the extent permitted by law, including but not limited to any judicial remedy as provided below in subsection (2).

(1) Schedule of Penalties.

- a. For a first material breach: the maximum penalty is \$200 for each day of material breach, but not to exceed a cumulative total of \$600 for each occurrence of material breach, irrespective of the number of customers affected.

[\[Return to Municipal Code Contents\]](#)

- b. For a second material breach of the same nature for which a monetary penalty was previously assessed within the preceding 12 month period:

the maximum penalty is \$400 per day, not to exceed a cumulative total of \$1,200 for each occurrence of the material breach, irrespective of the number of customers affected.
- c. For a third or further material breach of the same nature for which a monetary penalty was previously assessed within the preceding 12 month period: the maximum penalty is \$1,000 per day, not to exceed a cumulative total of \$3,000 for each occurrence of the material breach, irrespective of the number of customers affected.
- d. The maximum penalties referenced above may be increased by any additional amount authorized by state law.

(2) Judicial Remedies Not Affected.

The imposition of penalties in accordance with the provisions of subsection (1) above does not preclude any affected party from pursuing any judicial remedy that is available to that party.

(3) Administration, Notice, and Appeal.

- a. The City Manager is authorized to administer this paragraph D. Decisions by the City Manager to assess penalties against a video provider must be in writing and must contain findings supporting the decisions. Decisions by the City Manager are final, unless appealed to the Mayor and City Council.
- b. If the video provider or any interested person is aggrieved by a decision of the City Manager, the aggrieved party may, within 10 days of the written decision, appeal that decision in writing to the Mayor and City Council. The appeal letter must be addressed to the City Clerk and must be accompanied by any applicable fee established by the Mayor and City Council for processing the appeal. The Mayor and City Council may affirm, modify, or reverse the decision of the City Manager.
- c. The imposition of monetary penalties under subsection (1) above is subject to the following requirements and limitations:

- (i) The City must give the video provider written notice of any alleged material breach of the consumer service standards and must allow the video provider at least 30 days from receipt of that notice to remedy the breach.
- (ii) For the purpose of assessing monetary penalties, a material breach will be deemed to have occurred for each day following the expiration of the period for cure specified in subparagraph (i) above that the material breach has not been remedied by the video provider, irrespective of the number of customers affected.
- (iii) In assessing monetary penalties under this paragraph D, the City Manager, any designated hearing officer, or the Mayor and City Council, as applicable, may take into account the nature, circumstances, extent and gravity of the violation and, with respect to the video provider, the degree of culpability, any history of prior violations, and such other matters as may be relevant. If warranted under the circumstances, the monetary penalty to be assessed may be less than the maximum penalty authorized above in subsection D (1).

(Ord. MC-1484, 4-18-18)

14.08.24 Telecommunications Service Provided by Telephone Corporations

Any video programming provided by a telephone corporation that uses public rights-of-way in the delivery of that video programming, regardless of the technology used, will be considered a cable service under this Ordinance unless such programming is otherwise expressly authorized by state or federal law.

- A. In recognition of and in compliance with statutory requirements that are set forth in state law, the following regulatory provisions are applicable to a telephone corporation that desires to provide telecommunications service by means of facilities that are proposed to be constructed within the City's public rights-of-way:
 - (1) The telephone corporation must apply for and obtain, as may be applicable, an excavation permit, an encroachment permit, or a building permit ("ministerial permit.")
 - (2) In addition to the information required by this Ordinance in connection with an application for a ministerial permit, a telephone corporation must submit to the City the following supplemental information:

[\[Return to Municipal Code Contents\]](#)

- a. A copy of the certificate of public convenience and necessity issued by the California Public Utilities Commission ("CPUC") to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the City's public rights-of-way.
 - b. If the applicant has obtained from the CPUC a certificate of public convenience to operate as a "competitive local carrier," the following additional requirements are applicable:
 - (i) As required by the CPUC, the applicant must establish that it has filed with the City in a timely manner a quarterly report that describes the type of construction and the location of each construction project proposed to be undertaken in the City during the calendar quarter in which the application is filed, which information is sufficient to enable the City to coordinate multiple projects, as may be necessary.
 - (ii) If the applicant's proposed construction project will extend beyond the utility rights-of-way into undisturbed areas or other rights-of-way, the applicant must establish that it has filed a petition with the CPUC to amend its certificate of public convenience and necessity and that the proposed construction project has been subjected to a full-scale environmental analysis by the CPUC, as required by Decision No. 95-12-057 of the CPUC.
 - (iii) The applicant must inform the City whether its proposed construction project will be subject to any of the mitigation measures specified in the Negative Declaration ["Competitive Local Carriers (CLCs) Projects for Local Exchange Communication Service throughout California"] or to the Mitigation Monitoring Plan adopted in connection with Decision No. 95-12-057 of the CPUC. The City's issuance of a ministerial permit will be conditioned upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon telephone corporations that are designated as "competitive local carriers."
- B. In recognition of the fact that numerous excavations in the public rights-of-way diminish the useful life of the surface pavement, and for the purpose of mitigating the adverse impacts of numerous excavations on the quality and longevity of public street maintenance within the City, the following policies and procedures are adopted:

- (1) The City Manager is directed to ensure that all public utilities, including telephone corporations, comply with all local design, construction, maintenance and safety standards that are contained within, or are related to, a ministerial permit that authorizes the construction of facilities within the public rights-of-way.
 - (2) The City Manager is directed to coordinate the construction and installation of facilities by public utilities, including telephone corporations, in order to minimize the number of excavations in the public rights-of-way. In this regard, based upon projected plans for street construction or renovation projects, the City Manager is authorized to establish on a quarterly basis one or more construction time periods or "windows" for the installation of facilities within the public rights-of-way. Telephone corporations and other public utilities that submit applications for ministerial permits to construct facilities after a predetermined date may be required to delay such construction until the next quarterly "window" that is established by the City.
- C. Subject to applicable provisions of state and federal law, any video programming provided by a telephone corporation that uses public rights-of-way in the transmission or delivery of that video programming, regardless of the technology used, will be deemed to be a video service subject to the franchise requirements set forth in Section 14.08.04 of this chapter.
- D. Telephone corporations that apply for and receive a state franchise to provide video service within all or any part of the City must comply with the provisions of this Title, and all applicable provisions of the Digital Infrastructure and Video Competition Act of 2006 (Division 2.4 of the California Public Utilities Code, commencing with Section 5800).

14.08.25 Public, Educational, and Governmental Access Support Fee (Peg Fee) and Requirement to Provide Peg Channels

- A. PEG FEE: A fee of 1% of Gross Revenues shall be assessed on all video service providers that use the public rights-of-way, including all local franchisees and all holders of state franchises as consistent with state or federal law. The PEG Fee shall be paid quarterly, to be received by the City not later than 45 days after the close of each quarter of Grantee's fiscal year.
- (1) On a quarterly basis, Grantee shall provide the City a complete and accurate statement verified by a financial officer of Grantee indicating Gross Revenues for the past quarter, listing every revenue source, and depicting gross revenue computations.

[\[Return to Municipal Code Contents\]](#)

(2) A video service provider subject to this section may recover the amount of any fee by billing a recovery fee as a separate line item on the regular bill of each Subscriber .

B. CHANNEL DESIGNATION: All video service providers that use the public rights-of-way shall designate sufficient amount of capacity on its network to allow the carriage of at least three public, educational, or governmental access (PEG) channels. For the purposes of this section, a PEG channel is deemed activated if it is being utilized for PEG programming within the city for at least eight hours per day.

(1) PEG channels shall be for the exclusive use of the City or its designee to provide public, educational, or governmental channels.

(2) Advertising, underwriting, or sponsorship recognition may be carried on the channels for the purpose of funding PEG-related activities.

(3) The PEG channels shall all be carried on the basic service tier of grantee.

(4) To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the basic service tier and the channel numbers for the PEG channels shall be the same channel numbers used by the incumbent cable operator unless prohibited by federal law.

(5) After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless the change is required by federal law.

(6) Each channel shall be capable of carrying a National Television System Committee (NTSC) television signal.

C. INTERCONNECTION. Where technically feasible, all Grantee's video service providers shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by direct cable, microwave link, satellite, or other reasonable method of connection. Holders of a state franchise and incumbent cable operators shall provide interconnection of the PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a holder of a state franchise and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement, the City may require the incumbent cable operator to allow the holder to interconnect its network with the incumbent's network at a technically feasible point on the holder's network as identified by the holder. If no technically feasible point for interconnection is available, the holder of a state franchise shall make an interconnection available to the channel originator and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by the holder of a state franchise requesting the interconnection unless otherwise agreed to by the parties.

[\[Return to Municipal Code Contents\]](#)

ARTICLE V. DEFINITIONS

14.08.26. Defined Terms and Phrases

- A. For the purposes of this chapter, the words, terms, phrases, and abbreviations have the meanings set forth below. When not inconsistent with the context, words used in the present tense include the future tense, and words in the singular include the plural number.

"Affiliate" means, when used in relation to any person, another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person.

"Cable service" means the one-way transmission to subscribers of video programming, or other programming services, and subscriber interaction, if any, that is required for the selection or use of that video programming or other programming service. For the purposes of this definition, **"video programming"** means programming provided by, or generally considered comparable to programming provided by, a television broadcast station; and **"other programming service"** means information that a cable system operator makes available to all subscribers generally.

"Cable system," or **"cable communications system"** or **"cable television system,"** means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. The term "cable system" does not include:

- (1) A facility that serves only to retransmit the television signals of one or more television broadcast stations; or
- (2) A facility that serves subscribers without using any public rights-of-way; or
- (3) A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility will be considered a cable system (other than for purposes specified in Section 621(c) of the Communications Act) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; or
- (4) An open video system that complies with Section 653 of the Communications Act; or
- (5) Any facilities of an electric utility that are used solely for operating its electric utility system.

[\[Return to Municipal Code Contents\]](#)

"Cable system operator" or **"cable operator"** means any person or group of persons:

- (1) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system; or
- (2) Who otherwise controls or is responsible for, through any arrangement, the management and operation of that cable system.

"CFR" means the Code of Federal Regulations. Thus, the citation of "47 CFR 80.1" refers to Title 47, part 80, section 1, of the Code of Federal Regulations.

"City" means the City of San Bernardino, California as represented by its Mayor and Common Council or by any delegate acting within the scope of its delegated authority.

"City Manager" means the City Manager of the City of San Bernardino, or the City Manager's designee.

"Communications Act" means the Communications Act of 1934 (47 U.S.C. §§153, et seq.), as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.

"FCC" or **"Federal Communications Commission"** means the federal administrative agency, or any lawful successor, that is authorized to regulate cable and telecommunications services and cable and telecommunications service providers on a national level.

"Franchise" means an initial authorization, or the renewal of an initial authorization, granted by the Mayor and Common Council, whether such authorization is designated as a franchise, agreement, permit, license, resolution, contract, certificate or otherwise, that authorizes the construction or operation of a cable system or an open video system.

"Franchise fee" means any fee or assessment of any kind that is authorized by state or federal law to be imposed by the City on a Grantee as compensation in the nature of rent for the Grantee's use of the public rights-of-way.

The term **"franchise fee"** does not include:

- (1) Any tax, fee or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers);
- (2) Capital costs that are required by the franchise to be incurred by a Grantee for public, educational, or governmental access facilities;
- (3) Requirements or charges that are incidental to the award or enforcement of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or
- (4) Any fee imposed under Title 17, United States Code.

"Franchise service area" or **"service area"** means the entire geographic area of the City as it is now constituted, or may in the future be constituted, unless otherwise specified in the ordinance or resolution granting a franchise, or in a franchise agreement.

"Grantee" means any person that is awarded a franchise in accordance with this Chapter, and that person's lawful successor, transferee, or assignee.

"Gross Revenue" means all revenue, that is received, directly or indirectly, by Grantee from or in connection with the distribution of any cable service within the franchise service area, and any other service provided within the franchise service area that may, under existing or future federal law, be included in the Communications Act definition for the purpose of calculating and collecting the maximum allowable franchise fee for operation of the system, whether or not authorized by any franchise, including, without limitation, leased or access channel revenue received, directly or indirectly, from or in connection with the distribution of any cable service. It is intended that all revenue collected by the Grantee from the provision of cable service over the system, whether or not authorized by the franchise, be included in this definition. Gross revenue also specifically includes any revenue received, as reasonably determined from time to time by the City, through any means that is intended to have the effect of avoiding the payment of compensation that would otherwise be paid to the City for the franchise granted, including the fair market value of any non-monetary (i.e., barter) transactions between Grantee and any person, but not less than the customary prices paid in connection with equivalent transactions. Gross revenue also includes any bad debts recovered, payments received for the lease or license to third parties of excess capacity in fiber optic cables or similar transmission facilities, and all revenue that is received by Grantee, or its subsidiaries or affiliated companies, directly or indirectly, from or in connection with the distribution of any service over the system or the conduct

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 14 Contents\]](#)

of any service-related activity involving the system, including without limitation revenues derived from advertising sales, the sale of products or services on home shopping channels, and the sale of program guides.

Gross revenue does not include:

- (1) the revenue of any person to the extent that such revenue is also included in the gross revenue of Grantee;
- (2) taxes imposed by law on subscribers that Grantee is obligated to collect;
- (3) amounts that must be excluded pursuant to applicable law; (iv) bad debt; and
- (4) deposits and refunds.

"Multi-channel video programming distributor" or "video programming distributor" means a person such as, but not limited to, a cable system operator, an open video system operator, a multichannel multi-point distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available multiple channels of video programming for purchase by subscribers or customers.

"Open video system" means a facility consisting of a set of transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service, including video programming, and that is provided to multiple subscribers within the City, provided that the FCC has certified that such system is authorized to operate in the City and complies with 47 CFR 1500 et seq., titled "Open Video Systems."

"Open video system operator" means any person or group of persons who provides cable service over an open video system and directly or through one or more affiliates owns a significant interest in that open video system, or otherwise controls or is responsible for the management and operation of that open video system.

"Person" means an individual, partnership, limited liability company, association, joint stock company, trust, corporation or governmental entity.

"Public, educational or government access facilities," "PEG access facilities," or "PEG access" means the total of the following:

- (1) Channel capacity designated for noncommercial public, educational, or government use; and

[\[Return to Municipal Code Contents\]](#)

(2) Facilities and equipment for the use of that channel capacity.

"Subscriber" or **"customer"** or **"consumer"** means any person who, for any purpose, subscribes to the services provided by a multichannel video programming distributor and who pays the charges for those services.

"Street" or **"public right-of-way"** means each of the following that has been dedicated to the public and maintained under public authority or by others and is located within the City limits: streets, roadways, highways, avenues, lanes, alleys sidewalks, easements, rights-of-way and similar public property that the City from time to time authorizes to be included within the definition of a street.,

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change

"Telecommunications equipment" means equipment, other than customer premises equipment, used by a telecommunications service provider to provide telecommunications service, including software that is integral to that equipment.

"Telecommunications service" means the offering of telecommunications directly to the public for a fee, or to such classes of users as to be effectively available directly to the public, regardless of the equipment or facilities that are used.

"Telecommunications service provider" means any provider of telecommunications service.

" U.S.C. §" means the United States Code. Thus, the citation of "47 U.S.C. §153" refers to Title 47, section 153, of the United States Code.

"Video programming provider" means any person or group of persons who has the right under the federal copyright laws to select and to contract for the carriage of specific video programming on a cable system or an open video system.

"Video provider" means any person, company, or service that provides one or more channels of video programming to a residence, including a home, multi-family dwelling complex, congregate-living complex, condominium, apartment or mobile home, where some fee is paid for that service, whether directly or as included in dues or rental charges, and whether or not public rights-of-way are used in the delivery of that video programming. A "video provider" includes, without limitation, providers of cable television service, open video system service, master antenna television, satellite master antenna television, direct broadcast satellite, multi-point distribution services and other providers of video programming, whatever their technology.

[\[Return to Municipal Code Contents\]](#)

- B. Unless otherwise expressly stated, words, terms, phrases, and abbreviations not defined in this section will be given their meaning as used in Title 47 of the United States Code, as amended, and, if not defined in that Code, their meaning as used in Title 47 of the Code of Federal Regulations.

ARTICLE VI. VIOLATIONS; ENFORCEMENT

14.08.27 Violations; Enforcement

- A. Any person who willfully violates any provision of this chapter is guilty of a misdemeanor and is punishable as provided for in Chapter 1.12 of Title 1 of this Code.
- B. The misdemeanor penalty specified above in paragraph A is not applicable to a violation of any provision of this chapter for which another sanction or penalty may be imposed under any franchise, license, lease, or similar written agreement between the City and a multichannel video programming distributor or other telecommunications service provider.
- C. The City may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this chapter.

(Ord. MC-1484, 4-18-18; Ord. MC-1242, 3-20-07; Ord. MC-870, 4-20-93;
Ord. MC-667, 7-19-89; Ord. MC-492, 1-22-86; Ord. MC-460, 5-15-85;
Ord. MC-258, 3-28-83; Ord. 3952, 7-22-80; Ord. 3934, 5-12-80)

TITLE 15
BUILDINGS AND CONSTRUCTION¹

Chapters:

- 15.04 Building Codes**
- 15.05 Property Maintenance Code
(Added by Ord. MC-1417, 10-05-15)**
- 15.08 Liquefaction**
- 15.10 Foothill Fire Zone Building Standards**
- 15.11 Building Safety Enhancement Area Building Standards**
- 15.12 Earthquake Hazard Reduction in Existing Buildings**
- 15.16 Uniform Fire Code (Repealed by Ord. MC-1422, 5-16-16)**
- 15.20 Certificate of Occupancy**
- 15.24 Property Maintenance Requirements**
- 15.25 Multi-Family Rental Housing Fire Inspection Program**
- 15.26 Single-Family Rental Property Inspection Program**
- 15.27 Crime-Free Rental Housing Program**
- 15.28 Dangerous Buildings**
- 15.32 (Repealed by Ord. MC-781, 4-22-91)**
- 15.34 Removal or Destruction of Trees**
- 15.36 Demolition and Moving of Buildings and Structures**
- 15.37 Historic Building Demolition Ordinance**
- 15.38 (Repealed by Ord. MC-880, 6-23-93)**
- 15.40 (Repealed by Ord. MC-880, 6-23-93)**
- 15.44 (Repealed by Ord. MC-880, 6-23-93)**
- 15.48 Swimming Pools**
- 15.52 (Repealed by Ord. MC-781, 4-22-91)**
- 15.55 City Assumption of Code Enforcement in
Mobile Home Parks (Repealed by Ord. MC-1379, 10-15-12)**
- 15.56 (Repealed by Ord. MC-781, 4-22-91)**
- 15.57 Cultural Development Construction Tax**
- 15.60 (Repealed by Ord. MC-880, 6-23-93)**
- 15.64 (Repealed by Ord. MC-84, 7-21-81)**
- 15.68 Washers, Dryers, Extractors, and Compressors**
- 15.72 (Repealed by Ord. MC-781, 4-22-91)**

¹ For statutory provisions authorizing cities to regulate buildings and construction, see Gov. Code §§38601 and 38660; for provisions on the construction of housing, see Health and Safety Code §17910 et seq., for provisions authorizing cities to adopt codes by reference, see Gov. Code §50022.1 et seq.

- 15.73 Verdemont Area - Infrastructure Fee
- 15.74 Violation - Penalty.

Chapter 15.04
BUILDING CODES
As Amended by Ord. MC-1433, 12-21-16

Sections:

- 15.04.010 Citation
- 15.04.020 Adoption of Codes
- 15.04.030 Applicability
- 15.04.040 Definitions
- 15.04.050 CBC Chapter 1, Section 105.5.1 is added -
Prima Facie Evidence of Abandoned Work
- 15.04.060 CBC Chapter 1, Section 112.1.1 is added-
Board of Appeals Designated
- 15.04.070 CBC Chapter 1, Section 105.2, Item 2 is Amended -
Fences Not Requiring a Building Permit
- 15.04.080 [Reserved]
- 15.04.090 CBC Section 2204.1.1 is added-
Qualification of Welding Operators.
- 15.04.100 CBC Section 3109.1.1 is added-
Barriers for Swimming Pools
- 15.04.110 CBC Appendix J, Section J101.3 is added -
Alquist-Priolo Earthquake Fault Zones
- 15.04.120 CBC Appendix J, Section J101.4 is added -
Enforcement Authority
- 15.04.130 On-site Improvement Permit
- 15.04.140 Preparation of Grading Plans
- 15.04.150 On-Site Improvement Plans and Specifications
- 15.04.160 Information on On-Site Improvement Plans
- 15.04.170 On-site Improvement Plan Review and Permit Fees
- 15.04.180 Inspection of On-Site Improvements
- 15.04.190 Bonds Required
- 15.04.200 CBC Appendix J, Section J110.1 is added-
Planting of Slopes
- 15.04.210 CBC Appendix J, Section J112 is added- Grading Operations
- 15.04.220 CBC Appendix J, Section J110.3 is added- Final Repots

[\[Return to Municipal Code Contents\]](#)

- 15.04.230 Driveway Configurations**
- 15.04.240 Location of Slopes**
- 15.04.250 Automatic Fire Sprinkler Systems- Residential Additions**
- 15.04.260 Stop Work Order**

15.04.010 Citation

The ordinance codified in this chapter shall be known as the "San Bernardino Building Code" hereinafter referred to as the "Building Code".

15.04.020 Adoption of Codes

- A. Except as provided in this chapter, the code currently adopted State Building Code under title 24 sections parts 1-6, 81 9 and 11 of the CCR known and designated as the 2019 California Building Codes (CBC), as adopted by the State of California, based on the 2018 International Building Code published by the International Code Council and the Plumbing and Mechanical Codes written by IAPMO and the National Electrical Code and Fire Code as written by NFPA shall become the administrative provisions of the City of San Bernardino for regulating the construction. erection, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment use and occupancy and maintenance of all buildings and/or structures in the city. Chapter 1 of the 2019 California Building Code and all other formally adopted building Code will be on file for public examination in the offices of the building official as required by State Law.
- B. The City of San Bernardino does hereby formally adopt the State of California model building Codes into local law as listed below:
 - 1. 2019 California Administrative Code Title 24 Part 1
 - 2. 2019 California Building Code Title 24 Part 2 (Volumes 1 & 2)
 - 3. 2019 California Electrical Code Title 24 Part 3 (based on 2017 NEC)
 - 4. 2019 California Mechanical Code Title 24 Part 4 (based on 2018 Uniform Mechanical Code)
 - 5. 2019 California Plumbing Code Title 24 Part 5
 - 6. 2019 California Energy Code Title 24 Part 6
 - 7. 2019 California Historical Building Code Title 24 Part 8

[\[Return to Municipal Code Contents\]](#)

8. 2019 California Fire Code Title 24 Part 9 (specific amendments to the California Fire Code are to be adopted by district for the greater San Bernardino County Fire District and will include Office of the State Fire Marshall requested amendments)
 9. 2019 California Green Building Standards Code Part 11
 10. Uniform Code for the Abatement of Dangerous Buildings (UCADB), 1997 edition;
 11. International Residential Code, Appendix H, 2018 edition;
 12. International Property Maintenance Code (IPMC), 2018 edition; and
- C. Copies of all Codes listed above shall be on file in the Community and Economic Development Department Office for inspection and reference and copies of each code shall be furnished to the Building Official and each deputy. These codes are also available for view on the International Code Conference website: <http://www.ICCsafe.org>
- D. All sections of the Code listed here and legally adopted by the State of California's Building Standards Commission or by the Office of the State Fire Marshall shall be formally adopted by the City of San Bernardino as the California Building Code to be enforced within the City limits as required by state law. Sections and appendices not specifically adopted by the aforementioned State offices are hereby adopted by reference.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19)

15.04.030 Applicability

It shall be unlawful to erect, construct, change the occupancy, alter, repair, rehabilitate, remove, move or maintain any building or structure, or grade or alter any land, in the City in violation of, or without complying with the appropriate provisions of this Chapter.

The California Building Standards Code shall govern and prevail in the event of any inconsistency or conflict between the building standards within the California Building Standards Code, as adopted and amended by the City, and the building standards in any other code.

(Ord. MC-1521, 9-18-19)

[Return to Municipal Code Contents]

15.04.040 Definitions

"City" in the above mentioned section and codes shall be deemed to refer to and designate the City of San Bernardino, and any reference to any act or legislative enactments herein referred to shall be deemed to designate and embrace the statutes of the State, and the amendments thereof, dealing with the subject matter thereby and therein referred to.

15.04.050 CBC Chapter 1, Section 105.5.1 is added -

Section 105.5.1 Prima Facie Evidence of Abandoned Work

Failure on the part of the permittee to obtain an inspection and to demonstrate substantial progress to the satisfaction of the Building Official within any 180 day period shall be prima facie evidence that the work has been abandoned and the permit shall have expired.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19)

15.04.060 CBC Chapter 1, Section 113.1.1 is added Board of Appeals Designated

Section 113.1.1 Board of Appeals Designated

1. The Board of Building Commissioners of the City of San Bernardino shall serve as the Board of Appeals. The Building Official or his designee shall be Clerk of the Board. The Board shall have such duties as are delegated to it by the California Building Code (CBC) as adopted by the City, and other duties as may be delegated by other provisions of the San Bernardino Municipal Code.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19)

15.04.070 CBC Chapter 1, Section 105.2, Item 2 is Amended - Fences Not Requiring a Building Permit

2. Fences not over 6 feet high, except concrete and masonry fences greater than three (3) feet above grade. Masonry fences shall be constructed in accordance with the standard design specifications approved by the Building Official, unless an alternate engineered design is submitted and approved. Exemption from the permit requirements shall not be deemed as a waiver of the design requirements contained in the San Bernardino Development Code as it relates to the use or configuration of materials, or to the height of fences in front, side or rear yards.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19)

[Return to Municipal Code Contents]

15.04.080 [Reserved]

(Ord. MC-1521, 9-18-19)

15.04.090 **CBC Section 2204.1.1 is added - Qualification of Welding Operators**

Section 2204.1.1 Qualification of Welding Operators.

In addition to Section 2204.1, the following subsections shall govern all welding work:

1. All welding shall be done by qualified operators approved by the Building Official. The Building Official shall prescribe rules and regulations for the tests of welders, and no operator shall be approved by the Building Official unless and until he/she has first successfully completed such tests as may be given by the Department of Adult Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College, or has obtained such approval because he/she holds a current welding certificate issued by an accredited testing agency based upon the requirements of the California Department of Adult-Vocational Education.

A certificate shall be issued to operators by the Building Official upon successful completion of the required test or tests and/or approval as aforesaid being obtained. Requests for the certificate shall be made by the operator within thirty (30) days after completion of the test. The certificate shall be valid for two years. Subsequent certificates may be obtained by successful completion of required tests, or when the approved operator submits sufficient evidence to the Department of Adult-Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College that he/she has regularly engaged in such work and that such work has been satisfactorily performed during the past year.

2. Every welder employed for welding of steel plate of No. 8 gauge thickness or less shall be qualified for light gauge welding. Every welder employed for field welding shall be qualified to weld in the flat, vertical and overhead positions. Welders, including light gauge welders who are employed for shop welding, shall be qualified in the flat, vertical and horizontal positions.
3. Structural steel welding operators shall be qualified as prescribed by the latest edition of the Structural Welding Code of the American Welding Society.
4. After a welder has passed the required tests, he/ she must be capable of performing neat and consistently good work in actual operation. Carelessness, inability to maintain a uniform arc and poor workmanship will be deemed sufficient cause for revocation of the welder's certificate.

[\[Return to Municipal Code Contents\]](#)

5. A fee of forty dollars (\$ 40) will be charged by the City of San Bernardino for each original or renewed certificate, which shall be valid for two (2) years.
6. At the time application is made, a certificate may be issued without examination upon presentation of proper evidence that the welder is currently approved for the position either by the Department of Adult-Vocational Education or other acceptable proof of qualification.
7. Testing shall be done under the supervision of the San Bernardino City Schools, Department of Adult-Vocational Education of San Bernardino Valley College or other accredited testing agency.

15.04.100 CBC Section 3109.1.1 is added - Barriers for Swimming Pools

The requirements of CBC Section 3109, shall apply to single-family swimming pool barriers. Swimming pools, spas, and hot tubs for which an application for a building permit was submitted prior to July 23, 1993 shall comply with the requirements contained in Chapter 15.48 of the San Bernardino Municipal Code.

15.04.110 CBC Appendix J, Section J101.3 is added - Alquist-Priolo Earthquake Fault Zones

J101.3 Alquist-Priolo Earthquake Fault Zones. This chapter shall also include those requirements set forth in the "Alquist-Priolo Earthquake Fault Zoning Act (Division 2, Chapter 7.5, California Public Resources Code). This Act is intended to represent minimum criteria for all structures that fall within the boundaries as shown on the "Earthquake Fault Zones Maps" as prepared by the California Division of Mines and Geology.

15.04.120 CBC Appendix J, Section J101.4 is added - Enforcement Authority

J101.4 Enforcement Authority. The Building Official of the City of San Bernardino or his/ her designee shall have the authority for the enforcement of CBC Appendix J and any amendments thereto.

(Ord. MC-1521, 9-18-19)

15.04.130 On-site Improvement Permit

No person shall construct any on-site improvement for motor vehicle parking or vehicle circulation, the disposal of waste through a private sewer main, the conveyance of storm waters, or landscaping and irrigation systems, without first obtaining a permit from the Building Official. A permit issued by the Building Official for the purpose of construction of the improvements set forth herein shall hereafter be known as an on-site improvement permit.

[\[Return to Municipal Code Contents\]](#)

15.04.140 CBC Appendix J, Section J103.1.1 is added Preparation of Grading Plans

A grading plan and a grading permit shall be required for any grading activity involving more than 50 cubic yards. All grading plans shall be prepared by a registered civil engineer.

15.04.150 On-Site Improvement Plans and Specifications

When required by the Building Official, plans and specifications, and verification of land use entitlement shall accompany each application for an on-site improvement permit. Plans and specifications required by the Building Official shall be prepared and signed by a registered civil engineer. Specifications may be incorporated into the plans as general notes in lieu of a separate document. Verification of land use entitlement requirements are incorporated into the Grading Policy promulgated by the Community Development Department.

15.04.160 Information on On-site Improvement Plans

On-site improvement plans shall contain all information set forth in CBC Chapter 1, Section 105. 3 and shall include additional information as required by the Building Official.

15.04.170 On-site Improvement Plan Review and Permit Fee

When an on-site improvement plan is required to be submitted, a plan review fee shall be paid at the time of submittal of plans and specifications. Items to be reviewed shall be improvements including, but not limited to, paving, curbs, sidewalks, private sewer mains, drainage facilities, landscaping, and irrigation systems.

Fees for each on-site improvement permit shall be paid to the City at the time of permit issuance. Said on-site plan review and permit fees shall be in an amount established by resolution of the Mayor and Common Council.

15.04.180 Inspection of On-Site Improvements

All on-site improvements for which a permit is required shall be subject to inspection by the Building Official or his/her designee.

15.04.190 Bonds Required

A grading permit shall not be issued unless the applicant has first posted with the Building Official a good and sufficient surety bond, cash, letter of credit (Col) or certificate of deposit in such an amount as the Building Official shall estimate and determine to be necessary to cover the total cost of the project, including corrective work necessary to remove and eliminate geological hazards. The Building Official shall require a written itemized estimate of the costs of the grading. The amount of the required bond, cash,

[\[Return to Municipal Code Contents\]](#)

instrument of credit or certificate of deposit, is based on the estimate of cost and shall be given to the owner or applicant prior to the issuance of the permit.

When security for the grading is provided for a development on the site where the grading is to be done, the bond for the grading required shall be released upon submission of evidence by the permittee to the Building Official that the grading work is complete and signed off by the Construction Engineer.

An agreement between the Redevelopment Agency, the Inland Valley Development Agency, or the San Bernardino International Airport Authority, and the City of San Bernardino, approved by the City Attorney and unconditionally providing and guaranteeing that said Agency shall provide those grading and other improvements and pay the costs thereof required, may be filed with the Building Official as security in lieu of said bond, cash or certificate of deposit wherever said project is located in a redevelopment project area and the agreement recites that the street improvements are in compliance with the Redevelopment Plan for said area and in furtherance of the public interest in promoting public or private development.

15.04.200 CBC Appendix J, Section J110.1.1 is added - Planting of Slopes

J110.1.1 Planting of Slopes. The Building Official may waive the planting of any slope less than 5 feet in vertical height. An automatic irrigation system shall be installed for planted slopes unless recommended otherwise in the preliminary soils report or waived by the Building Official. If required by the Building Official, a recommendation for types of planting materials shall be obtained from a Landscape Architect. The Landscape Architect shall, prior to final inspection, provide the Building Official with a statement that the planting has been done in accordance with his recommendations approved by the Building Official.

15.04.210 CBC Appendix J, Section J112 is added - Grading Operations

J112.1 General. All parties performing grading operations, under a grading permit issued by the Building Official, shall have verification of land use entitlement and shall take reasonable preventive measures, as directed by the Building Official and incorporated into the Grading Policy promulgated by the Community and Economic Development Department, to avoid earth or other materials from the premises being deposited onto adjacent streets or properties, by the action of storm waters or wind, by spillage from conveyance vehicles or by other causes.

Grading operations of 50 cubic yards or more shall be performed by qualified individuals/entities demonstrating proficiency in grading operations to the satisfaction of the Building Official or the Building officials designated representative or observed and supervised by such an individual. Typical qualified individuals would include a licensed contractor, geologist or engineer.

[\[Return to Municipal Code Contents\]](#)

J112.2 Removal of Materials Within 24 Hours. Earth or other materials which are deposited on adjacent streets or properties shall be completely removed by the permittee as soon as practical, but in any event within 24 hours after receipt of written notice from the Building Official, or NPDES Coordinator, or their designees, to remove the earth or materials, or within such additional time as may be allowed by written notice.

J112.3 Noncompliance. In the event that any party performing grading shall fail to comply with the requirements of this Section, the Building Official shall have the authority to engage the services of a contractor to remove the earth or other materials. All charges incurred for the services of the contractor shall be paid to the City by the permittee prior to acceptance of the grading.

(Ord. MC-1525, 01-15-20)

15.04.220 CBC Appendix J, Section J110.3 is added - Final Reports

J110.3 Final Reports. A statement from the Landscape Architect shall be submitted to the City Engineer stating that the planting and irrigation system(s) have been installed in accordance with his recommendations.

15.04.230 Driveway Configurations

Driveways to residential garages of more than 30 feet in length shall extend for a minimum distance of 20 feet from the garage on a maximum grade of 5%. Driveways less than 30 feet in length shall have a maximum grade of 8% for a minimum distance of 20 feet from the garage. No portion of a driveway shall exceed a grade of 20%.

Driveways shall be designed so that the algebraic difference in grades will not cause a car to drag or hang up.

15.04.240 Location of Slopes

Slopes shall be positioned on the downhill lot unless waived by the City Engineer.

15.04.250 Automatic Fire Sprinklers- Residential Additions

That Authority to require passive fire suppression (sprinklers) for residential additions will be determined by the acting Fire Authority based on availability of water and existing hydrants fire flow within the area of the proposed structure"

(Ord. MC-1525, 01-15-20)

15.04.260 Stop work order

- A. Any person, firm or corporation who continues work on a building or structure after a stop work order has been issued by any of the employees listed in San Bernardino Municipal Code Section 9.90.010 A2, 3, 4, 5, 6 or 8, shall be guilty of a misdemeanor.
- B. Each day during any part of which the activity prohibited by subdivision (a) of this section continues shall be a distinct and separate offense.

15.05 Property Maintenance Code

Sections:

15.05.010	Citation of Sections
15.05.020	Section 102.3 amended
15.05.030	Section 103.1 amended
15.05.040	Section 104.3 amended
15.05.050	Section 106.4 amended
15.05.060	Section 107.1 amended
15.05.070	Section 111 amended
15.05.080	Section 112.4 amended
15.05.090	Section 201.3 amended
15.05.100	Section 302.4 amended
15.05.110	Section 302.9 amended
15.05.120	Section 304.3 amended
15.05.130	Section 304.14 amended
15.05.140	Section 304.18 amended
15.05.150	Section 307 amended
15.05.160	Section 401.3 amended
15.05.170	Section 502.5 amended
15.05.180	Section 505.1 amended
15.05.190	Section 602.2 amended
15.05.200	Section 602.3 amended
15.05.210	Section 602.4 amended
15.05.220	Section 604.2 amended
15.05.230	Section 604.3.1.1 amended
15.05.240	Section 604.3.2.1 amended
15.05.250	Section 702.1 amended

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 15 Contents\]](#)

- 15.05.260 Section 702.2 amended**
- 15.05.270 Section 702.3 amended**
- 15.05.280 Section 704.1 amended**
- 15.05.290 Section 704.2 amended**
- 15.05.300 Vacant Building Board-Up Standards**

15.05.010 Citation of Sections

This chapter shall be known as the "Property Maintenance Code," and may be cited as such. For purposes of citation, the International Property Maintenance Code, 2018 Edition published by the International Code Conference; adopted by reference and amended by the City, is renumbered by adding "15.05." before each section.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.020 Section 102.3 amended

International Property Maintenance Code Section 102.3 is amended to read as follows:

102.3 "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Administrative Code, California Building Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, and California Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the San Bernardino Municipal Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.030 Section 103.1 amended

International Property Maintenance Code Section 103. 1 is amended to read as follows:

103.1 "The Chief of Police or the Director of Community Development or their authorized representatives shall be known as the code official as referenced in the International Property Maintenance Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.040 Section 104.3 amended

International Property Maintenance Code Section 104.3 is amended to add the following phrase to the end of the last sentence: "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.050 Section 106.4 amended

International Property Maintenance Code Section 106.4 is amended to read as follows:

106.4 "Violation penalties. Any person violating any of the provisions of this title, including, but not limited to, adopted model codes, as amended in this title, shall be subject to the penalty provisions of Chapters 1.12, 9.92 and 9.93 of the San Bernardino Municipal Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.060 Section 107.1 amended

International Property Maintenance Code Section 107.1 is amended to read as follows:

107.1 "Notice to Person Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3, or in the manner provided by San Bernardino Municipal Code Section 9.92.050, to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.070 Section 111 amended

International Property Maintenance Code Section 111 and subsections are amended to read as follows:

111 "A party aggrieved by a notice or order issued under this code may appeal in the manner set forth in Chapter 9.94 of the San Bernardino Municipal Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.080 Section 112.4 amended

International Property Maintenance Code Section 112.4, Failure to comply, is

[\[Return to Municipal Code Contents\]](#)

amended to read as follows:

112.4 Failure to Comply "Any person, firm or corporation who continues work on a building or structure after a stop work order has been issued by any of the employees listed in [SBMC] 9.90.010 A(2, 3, 4, 5, 6 or 8) shall be guilty of a misdemeanor, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each day of the violation. Each day during any part of which the activity prohibited by subdivision 112. 1 of this section continues shall be a distinct and separate offense."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.090 Section 201.3 amended

International Property Maintenance Code Section 201.3 is amended to read as follows:

201.3 Definitions. "Where terms are not defined in this code and are defined in the California Administrative Code, California Building Code, California Residential Code, California Green Building Standards Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, or California Electrical Code, or any code adopted by reference under Chapter 15 of the San Bernardino Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.100 Section 302.4 amended

International Property Maintenance Code Section 302.4, paragraph number one, is amended to read as follows:

302.4 Weeds "Weed and rubbish abatement shall be as set forth in the San Bernardino Municipal Code, Chapter 8.30, Abatement of Public Nuisances."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.110 Section 302.9 amended

International Property Maintenance Code Section 302.9, defacement of property, is deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

15.05.120 Section 304.3 amended

International Property Maintenance Code Section 304.3 is amended to read as follows:

304.3 Premises Identification "Premises identification shall be as set forth in the San Bernardino Municipal Code sections 12.32.030 and/or 15.16.126."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.130 Section 304.14 amended

International Property Maintenance Code Section 304.14 is deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.140 Section 304.18 amended

International Property Maintenance Code Section 304.18 is deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.150 Section 307 amended

International Property Maintenance Code Section 307, Handrails and guardrails, is amended to read as follows:

307 Handrails and Guardrails "Every exterior and interior flight of stairs shall have a handrail and guard per the requirements of the adopting code at the time the building was permitted. Handrails and guardrails shall be maintained in a safe and useful condition."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.160 Section 401.3 amended

International Property Maintenance Code Section 401. 3 is amended to read as follows:

401.3 Alternative Devices "In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code or California Residential Code shall be permitted."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

15.05.170 Section 502.5 amended

International Property Maintenance Code Section 502.5, Public toilet facilities, is amended to read as follows:

502.5 Public Toilet Facilities "Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.180 Section 505.1 amended

International Property Maintenance Code Section 505. 1, Plumbing Fixture Connections, is amended to read as follows:

505.1 Plumbing Fixture Connections "General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.190 Section 602.2 amended

International Property Maintenance Code Section 602.2, Heating Facilities, is amended to read as follows:

602.2 Heating Facilities "Residential occupancies. Interior spaces intended for human occupancy shall be provided with permanently-installed heating facilities capable of maintaining a room temperature of 68 degrees F (20 C) in all habitable rooms."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.200 Section 602.3 amended

International Property Maintenance Code Section 602. 3, Heat supply, Exceptions #1 and #2 are deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.210 Section 602.4 amended

International Property Maintenance Code Section 602.4, Occupiable work spaces, is deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

[Return to Municipal Code Contents]

15.05.220 Section 604.2 amended

International Property Maintenance Code Section 604.2, Service, is amended to read as follows:

604.2 "Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units shall be served by a three- wire, 120/ 240 volt, single-phase electrical service having a rating of not less than 60 amperes."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.230 Section 604.3.1.1 amended

International Property Maintenance Code Section 604.3.1.1, Electrical equipment, is amended to read as follows:

604.3.1.1 Electrical Equipment "Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, arc fault circuit interruptors, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Electrical Code. The exception provisions of section 604.3.1.1 of the IPMC are hereby deleted."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.240 Section 604.3.2.1 amended

International Property Maintenance Code Section 604.3.2.1, Electrical equipment, is amended to read as follows:

604.3.2.1 Electrical Equipment "Electrical switches, receptacles and fixtures, including furnace, waterheating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code, or California Electrical Code."

The exception provisions of section 604.3.2.1 of the IPMC are hereby deleted.

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.250 Section 702.1 amended

International Property Maintenance Code Section 702.1, General, is amended to read as follows:

702.1 General "General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress

[\[Return to Municipal Code Contents\]](#)

shall comply with the California Fire Code, California Residential Code, or the California Building Code, whichever is more restrictive."

15.05.260 Section 702.2 amended

International Property Maintenance Code Section 702.2, Aisles, is amended to read as follows:

702.2 Aisles "Aisles. The required width of aisles in accordance with the California Fire Code, California Residential Code, California Building Code, or Civil Code 304.18, whichever is more restrictive, shall be unobstructed."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.270 Section 702.3 amended

International Property Maintenance Code Section 702.3, Locked doors, is amended to read as follows:

702.3 Locked Doors "Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California Fire Code, California Building Code, or California Residential Code, whichever is more restrictive."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.280 Section 704.1 amended

International Property Maintenance Code Section 704.1, General, is amended to read as follows:

704.1 Fire Protection Systems "General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the California Fire Code."

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

15.05.290 Section 704.2 amended

International Property Maintenance Code Section 704.2, Smoke alarms, is amended to read as follows:

704.2 Smoke Alarms "Smoke alarms. Smoke alarms shall be installed and maintained in accordance with the California Fire Code, California Residential Code, or the California Building Code, whichever is more restrictive

(Ord. MC-1521, 9-18-19; Ord. MC-1417, 10-05-15)

[\[Return to Municipal Code Contents\]](#)

15.05.300 Vacant Building Board-Up Standards

- A. Vacant and abandoned buildings shall be boarded pursuant to the following guidelines, which are modeled after, in part, guidelines of the United States Department of Housing and Urban Development:
1. Board Requirements.
 - a. All first floor windows and doors and all basement windows and doors should have plywood covering the entire opening and frame.
 - b. The covering should be secured with carriage bolts.
 - c. Any health and safety hazard caused by any protruding bolts used to secure boarding must be eliminated.
 - d. The use of nails is prohibited.
 - e. There shall be no boarding above the first floor unless entry is possible without use of a ladder, and the opening is large enough for a person to easily pass through; openings above the first floor that do not meet this test should be secured but not boarded.
 - f. If security bars are located on windows/doors, boarding is not required.
 - g. Opening too small for a person to pass through, particularly pet openings in doors, should be secured but not boarded.
 - h. To ensure that no hazards exist, remove all broken glass from the windows and surrounding interior and exterior areas.
 2. Specifications for Plywood Boarding
 - a. Exterior Plywood should be of un-sanded CDX grade.
 - b. Plywood thickness should be 1/2" for window openings, 5/8" for door openings and 3/4" for sliding door and French door openings. When extra large window openings are encountered use 5/8" or 3/4" as necessary.
 - c. All holes should be drilled to accommodate bolts. The holes in the top of the plywood should be 12" down from the top and 20% of the width of the plywood cover, in from the side.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 15 Contents\]](#)

- d. The holes in the bottom should be 25% of the height of the plywood, up from the bottom and the same distance in from the side as the top.
- e. Carriage bolts mated with nut and two three inch flat washers as shown in the side view. Washers to be of sufficient size to fully accept the square portion of bolt beneath head. Bolt and mating hardware may be galvanized or cadmium plated. 3/8" x 12" bolts should be supplied with each 2'8' door, 3'0" door, and glass sliding door cover. 3/8 x 10" bolts should be supplied with the rest.
- f. 2" x 4" lumber should be graded and should be a minimum of 16" longer than the width of the plywood cover. (Note: 2x4s will be drilled with 1/2" diameter holes that line up with the holes in the plywood covers).
- g. All windows and doors, except the front door, through which access to the interior of the dwelling is made, should be secured. All window boards will be cut to fit inside the concrete block or brick opening with a maximum 1/8" clearance. THE PLYWOOD COVERING SHOULD BE OF ONE CONTINUOUS PIECE WHEN POSSIBLE.
- h. All fabricated parts and ancillary materials become property of the Department of Housing and Urban Development.
- i. All coverings are to be fabricated according to the attached drawing and specifications.

3. Boarding Windows

- a. Except as noted below, all window sashes, frames, glass and hardware are to be undamaged by the boarding installation.
- b. All screen inserts are to be removed, marked as to location and stored in a convenient closet or in the utility room.
- c. In all cases where it is possible to adjust the position of the sashes to accommodate the specifications for boarding above, the sashes are to remain in the frame.
- d. In instances wherein the sashes cannot be adjusted to accommodate the boarding specifications above, the sashes are to be removed from the frames and stored in a convenient closet or in the utility room. This includes all stationary lights secured by stops.

- e. In cases wherein the sash cannot be removed and/or the frame is permanently built into the house and cannot be removed (i.e., Fenestra windows) it will be necessary to break the corner panes to accommodate the boarding and bolts. If the location of bolt holes, in the plywood, requires modification because of the muntin bar (a small bar that divides a windows glass), these locations are to be modified. In no case, in any type of window, is any sash or frame part to be damaged.
 - f. In all instances where items should be removed from the frame and stored, the items should be clearly marked as to the area from which it was removed.
 - g. All items are to be stored on edge and braced to prevent accidental tipping, sliding, etc. In no instance is any item to be stored laid flat.
 - h. Hinged windows are to be completely removed from the frame and stored as stated in (g) above. If possible the hinge pins are to be removed and remain with the removed item.
 - i. Faced nailing of panels to wood frame windows is prohibited.
- B. Any person violating any of the provisions of this Section shall be subject to the penalty provisions of Chapters 1.12, 9.92, and 9.93 of the San Bernardino Municipal Code.

(Ord. MC-1576, 5-04-22)

Chapter 15.08 LIQUEFACTION

Sections:

- 15.08.010 Findings**
- 15.08.020 Purpose**
- 15.08.030 Scope - Map**
- 15.08.040 Liquefaction Defined**
- 15.08.050 Reports Required**
- 15.08.060 Reserved**
- 15.08.070 Administration and Enforcement**
- 15.08.080 Compliance Required Prior to Issuance of Permits**
- 15.08.090 Appeal**

15.08.010 Findings

Local governing bodies are required to adopt policies for the protection of the community against geologic and seismic hazards pursuant to California Government Code Section 65302. The primary geologic and seismic hazards that could potentially affect San Bernardino include fault rupture, ground shaking historic high ground water, and soil matrix. These hazards could cause liquefaction resulting in extensive property damage and loss of life in susceptible areas of the City. Liquefaction reports plus mitigation measures for new development in susceptible areas will greatly reduce the risk of damage from liquefaction induced building failures during an earthquake occurrence.

(Ord. MC-676, 9-19-89)

15.08.020 Purpose

The purpose of this Code is to reduce the potential risk of property damage and loss of life due to liquefaction induced building failures during an earthquake occurrence by requiring liquefaction reports and mitigation measures for development in areas susceptible to liquefaction within this jurisdiction.

(Ord. MC-676, 9-19-89)

15.08.030 Scope - Map

Map is included in the General Plan indicating areas of liquefaction susceptibility. All new development projects, or structural modifications over twenty five percent (25%) of the building area, which are located within the areas of liquefaction susceptibility as determined by the latest adopted edition of the General Plan Map (Map) may be required to provide liquefaction reports and mitigation measures.

[\[Return to Municipal Code Contents\]](#)

The liquefaction susceptibility areas indicated on the map have a historic high ground water table within thirty (30) feet of the surface.

(Ord. MC-676, 9-19-89)

15.08.040 Liquefaction Defined

Liquefaction is defined as the transformation of a granular material from a solid state into a liquefied state as a consequence of increased pore-water pressures. Soils and clastic sediment with particle size in the medium sand to silt range, as determined by the Unified Soils Classification System, are particularly susceptible to liquefaction when they are saturated with water and shaken by an earthquake. Liquefaction at or near the surface can result in foundation failure and property damage.

(Ord. MC-676, 9-19-89)

15.08.050 Reports Required

- A. A liquefaction report plus mitigation measures prepared by a Registered Civil Engineer shall be required by the Director of Community and Economic Development for new construction or structural modification of more than twenty-five percent (25%) of the building area for the buildings or structures listed below which fall within the high liquefaction susceptibility areas as indicated on the Map:
1. Essential facilities, as defined in Section Table 1604.4 of the California Building code, including but not limited to hospitals and other emergency medical facilities, fire and police stations, and government disaster operation and communication centers.
 2. Buildings where the primary occupancy is for assembly use for more than fifty (50) persons in one room.
 3. Buildings over two stories in height.
 4. Buildings with the following occupancies, as listed in the California Building Code:
 - a. Group A, (Assembly) Divisions 1, 2 and 2.1;
 - b. Group E, (Educational) Division 1;
 - c. Group H, (High Hazard) Divisions 1 and 2; and

[\[Return to Municipal Code Contents\]](#)

- d. Group I, (Institutional) Divisions 1 and 2.
- 5. Buildings with an occupant load of more than 300, as determined by Table 1004.1.2 of the California Building Code.
- 6. Underground tanks of more than 5,000 gallons, for storage of toxic, hazardous or flammable materials.
- 7. Tanks with a height of more than 35 feet.
- 8. Towers with a height more than 35 feet.

(Ord. MC-1525, 01-15-20; Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

15.08.060 Reserved

Ord. MC-1525, 01-15-20;

15.08.070 Administration and Enforcement

The Director of Development Services shall promulgate written procedures, regulations, guidelines and fees pertaining to the implementation and enforcement of this Chapter. Such procedures, regulations, guidelines and fees shall not become effective until they have been approved by the Mayor and Common Council.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

15.08.080 Compliance Required Prior to Issuance of Permits

Any person, business, organization or corporation failing to provide the required liquefaction reports and mitigation measures to the Director of Development Services in compliance with this Chapter shall be denied issuance of grading and building permits.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

15.08.090 Appeal

Any interested person aggrieved by the determination of the Director of Development Services may appeal the decision to the Mayor and Common Council in accordance with the provisions of Chapter 2.64 of this Code.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

[\[Return to Municipal Code Contents\]](#)

Chapter 15.10 FOOTHILL FIRE ZONE BUILDING STANDARDS

Sections:

- 15.10.020 Purpose**
- 15.10.030 Very High Fire Hazard Severity Zones**
- 15.10.040 Scope**
- 15.10.060 Applicability**
- 15.10.080 Applicable Building Standards**

15.10.020 Purpose

The purpose of this Chapter is to promote public safety and welfare by reducing the risk of injury, death, or property damage that may result from wild-land fires in the foothill areas of the City. The building standards contained in this Chapter are intended to prevent the ignition of, or otherwise reduce the spread of fire on developed properties, by controlling the use of materials and methods of construction.

(Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

15.10.030 Very High Fire Hazard Severity Zones

Very High Fire Hazard Severity Zones are hereby designated in the City of San Bernardino as recommended by the Director of the California Department of Forestry and Fire Protection within the City of San Bernardino as depicted on a map titled [City of San Bernardino Very High Fire Hazard Severity Zones](#) dated October 29, 2008, on file at the office of the City Clerk, 300 N. D Street, San Bernardino, California.

(Ord. MC-1309, 7-06-09)

15.10.040 CBC Section 701A.3.2 is added— Existing Structures

701A.3.2 Existing Structures. For existing structures, retrofitting of an element is required when more than 60% replacement of that element occurs. An addition to an existing structure need not comply with these standards if the addition does not exceed 60% of the floor area of the existing structure and the existing structure was not required to meet these construction standards when originally constructed. Retrofitting of an entire structure is required when a combination of elements are replaced or other repairs are made equal in value to 60% or more of the replacement cost of the structure as determined by the building official. Alterations made to a structure shall not increase the degree of non-conformity in regards to these standards.

Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10

[\[Return to Municipal Code Contents\]](#)

15.10.060 Applicability

The requirements of this Chapter shall apply to those properties located in Foothill Fire Zones A, B, or C as defined in Chapter 19.15 and those properties located in a Very High Fire Hazard Severity Zone as designated by the State of California.

(Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07; Ord. MC-1163, 1-23-04;
Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

15.10.080 Applicable Building Standards

The building standards contained in the California Building Code, Chapter 7A, shall apply in the Foothill Fire Zones and in state designated Very High Fire Hazard Severity Zones. In addition, the following requirements shall apply as noted herein:

- A. Fencing shall be of approved noncombustible or ignition-resistant material.
- B. Vinyl window frame assemblies shall have the following characteristics:
 - 1. Frames shall have welded corners and metal reinforcement in the interlock area;
 - 2. Dual-paned insulated glazed units with at least one pane of tempered glass;
 - 3. Frame and sash profiles are certified in AAMA Lineal Certification Program (verified by an AAMA product label or a Certified Products Directory);
 - 4. Certified and labeled to ANSI/AAMA/NWWDA 101/I.S.2-97 for structural requirements.
- C. Roof mounted turbine vents shall not be permitted
- D. All roof coverings shall be of non-wood materials with at least a Class A fire-retardant rating.

(Ord. MC-1525, 01-15-20; Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10;
Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07; Ord. MC-1163, 1-23-04;
Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

Chapter 15.11
BUILDING SAFETY ENHANCEMENT AREA
BUILDING STANDARDS

Sections:

15.11.020 Purpose

15.11.040 Scope/Applicability

15.11.080 Building Safety Enhancement Area Building Standards

15.11.020 Purpose

The purpose of this Chapter is to promote public safety and welfare by reducing the risk of injury, death, or property damage that may result from urban conflagrations spread by high winds. The building standards contained in this Chapter are intended to prevent the ignition of, or otherwise reduce the spread of urban fire by controlling the use of materials and methods of construction.

15.11.040 Scope/Applicability

The Building Safety Enhancement Area Building Standards shall apply to all newly constructed buildings, structures, or appurtenances outside the Foothill Fire Zones (as defined in Chapter 19.15) and located in any of the following areas:

- A. Those areas of the City designated by Council Resolution after a noticed public hearing as being located within a Building Safety Enhancement Area as follows:
 - 1. Four or more abutting (as defined in Chapter 19.02 of the Development Code) parcels with at least four dwellings with each dwelling damaged over 60% by fire or other catastrophe.
 - 2. All dwellings and commercial structures damaged over 60% by fire or other catastrophe that are located within a block (as defined in Chapter 19.02 of the Development Code) in which 50% or more of the dwellings and commercial structures have each incurred damage over 60% by fire or other catastrophe.
- B. Those new residential housing tracts comprised of four or more dwelling units for which building permit applications are submitted after the effective date of this ordinance.
- C. Those new commercial structures that are 5,000 square feet or larger, for which building permit applications are submitted after the effective date of this ordinance.

[\[Return to Municipal Code Contents\]](#)

15.11.080 Building Safety Enhancement Area Building Standards

- A. Exterior walls. Exterior walls shall be constructed of non-combustible materials or shall provide the equivalent to a minimum of 1-hour fire resistance rated construction on the exterior side.
- B. Eaves. Eaves shall be enclosed with a minimum 7/8 inch stucco or equivalent protection.
- C. Exterior glazing. Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:
 - 1. Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be tempered glass, or multi-layered glass panels (dual- or triple-paned), or other assemblies approved by the Building Official.
 - 2. Vinyl window frame assemblies shall be prohibited, except when they have the following characteristics:
 - a) Frame and sash are comprised of vinyl material with welded corners;
 - b) Metal reinforcement in the interlock area;
 - c) Glazed with insulated glass or tempered;
 - d) Frame and sash profiles are certified in AAMA Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and
 - e) Certified and labeled to ANSI/AAMA/NWDA 101/I.S.2-97 for structural requirements.
 - f) Except when needed to meet the requirements of the California Energy Code at Title 24, Part 6 of the California Code of Regulations.
- D. Garage Doors. Garage doors shall be constructed of noncombustible materials or fire retardant treated wood.
- E. Vents.
 - 1. All vents shall be covered with 1/8 inch mesh corrosion-resistant metal screen or other approved material that offers equivalent protection.
 - 2. Roof-mounted turbine vents shall not be permitted.

[\[Return to Municipal Code Contents\]](#)

- F. Insulation. Paper-faced insulation shall be prohibited in attics or ventilated spaces.
- G. Roof covering. All roof covering shall be of non-wood materials with at least a Class A or B fire-retardant rating. The open ends of high-profile tile roofs shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of non-combustible material.
- H. Fences. Where wood or vinyl fencing is used, there shall be a minimum of 5' separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred pursuant to a previous Code. Fencing within the 5' separation area shall be of non-combustible material or 1-hour fire-resistance-rated construction.

(Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04)

Chapter 15.12

EARTHQUAKE HAZARD REDUCTION IN EXISTING BUILDINGS

Sections:

- 15.12.010 (Repealed by Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07)**
- 15.12.020 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.030 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.040 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.050 (Repealed by Ord. MC-873, 5-26-93)**
- 15.12.060 (Repealed by Ord. MC-873, 5-26-93)**
- 15.12.070 (Repealed by Ord. MC-873, 5-26-93)**
- 15.12.080 (Repealed by Ord. MC-873, 5-26-93)**
- 15.12.090 (Repealed by Ord. MC-873, 5-26-93)**
- 15.12.100 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.110 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.120 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.130 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.140 (Repealed by Ord. MC-1053, 8-04-99)**
- 15.12.200 Sign Posting**
- 15.12.300 Vacant Unreinforced Masonry Buildings**

[\[Return to Municipal Code Contents\]](#)

15.12.200 Sign Posting

- A. Any building owner who has received actual or constructive notice from the Building Official that a building located in the City of San Bernardino is constructed of unreinforced masonry, shall post in a conspicuous place at the entrance of said building, on a sign not less than 5" x 7" the following statement, pursuant to Government Code Section 8875.8, printed in not less than 30-point bold type:

This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake.

- B. Pursuant to Government Code Section 8875.9, this section shall not apply to unreinforced masonry construction if the walls are non-load bearing with steel or concrete frame.
- C. Section 15.74.010 of the San Bernardino Municipal Code shall not apply to any violation of this section.
- D. If the owner of a building is not in compliance with the posting requirements of subsection A above on or after December 31, 2004, and the owner has received actual or constructive notice from the Building Official that their building is of unreinforced masonry construction and has not been retrofitted to the standards identified in Section 15.12.010, the owner shall post and maintain in a conspicuous place at the entrance of the building, a sign not less than 8"x10" with the following statement, with the first two words printed in 50-point bold type and the remaining words in at least 30-point type:

"Earthquake Warning. This is an unreinforced masonry building. You may not be safe inside or near unreinforced masonry buildings during an earthquake." The posting shall be visible from the exterior entrance of the building.

An owner who is subject to this section and who does not comply with the posting requirements shall be subject to an administrative citation pursuant to San Bernardino Municipal Code Chapter 9.92 and subject to an administrative fine of two hundred fifty dollars (\$250) no sooner than 15 days after notification by the Building Official that the owner is subject to the administrative fine. Thereafter, if the owner does not comply with and maintain compliance with the posting requirements, within 30 days of the first administrative fine, the owner shall be subject to an additional administrative citation and an additional administrative fine of one thousand dollars (\$1000).

(Ord. MC-1215, 2-22-06; Ord. MC-1053, 8-04-99)

[\[Return to Municipal Code Contents\]](#)

15.12.300 Vacant Unreinforced Masonry Buildings

- A. Any unreinforced masonry building that has been continuously vacant or abandoned for a period of one year or more shall be strengthened to comply with the standards identified in Section 15.12.010 prior to re-occupancy. A vacancy, as determined by the Building Official, has occurred when there is no lawful occupancy or business activity within the structure for one year. The lack of business registration records, business receipts, utility and other records for a given period may be used to determine if a vacancy has occurred.
- B. Any unreinforced masonry building that has been continuously vacant or abandoned for a period of three (3) years or more shall be considered a public nuisance and shall be subject to abatement as a public nuisance in accordance with Chapter 8.30 of this Code. Once deemed to be a public nuisance the building shall be strengthened in accordance with the standards identified in Section 15.12.010, or demolished, or the hazards associated with the building shall be otherwise mitigated to the satisfaction of the Building Official.

(Ord. MC-1215, 2-22-06)

Chapter 15.16 UNIFORM FIRE CODE (Repealed by Ord. MC-1422, 5-16-16)²

Chapter 15.20 CERTIFICATE OF OCCUPANCY

Sections:

- 15.20.010 Purpose**
- 15.20.020 Definitions**
- 15.20.030 Certificate of Occupancy Required**
- 15.20.040 Conditions Requiring Application**
- 15.20.050 Application Process**
- 15.20.070 Temporary Certificate of Occupancy**
- 15.20.080 Revocation of Certificate of Occupancy**
- 15.20.090 Hearings**
- 15.20.100 Connection/Disconnection of Utilities**
- 15.20.110 Violation**

²On July 1, 2016 the City of San Bernardino annexed into the San Bernardino County Fire Protection District. The County Fire Code, and other ordinances, were ratified by the Mayor and Common Council pursuant to Ord. MC-1422.

[\[Return to Municipal Code Contents\]](#)

15.20.010 Purpose

The purpose of this Chapter is to protect the public from unsafe and substandard buildings, to prevent the deterioration of buildings, and to prevent future blight and decline of property values through a program of required inspection and certification.

(Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.020 Definitions

Except as otherwise defined in this Chapter, all terms used in this Chapter which are defined by applicable State law, the Uniform Code, or this Code, are used in this Chapter as so defined, unless from the context it clearly appears that a different meaning is intended:

1. Occupant means any person who occupies a unit, building, structure, or property whether as an owner, or tenant or permittee of the owner.
2. Occupancy means the purpose for which a building, structure, or property is used or intended to be used.
3. Owner means any person having a legal or equitable interest in the property.
4. Person means an individual, partnership, corporation, association or organization, or the agent of any of the foregoing.

(Ord. MC-1372, 4-17-12; Ord. MC-1027, 9-09-98;
Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.030 Certificate of Occupancy Required

- A. Buildings and Structures. No relocated, or hereafter erected structure shall be occupied, or no change in occupancy shall be inaugurated until a Certificate of Occupancy has been issued by the Department of Community Development.
- B. Valid Certificate. A Certificate of Occupancy or temporary Certificate of Occupancy shall not be deemed to be valid if it has expired, been denied, withheld, revoked, failed to pass a fire inspection, or a new Certificate of Occupancy was required but had not been obtained.

[Return to Municipal Code Contents]

- C. Posting Certificate. The owner of the business, building or structure shall display this certificate in a conspicuous place. In addition, the owner of a building or structure shall provide a copy of the certificate to all lessees, renters and purchasers of the property.

(Ord. MC-1373, 5-24-12; Ord. MC-1027, 9-09-98; Ord. MC-782, 5-03-91;
Ord. MC-781, 4-22-91; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.040 Conditions Requiring Application

A new Certificate of Occupancy shall be required whenever:

1. A new building is constructed.
2. A change in use affecting a building's existing zoning approval or conformity, or a change in the nature of use of a building which would place it in a different occupancy classification, or division thereof.
3. A building or structure has been vacant for more than 180 days.
4. Whenever a building is ordered to be vacated by the Building Official due to substandard or dangerous conditions.
5. Undeveloped or vacant property is to be used or occupied.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93; Ord. MC-782, 5-03-91;
Ord. MC-781, 4-22-91; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.050 Application Process

- A. The owner shall file a written application accompanied by payment of a fee with the Community Development Department prior to use or occupancy of the premises or thirty (30) days prior to expiration of an existing Certificate of Occupancy or temporary Certificate of Occupancy. The Building Official shall cause an inspection to be made of the premises within ten (10) working days for compliance with City codes. If the premises are in compliance with said codes, the Building Official shall issue a Certificate of Occupancy.
- B. When an inspection discloses that the premises are not in compliance with the codes, the Building Official shall give written notice of each deficiency to the owner. No Certificate of Occupancy shall be issued to the owner until all deficiencies are corrected. If the owner fails to correct all said deficiencies within sixty (60) days after the original application was filed, the application shall expire and a new application, plus fees, will be required.

[Return to Municipal Code Contents]

C. The owner shall be responsible for making the premises available for inspection by the City.

(Ord. MC-1373, 5-24-12; Ord. MC-1027, 9-09-98; Ord. MC-741, 9-17-90;
Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.070 Temporary Certificate of Occupancy

If the Building Official finds that no substantial hazard will result from use or occupancy of any building or portion thereof, any structure or any vacant property, and upon a showing of good cause by the owner, the Building Official may issue a temporary certificate of occupancy for up to 180 days. When a temporary certificate of occupancy is issued for more than thirty (30) days, the Building Official shall require a cash bond payable to the City in an amount equal to the cost of doing the required work as determined by the Building Official.

(Ord. MC-1373, 5-24-12; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.080 Revocation of Certificate of Occupancy

The Building Official, in writing, may deny or revoke a certificate of occupancy when it is determined that the building, structure, or property is in violation of the codes, or when the certificate was issued in error or on false information supplied by the applicant. The certificate of occupancy is automatically revoked when there is a change of use or occupancy classification, when the building or structure has been vacant for more than 180 days, or when a building is ordered vacated by the Building Official due to substandard or dangerous conditions.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93;
Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.090 Hearings

Any person aggrieved by the revocation of any certificate of occupancy by the Building Official may appeal that decision in the manner set forth in Chapter 9.94 of this Code, as such revocation is an administrative enforcement action. Any person aggrieved by the denial of a certificate of occupancy may appeal that decision in the manner set forth in Chapter 2.45 of this Code, as such denial is an order, decision, or determination of the Building Official relating to the building standards of the California Building Standards Code.

(Ord. MC-1521, 9-18-19; Ord. MC-1373, 5-24-12;
Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

[\[Return to Municipal Code Contents\]](#)

15.20.100 Connection/ Disconnection of Utilities

Buildings, structures or property shall be issued a certificate of occupancy or a temporary certificate of occupancy prior to connection of public utilities. The Building Official may approve the connection of utilities prior to the issuance of a certificate of occupancy when requested in writing by the applicant for good cause shown, and when he finds that no unsafe conditions exist or will be created by such connection.

The Building Official may disconnect or order discontinuance of any utility service to any buildings, structures, or premises lacking a valid certificate of occupancy or a valid temporary certificate of occupancy pursuant to the State Codes.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93;
Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

15.20.110 Violation

Any person who violates or causes the violation of any provision of this Chapter shall be deemed guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1373, 5-24-12 Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

Chapter 15.24 PROPERTY MAINTENANCE REQUIREMENTS

Sections:

- 15.24.010 Findings**
- 15.24.020 Purpose**
- 15.24.030 Definitions**
- 15.24.040 Property Maintenance Requirements For Single Family Residences, Multi-Residential, Commercial and Industrial Property**
- 15.24.050 Enforcement-Penalty**
- 15.24.060 Severability**

15.24.010 Findings

The citizens of San Bernardino have become increasingly concerned with the unsightliness, the deterioration, and the degradation of certain properties, whether residential, commercial or any other zoning designation in their neighborhoods and have sought the help of City government in their effort to preserve their neighborhoods. Local governments have the authority to establish minimum requirements for property maintenance to protect the health, safety and appearance of neighborhoods. Enforcement

[\[Return to Municipal Code Contents\]](#)

of these minimum maintenance requirements can reduce and eliminate blight and deterioration of neighborhoods, protecting both property values and neighborhood integrity. The Mayor and Common Council hereby find that the deterioration of neighborhoods by the failure to maintain properties to minimum standards results in an adverse effect on the health, safety and welfare of the citizens of this City.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

15.24.020 Purpose

The purpose of this Chapter is to establish and enforce minimum maintenance standards for all property within the City in order to protect and preserve neighborhood integrity.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

15.24.030 Definitions

For the purpose of this chapter, unless otherwise apparent from context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in applicable laws or regulations. All terms used in this chapter which are not defined in this section, but are defined by applicable laws, shall have the same meaning as the definition in the applicable law, unless from context it clearly appears that a different meaning is intended.

1. "Applicable Laws" means any applicable state or federal law, any uniform or state codes adopted by the San Bernardino Municipal Code, including but not limited to the California Building Code, Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, and California Fire Code.
2. "Graffiti" means any inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on real property, buildings, structures (permanent or temporary), or other fixtures thereon, or on any personal property placed on such real property, including vehicles.
3. "Inoperable or Abandoned Vehicle" means any vehicle, operative or inoperative that is:
 - (a) mechanically incapable of being driven; or
 - (b) prohibited from being operated on a public street or highway pursuant to the provisions of the California Vehicle Code concerning license plates, registration, equipment, safety and related matters; or

[\[Return to Municipal Code Contents\]](#)

(c) has been left by the owner or responsible person for over seventy-two hours and has indicia of being inoperable, including but not limited to, flat or deflated tires, cobwebs, and accumulated dirt, trash or debris in and on the vehicle; or

(d) wrecked and/or dismantled.

4. "Owner" means any person having a legal or equitable interest in the property.
5. "Person" means an individual, partnership, corporation, association or organization, or the agent of any of the foregoing.
6. "Property" means any real property zoned for any of the uses set forth in the Development Code and includes sidewalks and parkways adjacent to the property.
7. "Recreational Vehicle" means any vehicles towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes or exclusively for hauling personal property.

The term "recreational vehicle" includes, but is not limited to motor homes, fifth-wheels, campers, camp trailers, trailers, boats, water craft, and all terrain vehicles.

8. "Visible" means viewable from the public right of way, from property open to the general public, common areas on a property or viewable from another property in proximity to the property in question.

(Ord. MC-1292, 2-03-09; Ord. MC-1187, 10-05-04; Ord. MC-679, 9-19-89)

15.24.040 Maintenance requirements for single family residences, multi-residential, commercial and industrial property

Any person owning, renting, occupying, managing, or otherwise having charge of any single family residence, multi-residential, commercial and industrial property shall maintain the property in accordance with the following minimum standards. Failure to comply with these minimum standards shall constitute a violation of this Code.

A. Exterior Requirements.

1. **Lack of Landscaping.** All required setbacks abutting a public right-of-way and front and visible side yards shall be landscaped (except for improved surfaces including, but not limited to walks and driveways) with trees, shrubs, ground cover, decorative rock, redwood bark and/or grass.

[\[Return to Municipal Code Contents\]](#)

2. Unmaintained Landscaping. Trees, shrubs, lawns and other planted vegetation shall be maintained, including regular irrigation, pruning of trees, trimming of shrubs and cutting of lawns.
3. Weeds, Dry Brush and Overgrown Vegetation. Property shall be free of overgrown or dead vegetation, including, but not limited to weeds, trees or limbs, bushes and other planted vegetation. Weeds include sage brush, dry grass, chaparral and any other brush or vegetation which attains extensive growth and becomes a fire menace when dry.
4. Trash, Debris and Improper Storage. Property shall be free of trash, litter, debris, packing boxes, lumber, junk, salvage materials (except where otherwise permitted by this code), broken or inoperative furniture, appliances, machinery, equipment, any furniture (except for furniture specifically designed for outdoor use) including, but not limited to furniture on porches, balconies, sun decks and in front yards, and any other improperly stored personal property causing an unsightly appearance.
5. Vehicle and Recreational Vehicle Storage. All operable vehicles and recreational vehicles shall be parked or stored in designated, screened areas, a garage, carport or on an improved surface. None of the above shall be occupied.
6. Inoperable and Abandoned Vehicles. Property shall be free of inoperable or abandoned vehicles and parts of vehicles unless they are safely stored in a garage or other enclosed storage area. This section shall not apply to a vehicle, or part thereof, which is stored or parked in a lawful manner on private property in connection with the lawfully authorized and permitted business of a licensed dismantler, licensed vehicle dealer or a licensed junkyard; provided however that this exception shall not authorize the maintenance of a public or private nuisance as defined by applicable laws.
7. Condition of Structures. All improvements on the property, including, but not limited to buildings, garages, carports, porches, gates, fences, doors, windows, roofs, gutters, signs, permanent or temporary structures, stairs, handrails, retaining walls and trash enclosures shall be painted/preserved and maintained in good repair and condition. Paint or preservatives shall not be worn, peeling or cracking.

[\[Return to Municipal Code Contents\]](#)

8. Improved Surfaces. Walkways on private property, driveways, parking areas and all improved surfaces shall be maintained in good repair and safe condition. Parking lot striping and handicap markings shall be maintained in good condition.
 9. Graffiti. Buildings, structures, sidewalks, driveways, other improved surfaces and any other personal property placed on real property, including vehicles, shall be free of graffiti.
 10. Rodent and Vermin Control. Property shall be free from infestation of termites, insects, vermin or rodents.
 11. Sewage. Improved property shall be properly connected to a sewage disposal system or a sanitary sewer and free from sewage seepage.
 12. Pools and Spas Pools and spas shall be securely fenced and adequately maintained in accordance with the Development Code and other applicable laws.
 13. Construction. All buildings or structures in a state of partial construction, repair or rehabilitation shall have an active/valid permit and shall be completed during the term of an active/valid building permit or other time frame ordered by the City. The owner or responsible person shall be progressing diligently to complete the repair, construction or rehabilitation of the building or structure.
 14. Fencing. All fencing shall be constructed in compliance with the Development Code and other applicable laws with acceptable fencing materials such as wood, vinyl, masonry or wrought iron.
- B. Interior Requirements. The interiors of all buildings and structures on the property, both existing and new, and all parts thereof, shall be maintained in good repair and safe, sanitary conditions in conformance with the building code under which it was built or remodeled and any retroactive codes.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

15.24.050 Enforcement -Penalty

- A. Any person who violates or causes violation of any provision of this Chapter shall be deemed guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

[\[Return to Municipal Code Contents\]](#)

- B. Nothing in this Chapter shall be deemed to prevent the City Attorney from commencing a civil action to abate a nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this Chapter; nor shall anything in this Chapter be deemed to prevent the City from commencing a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this Chapter, or other ordinance, statute or state law.
- C. Payment of any fine or service of jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation. In addition to the above penalties, the Court may order that the guilty party reimburse the City for all costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City.

(Ord. MC-1292, 2-03-09; Ord. MC-1029, 9-22-98; Ord. MC-679, 9-19-89)

15.24.060 Severability

The provisions of this Chapter are severable, and if any sentence, section, or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

Chapter 15.25 MULTI-FAMILY RENTAL HOUSING FIRE INSPECTION PROGRAM

Sections:

- 15.25.010 Purpose**
- 15.25.020 Definitions**
- 15.25.030 Scope**
- 15.25.040 Annual Inspection Required**
- 15.25.050 Administrative Citations**
- 15.25.080 Enforcement-Public Nuisance**
- 15.25.090 Enforcement-Alternatives**

15.25.010 Purpose

The Multi-family Rental Housing Fire Inspection Program is a part of the City of San Bernardino's overall effort to encourage upkeep of multi-family rental housing units. Owners of these types of structures will be required to maintain these units in accordance with applicable housing, building and property maintenance standards

[\[Return to Municipal Code Contents\]](#)

as adopted by the City. Recent fires in the City have resulted in property damage, personal injuries, and loss of life in multi-family rental housing units. California Health and Safety Code Section 13146.2 (a) requires city fire departments to inspect multifamily rental housing units annually.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

15.25.020 Definitions

- A. "City" means the City of San Bernardino.
- B. "Occupant" means any person who occupies a unit, whether as an owner or tenant or permittee of the owner.
- C. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land, and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:
 - a) Hotels or motels.
 - b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution.
 - c) Mobile Home Parks.
- D. "Multi-family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.
- E. "Owner" means a single individual or entity that has any kind of ownership interest whether as an individual, partner, joint venturer, stock owner, or some other capacity.
- F. "Person" means the individual, partnership, corporation or association or the rental agent of any of the foregoing.
- G. "Fire Marshal" means the division head of the San Bernardino City Fire Department Fire Prevention Division or his/her designee.

(Ord. MC-1176, 7-22-04; Ord. MC-1027, 9-09-98; Ord. MC-930, 1-11-95)

[\[Return to Municipal Code Contents\]](#)

15.25.030 Scope

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95)

15.25.040 Annual Inspection Required

- A. Pursuant to California Health and Safety Code Section 13146.2, any multi-family rental housing complex containing four or more units on a single parcel shall be subject to an annual inspection of the interior and exterior by the Fire Marshal for compliance with applicable sections of state and local fire codes relating to housing, building and property maintenance.
- B. The Fire Marshal shall mail written notice to the owner(s) of the multi-family rental housing complex at least three weeks before the scheduled annual inspection. The owner(s) of the multi-family rental housing complex shall give written notice to all tenants at least one week before the scheduled annual inspection.
- C. The owner(s) of the multi-family rental housing complex shall pay a fee to the City, in an amount set by Resolution of the Common Council, sufficient to pay the costs of the Fire Marshal's annual inspection pursuant to this Chapter.
- D. Any owner(s) of a multi-family rental housing complex who fails to permit the annual inspection by the Fire Marshal pursuant to this Chapter, shall be guilty of an infraction or misdemeanor punishable in accordance with San Bernardino Municipal Code Chapter 1.12.
- E. Any owner(s) of a multi-family rental housing complex who fails to pay the fee charged for the costs of the Fire Marshal's annual inspection pursuant to this Chapter, shall be guilty of an infraction punishable in accordance with San Bernardino Municipal Code Chapter 1.12.

(Ord. MC-1176, 7-22-04)

15.25.050 Administrative Citations

Where the Fire Marshal's annual inspection pursuant to this Chapter identifies a violation(s) of state or local fire codes relating to housing, building, or property maintenance, the Fire Marshal may issue an administrative citation to the property owner(s) in accordance with San Bernardino Municipal Code Chapter 9.92.

(Ord. MC-1176, 7-22-04)

[Return to Municipal Code Contents]

15.25.080 Enforcement-Public Nuisance

It shall be considered a public nuisance to have or maintain any rental property which fails to comply with state and local laws as they relate to fire codes, housing standards, property maintenance, building codes or local zoning requirements. The Fire Marshal shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in the California Fire Code Article 1 and Chapter 8.30 of the San Bernardino Municipal Code.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

15.25.090 Enforcement-Alternatives

- A. Nothing herein shall prevent the enforcement of this Chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies.
- B. The enforcement of this Chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this Chapter.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

Chapter 15.26 **SINGLE-FAMILY RENTAL PROPERTY INSPECTION PROGRAM**

Sections:

- 15.26.010 Purpose**
- 15.26.020 Applicability**
- 15.26.030 (Repealed by Ord. MC-1371, 3-20-12)**
- 15.26.040 Definitions**
- 15.26.050 Compliance With Business Registration Requirements**
- 15.26.060 Biennial Inspection Required**
- 15.26.070 Inspection Fees**
- 15.26.080 Notice of Inspection**
- 15.26.090 Violations**
- 15.26.100 Re-Inspections**
- 15.26.110 Administrative Citations**
- 15.26.120 Appeals**
- 15.26.130 Self-Certification Program**
- 15.26.140 Complaint-Based Inspections**
- 15.26.150 Voluntary Inspection Requests**
- 15.26.160 Enforcement-Public Nuisance**
- 15.26.170 Enforcement-Alternatives**
- 15.26.180 Penalties**

[\[Return to Municipal Code Contents\]](#)

15.26.010 Purpose

The Single-Family Rental Property Inspection Program is a part of the City of San Bernardino's overall effort to encourage upkeep of all rental property as defined herein. Owners of any rental property will be required to maintain these units in accordance with all applicable laws.

15.26.020 Applicability

The provisions of this chapter shall apply to all single-family rental property, as that term is defined herein, within the City. This chapter also applies to the premises on which a rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.

The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of uniform codes adopted by reference in this Code.

15.26.030 Rebuttable Presumption (Repealed by Ord.MC-1371, 3-20-12)

15.26.040 Definitions

For the purpose of this chapter, unless otherwise apparent from their context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

- A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public.
- B. "City" means the City of San Bernardino.
- C. "Director" means the Director of Community Development of the City of San Bernardino or his/her designee.
- D. "Occupant" means any person who occupies a rental property, whether as a tenant or permittee of the owner.

[\[Return to Municipal Code Contents\]](#)

- E. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.
- F. "Single-Family Rental Property," "Rental Property" or "Rental Unit" means a dwelling unit as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing three or less such dwelling units on the same parcel of land, and is occupied or for occupancy by a person(s) other than the owner of the unit and includes the premises on which said rental property is situated and any common areas, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas. For the purpose of this chapter, the following types of dwelling units or facilities are not considered single-family rental housing units:
- a) Multifamily Rental Housing Complexes as defined in Chapter 15.25 of this Code;
 - b) Hotels or motels.
 - c) Condominiums, as defined in Chapter 19.02 of the San Bernardino Development Code, that are used for residential dwellings. This exception only applies if the condominium has a bona fide Home Owner's Association ("HOA"). For purposes of this exemption, an HOA is "bona fide" if the HOA has approved and recorded Covenants, Conditions & Restrictions (CC&R's), holds meetings on a regular (at least bi-monthly) basis and/or contracts with a property management company to ensure the maintenance of the common areas.
 - c) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution.
 - d) Mobile home parks.

(Ord. MC-1371, 3-20-12)

15.26.050 Compliance with Business Registration Requirements

Every property owner subject to this chapter must comply with the business registration requirements of Title 5 of this Code.

(Ord. MC-1371, 3-20-12)

[\[Return to Municipal Code Contents\]](#)

15.26.060 Biennial Inspection Required

All rental property located in the City shall be subject to an annual inspection by the Director for compliance with applicable laws.

15.26.070 Inspection Fees

- A. Any fees established by this chapter shall be set by separate resolution of the Common Council and may be adjusted from time to time by the Common Council to ensure that the fee adequately finances the costs of inspections and enforcement of this chapter.
- B. The owner of a rental property shall pay an annual inspection fee to the City sufficient to pay the costs of the Director's annual inspection pursuant to this chapter.
- C. Owners qualified for the Self-Certification Program shall pay the annual inspection fee the first year of participation and thereafter shall not be required to pay the annual inspection fee for the second and third year of participation in the program. If an owner is removed from the Self-Certification Program he shall become subject to annual inspections and annual inspection fees.

15.26.080 Notice of Inspection

The Director shall mail written notice of the date and time of the inspection to the owner of the rental property at least three weeks before the scheduled annual inspection. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by certified mail to the owner's last known address as it appears in the records of the County Assessor's Office.

15.26.090 Violations

- A. Whenever the Director determines that a violation of this chapter exists, the Director shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.
- B. Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.
- C. Any owner of a rental property, who fails to permit the annual inspection by the Director pursuant to this chapter, shall be in violation of this chapter.

[\[Return to Municipal Code Contents\]](#)

- D. Any owner of a rental property who fails to pay any applicable fee(s) established to cover the City's costs pursuant to this chapter shall be in violation of this chapter.

15.26.100 Re-Inspections

- A. One or more re-inspections will be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.
- B. Violations that were not noted on the initial inspection report, but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

15.26.110 Administrative Citations

- A. Owners who fail to correct any deficiencies noted during any inspection or re-inspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.
- B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

15.26.120 Appeals

- A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 9.92.080 of this Code.
- B. Any party to an administrative citation hearing may appeal from an adverse ruling to the Board of Building Commissioners as set forth in Chapter 9.92.180 of this Code.

15.26.130 Self-Certification Program

- A. Well-maintained rental property with no outstanding violations of any applicable laws may qualify to participate in the Self-Certification Program. Qualifying properties will not be subject to inspections for a period of three (3) years, provided that conditions of the rental property do not deteriorate during that time to the point where the rental property would no longer meet eligibility standards for the Self-Certification Program.
- B. To qualify for the Self-Certification Program, a property owner must:

[\[Return to Municipal Code Contents\]](#)

1. Complete the Self-Certification Program application packet provided by the City; and
 2. Pay the annual inspection fee and any other fees required by applicable laws; and
 3. Conduct a self-inspection of all exterior and site conditions of all rental property, and certify that conditions at the rental property meet the exterior standards listed on the Self-Certification Program's checklist.
- C. Upon receipt of a request from a property owner to participate in the Self-Certification Program and payment of the appropriate fee(s), the City may inspect the rental property. If the Director determines that the property is qualified to participate in the Self-Certification Program a certificate of compliance will be issued and the property owner will not be required to pay the annual inspection fee for the second and third years. Recertification in the Self-Certification Program and payment of the annual inspection fee shall be required every three (3) years.
- D. If the Director determines that the property is not eligible to participate in the Self-Certification Program, then the residential rental property shall be subject to inspection and the property owner shall be assessed the annual inspection fee as well as any other applicable fees.
- E. At all times, the City shall retain the authority to investigate and address any violation of applicable laws.
- F. Any Owner that fails to maintain a rental property to meet all of the standards listed on the Self-Certification Program's checklist shall immediately be removed from the Self-Certification Program and become subject to annual inspections.
- G. If an officer determines that a property qualifies for self-certification upon inspecting the property in accordance with this chapter, the property shall be automatically enrolled in the Self Certification Program.

(Ord. MC-1371, 3-20-12)

15.26.140 Complaint-Based Inspections

Nothing contained in this chapter shall prevent or restrict the City's authority to inspect any rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under this Code or applicable laws.

[\[Return to Municipal Code Contents\]](#)

15.26.150 Voluntary Inspection Requests

Nothing contained in this chapter shall be construed to prohibit a property owner or occupant from voluntarily requesting an inspection pursuant to this chapter to determine whether the rental property complies with applicable laws.

15.26.160 Enforcement-Public Nuisance

It shall be considered a public nuisance to have or maintain any rental properties that fail to comply with any applicable laws. The Director shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in Chapter 8.30 of the San Bernardino Municipal Code.

15.26.170 Enforcement-Alternatives

Nothing herein shall prevent the enforcement of this chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies. The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this chapter.

15.26.180 Penalties

- A. A violation of this chapter shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010.
- B. Any fees established pursuant to this section which are more than 30 days delinquent shall constitute an assessment against the rental property for the inspection of which the fees were billed. Such delinquent fees shall be a lien on the rental property. The Director shall notify the property owner of the affected rental property not less than 30 days prior to notifying the county that a lien will be placed on the property, and shall state the amount then owed. If full payment is not received within 30 days after said notice, the Director shall take whatever action is required for the amount due to be included in the next property tax bill assessment for the rental property.

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared

[\[Return to Municipal Code Contents\]](#)

to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1266, 4-08-08)

Chapter 15.27

CRIME-FREE RENTAL HOUSING PROGRAM

Sections:

- 15.27.010 Purpose**
- 15.27.020 Applicability**
- 15.27.030 Definitions**
- 15.27.040 Scope**
- 15.27.050 Mandatory Participation**
- 15.27.060 Landlord Certification**
- 15.27.070 Inspection Fees**
- 15.27.080 Notice of Inspection**
- 15.27.090 Violations**
- 15.27.100 Re- Inspections**
- 15.27.110 Administrative Citations**
- 15.27.120 Appeals**
- 15.27.130 Complaint-Based Inspections**
- 15.27.140 Enforcement-Public Nuisance**
- 15.27.150 Enforcement-Alternatives**
- 15.27.160 Penalties**
- 15.27.170 Severability**

15.27.010 Purpose

The Crime-Free Rental Housing Program is a part of the City of San Bernardino's overall effort to reduce crime in multi-family rental properties as defined herein. Owners of any multi-family rental property will be required to maintain these units in accordance with all applicable laws.

15.27.020 Applicability

The provisions of this chapter shall apply to all multi-family rental property, as that term is defined herein, within the City. This chapter also applies to the premises on which a multi-family rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, and walls.

[\[Return to Municipal Code Contents\]](#)

The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of uniform codes adopted by reference in this Code.

15.27.030 Definitions

For the purpose of this chapter, unless otherwise apparent from their context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

- A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public, as adopted by the City.
- B. "City" means the City of San Bernardino.
- C. "Director" means the Director of Community Development of the City of San Bernardino or his/her designee.
- D. "Occupant" means any person who occupies a multi-family rental property, whether as a tenant or permittee of the owner.
- E. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a multi-family rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.
- F. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land, and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:
 - a) Hotels or motels

[\[Return to Municipal Code Contents\]](#)

b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution

c) Mobile Home Parks

G. "Multi- family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.

15.27.040 Scope

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

15.27.050 Mandatory Participation

A. All multi-family rental property located in the City shall be subject to an annual inspection by the Director for compliance with the Crime-Free Housing Program standards.

B. All property owners and managers of multi-family rental property shall attend the 8 hour crime free housing course presented by the City within eight (8) months of the passage of this ordinance. If a new owner or manager takes over the property, the new property owner or manager shall complete the 8 hour crime free housing course presented by the City within six (6) months of said ownership or employment.

C. The property owner shall use a crime free lease addendum on every unit rented. The lease addendum shall provide for tenant eviction against tenants that allow or conduct certain prohibited activities (gang, drug, or other specified criminal behavior).

D. The property owner shall provide the City with 24 hour contact information for the property.

15.27.060 Landlord Certification

A. Certification as a Crime Free property is optional. In order for the property owner/ landlord to be certified as a Crime Free property under this program, the property owner/landlord shall complete the following phases:

1. Phase I

a. Owners and onsite Manager(s), where applicable, shall attend an eight-hour crime-free housing course presented by code compliance, police,
[Return to Municipal Code Contents]

and fire within one year of notification of the requirement, unless extended by the Director.

- b. Property owner shall use a written lease including the City of San Bernardino Crime-Free Rental Housing Lease Addendum.
- c. Property owner shall check the criminal background of all perspective tenants.
- d. Property owner shall actively pursue the eviction of tenants who violate the terms of the lease and/or crime- free lease addendum.

2. Phase II

- a. Property owner shall complete an annual security assessment and security improvement inspection to certify that the rental property has met the security

Property owner shall complete an annual security assessment and security requirements pursuant to the Principles of Crime Prevention through Environmental Design for the tenant's safety.

- b. Property owner shall have no unresolved City code violations within the past year.

3. Phase III

- a. Property owner shall conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.

- B. Certification may be revoked if there are 10 or more calls for service in a one year period.

15.27.070 Inspection Fees

- A. The annual inspection fee shall be set by separate resolution of the Common Council and may be adjusted from time to time by the Common Council to ensure that the fee adequately finances the costs of inspections and enforcement of this chapter.
- B. The owner of a multi-family rental property shall pay an annual inspection fee to the City sufficient to pay the costs of the Director's annual inspection pursuant to this chapter.

[Return to Municipal Code Contents]

15.27.080 Notice of Inspection

The Director shall mail written notice of the date and time of the inspection to the owner of the multi-family rental property at least three weeks before the scheduled annual inspection. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by regular mail to the owner's last known address as it appears in the records of the County Assessor's Office.

The notice of inspection for the Crime-Free Rental Housing Program shall be combined with the Multi-Family Rental Housing Program notice to the greatest extent possible for the convenience of the property owner.

15.27.090 Violations

- A. Whenever the Director determines that a violation of this chapter exists, the Director shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.
- B. Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.
- C. Any owner of a multi-family rental property, who fails to permit the annual inspection by the Director pursuant to this chapter, shall be in violation of this chapter.
- D. Any owner of a multi- family rental property who fails to pay any applicable fee(s) established to cover the City's costs pursuant to this chapter shall be in violation of this chapter.

15.27.100 Re- Inspections

- A. One or more re-inspections may be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.
- B. Violations that were not noted on the initial inspection report, but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

15.27.110 Administrative Citations

- A. Owners who fail to correct any deficiencies noted during any inspection or re-inspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.

[\[Return to Municipal Code Contents\]](#)

- B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

15.27.120 Appeals

- A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 9.92.080 of this Code.
- B. Any party to an administrative citation hearing may appeal from an adverse ruling to the Board of Building Commissioners as set forth in Chapter 9. 92. 180 of this Code.

15.27.130 Complaint-Based Inspections

Nothing contained in this chapter shall prevent or restrict the City's authority to inspect any multi-family rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under this Code or applicable laws.

15.27.140 Enforcement-Public Nuisance

It shall be considered a public nuisance to have or maintain any multi- family rental properties that fail to comply with any applicable laws. The Director shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in Chapter 8.30 of the San Bernardino Municipal Code.

15.27.150 Enforcement-Alternatives

Nothing herein shall prevent the enforcement of this chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies.

The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this chapter.

15.27.160 Penalties

- A. A violation of this chapter shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1. 12.010.

- B. Any fees established pursuant to this section which are more than 30 days delinquent shall constitute an assessment against the rental property for the inspection of which the fees were billed. Such delinquent fees shall be a lien on the rental property. The Director shall notify the property owner of the affected rental property not less than 30 days prior to notifying the county that a lien will be placed on the property, and shall state the amount then owed. If full payment is not received within 30 days after said notice, the Director shall take whatever action is required for the amount due to be included in the next property tax bill assessment for the rental property.

15.27.170 Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1351, 6-06-11)

Chapter 15.28 DANGEROUS BUILDINGS

Sections:

15.28.010	Referenced Code
15.28.020	Uniform Code for the Abatement of Dangerous Buildings - Amended
15.28.030	[Reserved]
15.28.040	[Reserved]
15.28.050	[Reserved]
15.28.060	[Reserved]
15.28.070	[Reserved]
15.28.080	[Reserved]
15.28.090	[Reserved]
15.28.100	[Reserved]
15.28.110	[Reserved]
15.28.120	[Reserved]
15.28.130	[Reserved]

[\[Return to Municipal Code Contents\]](#)

- 15.28.140 Securing dangerous buildings from entry
- 15.28.150 Abatement of nuisance by Building Official
- 15.28.160 Discontinuance of utilities
- 15.28.170 Filing of notice of pendency of administrative proceedings
- 15.28.180 [Reserved]
- 15.28.190 Post-disaster Safety Assessment Placards
- 15.28.200 Section 103 amended
- 15.28.210 Section 205 amended
- 15.28.220 Section 301 amended

15.28.010 Referenced Code

The latest edition of the Uniform Code for the Abatement of Dangerous Buildings, as adopted pursuant to section 15.04.020, is incorporated herein, and as hereinafter amended shall govern the identification and abatement of dangerous buildings.

(Ord. MC-880, 6-23-93; Ord. 3481, 3-12-75; Ord. 2291, 3-29-60)

15.28.020 Uniform Code for the Abatement of Dangerous Buildings - Amended

Chapters 5, 6, and 9 of the Uniform Code for the Abatement of Dangerous Buildings are hereby deleted.

Procedures for appeals, hearings, enforcement of orders, and abatements related to the administrative enforcement procedures in the UCADB shall be in accordance with Chapter 8.30 of the San Bernardino Municipal Code. Except for vacation orders made under Section 404 of the UCADB, enforcement of any notice and order of the building official is stayed during the pendency of an appeal therefrom that is properly and timely filed.

(Ord. MC-1521, 9-18-19; Ord. MC-880, 6-23-93; Ord. 3481, 3-12-75; Ord. 2291, 3-29-60)

15.28.030 [Reserved]

15.28.040 [Reserved]

15.28.050 [Reserved]

15.28.060 [Reserved]

15.28.070 [Reserved]

[\[Return to Municipal Code Contents\]](#)

15.28.080 [Reserved]

15.28.090 [Reserved]

15.28.100 [Reserved]

15.28.110 [Reserved]

15.28.120 [Reserved]

15.28.130 [Reserved]

15.28.140 Securing dangerous buildings from entry

- A. The building official is authorized to secure from entry any structure that is ordered vacated in accordance with Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings and where the building official determines, in his or her sole discretion, that securing the structure is necessary to enforce the order to vacate. The enforcement official may secure such structures using any method deemed appropriate under the circumstances in his or her discretion.

- B. It is unlawful to remove a notice to vacate posted in accordance with Chapter 4 of the Uniform Code for the Abatement of Dangerous. Any person who removes a notice to vacate without the express written consent of the City of San Bernardino Building Official is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.

- C. The building official's decision to secure a structure may be appealed in the same manner as the issuance of the underlying notice to vacate and as provided in Section 15.28.020.

(Ord. MC-1521, 9-18-19; Ord. MC-607, 9-22-87; Ord. MC-228, 12-07-82;
Ord. MC-177, 7-07-82; Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

15.28.150 Abatement of nuisance by Building Official

[\[Return to Municipal Code Contents\]](#)

- A. The same procedures provided in Section 15.28.140 for abating nuisances through securing from entry any structure which is determined by the Building Official to be immediately dangerous or hazardous may be used by the Building Official in connection with the summary abatement of all other nuisances upon private property which the Building Official determines in his discretion to constitute an immediately dangerous or hazardous condition in accordance with California Building Code section 116.

- B. The Building Official or his representative may summarily abate conditions found to be a nuisance under subsection (A) in his discretion in the most appropriate manner under the circumstances.
 - 1. The manner of abatement may include, but is not limited to, the following methods: fencing, draining water from swimming pools and filling with appropriate ballast, removing the fire hazards, filling or covering open holes and grading or strengthening landfills or excavations.

 - 2. Although the manner and method used by the Building Official shall be at his discretion, he shall, in making his determinations, seek the most economical method and endeavor not to place an undue economic hardship upon the owners of the property, using only those measures which will eliminate the dangerous and hazardous conditions.

- C. The Building Official shall immediately after such abatement action mail notice to the owners as provided in Section 15.28.140. The notice shall include:
 - 1. A description of the action he has taken;

 - 2. The cost thereby incurred by the City, including all administrative costs;

 - 3. The reasons why he has taken the action;

 - 4. That an appeal may be taken within ten days to the Board of Building Commissioners as provided in Section 15.28.140; and

 - 5. That if this action is not annulled by the Board of Building Commissioners, the cost of abating the nuisance on the property shall become a special assessment and lien on the property unless the cost is paid to the City within thirty days of the mailing of the notice.

- D. Fees for processing of demands for information regarding liens imposed under this chapter shall apply in an amount set by resolution of the Mayor and City Council.

- E. The procedures hereunder for appeal, hearing, and any other actions shall be as provided in Chapter 3.68* for determination and collection of the assessment for costs of abatement.

(Ord. MC-1525, 01-15-20; Ord. MC-1521, 9-18-19; Ord. MC-1307, 6-02-09;
Ord. MC-177, 7-07-82; Ord. 3593, 8-02-76; Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

15.28.160 Discontinuance of utilities

The Building Official may order the discontinuance or disconnection of utilities for unsafe conditions as allowed by the California Building Code.

(Ord. MC-1525, 01-15-20; Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

15.28.170 Filing of notice of pendency of administrative proceedings

At any time after the Building Official has initiated action to locate and serve the owners with the notice and order referred to in Section 401 of the Uniform Code for the Abatement of Dangerous Buildings, the Building Official or the City Engineer may file with the county recorder a notice of pendency of administrative proceedings which shall constitute notice to any subsequent owner, purchaser, encumbrancer of the property described therein or involved in the proceedings, beneficiary of a trust deed, lienholder, mortgagee, or any other person holding or claiming any interest of any kind in the property described therein who shall be bound by the administrative proceedings, including liability for all amounts and costs and expenses assessed against the property as a lien for abatement in the same manner as if he had been the owner at the time of commencement of the proceedings and had been properly served at that time.

(Ord. MC-1521, 9-18-19; Ord. MC-880, 6-23-93; Ord. MC-580, 2-04-87; Ord. 3227, 1-04-72;
Ord. 2291, 3-29-60)

15.28.180 [Reserved]

15.28.190 Post-disaster Safety Assessment Placards

- A. Intent. This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. The chapter further authorizes the Planning and Building Services Department, as well as authorized representatives or designees of that department, to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

[\[Return to Municipal Code Contents\]](#)

- B. Application of Provisions. The provisions of this section are applicable, following each natural or man-made disaster, to all buildings and structures of all occupancies regulated by the City of San Bernardino. The Mayor and Common Council may extend the provisions as necessary.
- C. Definitions.
1. Safety Assessment - A visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or man-made disaster.
- D. Placards
1. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.
 - (a) INSPECTED - Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - (b) RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The evaluator who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - (c) UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the department that posted the building. Safety assessment teams shall be authorized to enter these buildings at any time. This placard will note in general terms the type of damage encountered.
 2. Each placard shall include the ordinance number, the name of the department, its address and phone number, and a statement regarding the manner in which an appeal may be filed.
 3. Once it has been attached to a building or structure, a placard shall not be removed, altered, or covered until done so by an authorized representative of the department or upon written notification from the department.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 15 Contents\]](#)

4. Any person removing such placard without the express written consent of the City of San Bernardino Building Official is guilty of a misdemeanor which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.
- E. Notification. The Building Official shall, as soon as practicable but no later than 30 days from the date of posting, mail a notice to the owner of each building posted as Restricted Use or Unsafe. Such notice shall be mailed to the owner(s) of record of the property as ascertained from the latest assessment roll of the County Assessor. The notice shall include the following information:
- 1 A statement indicating that the structure has suffered disaster related damage which constitutes a hazard to its occupants, the public, or adjacent property,
 - 2 that the building has been posted with placards in accordance with this section,
 - 3 the restrictions placed on the use or occupancy of the building,
 - 4 a brief description of the damage, (5) that the damage must be repaired and the hazards eliminated prior to re-occupancy, and (6) that an appeal may be filed in accordance with the procedures contained in Chapter 15.28 of this code.
- F. Abatements. If a damaged structure becomes a public nuisance due to abandonment or the failure to repair damage which poses a hazard to the occupants, the public, or adjacent property, the building official may initiate abatement proceedings in accordance with Chapters 8.30 and 15.28 of this code.

(Ord. MC-1018, 2-04-98)

15.28.200 Section 103 amended

Section 301 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

"All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Building Standards Code promulgated by the California Building Standards Commission in Title 24 of the California Code of Regulations, as adopted and amended by the City of San Bernardino."

(Ord. MC-1521, 9-18-19)

[\[Return to Municipal Code Contents\]](#)

15.28.210 Section 205 amended

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended by deleting the section.

(Ord. MC-1521, 9-18-19)

15.28.220 Section 301 amended

Section 301 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

"For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the International Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words used in the singular include the plural and plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the California Building Code, as adopted and amended by the City of San Bernardino.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code."

(Ord. MC-1521, 9-18-19)

Chapter 15.32 (Repealed by Ord. MC-781, 4-22-91)

Chapter 15.34 REMOVAL OR DESTRUCTION OF TREES

Sections:

- 15.34.010 Findings**
- 15.34.020 Permit required**
- 15.34.030 Exceptions**
- 15.34.040 Application procedure**
- 15.34.050 Inspection fee**
- 15.34.060 Violation**

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 15 Contents\]](#)

15.34.010 Findings

Public safety and welfare and the protection of the environment requires that certain regulations be adopted pertaining to the removal of trees within the City of San Bernardino.

(Ord. MC-682, 11-09-89)

15.34.020 Permit Required

It is unlawful for any person, firm, corporation, partnership or association, either as owner, agent or otherwise, to cut down, uproot, destroy and/or remove more than five (5) trees within any thirty-six (36) month period from a development site or parcel of property without first being issued a permit from the Development Services Department of the City of San Bernardino.

(Ord. MC-1027, 9-09-98; Ord. MC-682, 11-09-89)

15.34.030 Exceptions

A permit shall not be required when a lawful order to remove the trees for Health and Safety purposes has been issued by a local, state or federal government agency, nor shall a permit be required if a removal is to be accomplished by, or under the auspices of a governmental entity or employee(s) thereof. Commercial tree farms are also excepted from this Chapter.

(Ord. MC-682, 11-09-89)

15.34.040 Application Procedure

- A. The owner of the property or his agent shall file a written application with the Planning Official prior to the destruction or removal of the trees. The Planning Official shall cause an inspection to be made of the property within ten (10) working days to determine whether the trees can be removed. If it is determined that the trees can be removed without detriment to the environment and welfare of the community, then the Planning Official shall issue the permit. Such permit may be issued subject to reasonable conditions imposed by the Planning Official.
- B. When an inspection discloses that the removal of trees would be detrimental to the environment and harmful to the safety and welfare of the community, the Planning Official shall deny the issuance of a permit.
- C. Any person aggrieved by the denial of a permit by the Planning Official may appeal the decision to the Mayor and Common Council in accordance with the provisions of Chapter 2.64 of this Code.

(Ord. MC-682, 11-09-89)

[\[Return to Municipal Code Contents\]](#)

15.34.050 Inspection Fee

Each application for a permit shall be accompanied by an inspection fee which shall be established by resolution of the Mayor and Common Council.

(Ord. MC-682, 11-09-89)

15.34.060 Violation

Any person who violates or causes violation of any provision of this Chapter shall be deemed guilty of an infraction or misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.

Any person who violates or causes violation of any provision of this Chapter, in addition to the above fine, shall pay restitution to the City of San Bernardino for unlawful destruction or removal of the trees in an amount not to exceed the replacement value of the trees.

(Ord. MC-682, 11-09-89)

**Chapter 15.36
DEMOLITION AND MOVING OF BUILDINGS AND STRUCTURES**

Sections:

- 15.36.010 Permit required - Application**
- 15.36.020 (Repealed by Ord. MC-460, 5-15-85)**

15.36.010 Permit required - Application

Any person, firm, or corporation desiring to demolish, dismantle, or tear down any house, building, or structure within the City or to move the same outside the City limits shall, before proceeding with such work, file an application with the Building Official for permit to do so. The Building Official, if he feels that the granting of such permit is not contrary to public health, safety, and welfare, and if he determines that the applicant has fully complied with and satisfied each and every other applicable provision of local and state law, shall issue such permit; provided, however, that as a condition to the issuance of such permit, the applicant shall pay to the Building Official a fee in a sum in accordance with the schedule set forth in Section 303 of the California Building Code which shall be in addition to any other fee required by law, and shall deposit with him a surety bond in the amount of one thousand dollars to ensure the faithful performance by the applicant of the following conditions under which such permit is granted, namely: that upon the moving, demolition, dismantling or tearing down of such house, building or other structure, the lot, parcel, or site shall be cleared of all debris, brick, rock, cement work, foundations, weeds,

[\[Return to Municipal Code Contents\]](#)

brush, dead or uncared for trees and vegetation and be filled and graded in accordance with the provisions of Chapter 15.04 in such a manner that storm waters and other waters will not accumulate thereon so that the premises are left in a clean and safe condition as determined by the Director of Community and Economic Development.

Any permit issued under this section shall be further conditioned upon completion of the work of moving or demolition, dismantling, tearing down, filling, grading and cleaning of the site within a period of ninety days from the date of its issuance which period may be extended by the Chief Building Inspector upon good cause shown for such additional periods as may be reasonably required to carry out the purposes of the permit.

The permit shall not be issued or approved unless and until the applicant has furnished satisfactory evidence to the Superintendent

1. that he has fully complied with the provisions of Section 119(a) of the Uniform Plumbing Code or other law pertaining to the plugging or capping of abandoned sewer outlets;
2. that he has obtained a permit for such plugging and capping in accordance with Section 1.8 of the Uniform Plumbing Code or other law;
3. that he has completed the plugging and capping thereof in an approved manner as evidenced by a final inspection; and
4. that he has cleaned and filled any abandoned cesspool and has filled and graded the property as required herein.

(Ord. MC-1525, 01-15-20; Ord. MC-1027, 9-09-98; Ord. 3628, 2-24-77;
Ord. 2784, 11-29-66; Ord. 2014, 1-19-54)

15.36.020 (Repealed by Ord.MC-460, 5-15-85)

Chapter 15.37 HISTORIC BUILDING DEMOLITION ORDINANCE

Sections:

- 15.37.010 Findings and purpose
- 15.37.020 Definitions
- 15.37.030 Demolition Prohibited
- 15.37.040 Dangerous Buildings Exempted Under Exigent Circumstances
- 15.37.045 Evaluation Thresholds and Review Requirements
- 15.37.050 Historic Resource Evaluation Report
- 15.37.055 Criteria for Determination of Historical Significance
- 15.37.060 Review Process
- 15.37.070 Appeals
- 15.37.080 Penalty
- 15.37.085 (Deleted by Ord. Mc-1482, 4-18-18)
- 15.37.090 Fees

15.37.010 Findings and purpose

The Mayor and City Council find and declare:

- A. The City of San Bernardino General Plan, adopted on November 1, 2005 includes a Historical and Archaeological Resources Element which provides a basis for historic preservation in the City of San Bernardino.
- B. This ordinance is adopted to establish a procedure for consideration of demolition requests for historic buildings and structures as defined herein.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92;
Ord. MC-694, 12-18-89)

15.37.020 Definitions

For the purpose of carrying out the intent of this Chapter, the words, phrases and terms set forth herein shall be deemed to have the meaning ascribed to them in this Chapter.

- A. Building - Any structure having a roof and walls built and maintained to shelter human activity or property.
- B. Demolition - To destroy any building or structure so that it is no longer standing or functional.

[\[Return to Municipal Code Contents\]](#)

- C. Report - Historic Resource Evaluation Report, a report that evaluates the historical significance of a resource based upon established criteria.
- D. Resource - A building or structure as defined in this Chapter.
- E. Structure -
 - 1. Any structure having a roof and walls built and maintained to shelter human activity or property; or,
 - 2. a work made up of independent and interrelated parts that performs a primary function unrelated to human shelter.
- F. Survey - Historic Resources Reconnaissance survey (Volumes 1-5 and Attachments, April 30, 1991 and all subsequent revisions), a Citywide survey of buildings and structures constructed prior to December 31, 1941 which provides baseline information regarding the types and locations of resources, approximate construction dates, representative architectural styles, construction materials, and contextual historical themes.
- G. The Arts and Historical Preservation Commission - A commission formed by Resolution of the Mayor and City Council whose members are appointed by the Mayor and City Council.
 - (Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.030 Demolition Prohibited

No building or structure fifty (50) years old or older shall be demolished unless a valid Demolition Permit has been issued in accordance with this Chapter.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.040 Dangerous Buildings Exempted Under Exigent Circumstances

The demolition of any building or structure fifty (50) years old or older shall be exempt from the provisions of this Chapter if a determination has been made, supported by findings of fact, by the Hearing Officer or the Building Official pursuant to Chapter 15.28 of the Municipal Code declaring that the building or structure is a dangerous building and constitutes an imminent threat to the health and safety of the public. In lieu of immediate demolition of a structure posing an imminent hazard, feasible mitigation

measures should be employed where practicable in order to preserve the structure and site until the historical review process is completed.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.045 Evaluation Thresholds and Review Requirements

Buildings and structures fifty (50) years old or older proposed for demolition shall be evaluated to determine historical significance. The level of review required shall be determined in accordance with the following thresholds and requirements which are based upon the Historic Resources Reconnaissance Survey (Volumes 1-5 and attachments, April 30, 1991 and all subsequent revisions):

- A. A Historic Resource Evaluation Report (Report) shall be required for any resource identified on a modified California Department of Parks and Recreation (DPR) 523 Form (Volume 3, Appendix B, Resource List and DPR Forms) or located within an area identified as being potentially eligible for Historic District designation and listed as a contributing resource (Volume 3, Appendix C, Historic Districts and Overlay Zones, Items 1. through 4).
- B. A Historic Resource Evaluation Report may be required for any resource listed on the Tabular List and located within the boundaries of an area identified in the Survey as being potentially eligible for Historic Overlay Zone designation (Volume 3, Appendix C, Historic Districts and Overlay Zones, Items 5 through 13) Using the criteria established in Section 15.37.055 of this Chapter, the Community Development Director shall evaluate demolition proposals for these resources to determine the requirement for a Report.
- C. Demolition Permit Applications for buildings and structures which are listed only on the Tabular List or not included in the Survey shall not require a Report unless the Community Development Director determines that a Report is required based upon new historical or cultural information not contained in the Survey. When required, Historic Resource Evaluation Reports shall be prepared in accordance with Section 15.37.050 of this Chapter.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.050 Historic Resource Evaluation Report

A Historic Resource Evaluation Report required as a submittal for a Demolition Permit Application shall contain the following elements:

- A. Purpose and Scope

[\[Return to Municipal Code Contents\]](#)

- B. Methods of Evaluation: Field and Archival
- C. Location and Setting
- D. Architectural Description of the Resource
- E. Historical Background
- F. Discussion of Eligibility for NR listing
- G. Statement of Significance
- H. Conclusions
- I. Recommendations (may include proposed mitigation)
- J. Archival Documentation (Appendices)

The Statement of Significance element (Item G. above) shall be made using the criteria listed in Section 15.37.055 of this Chapter and shall include a discussion of the related historical contextual themes.

The archival documentation (Item J. above) of the resource shall include a completed DPR 523 Form and archival quality photo documentation. This information shall be included as an appendix to the Report.

Preparation and submittal of the Report shall be the responsibility of the applicant. All Reports shall be prepared by consultants who meet the professional qualification standards for the field of Historic Preservation as described in the [Federal Register](#).

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-1027, 9-09-98; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.055 Criteria for Determination of Historical Significance

1. The building or structure has character, interest or value as a part of the heritage of the City of San Bernardino; or,
2. The location of the building or structure is the site of a significant historic event; or,
3. The building or structure is identified with a person(s) or group(s) who significantly contributed to the culture and development of the City of San Bernardino; or,
4. The building or structure exemplifies a particular architectural style or way of life important to the City; or,

[Return to Municipal Code Contents]

5. The building or structure exemplifies the best remaining architectural type in a neighborhood; or,
6. The building or structure is identified as the work of a person whose work has influenced the heritage of the City, the State or the United States; or,
7. The building or structure reflects outstanding attention to architectural design, detail, materials or craftsmanship; or,
8. The building or structure is related to landmarks or historic districts and its preservation is essential to the integrity of the landmark or historic district; or,
9. The unique location or singular physical characteristics of the building or structure represents an established and familiar feature of a neighborhood; or,
10. The building, structure or site has the potential to yield historical or archaeological information.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

5.37.060 Review Process

1. Director Review - The Community Development Director shall determine whether to issue a Demolition Permit for an Application which does not require a Report in accordance with Evaluation Thresholds B. and C. and the requirements specified in Section 15.37.045 of this Chapter.
2. The Development and Environmental Review Committee (DERC) Review -An Initial Study (pursuant to the California Environmental Quality Act) shall be prepared for a Demolition Permit Application when a Historical Resource Evaluation Report is required in accordance with Section 15.37.045, Subsections A. - C. of this Chapter.

The Report may be included as an attachment to the Initial Study or referenced in the Initial Study. The Initial Study shall be reviewed by the DERC for an environmental determination in compliance with the provisions of the California Environmental Quality Act, and applicable City requirements. Following the DERC review, the application and the environmental determination shall be reviewed by the Arts and Historical Preservation Commission.

3. Arts and Historical Preservation Commission Review - The Arts and Historical Preservation Commission shall receive notification of Demolition Permit Applications for which a Historic Resource Evaluation Report is prepared for their review and make recommendations to the Planning Commission regarding the historic significance of resources and the approval or denial of applications.

[Return to Municipal Code Contents]

4. Planning Commission Review - A Demolition Permit Application for which a Historic Resource Evaluation Report and Initial Study are prepared shall be scheduled for review by the Planning Commission within forty-five (45) days of the DERC's environmental determination. The Planning Commission shall review Demolition Permit Applications to determine the historical significance of the resource based upon the criteria set forth in Section 15.37.055 of this Chapter. The Planning Commission may also consider the National Register criteria for evaluation.

Based upon the information provided, the Planning Commission shall take action on the environmental determination and approve or deny the issuance of the Demolition Permit. The Planning Commission's review must be completed within 30 days of the first public hearing before the Planning Commission or the Application shall be forwarded to the Mayor and City Council.

When a Demolition Permit Application is denied because of a determination of historical significance, the Planning Commission shall forward that recommendation to the Mayor and City Council.

If the Planning Commission approves the Demolition Permit Application, the Demolition Permit shall be issued in accordance with the Planning Commission action and following compliance with the provisions of this Chapter and all other City requirements.

5. Effective Date of Permit - Demolition Permits shall become effective 16 days following the final date of action (i.e., approval) by the Director or the Planning Commission unless an appeal has been filed pursuant to Section 15.37.070, which shall stay the issuance of the Demolition Permit until after the Appeal is decided

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.070 Appeals

Any person may appeal the decisions of the Community Development Director pursuant to this Chapter to the Planning Commission. Decisions of the Planning Commission pursuant to this Chapter may be appealed to the Mayor and City Council.

An appeal must be submitted in writing with the required appeal fee (if applicable) to the Community Development Department within fifteen (15) days following the final date of the action for which an appeal is made. The written appeal shall include the reason(s) why the Historic Resource Evaluation Report should or should not be required; or why the Demolition Permit Application should be granted, denied or exempt from the provisions of this ordinance.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-1027, 9-09-98; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

[\[Return to Municipal Code Contents\]](#)

15.37.080 Penalty

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Sections 1.12.010 and 1.12.020 of this Code in addition to any other civil or administrative remedies.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

15.37.085 (Deleted by Ord. MC-1482, 4-18-18)

15.37.090 Fees

Upon submittal of a Demolition Permit Application to the Community Development Department, the applicant shall pay all applicable Planning Division fees in the amounts as adopted by resolution of the Mayor and City Council for an Initial Study and for the Planning Commission review. The applicant shall pay all required Building Inspection Division fees in the amounts as adopted by resolution of the Mayor and City Council prior to issuance of a Demolition Permit. The applicant shall also pay all fees required by other governmental agencies prior to issuance of a Demolition Permit.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;
Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

Chapter 15.38 (Repealed by Ord. MC-880, 6-23-93)

Chapter 15.40 (Repealed by Ord. MC-880, 6-23-93)

Chapter 15.44 (Repealed by Ord. MC-880, 6-23-93)

Chapter 15.48 SWIMMING POOLS

Sections:

- 15.48.010 Public policy**
- 15.48.020 Person defined**
- 15.48.030 Fence required**
- 15.48.040 Gates and doors - Specifications**
- 15.48.050 Distance between inside of pool and rear lot line**
- 15.48.060 Reserved**
- 15.48.070 Soils engineering reports**
- 15.48.080 Exemptions**
- 15.48.090 Reserved**
- 15.48.100 Existing pools**
- 15.48.110 (Repealed by Ord. MC-460, 5-15-85)**

15.48.010 Public policy

It is found, declared, and determined that private swimming pools shall be fenced as a precautionary measure to prevent severe hazard to the health, safety, and welfare of the inhabitants of the City, particularly children.

(Ord. 2431, 4-02-62)

15.48.020 Person defined

For the purpose of this Chapter, "person" shall include, but not be limited to, any individual, firm, association, partnership, trust, corporation, political subdivision within the City, or other form of organization whether operating for profit or otherwise.

(Ord. 2431, 4-02-62)

15.48.030 Fence required

Each person in possession of land within the City, as owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool or other out-of-doors body of water or structure designed, constructed or used, or capable of being used, for swimming or bathing, having a depth in excess of eighteen inches, shall maintain on the premises, completely surrounding the pool or body of water, a fence or wall not less than four feet in height. There shall be no openings, holes, or gaps in the fence or wall larger than four inches square, except that if a picket fence or other fence constructed of vertical members is maintained, the open space between the pickets or

[\[Return to Municipal Code Contents\]](#)

vertical members shall not exceed four inches horizontally and shall be not less than thirty-six inches vertically. Openings, holes, or gaps shall not be constructed or maintained in a horizontal series constituting steps or other means of access. A dwelling house or accessory building may be used as part of the required fence or wall.

(Ord. 3971, 9-24-80; Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

15.48.040 Gates and doors - Specifications

All gates or doors opening through the required enclosure shall be not less than four feet high. Gates or doors shall be equipped with a self-closing and self latching device located within three inches of the required height of fence or wall. Closing and latching devices shall be designed to keep and capable of keeping the door or gate securely closed at all times when not in actual use. No gate or door across a driveway providing access to any required parking area may open into the area between a fence or wall and the pool or body of water.

(Ord. MC-1525, 01-15-20; Ord. 3971, 9-24-80; Ord. 2431, 4-02-62)

15.48.050 Distance between inside of pool and rear lot line

Any swimming pool constructed after the effective date of the ordinance codified in this Chapter shall be constructed so that there shall be at least five feet between the inside or poolside face of the swimming pool and side or rear lot line. No mechanical equipment shall be placed nearer than five feet to any side lot line.

(Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

15.48.060 Reserved

(Ord. MC-1525, 01-15-20; Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

15.48.070 Soils engineering reports

- A. Prior to issuance of a swimming pool permit, the building official may require that the swimming pool plans shall be reviewed by an approved soils engineer. All reports shall be subject to approval by the building official, and supplemental reports and data may be required as he may deem necessary. Recommendations included in the report and approved by the building official shall be incorporated in the swimming pool plans by the permittee.
- B. Swimming pools constructed of materials that are subject to failure by deterioration, tears or rips shall not be so located so that a failure would possibly endanger any private property or result in the deposition of debris on any public way.

(Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

[\[Return to Municipal Code Contents\]](#)

15.48.080 Exemptions

All swimming pools which are completely contained within the walls of a building shall be exempt from the provisions of the fencing requirements.

(Ord. 3474, 1-22-75; Ord. 2431, 4-02-62)

15.48.090 Reserved

(Ord. MC-1525, 01-15-20; Ord. MC-1027, 9-09-98; Ord. 2431, 4-02-62)

15.48.100 Existing pools

Swimming pools in existence on the effective date of the ordinance codified in this Chapter shall be fenced in accordance with the requirements of this Chapter on or before July 1, 1962.

(Ord. 2431, 4-02-62)

15.48.110 (Repealed by Ord.MC-460, 5-15-85)

Chapter 15.52
(Repealed by Ord. MC-781, 4-22-91)

Chapter 15.55
CITY ASSUMPTION OF CODE ENFORCEMENT IN MOBILE HOME PARKS³
(Repealed by Ord. MC-1379, 10-15-12)

Chapter 15.56
(Repealed by Ord. MC-781, 4-22-91)

³ For statutory provisions on mobile homes, see Health and Safety Code §18000 et seq.

Chapter 15.57

Cultural Development Construction Tax

Sections:

- 15.57.010 Purpose**
- 15.57.020 Definitions**
- 15.57.030 Cultural Development Construction Tax imposed**
- 15.57.040 Time of payment**
- 15.57.050 Tax- Place of payment**
- 15.57.060 Disposition of cultural development construction taxes**
- 15.57.070 Severability**

15.57.010 Purpose

The purpose of this Chapter is to provide for the payment of a tax applicable to new construction or reconstruction of commercial structures to provide funds for the promotion of fine art culture and other cultural enhancements as the Mayor and City Council may direct. Enhancement of the cultural development is deemed to be a public benefit to all citizens of the community.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

15.57.020 Definitions

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

- A. "Commercial structure" shall mean any building or structure all or part of which contains a commercial or industrial use permitted by this Code; provided, however, "Commercial Structure" shall not include any building or structure constructed or reconstructed for the elderly and handicapped pursuant to Title 15 of this Code, or pursuant to Title 25 or 26 of the California Code of Regulations..
- B. "Construction cost" shall mean the total value of all construction or reconstruction work on a commercial structure as determined by the Director of Community Development pursuant to Section 15.04.080 of this Code in issuing a building permit for such construction or reconstruction.
- C. "New Construction" shall mean all new commercial construction.
- D. "Reconstruction" shall mean additions, alterations, repairs or remodels made to an existing commercial structure. Reconstruction is required to conform to the requirements for new buildings pursuant to the California Building Code and Title 15

[\[Return to Municipal Code Contents\]](#)

of this Code. Reconstruction necessitated by natural disaster or accidental damage shall not be subject to this Chapter provided, however, that damage in the normal course of business shall be included.

(Ord. MC-1525, 01-15-20; Ord. MC-1451, 12-20-17; Ord. MC-1027, 9-09-98;
Ord. MC-768, 3-12-91; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

15.57.030 Cultural Development Construction Tax imposed

- A. A cultural development construction tax is imposed on the privilege of New Construction or Reconstruction as defined in Section 15.57.020 Subsections C and D. Such tax shall be equal to one-half (1/2) of one (1) percent of the Construction Cost.
- B. Notwithstanding the foregoing provisions, the tax shall not be imposed and charged for any permit for which an application together with two sets of complete plans and specifications as required by Sections 301 and 302 of the California Building Code are filed and approved with the City prior to September 8, 1986, provided that the applicant has paid all plan check fees prior to that date.
- C. No cultural development construction tax shall be charged for the first Reconstruction of any Commercial Structure up to its previously existing square footage, if the previously existing Commercial Structure was voluntarily demolished by the property owner after Code Enforcement has issued a Notice of Violation/Abatement.

(Ord. MC-1525, 01-15-20; Ord. MC-1451, 12-20-17; Ord. MC-1175, 7-22-04;
Ord. MC-768, 3-12-91; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

15.57.040 Time of payment

The cultural development construction tax required in Section 15.57.030 to be paid shall be due and payable upon issuance by the City of a building permit for the New Construction or Reconstruction of any Commercial Structure; provided, however, that there shall be a refund of such tax in the event that the building permit expires, within the meaning of Section 302 (d) of the latest edition of the California Building Code adopted in the City, within thirty days after the date of such expiration, upon written application for such refund by the person who paid such tax setting forth in full the facts showing that such permit has expired. The full amount due under this Chapter shall constitute a debt to the City. An action for the collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause.

(Ord. MC-1525, 01-15-20; Ord. MC-1451, 12-20-17;
Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

[Return to Municipal Code Contents]

15.57.050 Tax- Place of payment

The tax shall be paid to the Building Official of the City or his/her authorized agent in the Community Development Department of the City.

(Ord. MC-1451, 12-20-17; Ord. MC-1027, 9-09-98;
Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

15.57.060 Disposition of cultural development construction taxes

The funds derived from this tax shall be placed in the General Fund with identification as to the source, so that the Mayor and City Council may consider appropriate expenditures in its annual budget for allocation to cultural development activities in the City or such other uses as the Mayor and City Council may direct. The use of the funds shall be reviewed annually by the Mayor and City Council.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

15.57.070 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Chapter.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

Chapter 15.60 (Repealed by Ord. MC-880, 6-23-93)

Chapter 15.64 (Repealed by Ord. MC-84, 7-21-81)

Chapter 15.68
WASHERS, DRYERS, EXTRACTORS, AND COMPRESSORS

Sections:

- 15.68.010 Purpose**
- 15.68.020 Permit for installation - Fee**
- 15.68.030 Operation prohibited when excessive ground vibration occurs**
- 15.68.040 Distance of commercial laundry compressor from other buildings**
- 15.68.050 Requirements in addition to building code and other laws**
- 15.68.060 (Repealed by Ord. MC-460, 5-15-85)**

15.68.010 Purpose

The purpose of this Chapter is to regulate the installation, operation and maintenance of equipment or machinery, including but not limited to washers, dryers, extractors and washer extractors of fifty-five-pound capacity or larger, and compressors.

(Ord. 3064, 4-07-70)

15.68.020 Permit for installation - Fee

- A. No person, firm or corporation shall install any equipment or machinery without first obtaining a permit from the Department of Development Services. The fee for such permit shall be ten dollars. Such fee shall be in addition and supplemental to any other fee charged for the installation of such equipment or machinery.
- B. A design drawing and calculations shall be submitted with the application for a permit showing all information pertaining to the equipment or machinery which is necessary for a determination of foundation requirements in order that it may operate efficiently, safely, and with a minimum of vibration. A requirement of installation based on the design shall be that the ground vibration inherently and recurrently generated does not cause a displacement of the earth greater than .033 of one inch as measured at any point radially in any plane from the foundation, as determined by the City Engineer.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

15.68.030 Operation prohibited when excessive ground vibration occurs

- A. No person shall operate any of the above equipment or machinery which due to faulty installation, maintenance or operation causes a ground vibration in excess of that described in Section 15.68.020. If in the opinion of the City Engineer

[Return to Municipal Code Contents]

equipment or machinery presently in operation does cause such excessive vibration, the Superintendent of the Development Services Department may require the operator to submit all the information required for an original installation of such equipment or machinery.

- B. If such information shows to the satisfaction of the City Engineer that the existing installation of such equipment or machinery does not meet the required standards, changes and modifications of installation shall be required to obtain compliance with the standards before the operation of the equipment or machinery may be continued.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

15.68.040 Distance of commercial laundry compressor from other buildings

Any commercial laundry compressor maintained outside of the commercial building on the premises shall be at least seventy-five feet from any other building occupied as a residential dwelling unless provision is made to completely enclose the compressor in accordance with the minimum standards set forth in a drawing marked "commercial laundry compressor" on file in the Department of Development Services, City Hall, San Bernardino, California.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

15.68.050 Requirements in addition to building code and other laws

The requirements of this Chapter are in addition and supplemental to any other requirements set forth in the California Building Code or other laws.

(Ord. MC-1525, 01-15-20; Ord. 3064, 4-07-70)

15.68.060 (Repealed by Ord.MC-460, 5-15-85)

Chapter 15.72
(Repealed by Ord. MC-781, 4-22-91)

Chapter 15.73
VERDEMONT AREA - INFRASTRUCTURE FEE

Sections:

- 15.73.010 Findings and determination**
- 15.73.020 Rules of construction**
- 15.73.030 Definitions**
- 15.73.040 Persons subject to Infrastructure Fee**
- 15.73.050 Infrastructure Fee**
- 15.73.060 Time of payment**
- 15.73.065 Deferral**
- 15.73.070 Establishment of Infrastructure Fee Fund**
- 15.73.080 Use of funds**
- 15.73.090 Refunds**
- 15.73.100 Penalties**
- 15.73.110 Severability**
- 15.73.120 Other fees**

15.73.010 Findings and determination

The Mayor and Common Council hereby find and determine as follows:

- A. The City of San Bernardino (the "City") must provide for the acquisition, construction and installation of certain right-of-way and related infrastructure improvements (as hereinafter defined and as hereinafter referred to as the "Right-of-Way Improvements") and certain other public improvements (as hereinafter described and as hereinafter referred to as the "Public Improvements") within the Verdemont Area of the City in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service and in order to ensure that the infrastructure system is in conformity with the requirements of the City's General Plan.
- B. It is in the interests of the present landowners within the Verdemont Area and the residents, both within the Verdemont Area and within the City generally, that the City causes the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements within the Verdemont Area;
- C. The imposition of infrastructure development fees (the "Infrastructure Fees") is one of the preferred methods of ensuring that development in the Verdemont Area bears a proportionate share of the cost of capital facilities necessary to accommodate such development in order to effectively provide the quality and extent of infrastructure required within the Verdemont Area;

[Return to Municipal Code Contents]

- D. Development within the Verdemont Area will (i) generate increased traffic volumes necessitating the acquisition, construction and installation of the Right-of-Way Improvements and (ii) create a need for the acquisition, construction and installation of the Public Improvements;
- E. Revenues generated from the levy of the Infrastructure Fees will be used to facilitate the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements which in turn will allow for the future development of property within the Verdemont Area by providing additional traffic flow capacity and other public improvements;
- F. The Infrastructure Fees established by Section 15.73.050 of this Chapter shall be calculated pursuant to a resolution duly adopted by the Mayor and Common Council simultaneously herewith (the "Resolution"). The Infrastructure Fees established by this Ordinance and as calculated pursuant to the Resolution are derived from, and based upon, and do not exceed the costs of undertaking the acquisition, construction and installation of the Right-of-Way Improvements;
- G. It is anticipated that certain excess revenues may be generated through the levy of the Infrastructure Fees for the acquisition, construction and installation of the Right-of-Way Improvements, and to the extent such revenues are generated, such revenues as are in excess of the amount required for the acquisition, construction and installation of the Right-of-Way Improvements shall be used for the purposes of funding the acquisition, construction and installation of the Public Improvements as defined in Section 15.73.030(e); provided, however, that if such excess revenues are not generated, then the Infrastructure Fees established by Section 15.73.050 of this Chapter and calculated pursuant to the Resolution will be increased in accordance with the terms of the Resolution or any subsequent resolution adopted by the Mayor and the Common Council of the City in order to cause the funding of the acquisition, construction and installation of the Public Improvements;
- H. That certain engineers report entitled "Engineers Report - Right-of-Way Improvements - Verdemont Area" (the "Engineers Report") sets forth the scope and extent of the Right-of-Way Improvements and the Public Improvements required in the Verdemont Area and sets forth a reasonable methodology and analysis for the determination of the impact of development on the need for, and costs of, acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements in the Verdemont Area;
- I. This Chapter shall apply only to that area of the City known as the Verdemont Area and is intended to assist in the continued development of the Verdemont Area;

- J. The purpose of this Chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide Right-of-Way Improvements and Public Improvements within or for the benefit of the Verdemont Area; and
- K. The City has the authority to enact this Chapter pursuant to Section 66000, et seq., of the California Government Code and Sections 40 (z) and 40 (aa) of the Charter of the City of San Bernardino.

(Ord. MC-707, 3-19-90)

15.73.020 Rules of Construction

- A. The provisions of this Chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- B. For the purposes of administration and enforcement of this Chapter, unless otherwise stated in this Chapter, the following rules of construction shall apply to the text of this Chapter:
 - 1. In the case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or summary table, the text shall control.
 - 2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - 3. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates to the contrary.
 - 4. The word "person" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
 - 5. The word "includes" shall not limit the term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. MC-707, 3-19-90)

15.73.030 Definitions

- A. "Verdemont Area" is defined as that area of the City of San Bernardino delineated by the Verdemont Area Plan adopted by the Mayor and Common Council on November 17, 1986, excepting therefrom that area southwesterly of Kendall Drive, from the southerly boundary of the Verdemont Area Plan to Palm Avenue and

[\[Return to Municipal Code Contents\]](#)

portions north of Kendall Drive and southeasterly of Pine as shown in the Engineer's Report, and southwesterly of Route I-215 Freeway, from Palm Avenue to the northerly boundary of the Verdemont Area Plan and as more fully described in the Engineer's Report.

- B. "Development" shall mean every project for which either (i) a building permit is required, except that it shall not include those projects increasing either the size or value of a single family residence by twenty-five percent (25%) or less, or (ii) a permit is required in connection with the installation of a mobile home.
- C. A "Fee Payer" shall mean a person commencing a land development activity which generates traffic, necessitates the construction of additional publicly owned facilities or improvements and which requires the issuance of a building permit or a permit for the installation of a mobile home.
- D. "Right-of-Way Improvements" shall mean the acquisition, construction and installation of full width streets including, full-width paving, curbs and gutters, sidewalks, street lights, sewer mains, storm drains, catch basins and water mains in the following locations and all as more fully described in the Engineer's Report.

Portions of Palm Avenue

between Kendall Drive and Verdemont Avenue which portions are immediately adjacent to undeveloped projects

Walnut Avenue

Irvington to Belmont
Belmont to Ohio (portions)

Olive Avenue

Verdemont Avenue to Ohio
Ohio to Belmont (portions)
Belmont to Irvington

Magnolia Avenue

Verdemont Avenue to Little League Drive

Little League Drive

Irvington to Verdemont

Meyers Road

Little League Drive to New Section
New Section to Cable Canyon

[\[Return to Municipal Code Contents\]](#)

Irvington

Pine to Olive (portions)
Olive to Magnolia

Belmont Avenue

Pine to Olive (limited portions)
Olive to Palm (portions)
Palm to just past Little League Drive

Ohio Avenue

Pine to Palm (portions)
Palm to west of Little League Drive
Verdemont Avenue
Little League Drive to
Palm Avenue
Palm to Pine (portions)
Frontage Road
Palm to City Limits (Devore)
Cable Canyon Road
Meyers Road to Frontage Road (new roadway)

- E. "Public Improvements" shall mean the acquisition, construction and installation of drainage facilities, park facilities, fire station facilities and landscaping, all as more fully described in the Engineer's Report.
- F. "Engineer's Report" shall mean that certain Engineer's Report prepared for the Verdemont Area dated January 3, 1990.
- G. "Equivalent Dwelling Unit" shall refer to a numerical value designation for residentially zoned property whereby one (1) Equivalent Dwelling Unit is equivalent to a residential unit whether such residential unit be a single family attached or detached unit, or multi-family unit within a multi-family structure, or a mobile home. For land uses other than residential uses, the Equivalent Dwelling Unit shall equal the density of residential units that could be built per acre as determined by the zoning of the immediately adjacent or, if not immediately adjacent, the most proximate residentially zoned property.

(Ord. MC-707, 3-19-90)

[\[Return to Municipal Code Contents\]](#)

15.73.040 Persons Subject to Infrastructure Fee

Any person who seeks to develop land within the Verdemont Area by applying for a building permit, an extension of a building permit, a permit for a mobile home installation, or an extension of a permit for mobile home installation to make improvements to land which will generate additional traffic or increase the need for public facilities is hereby required to pay an Infrastructure Fee in the manner set forth in this Chapter.

(Ord. MC-707, 3-19-90)

15.73.050 Infrastructure fee

The Infrastructure Fee for any given parcel of property shall be determined by ascertaining the land use category of the parcel and multiplying the amount of the Infrastructure Fee by the number of Equivalent Dwelling Units allocated to such land use category. The initial amount of the Infrastructure Fee shall be set by the Resolution, and may be subject to increase pursuant to the terms of any subsequent resolutions to be adopted by the Mayor and Common Council, which resolutions shall provide for increases to the Infrastructure Fee in order to cover any administrative and carrying costs incurred in connection with the issuance of bonds required in order to finance the acquisition, construction and installation of all or any portion of the Right-of-Way Improvements and/or the Public Improvements.

It is anticipated that there may be certain excess revenues generated in connection with the levy of the Infrastructure Fee in the initial dollar amounts and to the extent any such excess revenues do exist, said excess revenues will be applied to fund the costs of the acquisition, construction and installation of the Public Improvements. To the extent said excess revenues do not exist, the Infrastructure Fee in the dollar amount as initially established, may be subject to additional increases by subsequent resolutions of the Mayor and Common Council in order to cause the funding of the acquisition, construction and installation of the Public Improvements.

The above-referenced subsequent resolutions and the dollar amount of the Infrastructure Fee initially established pursuant to this Chapter and the Resolution shall be reviewed and amended at least annually, or more often as may be necessary under the circumstances to reflect any increases in costs.

- A. For applications for an extension of a building permit or an extension of a permit for mobile home installation, the amount of the fee is the difference between the fee then applicable and any amounts previously paid in connection with the application for the initial permit.
- B. In the case of change of use, rehabilitation, expansion or modification of an existing use which requires the issuance of a building permit or permit for mobile home installation, the Infrastructure Fee shall be based upon the net

[\[Return to Municipal Code Contents\]](#)

positive increase in the demands placed upon the Right-of-Way Improvements and the Public Improvements by the new or expanded use compared to the previous use or level of use.

(Ord. MC-707, 3-19-90)

15.73.060 Time of Payment

- A. Except as may otherwise be provided in subsection (b) hereof, each applicant for a commercial or industrial building permit shall pay to the City the then applicable Infrastructure Fee, as initially established pursuant to this Chapter and adjusted pursuant to any subsequent resolutions of the City as more fully described in Section 15.73.050 hereof, upon the submission to the City of an application for a commercial or industrial building permit, which application is complete and in a form acceptable to the City. Each applicant for a residential building permit who submits an application, which application is complete and in the form acceptable to the City, shall pay to the City the then applicable Infrastructure Fee, as initially established pursuant to this Chapter and adjusted pursuant to any subsequent resolutions of the City as more fully described in Section 15.73.050 hereof, for all residential units subject to a building permit upon the earlier of the following dates:
- (i) upon the date of final inspection of the first dwelling unit completed in the residential development to which the building permit is applicable, or
 - (ii) upon the date a certificate of occupancy is issued for the first dwelling unit completed in the residential development to which the building permit is applicable.

In the event the City accepts any payment of Infrastructure Fees in connection with the submission of a building permit application, which application is incomplete or not in a form satisfactory to the City, all payments made in connection with such application shall be returned to the applicant and such applicant shall be required to submit a complete and acceptable application, and, at the time of such submission, shall pay any then applicable Infrastructure Fees. Notwithstanding any provision herein to the contrary, the City, by official action of the Mayor and Common Council, may require the payment of applicable Infrastructure Fees for residential units prior to the approval of a final tract or parcel map applicable to residential development if one of the following conditions are met:

1. The Director of Development Services of the City has determined that the applicable Infrastructure Fee will be collected from the subdivider for public improvements or facilities for which an account has been established and funds have been appropriated, and for which the City has adopted a proposed construction schedule or plan, or

[\[Return to Municipal Code Contents\]](#)

2. The applicable Infrastructure Fee will reimburse the City for expenditures previously made by the City. All applicants for permits for the installation of mobile homes will be subject to the procedures applicable to residential developments set forth hereinabove.
- B. Any person or entity who would otherwise be required to pay the Infrastructure Fee pursuant to paragraph (A) hereinabove may receive as a credit towards the Infrastructure Fee attributable to such person or entity, all or a portion of the costs of any Right-of-Way Improvements or Public Improvements that may be or may have been acquired, constructed or installed by such an entity.
 - C. All funds collected shall be promptly identified as Right-of-Way/Public Improvement Infrastructure Fees and promptly transferred for deposit in the appropriate Right-of-Way/Public Improvement Infrastructure Fee Fund to be held in a separate account and, together with interest earnings thereon, used solely for the purposes specified in this Chapter.
 - D. Notwithstanding anything in this section to the contrary, for any subdivision for which a final map has been approved prior to the effective date of this Chapter the fee established pursuant to Section 15.73.050 may be paid at the close of escrow on each individual lot, unless a later time is allowed by this Chapter.

(Ord. MC-1027, 9-09-98; Ord. MC-707, 3-19-90; Ord. MC-755, 11-21-90)

15.73.065 Deferral

For the construction of new single-family homes, the fees imposed by Section 15.73.060 may be deferred at the request of the owner of the property until the release of utilities is issued or eighteen (18) months from the issuance of the Building Permit, whichever is less. The owner of the property must personally guarantee payment of the fees, sign documents authorizing the City to place a lien on the property in the amount of the fees, agree to place the payment of the fees in any escrow for the sale of the property, authorize the City to demand payment in any such escrow, and pay an administrative fee set by resolution of the Mayor and Common Council. The amount of the fees due shall be the amount in effect at the time of collection of the fees. In no event shall utilities be released until the fees are paid, except that electrical service may be released at the discretion of the building official where necessary for security or maintenance purposes.

(Ord. MC-1045, 4-20-99; Ord. MC-1044, 4-07-99;
Ord. MC-1011, 12-16-97; Ord. MC-961, 3-20-96)

[\[Return to Municipal Code Contents\]](#)

15.73.070 Establishment of Infrastructure Fee Fund

There is hereby established a Right-of-Way/Public Improvement Infrastructure Fee Fund. The funds withdrawn from this account must be used in accordance with the provisions of Section 15.73.080 of this Chapter.

(Ord. MC-707, 3-19-90)

15.73.080 Use of Funds

- A. Funds collected from the Infrastructure Fees shall be used for the purpose of causing the acquisition, construction and installation of the Right-of-Way Improvements and/or Public Improvements within the Verdemont Area, as more specifically described in the Engineer's Report.
- B. No funds collected pursuant to this Chapter shall be used for periodic or routine maintenance.
- C. Funds may also be used to pay debt service on bonds or similar debt instruments issued in order to provide financing for the acquisition, construction and installation of the Right-of-Way Improvements and/or the Public Improvements for which the Infrastructure Fee may be expended.

(Ord. MC-707, 3-19-90)

15.73.090 Refunds

Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the Infrastructure Fee was paid shall, upon application of the then current landowner, be returned to such landowner with accrued interest thereon, provided the landowner submits an application for refund to the City Finance Officer within one hundred eighty (180) days of the expiration of the six year period.

(Ord. MC-707, 3-19-90)

15.73.100 Penalties

A violation of this Chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Chapter.

(Ord. MC-707, 3-19-90)

[\[Return to Municipal Code Contents\]](#)

15.73.110 Severability

If any Section, phrase, sentence or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or portions hereof shall be deemed to be a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Ord. MC-707, 3-19-90)

15.73.120 Other Fees

Notwithstanding the payment of Infrastructure Fees as set forth in this Chapter, any developer or Fee Payer shall be responsible for the payment of any applicable installation fees, sewer connection fees, water acquisition charges or other fees or charges levied by the City and all other public bodies in connection with the development of property with the Verdemont Area, and such developer or Fee Payer shall either

- (i) provide for the acquisition, construction and installation of any and all other public improvements required by the City of such developer or Fee Payer as a condition to approval of any development which are in addition to both
 - (a) the Right-of-Way Improvements to be funded by the Infrastructure Fees as established by this Chapter in the initial dollar amount and
 - (b) the Public Improvements to be funded by subsequent increases to the Infrastructure Fees or as established by this Chapter in the initial dollar amount,
- (ii) pay any other on or off-site improvement fees, assessments or special taxes as may be levied by the City as a condition to the approval of any development in lieu of the actual acquisition, construction or installation of public improvements as set forth in (i) above.

Unless a developer or Fee Payer has provided for the payment of Infrastructure Fees in an amount to provide for the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements, plus any financing costs if applicable, or has constructed a proportionate share of the Right-of-Way Improvements and the Public Improvements, such developer or Fee Payer shall not be relieved from the obligation to participate in any benefit assessment district or special tax district established for the purpose of funding that portion of the Right-of-Way Improvements and/or the Public Improvements not covered by the Infrastructure Fees as may have been previously paid by a developer or Fee Payer.

(Ord. MC-707, 3-19-90)

[\[Return to Municipal Code Contents\]](#)

Chapter 15.74 VIOLATION - PENALTY

Sections:

15.74.010 Violation - Penalty

15.74.010 Violation - Penalty

- A. Any person, firm or corporation whether as a principal, agent, employee or otherwise who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes a building or a structure for which a building permit is required by this title and the adopted codes, and for which a permit has not been obtained from the Building Official, or otherwise violates any provision of the adopted codes, or this Title, shall be guilty of either an infraction or a misdemeanor. Any person, firm or corporation whether as a principal, agent, employee or otherwise, violating or causing the violation of any provision of the Fire Code is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.
- B. Each day during any part of which the activity prohibited by Subdivision A of this section continues, or a violation of the adopted codes continues to exist shall be a separate and distinct offense. The imposition of any penalty for any violation of this Title shall not excuse the violation or permit it to be continued, and all persons shall be required to correct or remedy all such violations or defects within a reasonable time. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07;
Ord. MC-728, 5-08-90; Ord. MC-460, 5-15-85)

**TITLE 16
SIGNS¹**

Chapters:

- 16.04 (Repealed by Ord. MC-92, 8-18-81)
- 16.08 (Repealed by Ord. MC-92, 8-18-81)
- 16.12 Political Signs (Repealed by Ord. MC-1416, 8-17-15)
- 16.16 Street Banner Permit
- 16.18 Unauthorized Signs on Public Property

**Chapter 16.04
(Repealed by Ord. MC-92, 8-18-81)**

**Chapter 16.08
(Repealed by Ord. MC-92, 8-18-81)**

**Chapter 16.12
POLITICAL SIGNS
(Repealed by Ord. MC-1416, 8-17-15)**

**Chapter 16.16
STREET BANNER PERMIT**

Sections:

- 16.16.010 Filing of application
- 16.16.020 Granting of permits
- 16.16.030 Duration of permit
- 16.16.040 Deposit
- 16.16.050 Erection and removal of street banner
- 16.16.060 Standard specifications
- 16.16.070 Appeal

¹ For statutory provisions on local regulation of signs, see Gov. Code §§38744 and 65850 and Bus. and Prof. Code §5229 et seq.; for additional sign provisions in this Code, see Ch. 19.60.

16.16.010 Filing of application

- A. A street banner is defined as a banner extended over a public street or other public property, either on an established bridge or independently suspended. The locations permissible for the erection of street banners within the City of San Bernardino are:
1. The "E" Street pedestrian foot bridge between the Maruko [Radisson] Hotel and Convention Center and Central City Mall. The banner will be installed on hand rails on the south side of the bridge, facing northbound traffic.
 2. On "E" Street, immediately north of Church Street. The banner will be installed between streetlight standards, facing northbound traffic; Requests for street banner installation at any other location within the City of San Bernardino over a public street will require approval of the City Administrator.
- B. An applicant for a street banner permit shall obtain, complete and file with the City Administrator an application which shall contain the following.
1. The location, dimensions and purpose of the banner;
 2. A facsimile of the proposed banner;
 3. The proposed date when the banner will be installed, which must be at least ten (10) days after the date of the application;
 4. The proposed date when the banner will be removed;
 5. A hold harmless clause in language approved by the City Attorney.

(Ord. MC-689, 12-08-89; Ord. 3804, 2-08-79; Ord. 2802, 3-14-67; Ord. 821, 8-09-1921)

16.16.020 Granting of permits

Permits for street banners issued under this Chapter shall be granted only to non-profit civic organizations or governmental bodies for the purpose of bringing to the attention of the public the events which are of a general public interest, or of welcoming conventions or similar gatherings and shall be subject to such terms and conditions as shall be reasonably imposed. No permits shall be issued to further political or religious purposes, or purposes primarily involving private financial gain. Nothing in this Chapter shall be construed to prohibit the issuance of a permit for a street banner welcoming the convention or similar gathering of a private, religious or political organization.

(Ord. MC-689, 12-08-89; Ord. 3804, 2-08-79; Ord. 2802, 3-14-67; Ord. 821, 8-09-1921)

[\[Return to Municipal Code Contents\]](#)

16.16.030 Duration of permit

Permits for street banners shall be granted for a period of not more than seven days unless a longer period is specifically requested and justified due to special or extraordinary circumstances.

(Ord. MC-689, 12-08-89; Ord. 2802, 3-14-67; Ord. 821, 8-09-1921)

16.16.040 Deposit

Each applicant shall make a deposit of money with the City, in an amount specified by resolution, to cover the costs of permit issuance and the cost of erection and removal of each banner where required by this Chapter.

(Ord. MC-689, 12-08-89; Ord. MC-427, 1-25-85; Ord. MC-144, 3-16-82;
Ord. 3804, 2-08-79; Ord. 2802, 3-14-67; Ord. 821, 8-09-1921)

16.16.050 Erection and Removal of Street Banner

Each such banner shall be furnished by the applicant at its cost, at least one day prior to the date the banners to be erected. Each street banner shall be erected and removed by the City.

(Ord. MC-689, 12-08-89; Ord. MC-427, 1-25-85;
Ord. 2802, 3-14-67; Ord. 821, 8-09-1921)

16.16.060 Standard specifications

Each banner shall be constructed in conformity with the specifications and requirements of the City, as adopted from time to time by resolution.

(Ord. MC-689, 12-08-89)

16.16.070 Appeal

An applicant may appeal to the Common Council from the denial of a permit, or from the terms and conditions of a permit. Such appeal shall be in accordance with the provisions of Chapter 2.64 of this Code.

(Ord. MC-689, 12-08-89; Ord. MC-410, 9-17-84; Ord. 3804, 2-08-79; Ord. 821, 8-09-1921)

Chapter 16.18
UNAUTHORIZED SIGNS ON PUBLIC PROPERTY
(Added by Ord. MC-1343, 12-20-10)²

Sections:

- 16.18.010 Definitions**
- 16.18.020 Prohibitions**
- 16.18.030 Abatement**
- 16.18.040 Cost of Removal**
- 16.18.050 Collection of costs**
- 16.18.060 Violation - Penalty**
- 16.18.070 Appeal**

16.18.010 Definitions

For the purpose of this chapter only, unless otherwise apparent from context, words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal, state or other applicable laws or regulations. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

- A. "Code" means the San Bernardino Municipal Code.
- B. "Development Code" means Title 19 of the San Bernardino Municipal Code.
- C. "Director" means the Director of Community Development or his/her designee.
- D. "Responsible Party" means the person liable for placement of a sign. The following is a non-exclusive list of facts which when found to exist, shall constitute prima facie evidence that a person is a Responsible Party:
 - 1. Based on information contained on the sign, and information from other sources, the person is identified as the owner or lessee of property used for the activity or event, and/or is the sponsor or promoter of the activity or event described on the sign.

² Ord. MC-1343, 12-20-10 contains "16.18.070 Appeal" in the table of contents, but does not have any text for that section.

2. Based on information that appears on the sign, and information from other sources, including but not limited to information establishing the individual or corporate identity of the owner of the sign, it is found that the person placed the sign or caused the sign to be placed.

E. "Sign" means any notice, writing of letters, words or numerals, pictorial presentation, illustrations or decorations, emblems or devices, symbols or trademarks, flags, banners or pennants, graphic announcement, posters, pictures or any item used to convey any message or idea.

16.18.020 Prohibitions

No person shall place, affix, erect, extend, project over, suspend or maintain or cause to be placed, affixed, erected, extended, suspended or maintained any unauthorized sign in, over or on public property, public utility poles, light poles, public rights-of-way, trees in the public right-of-way, or on publicly owned or maintained land unless:

1. The prior approval by the owner of the public property for placement of the sign appears on the sign or has otherwise been provided to the City of San Bernardino, in writing, prior to such placement; or
2. The public property is a traditional public forum such as the park or the sidewalk, and the sign is held or personally attended to by one or more persons.

"personally attended" means that the person is in such control of the sign as to prevent the infliction of damage upon the sign or the infliction of physical damage by the sign; or

3. Placement is otherwise permitted by the Development Code or other applicable law of the City of San Bernardino.

16.18.030 Abatement

A Violation of this chapter shall constitute a public nuisance. The Director is hereby authorized to proceed with the summary abatement of such public nuisance by causing the sign to be removed and destroyed without prior notice to the Responsible Party. If the Responsible Party can be identified and located, any sign so removed may be stored by the Director pending any action to recover the City's costs of removal.

16.18.040 Costs of Removal

The costs of the removal of any sign by City employees and/or City contractors pursuant to this chapter shall be borne by the Responsible Party. The costs of removal shall be established by separate resolution of the Mayor and Common Council.

16.18.050 Collection of costs

Unpaid costs of removal shall be a debt to the City and subject to all remedies for debt collection as allowed by law.

16.18.060 Violation - Penalty

A violation of this chapter may be enforced or punished in any manner prescribed by law or through any other process or procedure established or allowed by this Code or applicable law.

It shall not be a defense to a violation of this chapter that the Responsible Party was unaware that the property on which the sign was posted is public property.

Title 17
ENVIRONMENTAL PROTECTION

Chapters:

- 17.04 (Repealed by Ord. MC-781, 4-22-91)
- 17.05 Hazardous Waste Management Plan
- 17.06 Water Wise Landscape Program
- 17.07 (Repealed by Ord. MC-1368, 1-09-12)
- 17.08 Mobile Source Air Pollution Ordinance

Chapter 17.04
(Repealed by Ord. MC-781, 4-22-91)

Chapter 17.05
Hazardous Waste Management Plan

Sections:

- 17.05.010 Applicability
- 17.05.020 Hazardous Waste Facility Defined

17.05.010 Applicability

Any application for a zoning amendment, subdivision, conditional use permit, or variance for a hazardous waste facility shall comply with Chapter 5 of the County Hazardous Waste Management Plan, entitled "Siting of Specified Hazardous Waste Facilities" attached as Attachment "1" and incorporated herein by reference, in addition to complying with all other applicable City ordinances.

(Ord. MC-766, 12-17-90)

17.05.020 Hazardous Waste Facility Defined

Hazardous Waste Facility, as defined in California Health and Safety Code Section 25117.1, means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

(Ord. MC-766, 12-17-90)

[\[Return to Municipal Code Contents\]](#)

Chapter 17.06 Water Wise Landscape Program

Sections:

- 17.06.010 Purpose and Intent
- 17.06.020 Definitions
- 17.06.030 Applicability
- 17.06.040 Water Wise Landscape Program
- 17.06.050 Administration
- 17.06.060 Program Requirements
- 17.06.070 Action on Application
- 17.06.080 Temporary Limited Exemption From Specified Code Provisions
- 17.06.090 Fire Hazard Prohibited
- 17.06.100 Yard Sign
- 17.06.110 Certificate of Completion
- 17.06.120 Failure to Timely Complete Installation
- 17.06.130 Withdrawal From Program
- 17.06.140 False Statement in Required Documents
- 17.06.150 Severability
- 17.06.160 CEQA Exemption

17.06.010 Purpose and intent

- A. The purpose of this Chapter is to encourage water conservation in the City of San Bernardino by facilitating the voluntary conversion of existing residential landscaping to less water-intensive landscaping. The provisions contained in this Chapter are intended to permit property owners to retire existing vegetation by temporary non-irrigation of their property, without being subject to provisions of this Code that otherwise would effectively preclude this practice.
- B. Except as specifically stated in this Chapter, nothing in this Chapter shall be construed to exempt any person or property from any otherwise applicable provision of this Code.

17.06.020 Definitions

As used in this Chapter, the following terms, when capitalized, have the meanings stated:

- A. **"Agreement"** shall mean the Water Wise Landscape Agreement described in this Chapter.
- B. **"City"** shall mean the City of San Bernardino.
- C. **"Code"** shall mean the Municipal Code of the City of San Bernardino.
- D. **"Department"** shall mean the Development Services Department of the City of San Bernardino.
- E. **"Director"** shall mean the Director of Development Services of the City of San Bernardino, or his or her designee.
- F. **"Guidelines"** shall mean the Water Wise Landscape Guidelines developed by the Water Resources Institute, California State University, San Bernardino.
- G. **"Permit"** shall mean the Water Wise Landscaping Permit described in this Chapter.
- H. **"Program"** or **"Water Wise Landscape Program"** shall mean the City of San Bernardino Water Wise Landscape Program described in this Chapter.
- I. **"Water Wise Landscape"** shall mean a landscape that uses drought tolerant, California friendly landscaping in lieu of large turf areas, and that uses efficient irrigation.

17.06.030 Applicability

This Chapter shall apply to single-family residential properties in the City.

17.06.040 Water Wise Landscape Program

There is hereby established the City of San Bernardino Water Wise Landscape Program.

17.06.050 Administration

The Program shall be administered by the Director through the Department.

[Return to Municipal Code Contents]

17.06.060 Program Requirements

To participate in the Program, a property owner must:

- A. Own a single-family residential property in the City with existing landscaping, and occupy the property continuously for the entire period of time that the property is subject to the Program.
- B. Have the desire and the ability to convert the existing landscaping on the property to less water-intensive landscaping.
- C. Sign and submit to the Department a properly completed application for participation in the Program, in a form prescribed by the Department for that purpose. The application must accurately set forth:
 1. The street address and Assessor's Parcel Number of the property.
 2. A description of the landscaping that is to be retired and replaced.
 3. A description of the Water Wise Landscape that is to be installed.

The landscape must conform to the Guidelines, as follows:

- a. The landscape shall consist of water-efficient, drought tolerant and native plant material, and may include ground covers, small plants, shrubs and appropriate trees. Buffer areas and bioswales may be included and may be designed with rocks, cobble or decomposed granite, landscaped shrubs or accents, or suitable ground cover.
- b. All planted areas must be a minimum of one inch below adjacent hardscapes (sidewalks and driveways) to eliminate runoff and overflow of irrigation water.
- c. Mounded or sloped planting areas that would contribute to runoff of irrigation water onto non-irrigated areas, walks, roadways or structures must be avoided.
- d. Any turf areas shall be set back at least 24 inches from curbs, driveways, sidewalks or any other area that may result in runoff of irrigation water onto streets.
- e. Plants having similar water requirements should be grouped together in "hydrozones" so that watering can be done efficiently.

[\[Return to Municipal Code Contents\]](#)

- f. Annual color plantings should be used only in areas of high visibility where they can be seen and appreciated. Otherwise, perennial plantings should be the primary source of color.
 - g. Landscaping must not obstruct or interfere with street signs, lights, or visibility on roads or walkways.
 - 4. The date on which the installation of the replacement landscaping will begin, which shall not be later than twelve (12) months from the date of submittal of the application.
 - 5. The date on which the installation of the replacement landscaping will be completed, which must not be later than the next May 31 immediately following the date on which the installation is to begin.
- D. Sign and submit to the Department a properly completed Water Wise Landscape Agreement. The Agreement shall require that the participant agree to maintain the replacement landscaping to ensure water efficiency.

17.06.070 Action on Application

- A. After a properly completed application has been submitted, the Director shall review the application and shall verify that the proposed project will comply with all applicable requirements of this Code. Upon making this verification, the Director shall approve the application and shall issue to the applicant a Water Wise Landscaping Permit in a form prescribed by the Department.
- B. If in the judgment of the Director the project will not comply with one or more applicable requirements of this Code, the Director shall specify the requirement(s) with which the project will not comply and shall deny the application.

17.06.080 Temporary Limited Exemption From Specified Code Provisions¹

- A. From the date on which an application is approved by the Director until the date on which the installation of the replacement landscaping will begin, as stated in the application, the property owner shall not be subject to citation by any City officer for violation of the following provisions of this Code, in the following respects only:
 - 1. Section 8.27.010.A, with respect to the prohibition on dry vegetation.
 - 2. Section 8.27.010.B, with respect to the prohibition on dry grass and stubble.
 - 3. Section 8.30.010.D, with respect to the prohibition on vegetation constituting an unsightly appearance. This temporary exemption shall apply only to vegetation that is unsightly due to lack of irrigation.
 - 4. Section 15.24.040.A.2, with respect to the requirement that planted vegetation be regularly irrigated.
 - 5. Section 15.24.040.A.2, with respect to the prohibition on dead vegetation.
- B. The exemptions provided for in this Section shall apply only to the portion of the property that is to be re-landscaped pursuant to the Program. The property owner must maintain the remaining portion of the property in compliance with all applicable provisions of this Code at all times.

17.06.090 Fire Hazard Prohibited

Notwithstanding any other provision of this Chapter, no property shall at any time be maintained in such a manner as to constitute a fire hazard.

17.06.100 Yard Sign

- A. Each participant in the Program shall obtain from the Department and prominently display on the property subject to the Program a yard sign indicating that the property is subject to the Program, for the purpose of informing City officers that the property is subject to the exemptions provided for in this Chapter.
- B. The yard sign shall be displayed at all times during which the property is subject to the exemptions provided for in this Chapter.

¹Ord. MC-1418, 11-05-15 deleted Ch. 8.27 and directed that references to it be directed to Ch. 8.30 and also amended Ch. 8.30; specific subsections referenced may either no longer exist or no longer work as specific references although the content may still be found elsewhere in Ch. 8.30 as a whole.

- C. It shall be the responsibility of the Program participant to promptly replace a sign that is lost or stolen.
- D. Knowingly displaying a sign issued by the Department pursuant to this Section on property that is not covered by a properly issued Water Wise Landscaping Permit is a violation of this Code. Any person who violates or causes the violation of this provision is guilty of a misdemeanor, and upon conviction may be punished in accordance with Section 1.12.010 of this Code.

17.06.110 Certificate of Completion

Upon the completion of the installation of replacement landscaping pursuant to the Program, the owner of the property must sign and submit to the Department a properly completed Certificate of Completion in a form prescribed by the Department, attesting that the landscaping has been installed in compliance with the approved Program application. The Certificate of Completion must be accompanied by full-color photographs taken from the front perimeter of the property sufficient to illustrate that a Water Wise Landscape has been completed.

17.06.120 Failure to Timely Complete Installation

A property owner who fails to complete installation of replacement landscaping pursuant to this Chapter by the next May 31 immediately following the date on which the installation begins forfeits the exemptions provided for in Section 17.06.080 and any other benefits to which Program participants are entitled under this Chapter.

17.06.130 Withdrawal From Program

A property owner who obtains a Permit but later elects not to continue participation in the Program may withdraw from the Program by notifying the Director in writing of the election to withdraw and paying a withdrawal fee of one hundred dollars (\$100) for each month the Permit was in effect, prorated day-by-day for partial months.

17.06.140 False Statement in Required Documents

Making a knowingly false statement in any of the documents required for participation in the Program is a violation of this Code. Any person who violates or causes the violation of this provision is guilty of a misdemeanor, and upon conviction may be punished in accordance with Section 1.12.010 of this Code.

17.06.150 Severability

The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

17.06.160 CEQA Exemption

The adoption of this Chapter is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (Title 14, California Code of Regulations, commencing with Section 15000), as it can be seen with certainty that there is no possibility that the activity permitted by this Chapter may have a significant effect on the environment.

(Ord. MC-1311, 8-18-09)

Chapter 17.07 Water Efficient Landscape Ordinance (Repealed by Ord. MC-1368, 1-09-12)

Chapter 17.08

Mobile Source Air Pollution Ordinance

Sections:

- 17.08.010 Title**
- 17.08.020 Findings**
- 17.08.030 Intent**
- 17.08.040 Definitions**
- 17.08.050 Administration of Vehicle Registration Fee**
- 17.08.060 Liberal Construction**

17.08.010 Title

This Chapter may be referred to as the Mobile Source Air Pollution Ordinance.
(Ord. MC-784, 5-07-91)

17.08.020 Findings

The City of San Bernardino hereby finds and declares that:

1. The City is committed to improving the public health, safety and welfare, including air quality.
2. Mobile sources are a major contributor to air pollution in the South Coast Air Basin.
3. Air quality goals for the region established by state law cannot be met without reducing air pollution from mobile sources.
4. The South Coast Air Quality Management Plan (AQMP) calls upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988 by developing and implementing mobile source air pollution reduction programs.
5. To the extent that such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the general fund to the motor vehicles creating the demand, to the greatest extent possible.

6. Health and Safety Code, Section 44223, added by action of the California Legislature on September 30, 1990, (Stats. 1990, Ch. 1705), authorizes the South Coast Air Quality Management District (SCAQMD) to impose an additional motor vehicle registration fee of Two Dollars (\$2.00), commencing on April 1, 1991, increasing to Four Dollars (\$4.00), commencing on April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act.
7. Forty Cents (\$.40) of every dollar collected under Section 44223 of the Health and Safety Code shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Section 44243 based on the jurisdiction's prorated share of population as defined by the State Department of Finance.
8. The City is located within the South Coast Air Quality Management District and is eligible to receive a portion of revenues from the motor vehicle registration fees upon adoption of this Chapter.
9. The City, after careful consideration, hereby finds and declares that the imposition of the motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the general welfare of the City and its residents.

Therefore, the City deems it advisable to adopt this Chapter.

(Ord. MC-784, 5-07-91)

17.08.030 Intent

This Chapter is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

(Ord. MC-784, 5-07-91)

17.08.040 Definitions

As used in this Chapter, the following words and terms shall be defined as follows:

1. **"City"** shall mean the City of San Bernardino.

[\[Return to Municipal Code Contents\]](#)

2. **"Mobile source air pollution reduction programs"** shall mean any program or project implemented by the City to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the Health and Safety Code.
3. **"Fee Administrator"** shall mean the Finance Director of the City.

(Ord. MC-784, 5-07-91)

17.08.050 Administration of Vehicle Registration Fee

1. Receipt of Fee: Vehicle registration fees due pursuant to this Chapter disbursed by the SCAQMD and remitted to the City shall be accepted by the Fee Administrator.
2. Transfer of Funds: Upon receipt of vehicle registration fees, the Fee Administrator shall be responsible for placement of such funds into a separate account as hereinafter specified.
3. Establishment of Air Quality Improvement Trust Fund: The Fee Administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of City funds. Interest earned by the account shall be credited to that account and shall be used to finance mobile source air pollution programs.
4. Audits: The City consents to audits, at least once every two years, of all programs and projects funded by vehicle registration fee revenues provided under Section 44223 of the Health and Safety Code.

(Ord. MC-784, 5-07-91)

17.08.060 Liberal Construction

The provisions of this Chapter shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(Ord. MC-784, 5-07-91)

TITLE 19
LAND USE/SUBDIVISION REGULATIONS

ARTICLE I - GENERAL PROVISIONS

CHAPTERS:

19.02 **Basic Provisions**

ARTICLE II - ZONES

CHAPTERS:

19.04 **Residential Zones**
(Includes RE, RL, RS, RU, RM, RMH and RH)

19.06 **Commercial Zones**
(Includes CO, CG-1, CG-2, CG-3, CR-1, CR-2,
CR-3, CR-4, and CH)

19.08 **Industrial Zones (Includes OIP, IL, IH, and IE)**

19.10 **Special Purpose Zones**
(Includes PCR, PF, PFC, PP, and SP)

19.10-E **Emergency Shelter Overlay Zone**

19.11 **TriCity Corporate Centre Overlay Zone**

19.12 **Airport Overlay Zones**

19.12A **A (Airport) Zone**

19.13 **Central City South Zones (Includes CCS-1, 2 & 3)**

19.14 **FC (Freeway Corridor Overlay) Zone**

19.15 **FF (Foothill Fire Zones Overlay) Zone**

19.16 **FP (Flood Plain Overlay) Zone**

19.17 **HM (Hillside Management Overlay) Zone**

19.18 **HP (Historic Preservation Overlay) Zone**

19.19 **MS (Main Street Overlay) Zone**

19.19A **TD (Transit District Overlay) Zone**

[\[Return to Municipal Code Contents\]](#)

ARTICLE III - GENERAL REGULATIONS

CHAPTERS:

- 19.20 Property Development Standards
- 19.22 Sign Regulations
- 19.24 Off-Street Parking Standards
- 19.26 Off-Street Loading Standards
- 19.28 Landscaping Standards
- 19.30 Subdivision Regulations

ARTICLE IV - ADMINISTRATION

CHAPTERS:

- 19.31 Administration
- 19.32 Applications and Fees
- 19.34 Certificates of Occupancy
- 19.36 Conditional Use Permits and Minor Use Permits
- 19.38 Design Review
- 19.40 Development Agreements
- 19.42 Development Code Amendments
- 19.44 Administrative and Development Permits
- 19.46 Enforcement of Provisions
- 19.48 Final and Parcel Maps
- 19.50 General Plan Amendments
- 19.52 Hearings and Appeals
- 19.54 Home Occupation Permits
- 19.56 Interpretations
- 19.58 Minor Exceptions
- 19.60 Minor Modifications
- 19.62 Non-Conforming Structures and Uses
- 19.63 Reasonable Accommodation
- 19.64 Specific Plans
- 19.66 Subdivision Maps
- 19.68 Surface Mining and Land Reclamation
- 19.70 Temporary Use Permits
- 19.72 Variances
- 19.74 Zoning Map Amendments

[\[Return to Municipal Code Contents\]](#)

ARTICLE I - GENERAL PROVISIONS

CHAPTER 19.02 BASIC PROVISIONS

Sections:

- 19.02.010 Title
- 19.02.020 Purpose
- 19.02.030 Authority and General Plan Consistency
- 19.02.040 Review Authorities
- 19.02.050 Definitions.
- 19.02.060 Establishment of Zones
- 19.02.070 General Requirements
- 19.02.080 Density and Intensity
- 19.02.090 Severability

19.02.010 Title

This Title shall be known as the “City of San Bernardino Development Code,” hereafter referred to as the “Development Code.”

(Ord. MC-782, 5-03-91)

19.02.020 Purpose

The purpose of this Development Code is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose, the City desires to achieve a pattern and distribution of land uses which generally:

1. Retain and enhance established residential neighborhoods, commercial and industrial zones, regional-serving uses, recreation and amenities.
2. Allow for the infill and recycling of areas at their prevailing scale and character.
3. Allow for the intensification of commercial industrial uses and mixed-density in select residential neighborhoods.
4. Accommodate expansion of development into vacant and low-use lands within environmental and infrastructure constraints.

[\[Return to Municipal Code Contents\]](#)

5. Maintain and enhance significant environmental resources.
6. Provide a diversity of areas characterized by differing land use activity, scale and intensity.
7. Establish San Bernardino as a unique and distinctive place in the Inland Empire with a high quality of life and aesthetic, secure environment for the City's residences and businesses.

(Ord. MC-1393, 12-02-13; Ord. MC-782, 5-03-91)

19.02.030 Authority And General Plan Consistency ¹

This Development Code is the primary tool for implementing the goals, objectives, and policies of the San Bernardino General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), State Subdivision Map Act (Government Code Section 66410 et seq.), California Environmental Quality Act (Public Resources Code 21000 et seq.), and other applicable State and local requirements. All development within the unincorporated area of the City's Sphere of Influence, should be consistent with the San Bernardino General Plan. All development in the incorporated area of the City shall be consistent with the General Plan.

The subdivision provisions of this Development Code are intended to supplement and implement the Subdivision Map Act, and serves as the Subdivision Ordinance of the City. If the provisions of this Development Code conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail.

This Development Code is designed to treat in one unified text those areas of regulation more typically dealt with in separate zoning and subdivision ordinances, and related chapters of the Municipal Code. No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan, and any applicable specific plan of the City and permitted by this Development Code, or other applicable provisions of the San Bernardino Municipal Code.

The type and intensity of land use as shown on the General Plan and any applicable specific plan shall determine, together with this Development Code, the type of streets, roads, highways, utilities and public services that shall be provided by the subdivider.

(Ord. MC-782, 5-03-91)

¹ Ord. MC-1559, 5-03-21 contains a typographical error that would have caused 19.02.030 to accidentally be supplanted with the text of 19.04.030(1). The City Attorney's Office has advised to instead place the content and reference into 19.04.030 where it was intended and provide this explanation.

19.02.040 Review Authorities

The development review process involves the participation of the following:

1. MAYOR AND COMMON COUNCIL

The Council shall have final decision authority for appeals, final maps, Specific Plans, General Plan Amendments, Development Code Amendments, Improvement and Development Agreements, Surface Mining and Land Reclamation, and the acceptance by the City of lands and/or improvements as may be proposed for dedication to the City, except Deeds of Dedication and parcel maps of four or fewer parcels with no development agreements. The Council may also impose conditions of approval.

2. PLANNING COMMISSION

A. APPOINTMENT

The Planning Commission shall consist of nine members appointed by the Mayor and Common Council and serve pursuant to the provisions of Chapter 2.17 of the Municipal Code.

B. DUTIES

The Commission shall perform the duties and functions prescribed in this Development Code. The Commission shall prepare, recommend adoption, implement and periodically review and recommend revisions to the General Plan and this Development Code for the desired physical development of the City, and any land within its Sphere of Influence.

C. POWERS

Final approval for Variances, Specified Development Permits, Conditional Use Permits, Tentative Tract Maps, Reversions to Acreage, and Vesting Tentative Tract Maps subject to appeal to the Mayor and Common Council. Also, the Commission recommends to the Mayor and Common Council for final determination on the following entitlements: Specific Plans, General Plan Amendments, Development Code Amendments, Development Agreements and Surface Mining and Land Reclamation Plans. The Commission may also impose conditions of approval or make interpretations of the General Plan which may be appealed to the Mayor and Common Council.

(Ord. MC-1393, 12-02-13)

[\[Return to Municipal Code Contents\]](#)

3. DIRECTOR OF PLANNING AND BUILDING SERVICES

A. APPOINTMENT

The Director of Community Development shall be appointed by the Mayor and Common Council.

B. DUTIES

The Director shall perform the duties and functions provided in this Development Code, in addition to the day-to-day and long range management of the Community Development Department.

This includes the acceptance and processing of all land use permit applications (i.e. variances, development permits, tract maps, etc.).

C. POWERS

Final approval authority for and enforcement of: Building Permits, Certificates of Occupancy, Specified Development Permits, Lot Line or Boundary Adjustments, Home Occupation Permits, Minor Exceptions, Minor Modifications, Sign Permits, Similar Use Determinations, Temporary Use Permits. All of the above except Building Permits and Certificates of Occupancy are subject to appeal to the Planning Commission. The Director may impose conditions of approval or make interpretations of this Development Code, which may be appealed to the Planning Commission.

(Ord. MC-1393, 12-02-13)

4. DEVELOPMENT REVIEW COMMITTEE (DRC)

A. MEMBERSHIP

The DRC members shall consist of representatives of the following departments: Community Development (a designee from the Planning Division [Chairperson], a designee from the Building Division, and a designee from the Land Development Division [representing the Public Works Department]), Integrated Waste Management, Fire, and Water. The representatives shall be the Director of the Department or their designees(s). An urban design professional may be retained on a consultant basis or placed on staff to provide input on design review as required by Chapter 19.38, Design Review.

(Ord. MC-1383, 1-16-13)

[Return to Municipal Code Contents]

B. DUTIES

The DRC shall perform the duties and functions provided in this Development Code.

C. POWERS

Final approval authority for: specified Development Permits, Tentative Parcel Maps, design review and adoption of Negative Declarations, subject to appeal to the Planning Commission. The DRC may impose conditions of approval.

(Ord. MC-1393, 12-02-13)

5. ENVIRONMENTAL REVIEW COMMITTEE (ERC)

A. MEMBERSHIP

The ERC members shall consist of representatives of the following departments: Community Development (a designee from the Planning Division [Chairperson], a designee from the Building Division, and a designee from the Land Development Division [representing the Public Works Department]), Integrated Waste Management, Fire, and Water. The representatives shall be the Director of the Department or their designees(s).

(Ord. MC-1383, 1-16-13)

B. DUTIES

The ERC shall perform the duties and functions provided in the City Environmental Review Guidelines, the California Environmental Quality Act (CEQA) and the CEQA State Guidelines, as amended.

C. POWERS

The ERC shall have authority to make determinations for Negative Declaration, mitigated Negative Declarations, or the need for preparing an Environmental Impact Report for discretionary (non-ministerial) applications. The ERC may recommend mitigation measures or requirements in making environmental determinations. Determinations of the ERC shall be final unless appealed to the Planning Commission. The ERC may recommend conditions of approval.

6. CITY ENGINEER

The City Engineer shall be responsible for the following:

- A. The processing and recommendation to the Council on all matters pertaining to final tract and final parcel maps.
- B. Determining if proposed subdivision improvements comply with the provisions of the Municipal Code, the Map Act and improvement standards.
- C. Establishing design and construction details, improvement standards and specifications.
- D. The processing and approval, conditional approval, or denial of certificates of compliance, mergers/unmergers and correction and amendment of maps.
- E. The inspection and approval of subdivision improvements.
- F. Establishment of security amounts, and other financial provisions.
- G. Approval of parcel maps without an agreement.
- H. Acceptance of dedications on parcel maps without an agreement.

(Ord. MC-782, 5-03-91)

19.02.050 Definitions

The words and phrases set out in this section, when used in this Development Code, shall, for the purposes of this Development Code only, have the following respective meanings. These definitions do not apply to any other chapter of the Municipal Code, and the same words and phrases may have different meanings in other chapters of the Municipal Code.

Abutting (Adjacent). Two or more parcels sharing a common boundary, of at least 1 point.

Abandoned. To cease or suspend from developing or maintaining a building or use for a stated period of time.

Abandoned Activity. A business or activity with no reported sales or activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

[Return to Municipal Code Contents]

Access. Safe, adequate, and usable ingress or egress to a property or use.

Accessory Building or Structure. A structure detached from a principal structure on the same lot, incidental to the principal building, and not designed for human habitation.

Accessory Use. A use that is incidental to the principal use on the same lot.

Action. The decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

Adult-Oriented Businesses. See Section 19.06.030 (2)(A) for specific definition of terms.

Agriculture. The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Ancillary Use. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Animal Boarding. The provision of overnight shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, training, grooming, and incidental medical care.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal.

Apartment/Multi-family. A portion of a structure designed and used for occupancy by 2 or more individual persons or families living independently of each other, including duplex, triplex, fourplex, and other multi-unit configurations.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

Artist Colony. A single or integrated group of structures providing live/work space for individuals who are engaged in a creative effort including but not limited to, studio arts, photography, music, dance theater and arts related businesses and services. Such colonies may include a retail component in addition to the live/work space provided.

Attached. Any structure that has an interior wall or roof in common with another structure.

Automobile Sales Lot. An open area used for the display, sale and/or rental of new or used automobiles.

Automobile Service Station. An area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automotive Stereo Shops. Establishments that either exclusively or as a substantial portion (+50%) of their floor area, sell and install automotive stereos and accessories. This category shall not apply to the establishment of a new Automotive Stereo shop in the Auto Center Plaza area.

Automobile Wrecking. The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Banquet Hall. An establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, parties, banquets, and other similar events. Such events shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment, including live entertainment, activities customarily found in association with banquets or receptions.

[\[Return to Municipal Code Contents\]](#)

Bar. An establishment that provides on-site alcoholic beverage sales for drinking on the premises and does not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses of 40, 42, 48, 49 or 61.

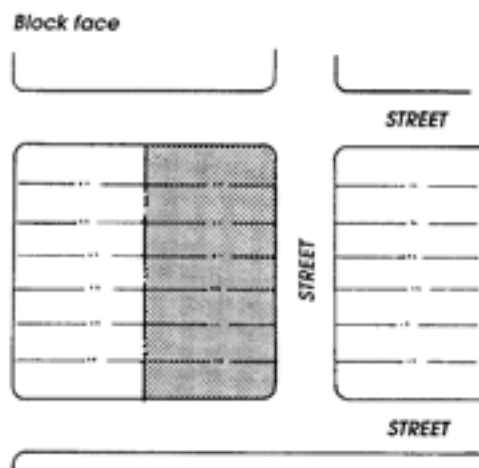
Basement. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than ½ of its height above grade.

Bed and Breakfast. A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

Berm. A mound or embankment of earth.

Block. A parcel of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof.

Block Face. One complete side of a block, usually facing a public street.



Blood Bank. A place where blood is collected from donors, typed, separated into components, stored, and prepared for transfusion to recipients. A blood bank may be a separate free-standing facility or part of a larger laboratory in a hospital, and may also include plasma centers.

Boarding House. A structure where lodging and meals for 7 or more boarders is provided for compensation.

Building. Any structure having a roof supported by columns or walls.

Building Area. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage. The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height. The building height is the vertical distance from the finished grade to the highest point of the structure, excluding chimneys and vents. Refer to Section 19.20.030 (13) for specific provisions (e.g., building pad, foundation, etc.).

Building, Principal. A building in which the principal use is conducted.

Building Site. The ground area of a building together with all open spaces required by this Development Code.

Carport. A permanent roofed structure not completely enclosed to be used for vehicle parking.

Certificate of Occupancy. A permit issued by the Planning and Building Services Department prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

Check-Cashing, Cash Advance, and Loan Facilities. Establishments that engage, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, such facilities do not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company.

1. This category shall include any business licensed by the California Commissioner of Corporations to make deferred deposit transactions pursuant to California Financial Code Section 23000 et seq., sometimes referred to as “payday advance,” “cash advance,” or “payday loan” services.
2. This category shall not include any ancillary check-cashing facility that is located entirely within a major retailer over 15,000 square feet in size.

City. The City of San Bernardino.

Clinic. A place for outpatient medical services to human patients.

Club. An association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Clustered Subdivision. A subdivision development in which building lots are sized to conform to the “footprint” of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

Combination Residence/Office Use. A structure used for a residence and an office where no major external structural alterations or additions are made and no advertising is permitted except for up to a 3 square foot attached sign identifying the name of the occupant or business.

Commercial Cannabis Activity. Any activity engaging in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Chapter 5.10 of the Municipal Code.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of San Bernardino.

Community Apartment. A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

Community Care Facility. Consistent with Health and Safety Code (Section 1267.8) the intermediate care facility shall include provisions for developmentally disabled habilitative - nursing or congregate living.

Community Garden. Any plot of land managed and maintained by community residents or community-based organizations for growing fruits, vegetables, herbs, or ornamental plants for consumption and use by local residents. The garden may be divided into individual or family plots, or it may be cultivated collectively.

Conditional Use/Development Permit. A discretionary entitlement which may be granted under the provisions of this Development code and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Construction Commencement. The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.

Convalescent Home. A place of residence for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents may include the elderly and younger adults with physical or mental disabilities. Residents in a convalescent home or skilled nursing facility may also receive physical, occupational, and other rehabilitative therapies following an accident or illness.

Convenience Store. The retail sale of groceries, staples, sundry items, and/or alcoholic beverages where the gross floor area is less than 5,000 square feet. This category shall not include any convenience store located on the same parcel with an automobile service station.

Council. The Mayor/Common Council of the City of San Bernardino.

County. The County of San Bernardino, hereafter referred to as “County.”

Court. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on 2 or more sides by the walls of a building.

Day Care Center, Children. A facility which provides non-medical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Day care center means any child care facility other than a family day care home and includes infant centers, pre-schools, and extended day care facilities.

Day Care Home, Children. A single-family residence, which is occupied and used as such and provides family day care to children under 18 years of age. Day care home includes:

Day Care Home - Small Family. The use of a single-family residence to provide family day care to 8 or fewer children, including children under the age of 10 years who reside at the home, in conformance with California Code of Regulations Title 22, Division 12.

[\[Return to Municipal Code Contents\]](#)

Day Care Home - Large Family. The use of a single-family residence to provide family day care to 9-14 children, inclusive, including children under the age of 10 years who reside at the home, in conformance with California Code of Regulations Title 22, Division 12.

Days. Shall always be consecutive calendar days unless otherwise stated.

Defensible Space. A design concept term used to describe a series of physical design characteristics that maximize resident control of behavior, particularly crime, within a public, semiprivate, or private area, structure, or community.

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Department. The San Bernardino City Planning and Building Services Department, hereafter referred to as the “Department.”

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

Detached. Any building or structure that does not have a wall or roof in common with any other building or structure.

Development. 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; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; 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 of any major vegetation. As used in this Development Code, “structure” includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A “project,” as defined in Government Code Section 65931, is included with this definition.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

Development Code. A unified text incorporating those areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code, hereafter referred to as the “Development Code.”

Director. The Director of the San Bernardino Community Development Department, hereinafter referred to as “Director” or designee.

Dormitory. A structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

Dwelling. A structure or portion thereof designed for residential occupancy, not including hotels or motels.

Dwelling, Multiple. A structure containing 2 or more dwelling units or a combination of 2 or more separate single family dwelling units.

Dwelling Unit. One or more rooms including bathroom(s) and a kitchen, designed as a unit for occupancy by 1 family for living and sleeping purposes.

Easement. A grant of 1 or more property rights by the property owner for the use by the public, a corporation or another person or entity.

Educational Institution. A school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Educational Service. A private educational institution, such as a charter school, university, etc., but does not include a vocational/trade/tech school.

Emergency Shelter. As used in Government Code Sections 65582, 65583 and 65589.5 (Senate Bill 2), and as defined in Health and Safety Code Section 50801(e), “emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Emergency shelters shall be occupied only by homeless persons unable to pay for housing. Facilities occupied by individuals who pay for their housing shall not be permitted as emergency shelters. Also referred to as “homeless shelter”, “homeless facility” or “social service center with a residential component.”

Entertainment (Live). Any act, play, revue, pantomime, scene, dance act, or song and dance act, or any combination thereof, performed by 1 or more persons whether or not they are compensated for the performance.

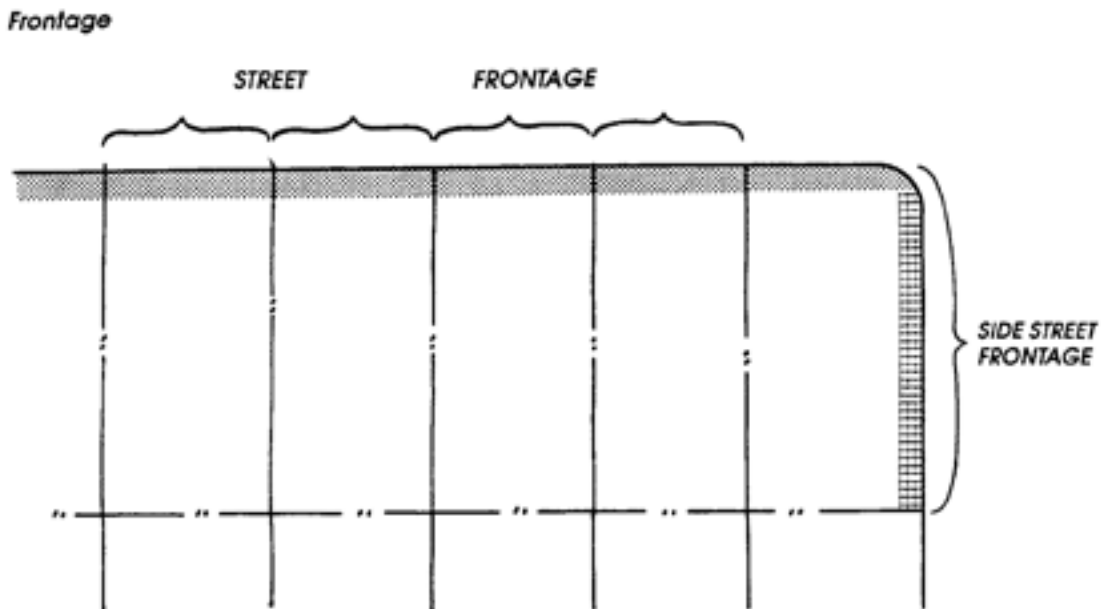
[\[Return to Municipal Code Contents\]](#)

Extended Lodging Facility. A limited service lodging facility containing one hundred (100) or more guest rooms in one or more buildings containing individual guestrooms or suites of rooms which provides some additional services such as kitchen facilities, amenities, recreational facilities, and/or meals. Lengths of stay are defined in Section 19.06.030(2)(Z)(11) of this Development Code.

Family. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen and eating areas within the dwelling unit.

Fraternity/Sorority House. A building rented or owned, and occupied by a regularly organized college fraternity or sorority as a place of residence.

Frontage. The side of a lot abutting a street (the front lot line), except the side of a corner lot.



Front Wall. The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments.

Fuel Dealer. A business that sells heating oil, propane and other fuels directly to end users. Business operations may include deliveries of fuel to customers. Fuel dealers are separate uses from automobile service stations.

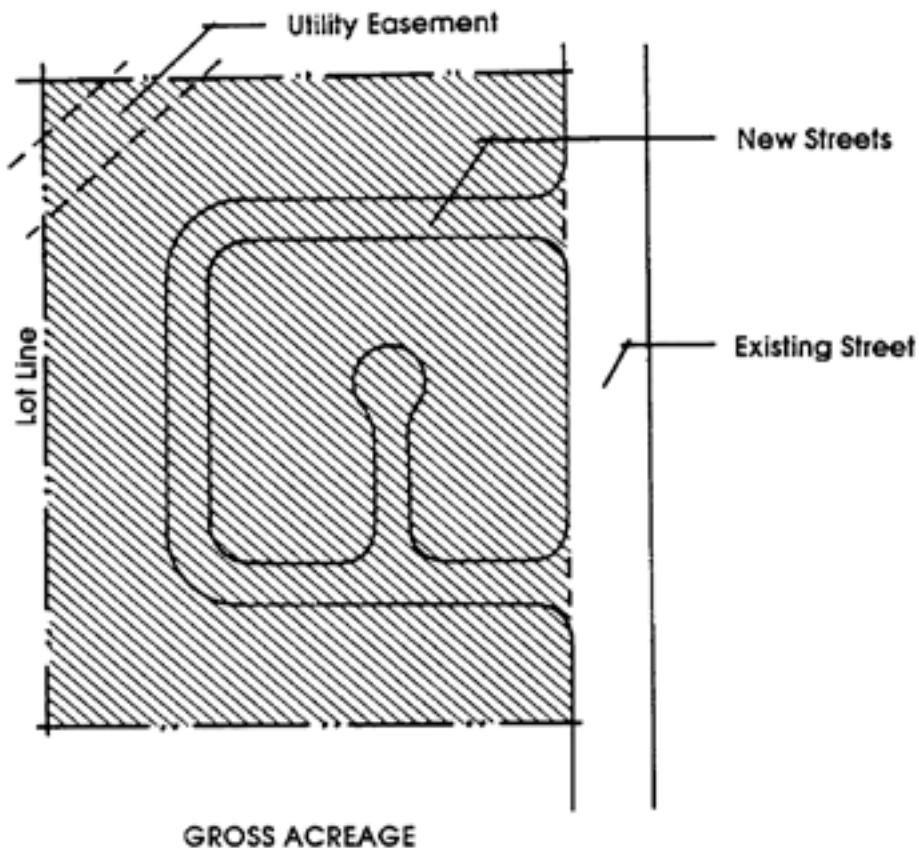
Garage. An enclosed building, or a portion of an enclosed building used for the parking of vehicles.

General Plan. The City of San Bernardino General Plan as adopted by the Mayor and Common Council, who may amend the Plan from time to time, hereafter referred to as the “General Plan.”

General Plan Land Use District. A portion of the City, as identified on the City’s General Plan Land Use Map, within which certain uses of land are defined and specified.

Grade. The degree of rise or descent of a sloping surface (see Slope).

Gross Acreage. The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.



Gross Floor Area. The area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

Guest House. Living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guest, or persons permanently employed on the premises.

Half Story. A story under a gable, hip or gambrel roof, plates of which are not more than 2 feet above the floor of such story.

Health/Athletic Club. An establishment with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, diet centers, reducing salons, fitness studios, health studios, and massage therapy as an accessory use to another health and fitness center use.

Home Occupation. An activity conducted in compliance with Chapter 19.54 carried out by an occupant conducted as an accessory use within the primary dwelling unit.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel. A full service lodging facility containing one hundred (100) or more guest rooms which provides some additional services such as restaurants, meeting rooms, amenities, and recreational facilities and stays are fourteen (14) days or less.

Indoor Retail Concession Mall. Any indoor, multi-tenant retail or discount mall, operated during regular business hours, wherein the majority of square footage is used (or offered) for concession or leased floor area and/or wall space for which a fee, commission, or lease is charged. Individual licensed vendors shall be permitted to engage in sales of either new or used merchandise.

Infill Development. Development that occurs on up to 4 contiguous vacant lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

Junk and Salvage Facility. Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

kennel. Any lot where 4 or more dogs, cats, or other small animals over the age of 4 months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

Landscaping. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculpture elements.

Land Use Zoning District. A portion of the City within which certain uses of land and structures are defined, and regulations are specified.

Liquor Stores. A retail store principally involved in the business of selling alcoholic beverages, including “hard liquor,” where sold for the consumption off the premises. This classification includes stores or facilities that are covered by a State license for “general alcohol sales” (Class 21 ABC license).

Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within an individual unit. Nonresidential uses should operate with limited noise, odor and other similar impacts, consistent with applicable City ordinances.

Lot. A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are:

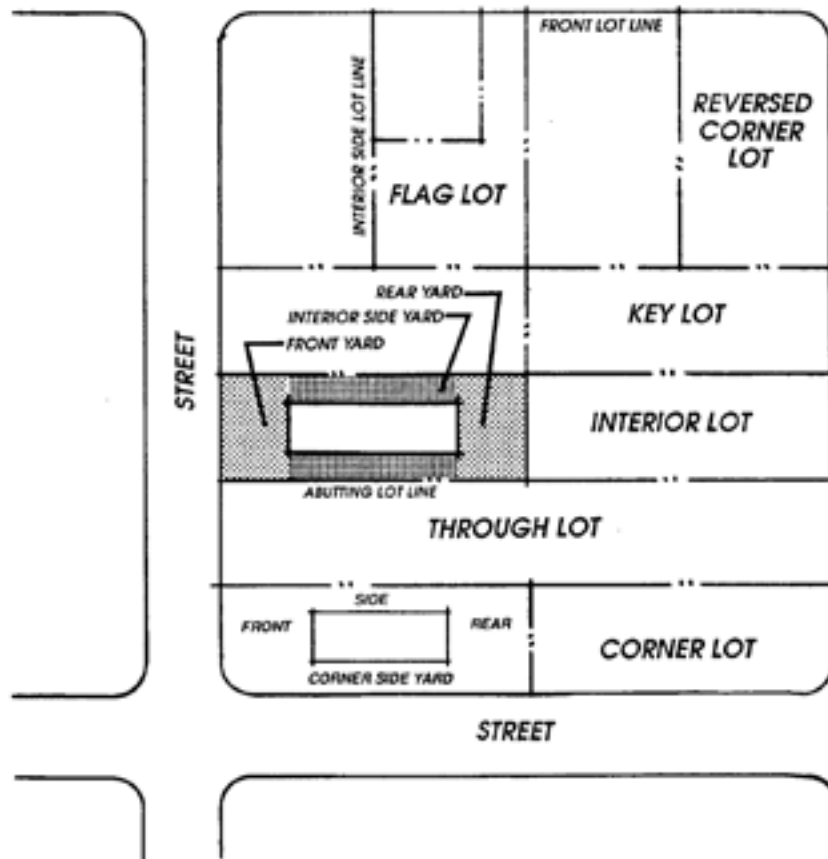
- Corner - A lot located at the intersection of 2 or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “interior lot.”
- Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way.
- Interior - A lot abutting only 1 street.
- Key - A lot with a side line that abuts the rear line of any 1 or more adjoining lots.

Reverse Corner - A corner lot, the rear of which abuts the side of another lot.

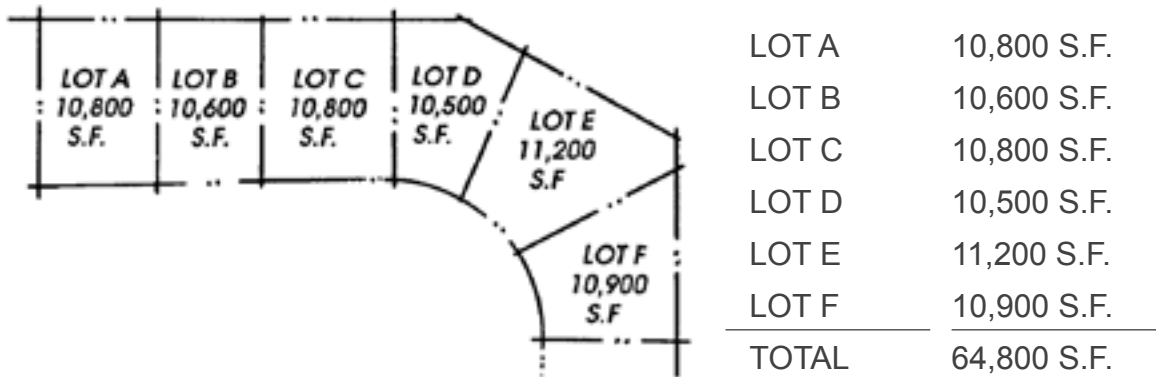
Through - A lot having frontage on 2 generally parallel streets, with only 1 primary access.

Lot Area. The total horizontal area included within the lot lines of a lot.

Illustration of Terms



Lot Averaging. The design of individual adjoining lots within a residential subdivision in which the average lot area equals the minimum prescribed area for the RL, Low Residential Land Use Zoning District. To maintain an average, some lots may be reduced to a maximum of 10% below the minimum lot size, while a corresponding number of lots shall each maintain a lot area of at least 10% above the minimum lot size. Allowable density shall be within the prescribed maximums.



$64,800 \text{ S.F.} \div 6 \text{ LOTS} = 10,800 \text{ S.F. AVE.}$

AVERAGE SIZE REQUIRED: 10,800 S.F.

Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

Lot Frontage. The portion of the lot contiguous to the street.

Lot Line. Any boundary of a lot. The classifications of lot lines are:

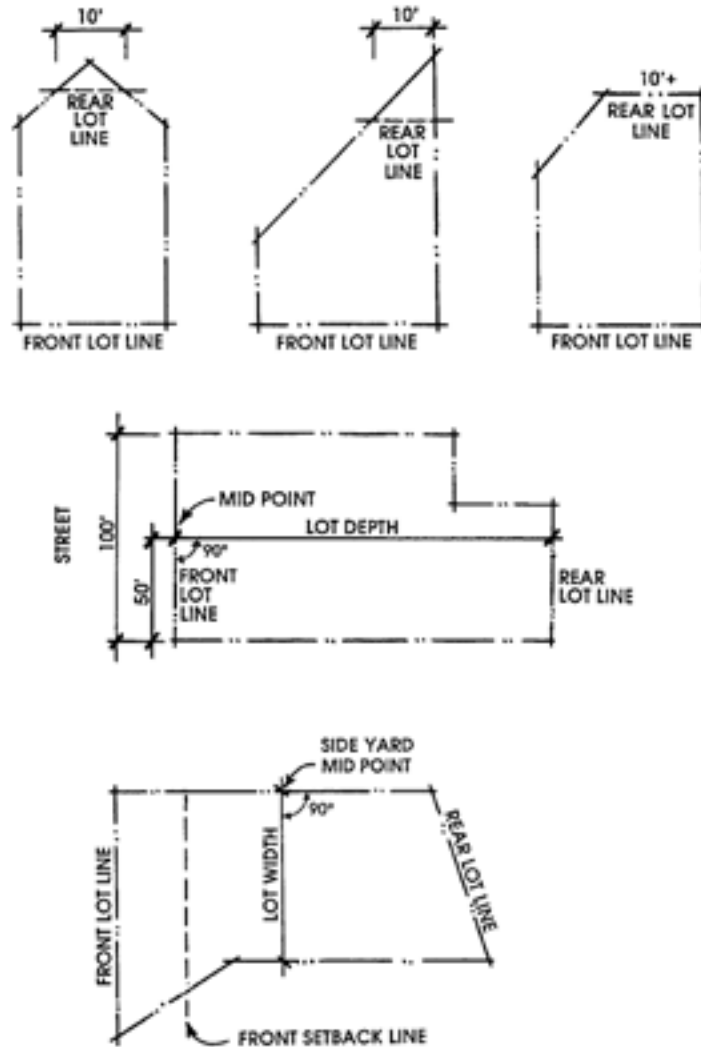
Front. On an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, the lot line abutting the street providing the primary access to the lot.

Interior. Any lot line not abutting a street.

Rear. A lot line, not intersecting a front line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 10 feet, parallel to and most

distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Development Code.

Side. Any lot line which is not a front or rear lot line.



Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

Manufactured Home. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws.

Median. A paved or planted area separating a street or highway into 2 or more lanes of opposite direction of travel.

Microbrewery. A small scale production of beer, with or without food service, including on-site storage and shipping of products produced on the premises; food service may be provided ancillary to the use.

Mini-Mall. Small-scale, up to 30,000 square feet, multi-tenant shopping center.

Mixed Use Development. The development of a parcel(s) or structure(s) with 2 or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile Home. Same as “Manufactured Home,” but subject to the National Manufactured Housing Construction and Safety Act of 1974.

Mobile Vendor. An individual providing sales of retail and/or food items from a moveable cart in a public place.

Motel. A limited service lodging facility which provides some additional services such as restaurants, amenities, and/or recreational facilities, and stays are fourteen (14) days or less.

Multi-Family Residential. Three (3) or more dwelling units in a single building on a site.

Neighborhood Grocery Stores. A full-service grocery store ranging in size from 5,001 to 15,000 square feet in gross floor area, that sells fresh fruit, vegetables, meat and fish, has food prepared on-site, and which may or may not sell alcohol.

Net Site Area. The total area within the lot lines of a parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Structure. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.

Nonconforming, Illegal. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

Nonconforming Lot. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code.

[\[Return to Municipal Code Contents\]](#)

Nonconforming Use. A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

Nurseries/Garden Supplies. Establishments that sell plants and related items (hoses, hardscaping materials, fountains, fertilizer, etc.) in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Outdoor Sales/Displays. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

Party Supply Stores. Establishments that either exclusively or as a substantial portion of their floor area, sell or rent party supplies and equipment. This category shall not include party supply stores of at least 2,500 square feet and located in a multi-tenant center of at least 20,000 square feet, or party supply stores established in a single-tenant building of at least 10,000 square feet of floor area; and approved under a Conditional Use Permit.

Pawn Shops. Businesses that loan money or other items of value to any person, firm or corporation, upon any personal property, personal security or the purchasing of personal property and reselling or agreeing to resell such articles at prices previously agreed upon. This category shall not include any legally established pawnshop in an unreinforced masonry building to be relocated to another building within 50 feet of the current location.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Permitted Use. Any use allowed in a zone and subject to the provisions applicable to that district.

Planned Residential Development (PRD). A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

Principal Use. The primary or predominant use of any lot, building or structure.

Public Park. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City which is under the control, operation or management of the City, the County, or the State.

Public Right-of-Way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Quarry. A place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use.

Queue Line. An area for temporary waiting of motor vehicles while obtaining a service or other activity.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all-terrain vehicles.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products, including automobiles.

Recycling Center. Small collection facilities which occupy an area of less than 500 square feet, and which accept by donation, redemption or purchase, recyclable materials from the public, unless required as a Certified Recycling Center by the California Public Resources Code, or donation drop boxes operated by a valid non-profit organization.

Religious Institution. A structure which is used primarily for religious worship and related religious activities.

Repairs/Services, Miscellaneous. Small-scale businesses under 5,000 square feet in gross floor area, which provide on-site repair and service of items, such as computers, appliances, electronics, plumbers, etc., but excluding vehicle repair and the installation of vehicle components, such as car stereos, window tinting, etc.

Residential Care Facility. A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Resort Hotel. A group of buildings containing guest rooms and providing outdoor recreational activities.

Rest Home. Premises used for the housing of and assisted caring for the aged and infirm. There shall be only incidental convalescent care not involving either a nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities.

Restaurant. A use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses, and may include licensed “on-site” provision of alcoholic beverage for consumption on the premises when accessory to such food service.

Restaurant, Drive-Thru. A use providing preparation and retail sale of food and beverages, as defined under “Restaurant” with the added provision of 1 or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

Restaurant, Take-Out Only. A use providing preparation and retail sale of food and beverages, as defined under “Restaurant”, but which contains no seating area for eat-in or outdoor dining.

Review Authority. The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement.

Rounding of Quantities. The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise provided in this Development Code.

Sales and Production of Handicraft Items. Small scale sales and production of products made from materials including, but not limited to clay, glass, plaster, precious metals, stone and wood.

Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite.

School. An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

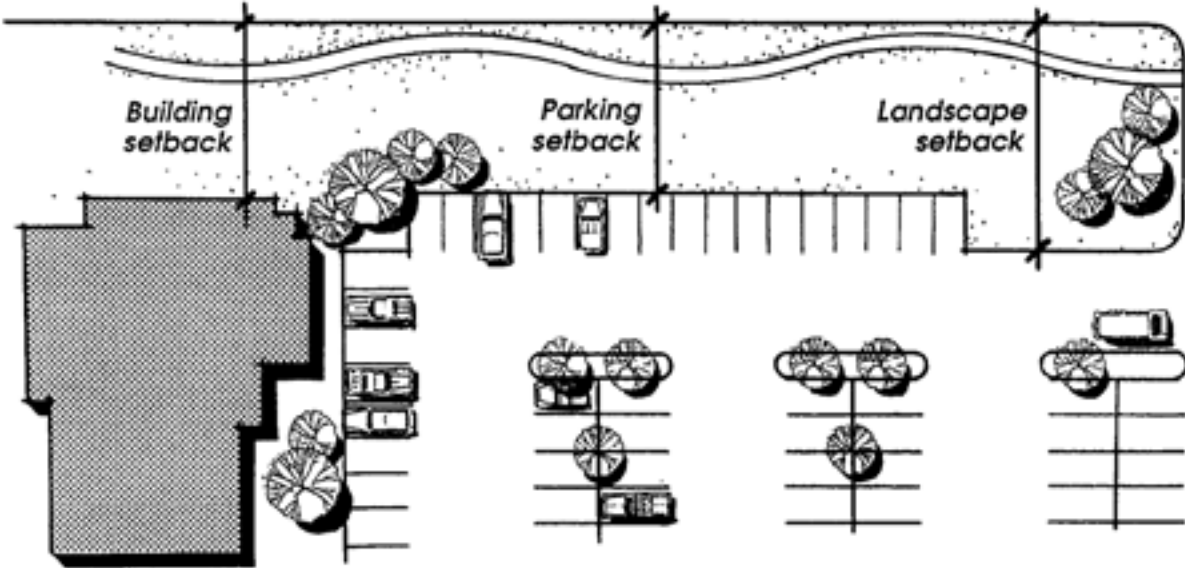
Second Hand Stores/Thrift Stores. Establishments that sell used merchandise such as clothing and shoes, household furniture, home furnishings and appliances, books and magazines, office furniture, used musical instruments, used phonographs and records, used fixtures and equipment, including re-sale shops, consignment shops, and similar businesses. This category shall not include the following:

1. Stores owned or operated by existing entities recognized as non-profit by the Secretary of State of the State of California, and in “good status” with the same.
2. Antique Stores – An antique, for the purposes of this ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, and at least 50 years old. This includes any premise used for the sale or trade of articles of which 90% or more are over 50 years old or have collectible value.
3. Existing, legally established indoor concession malls and outdoor swap meets, unless otherwise prohibited.

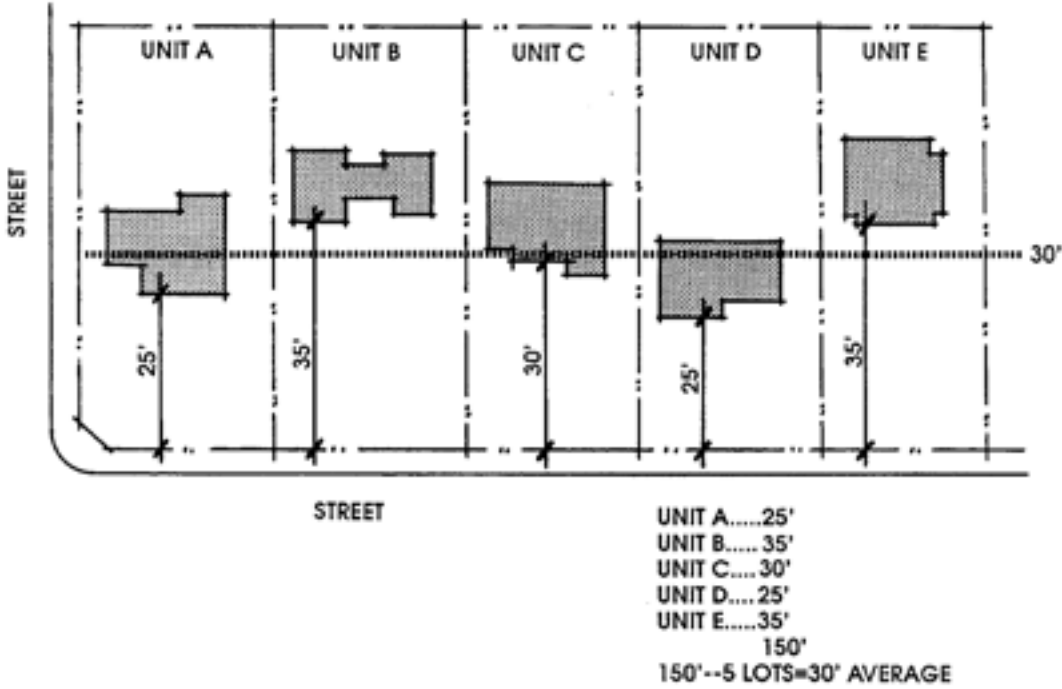
Self-service Laundry. Any commercial establishment providing the use of self-service washing machines and dryers to the public, usually coin-operated. This category shall not include self-service laundries approved under a Conditional Use Permit to be established in a multi-tenant center of at least 20,000 square feet.

Senior Congregate Care Housing. A structure(s) providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a lot line.



Setback, Front/Rear Average. The average front/rear yard setback of a group of 5 adjacent dwelling units. The setback on any unit may vary up to 5 feet as long as the average setback of all 5 units equals the minimum required for the land use zoning district.

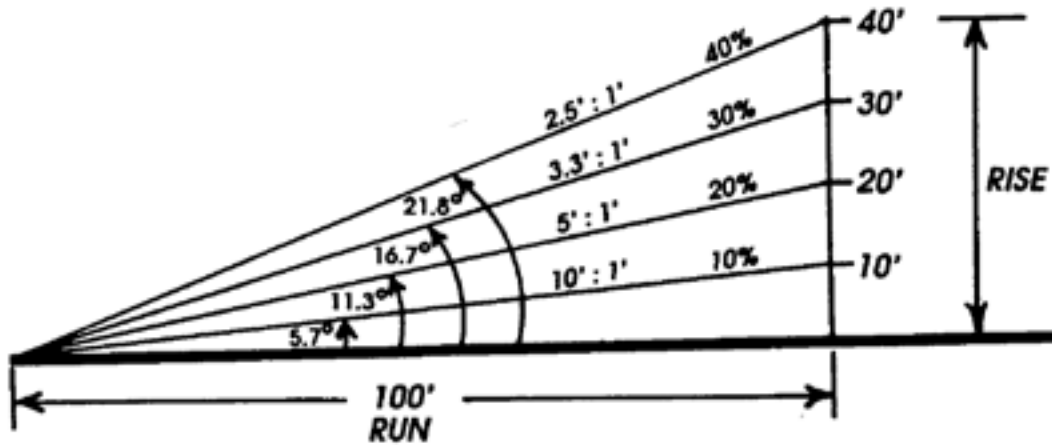


Sidewalk/Parking Lot Sale. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within the public rights-of-way.

Single-Price Overstock/Discount Store. Establishments that sell a broad range of outlet, close-out, discontinued, liquidation, or overstock merchandise, and primarily at a single discount price in the low and very low price ranges, including but not limited to food stuffs, alcoholic beverages, apparel and accessories, costume jewelry, notions and wares, housewares, fountain refreshments, and toys. This category shall not include single-price overstock discount stores containing a minimum floor area of 9,000 square feet in size and approved under a Conditional Use Permit.

Single Room Occupancy (SRO) Facility. A cluster of 7 or more units within a newly constructed residential hotel of weekly or longer tenancy providing sleeping or living facilities for 1 or 2 persons per unit, in which sanitary facilities may be provided within the units, and cooking facilities may be shared within the hotel.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.



Slope Percentage = Rise/Run x 100 = %

Slope Ratio = Run/Rise = (x) feet run to one foot rise = x:1

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Small Lot Subdivision. Limited lot size subdivision (5,000 s.f. minimum lot size) for single family detached dwellings.

Smoke Shops. Establishments that either exclusively or as a substantial portion (+50%) of their floor area, sell cigarettes, cigars, pipes, bong, tobacco, and related paraphernalia.

Social Service A service or activity undertaken to advance the welfare of people in need. A social service may include, but is not limited to, the distribution of food and/or goods; rehabilitative or recovery assistance programs; self-help or other treatment or assistance; drug and alcohol recovery facilities (outpatient or residential); supporting office use; supporting medical office or clinic use; supporting vocational or trade training; supporting personal services; and, any other similar use as determined by the Director.

Social Service Facility. A facility operated by a non-profit group or agency (public and/or private) that is open to the public that provides any service, or combination of services, defined in this code as "social service" to people in need on a less than 24-hour basis. This classification is distinguished from licensed day care centers, health clinics, and places of public assembly where any social service or activity is deemed ancillary (i.e. does not occupy more than 25% of the gross floor area) to the primary use or function; and, any similar use as determined by the Director.

Social Service (Residential) Facility. A facility operated by a non-profit group or agency (public and/or private) that is open to the public that provides any service, or combination of services, defined in this code as "social service" to people in need in which the party being served remains onsite on an overnight basis. This classification is distinguished from emergency shelters providing 24-hour or overnight care and places of public assembly where any social service or activity is deemed ancillary (i.e. does not occupy more than 25% of the gross floor area) to the primary use or function; and, any other similar use as determined by the Director.

Solar Facilities. The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

Specialty Food Stores. Retail stores specializing in particular or distinctive food items, including but not limited to retailers whose primary business maintains an inventory of gourmet, health, or ethnic food items not commonly found in area supermarkets or convenience stores, with no alcohol sales and no more than 15 percent of the gross floor area devoted to the sale of related accessory items.

Specific Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et. seq.

Stable, Commercial. A structure for keeping of horses, mules or ponies which are boarded for compensation.

Stable, Private. An accessory structure for the keeping of horses and for the use of occupants of the premises.

Standard Industrial Classification (SIC) System. The classification of establishments by type of activity which is determined by its principal product or group of products produced or distributed, or services rendered. The purpose of the system is to facilitate the collection, tabulation, presentation and analysis of data relating to the establishments. This system is detailed in the Federal Office of Management and Budget's Standard Industrial Classification Manual, as amended.

Storage. A space where goods, materials and/or personal property is put for more than 24 hours.

Story. That portion of a building included between the surface of any floor and the surface of and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Street. Any public or private thoroughfare, which affords a primary means of access to abutting property.

Student Housing Complex. A building or buildings containing multiple family dwellings which allow for each bedroom to be leased to students attending California State University, San Bernardino, which provides common area amenities for units ranging from one to no more than four bedrooms per unit. The site shall be adjacent to California State University, San Bernardino, bus service shall be available (within 500 feet of a bus stop), and retail services shall be within 2000 feet of the site. The designation will be applied only to projects which demonstrate an affiliation with California State University, San Bernardino; and to parcels located within 500 feet of California State University, San Bernardino and specifically, only on the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway,

[\[Return to Municipal Code Contents\]](#)

as designated in General Plan Amendment No. 01-06, and the 10.16 acres on the west side of Northpark Boulevard, northwest of the intersection of University Parkway and Northpark Boulevard in Tract 17703-2 Lot 1, and Tract 17703-3 Lots 1, 2 and 3." east of University Parkway, as designated in General Plan Amendment No. 01-06, and the 10.16 acres on the west side of Northpark Boulevard, northwest of the intersection of University Parkway and Northpark Boulevard in Tract 17703-2 Lot 1, and Tract 17703-3 Lots 1, 2 and 3."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Supermarket. A full-service, self-service retail store, larger than 15,000 square feet in gross floor area, which sells food and household supplies.

Swap Meets. Any outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charge to prospective buyer for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Tattoo Parlors and/or Body Piercing Studios. Establishments that engage in any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring and/or establishments that create an opening in the body of a person for the purpose of inserting jewelry or other decoration. This category shall not include licensed physicians, nurses, electrologists, and cosmetologists and shall also not include jewelry stores that offer ear piercing.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Tire Stores. Establishments less than 5,000 square feet in size which sell new and/ or used automobile tires and accessories. This category shall not include legally established service stations and auto repair facilities.

Traffic Safety Sight Area. A space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited.

Transit Center. A passenger station for bus and rail mass transit systems including bus bays, railway platforms, administrative offices, security, quasi-public meeting rooms, public waiting areas, public restrooms; also providing minor ancillary services for administrative purposes and/or maintenance of vehicles or trains and provision for supportive paratransit services.

Transportation/Distribution. Establishments whose sole purpose is to provide for the consolidation, division and/or distribution of bulk goods through the use of large trucks and trailers. This classification includes cross-dock trucking uses, which have only minimal warehousing facilities.

Truck Stop. A commercial facility that provides fuel, parking and usually food and other services to long-haul trucks. Truck stops are usually located on or near a busy road and consist of a diesel grade fueling station with bays wide and tall enough for modern tractor/trailer rigs and have a large enough parking area to accommodate trucks or other heavy vehicles. Auto-related services, similar to automobile service stations may or may not also be an incidental use within the truck stop.

Use. The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

Use Initiation. The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

Variance. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Development Code.

Veterinary Services. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, or selling of pet supplies, and which may or may not provide boarding.

Wildlands. Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

Yard. An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code.

Yard, Front. An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

[\[Return to Municipal Code Contents\]](#)

Yard, Interior Side. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

Yard, Rear. An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto. On flag lots, the rear yard location shall be determined through project review.

Yard, Side of Street. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a structural setback line parallel thereto.

Zero Lot Line. The location of a structure on a lot in such a manner that 1 or more of the structure's sides rest directly on a lot line.

Zone. A portion of the City within which certain uses of land and structures are defined, and regulations are specified.

(Ord. MC-1559, 5-05-21; Ord. MC-1548, 10-21-20; Ord. MC-1519, 7-17-19;
Ord. MC-1406, 7-21-14; Ord. MC-1393, 12-02-13; Ord. MC-1381, 12-19-12;
Ord. MC-1375, 7-10-12; Ord. MC-1363, 8-02-11; Ord. MC-1354, 7-06-11;
Ord. MC-1342, 12-07-10; Ord. MC-1132, 11-20-02; Ord. MC-1126, 6-04-02;
Ord. MC-1093, 3-05-01; Ord. MC-997, 7-08-97; Ord. MC-972, 6-04-96;
Ord. MC-841, 7-08-92; Ord. MC-825, 3-17-92; Ord. MC-809, 10-08-91; Ord. MC-782, 5-03-91)

19.02.060 Establishment of Zones

1. ESTABLISHMENT OF ZONES

San Bernardino shall be divided into zones which consistently implement the General Plan. The following zoning districts are established:

RE (Residential Estate) Zone

RL (Residential Low) Zone

RS (Residential Suburban) Zone

RU (Residential Urban) Zone

RM (Residential Medium) Zone

[\[Return to Municipal Code Contents\]](#)

RMH (Residential Medium-High) Zone

RH (Residential High) Zone

CO (Commercial Office) Zone

CG-1 (Commercial General) Zone

CG-2 (Commercial General-2) Zone

CG-3 (Commercial General-3) Zone

CR-1 (Commercial Regional-Malls) Zone

CR-2 (Commercial Regional-Downtown) Zone

CR-3 (Commercial Regional-Tri-City/Club) Zone

CR-4 (Commercial Regional-Auto Plaza) Zone

CH (Commercial Heavy) Zone

CCS-1 (Central City South-1) Zone

CCS-2 (Central City South-2) Zone

OIP (Office Industrial Park) Zone

IL (Industrial Light) Zone

IH (Industrial Heavy) Zone

IE (Industrial Extractive) Zone

OS (Open Space) Zone

PCR (Public/Commercial Recreation) Zone

PF (Public Facility) Zone

PFC (Public Flood Control) Zone

PP (Public Park) Zone

SP (Specific Plan) District

A (Airport Overlay) District (AD-I, AD-II, AD-III, AD-IV, AD-V)

FC (Freeway Corridor Overlay) Zone

FF (Foothill Fire Zones Overlay) Zone (Zones A, B, and C)

FP (Flood Plain Overlay) Zone

HM (Hillside Management Overlay) Zone

HP (Historic Preservation Overlay) Zone

MS (Main Street Overlay) Zone

RSH (Residential Student Housing) Zone

TD Transit Overlay District Zone

UBP (University Business Park) Zone (UBP-1, UBP-2, UBP-3)

2. ADOPTION OF ZONING MAP

The boundaries of the zoning districts established by this Section shall be shown upon the map designated as the “City of San Bernardino Official Zoning Map,” on file with the City Clerk, and available at the Community Development Department. This map shall be consistent with the adopted General Plan Land Use Map. Amendments shall follow the process outlined in Chapter 19.74 (Zoning Map Amendments).

3. RULES APPLYING TO UNCERTAIN BOUNDARIES ON ZONING MAP

The following shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

- A. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary.

- B. Where a district boundary divides a lot or parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted General Plan Land Use District Map and legal description of the parcel.
- C. Where any public right-of-way is officially vacated or abandoned, the zoning regulations applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way.
- D. In case any uncertainty exists, the Director shall determine the location of the district boundary.

4. PRE-ZONING

The City may pre-zone unincorporated property adjoining the City. This process shall comply with Chapters 19.50 (General Plan Amendments) and 19.74 (Zoning Map Amendments). The zoning shall become effective upon annexation.

(Ord. MC-1393, 12-02-13; Ord. MC-1387, 3-04-13; Ord. MC-782, 5-03-91)

19.02.070 General Requirements

1. APPLICATION

All land or structures shall be used and constructed in accordance with the regulations and requirements of this Development Code including obtaining applicable permits prior to use initiation.

2. CONFLICTING PERMITS AND LICENSES TO BE VOIDED

All permits or licenses shall be issued in conformance with the provisions of this Development Code. Any permit or license subsequently issued and in conflict with this Development Code shall be null and void.

3. SIMILAR USES PERMITTED

When a use is not specifically listed in this Development Code, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this Development Code, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Development Code and the Standard Industrial Classification Manual for determining similarity.

In determining "similarity," the Director shall make all of the following findings:

- A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the General Plan;
- B. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
- C. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and
- D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the zone in which it is to be located.

4. MINIMUM REQUIREMENTS

When interpreting and applying the regulations of this Development Code, the provisions shall be the minimum requirements, unless otherwise stated.

5. CONFLICT WITH OTHER REGULATIONS

Where conflicts occur between the provisions of this Development Code and the Building and Fire Codes, or other regulations of the City, the more restrictive shall apply.

It is not intended that this Development Code shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement in effect at the time of adoption. Where this Development Code imposes a greater restriction upon the use of structures or land, the provisions of this Development Code shall apply.

Nothing contained in this Development Code shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both. Nor shall anything in this Development Code be deemed to repeal or amend the Building Code of the City.

6. LANGUAGE

In interpreting this Development Code, it is understood that the term “shall” is mandatory, “should” is not mandatory, and “may” is permissive.

7. IMPLEMENTATION

All applications which have been accepted as complete, pursuant to Government Code Section 65943, by the Department prior to the effective date of this Development Code, shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with this Development Code.

(Ord. MC-1393, 12-02-13; Ord. MC-782, 5-03-91)

19.02.080 Density and Intensity

The density and intensity limitations established in the Land Use Element of the General Plan shall apply to each lot, except as provided in this Development Code.

(Ord. MC-782, 5-03-91)

19.02.090 Severability

If any chapter, section, subsection, sentence, clause, or phrase of this Development Code is for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Development Code. The Council hereby declares that it would have adopted this Development Code and each chapter, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more portions of this Development Code might be declared invalid.

(Ord. MC-782, 5-03-91)

ARTICLE II - ZONES

CHAPTER 19.04 RESIDENTIAL ZONES

Sections

- 19.04.010 Purpose
- 19.04.020 Permitted, Development Permitted, and Conditionally Permitted Uses
- 19.04.030 Development Standards
- 19.04.040 Applicable Regulations

Tables

- 04.01 Permitted, Development Permitted, and Conditionally Permitted Uses
- 04.02 Residential Development Standards
- 04.03 Residential Zones Specific Standards

Guidelines

- G19.04.050 Residential Development Design Guidelines

19.04.010 Purpose

1. The purpose of this Chapter is to achieve the following:
 - A. Reserve neighborhood areas for residential living with a broad range of dwelling unit densities (i.e., low-density estate, single-family detached and attached, multi-family, and housing for special needs) consistent with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics.
 - B. Ensure adequate light, air, privacy, and open space for each dwelling.
 - C. Minimize traffic congestion and avoid the overloading of public services and utilities.
 - D. Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
 - E. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- F. Provide lands to accommodate housing units which meet the diverse economic and social needs of the residents; locating development to achieve the following:
 - 1. Retain the scale and character of existing residential neighborhoods;
 - 2. Facilitate the upgrade of declining and mixed-density residential neighborhoods; and
 - 3. Allow expansion into vacant and low-intensity use lands within infrastructure and environmental constraints.
- G. Single-family dwelling units which legally existed in the residential zones prior to June 3, 1991 may remain as a permitted use.

(Ord. MC-1393, 12-02-13; Ord. MC-823, 3-03-92)

- 2. The purpose of the individual residential zones is as follows

(Ord. MC-1393, 12-02-13)

- A. RE (RESIDENTIAL ESTATE) ZONE

This zone is intended for low density residential units located on large lots and conveying an "estate" character with a minimum lot size of 1 net acre per unit.

- B. RL (RESIDENTIAL LOW) ZONE

This zone is intended to promote the development of low-density, large lot, single-family detached residential units with a minimum average lot size of 10,800 square feet. The RL zone allows a maximum density of 3.1 units per net acre.

- C. RS (RESIDENTIAL SUBURBAN) ZONE

This zone is intended to promote the development of single-family detached units in a suburban setting with a minimum lot size of 7,200 square feet, and a maximum density of 4.5 units per net acre.

D. RU (RESIDENTIAL URBAN) ZONE

This zone is intended to promote the development of detached and attached units, duplex, mobile home parks, and small lot subdivisions as part of a planned residential development where the intent is to consolidate lots to achieve maximum open space. The RU zone requires a minimum lot size of 7,200 square feet. However, on existing lots of record, recorded prior to June 2, 1989, a minimum lot area of 6,200 square feet and existing lot widths and depths are permitted. The RU zone allows a maximum density of eight units per net acre, and permits the development of senior citizen and senior congregate care housing at a maximum density of 12 units per net acre with a marketing feasibility study and a conversion plan. Multi-family units which legally existed in the RU zone prior to June 3, 1991, may remain as a permitted use.

(Ord. MC-821, 2-19-92)

E. RESIDENTIAL MULTI-FAMILY ZONES

These zones are intended to promote the development of multi-family townhomes, condominiums, and apartments.

All multi-family zones require a reduced density if the minimum lot size for the zone is not met, and shall comply with maximum densities provided in Table 04.02.

Multi-family units which legally existed in the multi-family zones prior to June 3, 1991, may remain as a permitted use.

(Ord. MC-821, 2-19-92)

1. RM (Residential Medium) Zone

This zone requires a minimum lot size of 14,400 square feet with a maximum density of 12 units per net acre. Parcels less than 14,400 square feet in area shall be developed at RU density.

2. RMH (Residential Medium High) Zone

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 24 units per net acre. Lots 14,400-20,000 square feet shall be development at RM density. Lots less than 14,400 square feet shall be developed at RU density.

[Return to Municipal Code Contents]

3. RH (Residential High) Zone

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 31 units per net acre. Lots 14,400-20,000 square feet shall be developed at RM density. Lots less than 14,400 square feet shall be developed at RU density.

All multi-family zones listed above permit the development of senior citizen and senior congregate care housing at a density up to 50% greater than that allowed in the zone with a marketing feasibility study and a conversion plan.

4. RSH (Residential Student Housing) Zone

The overlay district is specifically designed to allow student housing complexes on lots located within 500 feet of California State University San Bernardino, and which are at least five acres in size, at a maximum density of 20 units per acre and with no more than 75 bedrooms per acre, and specifically, only on the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06, and the 10.16 acres on the west side of Northpark Boulevard, northwest of the intersection of University Parkway and Northpark Boulevard in Tract 17703-2 Lot 1, and Tract 17703-3 Lots 1, 2 and 3. In the event that the project no longer houses California State University, San Bernardino students or is demolished, further use of the site will revert back to the underlying land use district policies and standards.

Ord. MC-1406, 7-21-14

19.04.020 PERMITTED, DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES

The following list represents those uses in the residential zones which are Permitted (P), subject to an Administrative or Development Permit (D), a Conditional Use Permit (C), a Fence Permit (F) or Prohibited (X):

**Table 04.01
PERMITTED, DEVELOPMENT PERMITTED, AND CONDITIONALLY PERMITTED USES**

LAND USE ACTIVITY	RE	RL	RS	RU	RM	RMH	RH	RSH
1. Residential Uses								
A. Community Care Facility (6 or less)	P	P	P	P	P	P	P	X
B. Condominium or Townhouse	D	D	D	D	D	D	D	X
C. Convalescent Homes	X	X	X	C	D	D	D	X
D. Day Care Center ¹	C	C	C	C	C	C	C	X
E. Day Care Homes, Family								
8 or less children ²	P	P	P	P	P	P	P	X
9 to 15 children ²	D	D	D	D	D	D	D	X
F. Dormitories/Fraternity/Sorority								
G. Homeless Facilities	X	X	X	X	C	C	C	X
H. Manufactured Housing								
I. Mobile Home Parks or Subdivisions	D	D	D	D	D	D	D	X
J. Multi-Family Dwellings								
Multi-Family Dwellings, Existing ³	X	X	X	P	P	P	P	X

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

LAND USE ACTIVITY	RE	RL	RS	RU	RM	RMH	RH	RSH
L. Planned Residential Developments ²	X	X	X	D	D	D	D	X
M. Accessory Dwelling Unit ^{7, 8}	P	P	P	P	P	P	P	P
N. Senior Citizen/Congregate Care Housing	X	X	X	D	D	D	D	X
O. Single-Family Dwellings	D	D	D	D	D	D	D	X
P. Single-Family Dwellings, Existing ⁴	P	P	P	P	P	P	P	X
Q. Small Lot Subdivision	X	X	X	D	D	D	D	X
R. Student Housing Complex ⁵	X	X	X	X	X	X	X	C
2. Equestrian Uses								
A. Stables, Private	D	D	D	D	D	D	D	X
B. Stables, Commercial	C	C	C	C	C	C	C	X
3. Agricultural Uses	C	C	C	C	C	C	C	X
4. Recreational Uses								
A. Clubhouse	C	C	C	C	C	C	C	X
B. Golf Course	C	C	C	C	C	C	C	X

LAND USE ACTIVITY	RE	RL	RS	RU	RM	RMH	RH	RSH
C. Golf Course Related Facilities	C	C	C	C	C	C	C	X
D. Swimming Pool/Spa ⁷	P	P	P	P	P	P	P	P
E. Tennis Court, Private	D	D	D	D	D	D	D	X
F. Trails, Equestrian	P	P	P	P	P	P	P	X
5. Accessory Uses								
A. Antennae, Vertical/Satellite Dish	D	D	D	D	D	D	D	X
B. Fences and Walls ²	F	F	F	F	F	F	F	X
C. Garage ²	P	P	P	P	P	P	P	X
D. Garage Sales	P	P	P	P	P	P	P	X
E. Guest Houses ⁷	P	P	P	P	X	X	X	X
F. Patio/Gazebo ²	P	P	P	P	P	P	P	X
G. Storage ²	P	P	P	P	P	P	P	X
6. Other								
A. Churches	C	C	C	C	C	C	C	X

LAND USE ACTIVITY	RE	RL	RS	RU	RM	RMH	RH	RSH
B. Private/Public Utility Facilities	D	D	D	D	D	D	D	X
C. Private Schools	C	C	C	C	C	C	C	X
D. Vocational/Trade Schools ⁶	X	X	X	C	X	X	X	X
E. Social Service Uses/Centers ²	X	X	X	X	C	C	C	C

F. Other such uses that the Director may find to be similar with those uses previously listed, pursuant to Section 19.02.070(3)

7. Home Occupation (Subject to [H] Home Occupation Permit)	H	H	H	H	H	H	H	X
---	---	---	---	---	---	---	---	---

8. Temporary Uses (Subject to [T] Temporary Use Permit/ Special Event Permit)	T	T	T	T	T	T	T	X
---	---	---	---	---	---	---	---	---

¹ Ord. MC-841, 7-08-92
² Ord. MC-1381, 12-19-12
³ Ord. MC-821, 2-19-92
⁴ Ord. MC-823, 3-03-92
⁵ Ord. MC-1132, 11-20-02
⁶ Ord. MC-933, 2-09-95
⁷ Ord. MC-1393, 12-02-13
⁸ Ord. MC-1559, 5-05-21

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

19.04.030 DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

The standards contained in [Table 04.02](#) (Residential Development Standards) relating to density, lot area and configuration, building setbacks, building lot coverage and height, accessory building and structure height, distance between buildings, and private outdoor living space, apply to all residential zones, and shall be determined to be minimum requirements, unless states as maximum by this Development Code.

- A. Single-Family Dwellings located in the RU, RM, RMH, or HR zones shall be constructed in compliance with the development standards for the RS zone.
- B. Accessory Dwelling Units shall be constructed in compliance with the requirements of Section 19.04.030(2)(P).

(Ord. MC-1559, 5-03-21⁹; Ord. MC-1393, 12-02-13)

⁹ Ord. MC-1559, 5-03-21 contains a typographical error that would have caused 19.02.030 to accidentally be supplanted with the text of 19.04.030(1). The City Attorney's Office has advised to instead place the content and reference into 19.04.030 where it was intended and provide this explanation.

**Table 04.02
RESIDENTIAL DEVELOPMENT STANDARDS**

Standard	RE	RL	RS	RU	RM	RMH	RH	RSH (Ord. MC-1132, 12-20-02)	CO	CG-2	CR-2
Lot Area Maximum Units/ Net Acre	1	3.5	4.5	8 12 Sr.	12 18 Sr.	24 36 Sr.	31 47 Sr.	20 (60 bed-rooms)	47 Sr.	12W/21E 18W/31E Sr.	47 130 Sr.
Lot Area (s.f.) (Minimum required for new development)	1 ac.	10,800 av. 9,720 min.	7,200	7,200 ⁽⁴⁾	14,400 ⁽²⁾	20,000 ⁽³⁾	20,000 ⁽³⁾	5 ac.	1 ac.	1 ac.	1 ac-R 20,000 MU
Lot Width (feet)	150	80	60	60	60	60	60	150	60	60	60
Corner Lot Width	150	88	66	66	66	66	66	150	66	66	66
Lot Depth (feet)	100	100	100	100	100	100	100	150	100	100	100
Front Setback (feet)	35	25 ⁽⁸⁾ 20	25 ⁽⁸⁾ 20	25 ⁽⁸⁾ 20	25 ⁽⁸⁾ 20	20 ⁽⁸⁾ 15	20 ⁽⁸⁾ 15	40	15	10	-0-
Rear Setback (feet) ⁽⁴⁾	20	20 av. 15 min.	20 av. 15 min.	10	10	10	10	20	10	10	-0-
Side Setback minimum (feet)	5	5	5	5	1-story: 5' plus 1' for ea. 15' of wall length	15	30	30	1-story: 5' plus 1' for ea. 15' of wall length		-0-
DU Separation ⁽⁴⁾	15	15	15	15	2-story: 10' plus 1' for ea. 15' of wall length	15			2-story: 10' plus 1' for ea. 15' of wall length		
Side Setback Street Side (feet)	15	15	15	15	15	15	15	30	10	10	-0-

(Ord. MC-876, 6-09-93)

Standard	RE	RL	RS	RU	RM	RMH	RH	RSH (Ord. MC-1132, 12-20-02)	CO	CG-2	CR-2
Building Lot Coverage (Maximum %)	35	35	35	40	50	50	50	50	50	50	100
Distance Between Buildings (feet)	10	10	10	20	20	20	20	25	20	20	20
Private Outdoor Living Space (s.f.)	NA	NA	NA	300 s.f. or 25% of unit size whichever is less	300 s.f. or 25% of unit size whichever is less	300 s.f. or 25% of unit size whichever is less	300 s.f. or 25% of unit size whichever is less	35% of unit size ⁽⁶⁾	300 s.f. or 25% of unit size whichever is less	300 s.f. or 25% of unit size whichever is less	30% of net site area
Common Usable Outdr Living Space (s.f.)	NA	NA	NA	30% of net site area	30% of net site area	30% of net site area	30% of net site area	30% of net site area	30% of net site area	30% of net site area	30% of net site area
Maximum Structure Height in Stores (feet)	3 (45)	2.5 (35)	2.5 (35)	2.5 (35)	3 ⁽⁵⁾ (42)	3 ⁽⁵⁾ (42)	4 ⁽⁵⁾ (56)	4 (56)	4 ⁽⁵⁾ (56)	2 (30)	2 (100) ⁽⁶⁾
Maximum Avg. No. of Attached Dwelling Units	6 ⁽⁷⁾	6 ⁽⁷⁾	6 ⁽⁷⁾	8	12	12	12	30	12	12	NA

av. = Average W = West of I-215 MU = Mixed Use ac. = Acre Sr. = Senior min.= Minimum E = East of I-215 R = Residential s.f. = square feet

⁽¹⁾ For lots of record prior to June 2, 1989, the minimum lot area is 6,200 s.f. and existing lot widths and depths are permitted.

⁽²⁾ The min. lot size may be less than 14,400 s.f. for parcels existing prior to November 1, 2012.

Ord. MC-1381, 12-19-12

⁽³⁾ The min. lot size may be less than 20,000 s.f. for parcels existing prior to November 1, 2012.

Ord. MC-1381, 12-19-12

⁽⁴⁾ See Section 19.04.030(2)(A) for accessory structure setback requirements.

⁽⁵⁾ Except within 75 feet of the Residential Suburban (RS) zone where the height shall be limited to 2.5 stores or 35 feet.

⁽⁶⁾ See Section 19.06.030(2)(E) for allowable 50 foot additional bonus height.

⁽⁷⁾ Attached dwelling units are only permitted in the Hillside Management Overlay District.

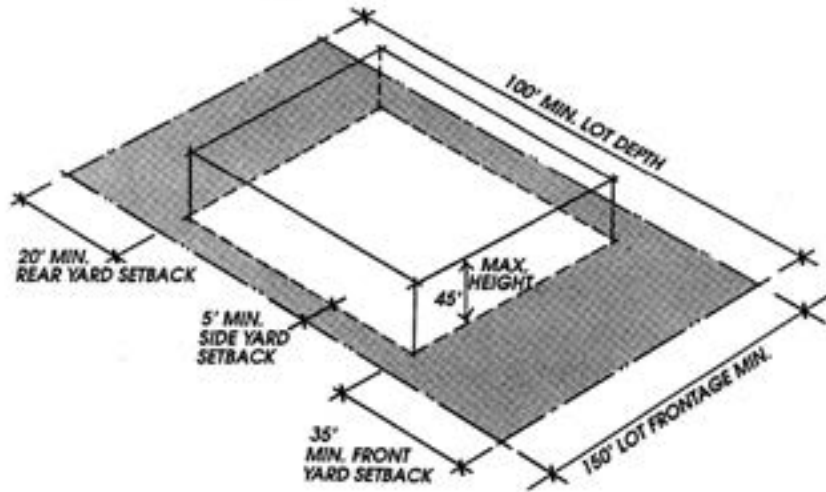
⁽⁸⁾ A 5-foot reduction in the minimum front yard setback is allowable for individual lots when yard averaging is used in conjunction with new subdivisions.

Ord. MC-888, 12-07-93

⁽⁹⁾ A minimum of 5% of the outdoor living space must be private (balcony or patio), and a minimum of 25% of the outdoor living space must be common usable space (not including parking lot landscaping, or landscaped setback areas). The balance (5%) may be either common or private usable open space. See Chapter 19.04, Section 19.04.030 (2)(U)(3).

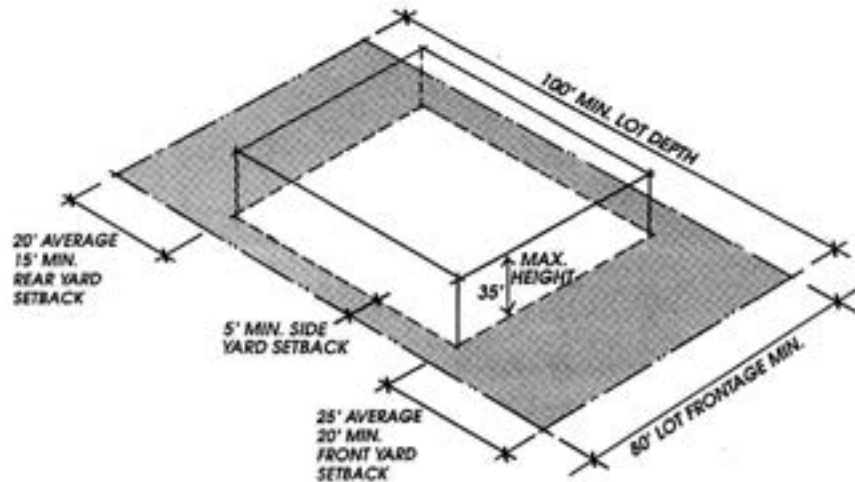
Site Development Standards RE (Residential Estate) Zone

Minimum Lot Area: 1 Acre
Max. Lot Coverage: 35%



Site Development Standards RL (Residential Low) Zone

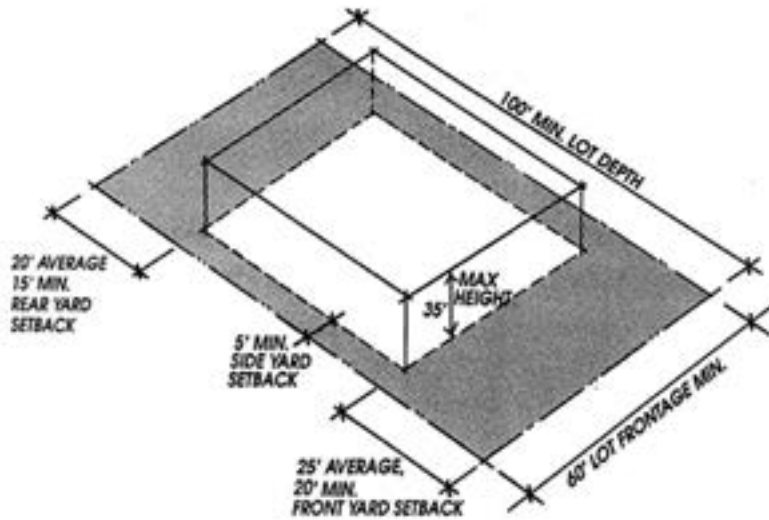
Minimum Lot Area: 10,800 square feet
Max. Lot Coverage: 35%



Site Development Standards RS (Residential Suburban) Zone

Minimum Lot Area: 7,200 square feet

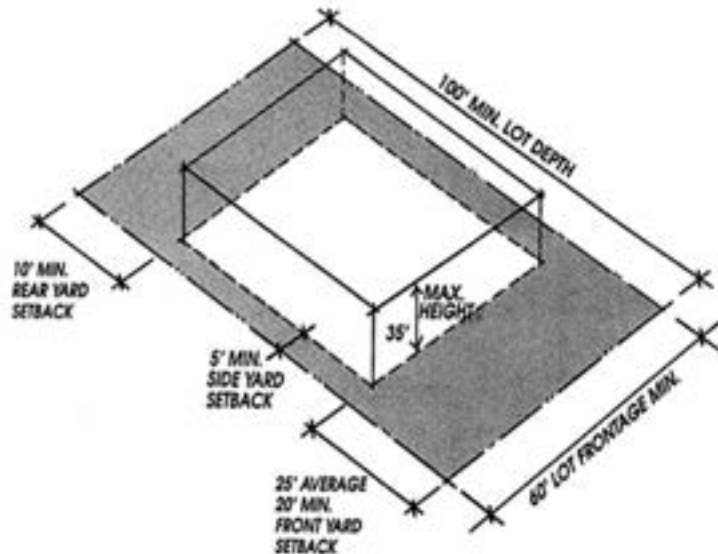
Max. Lot Coverage: 35%



Site Development Standards RU (Residential Urban) Zone

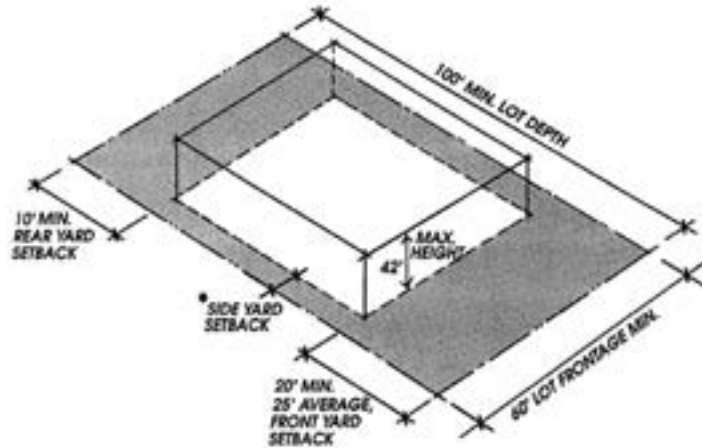
Minimum Lot Area: 7,200 square feet

Max. Lot Coverage: 40%



Site Development Standards RM (Residential Medium) Zone

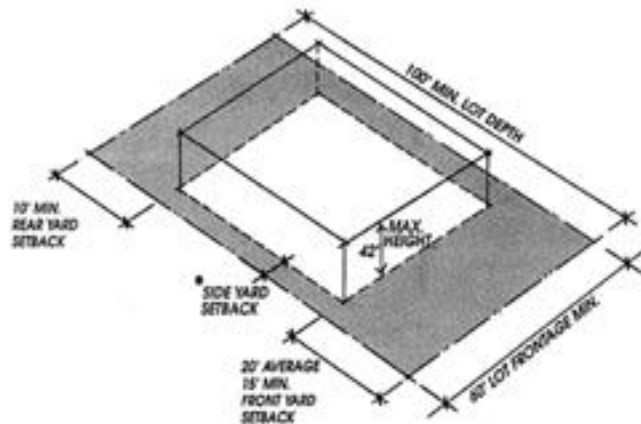
Minimum Lot Area: 14,400 square feet
Max. Lot Coverage: 50%



- * 1 story: 5' min. side yard setback plus 1' for every 15' wall length
- 2 story: 10' min. side yard setback plus 1' for every 15' wall length.

Site Development Standards RMH (Residential Medium High) Zone

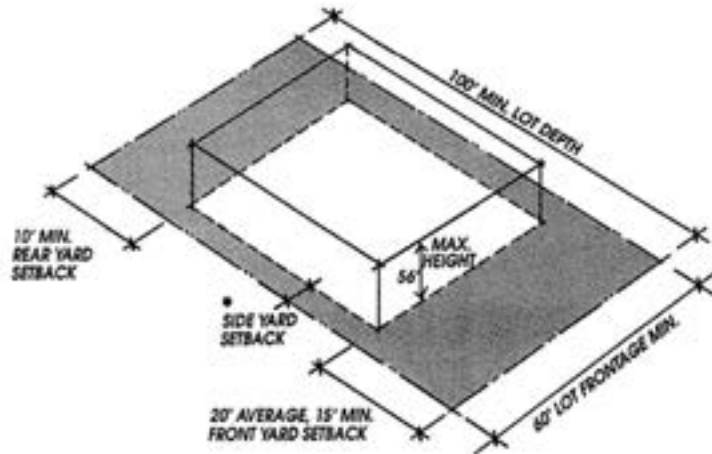
Minimum Lot Area: 20,000 square feet
Max. Lot Coverage: 50%



- * 1 story: 5' min. side yard setback plus 1' for every 15' wall length
- 2 story: 10' min. side yard setback plus 1' for every 15' wall length.

Site Development Standards RH (Residential High) Zone

Minimum Lot Area: 20,000 square feet
Max. Lot Coverage: 50%



- * 1 story: 5' min. side yard setback plus 1' for every 15' wall length
- 2 story: 10' min. side yard setback plus 1' for every 15' wall length.

2. RESIDENTIAL ZONES SPECIFIC STANDARDS

In addition to the general development requirements contained in Chapter 19.20 (Property Development Standards), the following standards shall apply to specific residential zones:

**TABLE 04.03
RESIDENTIAL ZONES SPECIFIC STANDARDS**

Specific Standards	RE	RL	RS	RU	RM	RMH	RH	RSH	CO-1, 2	CG-2	CR-2
A. Accessory Structure	+	+	+	+	+	+	+	+	+	+	+
B. Day Care Facility	+	+	+	+	+	+	+	+	+	+	+
C. Day Care Home, Large Family	+	+	+	+	+	+	+				
(Ord. MC-841, 7-08-92)											
D. Density Bonus/ Affordable Housing or Amenities	+	+	+	+	+	+	+	+	+	+	+
E. Front/Rear Yard Averaging		+	+		+	+	+				
F. Golf Courses & Related Facilities	+	+	+	+	+	+	+				
G. Guest House	+	+	+	+							
H. Minimum Room Size	+	+	+	+	+	+	+	+	+	+	+
I. Minimum Dwelling Size	+	+	+	+	+	+	+	+	+	+	+

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

Specific Standards RE RL RS RU RM RMH RH RSH CO-1, 2 CG-2 CR-2

J. Mobile Home & Manufactured Housing	+	+	+	+	+	+	+	+	+	+	+	+	+
K. Mobile Home Park or Subdivision	+	+	+	+	+	+	+	+	+	+	+	+	+
L. Multiple Family Housing													+

M. Multi-Family Housing, Existing														

(Ord. MC-821, 2-19-92)

N. Planned Residential Development														

O. Recreational Vehicle Storage	+	+	+	+	+	+	+	+	+	+	+	+	+	+
---------------------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---

P. Accessory Dwelling Unit	+	+	+	+	+	+	+	+	+	+	+	+	+	+
----------------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---

(Ord. MC-1559, 5-05-21; Ord. MC-1393, 12-02-13)

Q. Senior Citizen/ Congregate Care													+	++
------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	---	----

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

Specific Standards	RE	RL	RS	RU	RM	RMH	RH	RSH	CO-1, 2	CG-2	CR-2
R. Single Family Dwellings, Existing	+	+	+	+	+	+	+		+		++
											(Ord. MC-823, 3-03-92)
S. Small Lot Subdivision				+							
T. Social Services Uses/ Centers					+	+	+		+	+	+
											(Ord. MC-1393, 12-02-13)
U. Vocational/ Trade Schools											+
V. Student Housing Complex											
											(Ord. MC-1132, 11-20-02)

Key: "+" applies in the zone.

A. ACCESSORY STRUCTURES

Accessory structures in residential zones are subject to Development review and shall be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to the interior side and rear property lines provided that such structures are not closer than 10 feet to any other structure. Building Code requirements may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the main structure footprint and a maximum of 16 feet in height.

(Ord. MC-1393, 12-02-13)

B. DAY CARE CENTER DESIGN STANDARDS

Day Care Centers are permitted for 15 or more children, subject to Conditional Use Permit review, pursuant to Section 19.04.020 (Table 04.01) and Section 19.06.020 (Table 06.01). The centers shall be constructed in the following manner

(Ord. MC-1393, 12-02-13)

1. The facility shall conform to all property development standards of the zone in which it is located.
2. Large facilities shall not be located within 500 feet of another day care center.
3. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area shall be located in the rear area. Stationary play equipment shall not be located in required side and front yards.
4. A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. In the front yard, the open fence shall not exceed 48 inches in height, and a solid wall shall not exceed 36 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for safety with controlled points of entry.
5. On-site landscaping shall be consistent with that prevailing in the neighborhood and shall be installed and maintained, pursuant to Chapter 19.28 (Landscaping Standards). Landscaping shall be provided to reduce noise impacts on surrounding properties.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

6. All on-site parking shall be provided pursuant to the provisions of Chapter 19.24 (Off-Street Parking). On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces, shall be provided.
7. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the use it is serving.
8. All on-site signage shall comply with the provisions of Chapter 19.22. (Sign Standards).
9. The center shall contain a fire extinguisher and smoke detector devices and meet all standards established by the City Fire Marshall.
10. A center within a residential zone may operate up to 14 hours per day.
11. Outdoor activities may only be conducted between the hours of 8:30 A.M. to 8:00 P.M.

(Ord. MC-841, 7-08-92)

C. DAY CARE HOMES, LARGE FAMILY

Large family day care homes may be located no closer than 500 feet, in any direction, from an existing large family day care home, measured from property line to property line except that they may be located no closer than 250 feet measured from property line to property line from any existing large family day care home not fronting on the same street.

(Ord. MC-859, 1-22-93; Ord. MC-841, 7-08-92)

D. DENSITY BONUS

This section contains two density bonus provisions. The first entitlement is based upon the provision of affordable housing pursuant to State Government Code Section 65915. The second provision is intended to provide density bonus incentives for the incorporation of on-site amenities.

1. Affordable Housing

State Government Code Section 65915 provides for the granting of a density bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least 1 of the following:

- a. Twenty percent of the total units of a housing development for persons and families or lower income, as defined in Section 50079.5 of the Health and Safety Code.
- b. Ten percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
- c. Fifty percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code.

A request for a density bonus and regulatory concessions and/or incentives shall require Conditional Use Permit review and be subject to the following provisions:

- a. For the purpose of this Section, "density bonus" shall mean a density increase of 25% over the otherwise maximum allowable residential density under this Development Code and the General Plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.
- b. The purposes for implementing this section are as follows:
 - 1) The City shall within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.

- 2) The Council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings are made:
 - a) The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible;
 - b) That additional adjustment of standards is not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915(c); and
 - c) The proposed project is compatible with the purpose and intent of the General Plan and this Development Code.
- c. The density bonus shall only apply to housing developments consisting of five or more dwelling units.
- d. The density bonus provision shall not apply to senior citizen and senior congregate care housing projects that utilize the senior citizen housing density provisions of this Development Code.
- e. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives have been received, the developer shall submit documentation which identifies the restricted units and shall enter into a written agreement with the City to guarantee for 30 years their continued use and availability to low and moderate-income households. The agreement shall extend more than 30 years if required by the Construction or Mortgage Financing Assistance Program, Mortgage Insurance Program, or Rental Subsidy Program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the San Bernardino County Recorder.

The agreement shall include the following provisions:

- 1) The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;

- 2) The deeds to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sales price of the units is consistent with the limits established for low- and moderate-income households, which shall be related to the Consumer Price Index;
 - 3) The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.
- f. "Density bonus units" shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.
- g. The City shall provide, in addition to a density bonus, at least 1 of the following regulatory concessions and/or incentives to ensure that the multi-family residential project will be developed at a reduced cost:
- 1) A reduction or modification of Development Code requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 123 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 - 2) Approval of mixed use development in conjunction with the multi-family residential project if commercial, office, industrial, or other land uses will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed housing project will be located.
 - 3) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

2. Amenities Bonus Provision

This provision allows an increase in the maximum permitted density of 15% in only the RU, RM, RMH, RH, CO-1 & 2, CG-2, and CR-2 land use zoning districts. Increases of up to 15% may be granted based upon the finding(s) that any proper combination of the following amenities are provided in excess of those required by the applicable zone:

- a. Architectural features that promote upscale multi-family development;
- b. Additional on-site or off-site mature landscaping which will benefit the project;
- c. Additional useable open space;
- d. Attached garages;
- e. Additional recreational facilities (i.e., clubhouse, play area, pool/Jacuzzi, tennis court, etc.); and
- f. Day care facilities.

This amenity bonus provision shall not be used as an addition to the affordable housing density bonus provision.

E. FRONT/REAR YARD AVERAGING STANDARDS

Front/rear setbacks required by the base district in Table 04.02 may be averaged on the interior lots within a single family detached or duplex subdivision.

The front/rear yard setback of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall equal the minimum required for the base zone.

F. GOLF COURSES AND RELATED FACILITIES STANDARDS

Golf course developments are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course.
2. Treated effluent shall be used for irrigation where available.
3. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
4. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and harmony with the golf course setting.

G. GUEST HOUSE DESIGN STANDARDS

Guest houses shall be constructed in the following manner:

1. All guest houses shall conform to all development standards of the underlying zone.
2. There shall be no more than 1 guest house on any lot.
3. The floor area of the guest house shall not exceed 500 square feet.
4. The guest house shall not exceed the height of the main dwelling.
5. There shall be no kitchen or cooking facilities or wet bar facilities within a guest house.
6. The guest house shall conform to all of the setback regulations outlined in the applicable zone.
7. A guest house shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees. The guest house shall not be rented.

(Ord. MC-1393, 12-02-13)

H. MINIMUM DWELLING SIZE STANDARDS

The following minimum dwelling areas are computed by calculating the living area as measured from the outside of walls and excludes garages, carports, exterior courtyards, patios, or balconies.

1. The minimum area requirements for single-family residential units are as follows:

a.

Zone	Minimum Area in Square Feet	Minimum Average Livable Area in Square Feet
RE	1,700	---
RL	1,200	1,500
RS	1,200	---
RU	1,000	---

(Ord. MC-826, 4-07-92)

b. Infill Single-Family Dwellings

Minimum Livable Area in Square Feet 1,000 sq. ft.*

*Note: The minimum setbacks of applicable zone shall be applied.

2. The minimum area requirements for apartments/multi-family are as follows:

Livable Area in Square Feet	Bedrooms Maximum Number	Baths Minimum Number
500	Bachelor	1
600	1	1
800	2	1½
1,000	3	2
1,200	3+	2

I. MINIMUM ROOM SIZE STANDARDS

Minimum room size standards are as follows:

Room	Minimum Area in Square Feet
Garage	400

All Other Subject to adopted UBC Standards

(Ord. MC-826, 4-07-92)

J. MOBILE HOME AND MANUFACTURED HOUSING DESIGN STANDARDS

Manufactured or mobile homes are subject to Development Permit review and shall be installed in the following manner:

1. Mobile or manufactured homes may be used as single-family dwellings if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974.
2. Mobile or manufactured homes which are used as single-family residences shall be installed on an approved permanent foundation system in compliance with applicable codes.
3. Director shall determine that the subject lot together with the proposed mobile or manufactured home is compatible with surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the Director.
4. The following Specific Design Standards shall govern the installation and construction of manufactured and mobile homes.
 - a. All homes shall have a minimum eave dimension of 1 foot.
 - b. All siding shall be non-reflective and shall be installed from the ground up to the roof.
 - c. All roofs shall have a minimum pitch of 1:4.
 - d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.

K. MOBILE HOME PARK OR SUBDIVISION DESIGN STANDARDS

Mobile home parks or subdivisions are subject to Development Permit review and shall be constructed in the following manner:

1. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
 - a. Front - 10 feet
 - b. Side - 5 feet on each side, or zero lot line on one side with 10 feet on the opposite side.
 - c. Rear - 10 feet
 - d. Structural separation - 10 foot minimum between dwelling units.
2. Maximum mobile home space coverage (mobile home and its accessory structure) shall be 75%.
3. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade.
4. All on-site utilities shall be installed underground.
5. The mobile home park shall be provided with parking as required by Chapter 19.24 (Off-street Parking Standards).
6. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space.
7. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device six feet in height, with a minimum six-foot wide landscaped area provided along the inside of the perimeter screen.
8. Common open space shall be landscaped in accordance with a landscape plan approved by the review authority and in a manner consistent with Chapter 19.28 (Landscaping Standards).

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

9. All mobile home park or subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

Units	Amenities
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

L. MULTI-FAMILY HOUSING STANDARDS

Multi-family housing is permitted in the RU, RM, RMH, RH, CG-2, and CR-2 zones subject to Development Permit Review and shall be constructed in the following manner:

1. All multi-family developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patio or private yards; or, slope areas greater than 8%.
2. Each dwelling unit shall have a private (walled) patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less.

3. All multi-family developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

Units	Amenities
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

4. Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.
5. Each dwelling unit shall be provided a minimum of 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
6. Driveway approaches within multiple family developments of 12 or more units shall be delineated with interlocking pavers, rough-textured concrete, or stamped concrete and landscaped medians.
7. All parts of all structures shall be within 150 feet of paved access for single story and 50 feet for multi-story.
8. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.

9. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
10. Management and security plans shall be submitted for review and approval for multi-family developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

M. MULTI-FAMILY HOUSING, EXISTING

Additions, alterations, and expansions to multi-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the multi-family zone in which the project is located.

(Ord. MC-821, 2-19-92)

N. PLANNED RESIDENTIAL DEVELOPMENT/SMALL LOT SUBDIVISIONS

Planned Residential Development (PRD) including Clustered Subdivision and Small Lot Divisions are permitted in Residential Urban (RU), Residential Medium (RM), Residential Medium High (RMH), and Residential High (RH) zones subject to Development Permit review. Attached and detached single-family dwelling units are permitted. The purpose of allowing these types of developments is to promote residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well planned neighborhood through creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to reduce development problems in hillside areas and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design.

(Ord. MC-1213, 12-07-05)

1. Density

The underlying residential zone or the Hillside Management Overlay Zone shall determine the maximum number of dwelling units allowed in a PRD or Small Lot Subdivision. Where a parcel or parcels have more than one zone, the maximum number of dwelling units shall be determined by adding together the allowable density for each zone area. Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site. (See Hillside Management Overlay Zone for restrictions to on-site density transfer.)

[Return to Municipal Code Contents]

2. Minimum Lot Size

The minimum lot size for a detached single-family unit in a Small Lot Subdivision shall be 5,000 square feet. PRDs may create lot sizes to accommodate the creation of attached single-family dwelling units or Clustered Subdivisions.

3. Site Coverage

Structures shall not occupy more than 40% of the gross site area.

4. Structure Height/Number of Attached Dwelling Units

Detached single-family structures shall not exceed 2½ stories, or 35 feet. Attached single-family structures shall not exceed three stories or 42 feet. The maximum average number of single-family units attached in any manner to form a single structure shall be six.

5. Setbacks

The minimum front, rear, and side structural setback from the project perimeter boundary shall be 15 feet. The minimum dwelling unit side structural setback from other dwelling unit structures is 15 feet plus one foot for each 15 feet of structure length. In small lot subdivisions the minimum side setback is five feet with a 15-foot minimum dwelling unit separation.

6. Open Space

All Planned Residential Developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Planned Residential Development consisting of single-family detached units may provide 15% useable open space in lieu of the required 30%.

Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patios and private yards; or, slope areas greater than eight percent. Slopes greater than eight percent may be approved in the Hillside Management Overlay District by the Director as useable open space.

(Ord. MC-1178, 8-17-04)

7. Amenities

All Planned Residential Developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

Units	Amenities
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

8. Private Streets

Private streets shall be permitted when there is a homeowners' association established to maintain them. The streets shall be built to standards and specifications for public works construction.

9. Maintenance and Completion of Open Space, Amenities, Landscaping, and Manufactured Slopes

No lot or dwelling unit in the development shall be sold unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to the review and approval of the City Attorney. The recorded CC&Rs shall permit the enforcement by the City, if required. No lot or dwelling unit shall be sold unless all approved and required open space, amenities, landscaping, or other improvements, or approved phase thereof, have been completed or completion is assured by a financing guarantee method approved by the City Engineer.

[Return to Municipal Code Contents]

10. Fire Department Standard

All parts of the structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

11. Residential Specific Standards

In addition to the PRD development requirements, the following specific standards contained within this chapter shall apply:

- a. Day care facilities
- b. Golf courses and related facilities
- c. Guest house
- d. Lighting
- e. Minimum room size
- f. Minimum dwelling size
- g. Mobile home and manufactured housing
- h. Mobile home park or subdivision
- i. Recreational vehicle storage

O. RECREATIONAL VEHICLE STORAGE FACILITIES

Developments within the multi-family zones and with 12 or more dwelling units shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the Development Permit and shall be constructed in the following manner:

1. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of one space for each eight dwelling units. Any fractional space requirement shall be construed as requiring one full storage space pursuant to Chapter 19.24 (Off-Street Parking Standards).
2. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.

3. Storage areas shall be paved and drained.
4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8 feet in height, subject to the approval of the Director.

P. Accessory Dwelling Units

1. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22
2. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
 - a. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 - b. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - c. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - d. Required to correct a nonconforming zoning condition, as defined in subsection 3. g below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- 3.. **Definitions.** As used in this section, terms are defined as follows:
 - a. **"Accessory dwelling unit" or "ADU"** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - ii. A manufactured home, as defined by section 18007 of the California Health and Safety Code.

- b. **"Accessory structure"** means a structure that is accessory and incidental to a dwelling located on the same lot.
- c. **"Complete independent living facilities"** means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- d. **"Efficiency kitchen"** means a kitchen that includes each of the following:
 - i. A cooking facility with appliances.
 - ii. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- e. **"Junior accessory dwelling unit" or "JADU"** means a residential unit that satisfies all of the following:
 - i. It is no more than 500 square feet in size.
 - ii. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - iii. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - iv. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- f. **"Living area"** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- g. **"Nonconforming zoning condition"** means a physical improvement on a property that does not conform with current zoning standards.
- h. **"Passageway"** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU

- i. **"Proposed dwelling"** means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - j. **"Public transit"** means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - k. **"Tandem parking"** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
4. **Approvals.** The following approvals apply to ADUs and JADUs under this section:
- a. **Statutory Criteria.** If an ADU or JADU complies with each of the general requirements in subsection (e) below, it is allowed with only a building permit in the following scenarios:
 - i. **Converted on Single-family Lot:** One ADU as described in this subsection 0 and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - b) Has exterior access that is independent of that for the single-family dwelling; and
 - c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - d) The JADU complies with the requirements of Government Code Section 65852.22.
 - ii **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection 0 above), if the detached ADU satisfies each of the following limitations:

- a) The side- and rear-yard setbacks are at least four-feet.
 - b) The total floor area is 800 square foot or smaller.
 - c) The peak height above grade does not exceed the applicable height limit in subsection 5.c below.
- iii. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection 1.a.i.c), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.
- iv. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:
- a) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - b) The peak height above grade does not exceed the applicable height limit provided in subsection 5.c below.
- b. **Additional Criteria.**
- i. An ADU that does not qualify under the criteria set forth in subsection 0 above may be created with a building permit if it complies with the standards set forth in subsections 5 and 6 below
- c. **Process and Timing.**
- i. An ADU application is considered and approved ministerially, without discretionary review or a hearing.
 - ii. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City does not approve or deny the completed application within 60 days, the application is deemed approved unless either:

[Return to Municipal Code Contents]

- a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
- b) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing
- iii. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection Error! Reference source not found. above.
- iv. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

5. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections 0 or 0 above:

a. **Zoning.**

- i. An ADU or JADU subject only to a building permit under subsection 0 above may be created on a lot in a residential or mixed-use zone.
- ii. An ADU or JADU subject to an ADU permit under subsection 0 above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

b. **Access.** Each ADU and JADU must have direct exterior access that is separate from that of the primary dwelling.

c. **Height.**

- i. **Except as otherwise provided by subsections 0 and 0 below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.**

[Return to Municipal Code Contents]

- ii. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- iii. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- iv. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection 0 may not exceed two stories.
- v. For purposes of this subsection 5.c, height is measured above existing legal grade to the peak of the structure.
- d. **Rental Term.**
 - i. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - ii. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- e. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- f. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

- g. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- h. **Owner Occupancy.** As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- i. **Deed Restriction.** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
- i. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
 - ii. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - iii. The deed restriction runs with the land and may be enforced against future property owners.
 - iv. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- v. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

6. **Specific ADU Requirements.** The following requirements apply only to ADUs that are approved under subsection 0 above.

a. **Maximum Size.**

- i. The maximum size of a detached or attached ADU subject to this subsection 6 is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- ii. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- iii. **Application of other development standards in this subsection 6, such as setbacks or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection 0 above or of a lot coverage limit or open-space requirement may require the ADU to be less than 800 square feet.**

b. **Setbacks.**

- i. **An ADU that is subject to this subsection 6(6) must conform to a 25-foot front-yard setback, subject to subsection 0 above.**
- ii. An ADU that is subject to this subsection 6 must conform to 4-foot side- and rear-yard setbacks.
- iii. No setback is required for an ADU that is subject to this subsection 6 if the ADU is constructed in the same location and to the same dimensions as an existing structure.

c. **Lot Coverage.** No ADU subject to this subsection 6 may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection 0 above.

- d. **Passageway.** No passageway, as defined by subsection 3. h above, is required for an ADU.
 - e. **No Replacement Parking.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
 - f. **Architectural Requirements.**
 - i. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
 - ii. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - iii. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - iv. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building facade, not facing a public-right-of-way.
7. **Fees.** The following requirements apply to all ADUs and JADUs that are approved under subsections 0 or 0 above.
- a. **Impact Fees.**
 - i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size. For purposes of this subsection 7.a, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
 - ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

b. Utility Fees.

- i. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- ii. Except as described in subsection 0, converted ADUs and JADUs on a single-family lot that are created under subsection 0 above are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- iii. Except as described in subsection 0, all ADUs and JADUs that are not covered by subsection 0 require a new, separate utility connection directly between the ADU or JADU and the utility.
 - a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

(Ord. MC-1604U, 12-07-22; Ord. MC-1559, 5-05-21; Ord. MC-1393, 12-02-13)

Q. SENIOR CITIZEN/CONGREGATE CARE HOUSING DESIGN STANDARDS

Senior group housing developments are subject to Development Permit review and shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the Director.
2. Dial-a-ride transportation shuttles shall be provided; number to be determined during project review.
3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying zone.
4. The senior group housing shall conform with all local, state, and federal requirements.

[Return to Municipal Code Contents]

5. The number of dwelling units shall be based on Table 4.02 (Residential Development Standards).
6. The minimum floor area for each residential unit shall be as follows:

Studio:	410 square feet
One-bedroom:	510 square feet if kitchen-dining living areas are combined.
	570 square feet if kitchen-dining living areas are separate.
Two-bedroom:	610 square feet if kitchen-dining living areas are combined.
	670 square feet if kitchen-dining living areas are separate.
7. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to Section 19.24.050.
8. Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.) as well as emergency signal/intercom systems as determined by the Director.
9. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
10. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.
11. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. The facilities shall have keyed access for tenants only.
12. Each residential unit shall be plumbed and wired for a washing machine and dryer.

13. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s).
 - b. Beauty and barber shop.
 - c. Small scale drug store not exceeding 1,000 square feet.
14. Off-street parking shall be provided in the following manner:
 - a. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents plus one space for every 5 units for guest parking.
 - b. Three parking spaces for every four dwelling units for employee and guest use for congregate care residences.
 - c. All off-street parking shall be located within 150 feet of the front door of the main entrance.
 - d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.
 - e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall be consistent with the standards outlined in Chapter 19.24 (Off-Street Parking Standards).
 - f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to parking study based on project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, mass transit, etc.
15. The project shall be designed to provide maximum security for residents, guests, and employees.
16. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted Public Works Department Standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed

[Return to Municipal Code Contents]

except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.

17. Residential occupancy shall be limited to single persons over 60 years of age or married couples of which one spouse is over 60 years of age.
18. Developers of Senior Citizen/Congregate Care housing which have a density larger than that allowed in the underlying zone, shall provide a marketing analysis which analyzes long term feasibility and a conversion plan of Senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying zone if the project is not occupied by Seniors 60 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the City's Development Department or a non-profit housing development corporation. If the proposed project is to be located in the CO zone the conversion plan shall address the transformation of residential units into the uses allowed in the Commercial Office (CO) zone.
19. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

R. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansions to single-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the Residential Suburban (RS) zone.

(Ord. MC-888, 12-07-93; Ord. MC-823, 3-03-92)

S. SMALL LOT SUBDIVISION STANDARDS

Standards for small lot subdivisions are located in Subsection N. (Planned Residential Development Standards) of this chapter.

T. SOCIAL SERVICE FACILITIES

The following provisions are applicable to social service facilities:

1. **Action**

Social Service Facilities may be established in commercial and industrial zones subject to approval of a Development Permit. Facilities located within one thousand (1,000) of a residentially zoned parcel may be permitted subject to approval of a Conditional Use Permit.

[\[Return to Municipal Code Contents\]](#)

Social Service (Residential) Facilities may be established in multi-family residential and commercial zones subject to approval of a Conditional Use Permit.

2. General Provisions

- a. Hours of Operation. Facilities shall only be premitted to operate between the hours of 8:00 a.m. and 8:00 p.m. daily, unless authorized by the Planning Commission
- b. Wating Areas. All waiting areas shall be located on the same premise as the facility served, and shall not obstruct public access to sidewalks, rights-of-way, or adjacent properties. In residential zones all waiting areas shall be located indoors.
- c. Management Plan. All facilities shall provide a management plan that includes the following:
 - Description of services provided.
 - Facility Capacity
 - On-Site Management. On-site supervision must be provided at all times that the center is in operation. The facility operator shall provide the name, phone number and email address of an on-site manager to whom one can provide notice if there are operating problems associated with the facility.
 - Residential Provisions (if applicable).
 - Security Plan (security staffing, alarms, etc.). The facility operator shall submit a sercurity plan for approval by the Director. The plan shall nclude provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site. A centrally monitored alarm system shall be installed and maintained in good working order.
 - Transportation Services Provided (if applicable).
- d. Prohibited Activities. Patrons shall not be permitted on the site if not waiting for or receiving services, and no consumption of alcoholic beverages shall be allowed on the premises. The facility operator shall post a sign detailing these requirements.

- e. Food and Goods Distribution. No distribution of food or goods to anyone not residing at the facility shall be permitted from any facility located in or within one thousand (2,000) feet of a residentially zoned parcel.
- f. State Licensing. When one is required, evidence of preliminary state agency approval or a current state agency license shall be provided to the department.

3. Development Standards

- a. Outdoor Areas. All outdoor areas shall be adequately screened to prevent adverse impacts on any adjacent properties.
- b. Trash Receptacles. Outdoor trash receptacles shall be available near the primary entrances and exits of the facility.
- c. Residential Density. The density of residential uses shall be determined at project review.
- d. Distancing. Facilities shall not be any closer than five hundred (500) feet from any of the following uses:
 - A public or private state licensed or accredited school.
 - A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day-care facility.
 - A place of public assembly.
 - A hospital.
 - Another social service facility.
- e. Access. The site shall have direct frontage along a major, secondary, or collector arterial. Vehicular access shall be provided from a major, secondary, or collector arterial.

(Ord. MC-1548, 10-21-20; Ord. MC-1106, 10-02-01)

U. VOCATIONAL/TRADE SCHOOLS

Vocational/trade schools are subject to a Conditional Use Permit and shall comply with the following standards:

[Return to Municipal Code Contents]

1. Vocational/trade schools shall be permitted only at the facilities of an existing church, hospital or other not for profit organization fronting a major or secondary arterial.
2. The vocational/trade school curriculum may include GED courses, business, office and secretarial skill courses, dental or medical assistant courses, or other courses determined by the Director of Community Development to be compatible with the adjacent neighborhood. No courses in automotive repair, welding, construction, woodworking, or industrial manufacturing shall be taught due to their incompatibility with surrounding residential uses.
3. All curriculum activities shall be conducted entirely within an enclosed structure.
4. Off-street parking shall comply with the standards contained in Chapter 19.24 of this Development Code.
5. In addition to the required on-site parking, on-street parking may be permitted along the major or secondary arterial only.
6. Vehicular access to the vocational/trade school shall be restricted to the frontage along the major or secondary arterial.

(Ord. MC-933, 2-09-95)

V. STUDENT HOUSING COMPLEX

1. Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06.
2. The minimum unit size shall be as follows:
 - 1-bedroom 600 square feet
 - 2-bedroom 800 square feet
 - 3-bedroom 1,000 square feet
 - 4-bedroom 1,200 square feet

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

3. Student housing complex units may be up to 20% smaller than the minimum dwelling unit size prescribed above if a common area is provided on each floor. The common area shall be no less than 300 square feet, and shall include: a television set, sofa and chairs; or a game table (pool table, card table, etc.), chairs and a sofa; desks, chairs and computer access facilities; or other such amenity as is consistent with an area used for common social activity, subject to approval by the Planning Commission.
4. All student-housing complexes shall provide 35% of each unit size as useable open space for passive and active recreational use. A minimum of 5% of the outdoor open space must be private (balcony or patio), and a minimum of 25% of the outdoor open space must be common useable. The balance (5%) may be either common or private useable open space. Useable open space= areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; or slope areas greater than 8%. Useable open space areas shall be delineated on project site plans, and total square footage in open space shall be listed on the site plan.
5. Every bedroom shall be wired for computer Internet access in addition telephone access.
6. Every bedroom shall be equipped with an individual lock for use only by the tenant. Master keys shall be maintained for each building.
7. All student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball or baseball fields; or such other similar facilities as approved by the Planning Commission. The amenities shall be equivalent to a minimum of 50 square feet per resident.

The type of amenities shall be provided according to the following schedule:

Bedrooms	No. of Amenities
0-25	0
26-100	1
101-200	2
201-300	3

Add one amenity for each 100 additional bedrooms or fraction thereof.

8. One off street parking space shall be provided for each bedroom, plus three uncovered off-street guest parking spaces per 100 rooms. A minimum of 65% of the parking spaces shall be covered. The balance of the parking spaces shall be shaded by trees in such a manner that all parking spaces shall be fully shaded within five years of construction of the project.
9. Common laundry facilities at a ratio of one full size washer and one full size dryer per 10 units, and consistent with the Uniform Building Code shall be provided on each floor.
10. Access to student housing complexes shall be limited through the use of fencing or walls with locked gates. Gates shall be equipped with either key or card access and an intercom system for guests.
11. Each building within a student housing complex shall be locked, and equipped with either key or card access and an intercom system for guests.
12. A professional, non-student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided for each floor of each building.
13. Management and security plans shall be submitted for review and approval by the Community Development Department and Police Department.
14. Each lease shall be for a minimum of one academic year. Short-term tenancy during the summer months may be permitted, with the approval of a Temporary Use Permit. No month-to-month tenancy or sub-leasing of individual rooms shall be permitted.
15. The applicant shall enter into and continuously maintain an affiliation agreement with California State University San Bernardino (“CSUSB”) and shall provide the City with a copy of such affiliation agreement prior to the approval of any building or grading permit for the project. The affiliation agreement shall include, but not be limited to, the following:
 - a. Require that the project conform to CSUSB on-campus housing policies. Require that all tenant leases incorporate CSUSB on-campus housing policies.

- b. Require that the design, engineering and construction of the project be approved by CSUSB.
- c. Grant CSUSB an option to purchase and a right of first of to purchase the property and the project at fair market value with a guaranteed minimum and maximum price.
- d. If a court finds that the project cannot limit the residents to students of CSUSB, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have the immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property and project must continue to conform to all requirements in this Development Code and in the affiliation agreement except the requirement that the project limit residents to students of CSUSB.
- e. If the affiliation agreement is terminated either mutually by the parties, or unilaterally by the property/project owner, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have an immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property must convert to a use consistent with the underlying General Plan Land Use District.
- f. Require that any successor in interest to the property and project, prior to the conveyance of title, enter into an affiliation agreement with CSUSB, the contents of which shall conform to the requirements of this section.

(Ord. MC-1132, 11-20-02)

- 16. Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and only the 10.16 acres on the west side of Northpark Boulevard, north of University Parkway in Tract 17703-2 Lot 1 and Tract 17703-3 Lots 1, 2 and 3.
 - (a) Whenever the requirements of this Section 19.04.030(2)(V)(16) conflicts with the underlying base zone, specific plan, or other requirements of the Development Code, the requirements of this Section 19.04.030(2)(V)(16) shall govern.

[Return to Municipal Code Contents]

- (b) Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 10.16 acres on the west side of Northpark Boulevard, north of University Parkway.
- (c) The requirements specified above in Section 19.04.030(2)(V) (2),(3),(5),(6) and(13) shall apply to a Townhome Student Housing complex.
- (d) The maximum density of a townhome student housing complex is 80 beds per acre.
- (e) The minimum townhome unit size shall be as follows:

a.	1-bedroom	600 square feet
b.	2-bedroom	800 square feet
c.	3-bedroom	1,000 square feet
d.	4-bedroom	1,200 square feet
e.	5-bedroom	1,400 square feet
f.	6-bedroom	1,600 square feet
- (f) A minimum of 5 percent of the bedrooms in the student housing project shall be designed as bedroom studios that meet Americans with Disabilities Act(ADA) standards, including a private bathroom and facilities for preparation of food (including storage, refrigeration and cooking).
- (g) Townhome Student Housing complexes are not required to provide a balcony or patio for each bedroom and/or each unit provided the site of the student housing project is within 1,000 feet of a public park and the student housing project provides indoor and outdoor living space for passive and active recreational uses equivalent to a minimum of 15 percent of the gross floor area of dwellings in the project.
- (h) Student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

or baseball fields; patios and balconies, or such other similar facilities. Each student housing complex shall have a minimum of one swimming pool and Jacuzzi. The amenities shall be equivalent to a minimum of 25 square feet per bedroom.

- (i) Student housing shall provide off street parking to conform to the requirements specified in the Development Code for townhomes and the TD (Transit District Overlay) District.
- (j) Common laundry facilities with a minimum of one full size washer and one full size dryer and consistent with the City's Building Code shall be provided in each townhome.
- (k) Each townhome shall be lockable and equipped with either key or card access. Each bedroom shall be lockable and equipped with either key or card access.
- (l) A professional, non-student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided at a ratio of one per 100 beds.
- (m) The residents of the townhomes and bedrooms shall be limited to students enrolled at California State University San Bernardino (including students graduating during their lease terms and continuing occupancy until the end of their lease terms), faculty and staff at California State University San Bernardino, and on-site managers living in the student housing complex; persons affiliated with the California University system; and visiting faculty and staff from other colleges and universities, and students enrolled at other colleges and universities; and tenants who do not qualify under the standards in this section may be approved in writing by California State University San Bernardino.
- (n) Fraternities and sororities are permitted uses in townhome student housing complexes.
- (o) The height of buildings shall not exceed the height standards of the underlying zoning district.

Ord. MC-1406, 7-21-14

W. URBAN LOT SPLITS

1. Purpose. The purpose of this subpart (W) is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7.

[Return to Municipal Code Contents]

2. Definition. An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.
3. Application.
 - a. Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code §402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by §214.15).
 - b. An application for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - c. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Mayor and City Council may establish and change the fee by resolution. The fee must be paid with the application.
4. Approval.
 - a. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Community and Economic Development Director, or his or her designee, without discretionary review.
 - b. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.
 - c. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
 - d. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this Code.

[\[Return to Municipal Code Contents\]](#)

5. Requirements. An urban lot split must satisfy each of the following requirements:
 - a. Map Act Compliance.
 - i. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code §66410 et. seq., “SMA”), including implementing requirements in this Code, except as otherwise expressly provided in this section.
 - ii. If an urban lot split violates any part of the SMA, the City’s subdivision regulations, including this subpart (W), or any other legal requirement:
 - a) The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - b) The City has all the remedies available to it under the SMA, including but not limited to the following:
 - (I) An action to enjoin any attempt to sell, lease, or finance the property.
 - (II) An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (III) Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (IV) Record a notice of violation.
 - (V) Withhold any or all future permits and approvals.
 - iii. Notwithstanding Section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
 - b. Zone. The lot to be split is in a single-family residential zone. For purposes of this subpart (W), a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single

residential dwelling on a lot and only includes the Residential Estate (RE), Residential Low (RL) and Residential Suburban (RS) zones.

c. Lot Location.

- i. The lot to be split is not located on a site that is any of the following:
 - a) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b) A wetland.
 - c) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d) A hazardous waste site that has not been cleared for residential use.
 - e) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f) Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

- i) Habitat for protected species.
 - j) Land under conservation easement.
- ii. The purpose of subpart (W)(e)(3)(A) above is merely to summarize the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Gov. Code §66411.7(a)(3)(C).)
- d. Not Historic. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.
- e. No Prior Urban Lot Split.
 - i. The lot to be split was not established through a prior urban lot split.
 - ii. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- f. No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby

properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

g. Lot Size.

- i. The lot to be split must be at least 2,400 square feet.
- ii. The resulting lots must each be at least 1,200 square feet.
- iii. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

h. Easements.

- i. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- ii. Each easement must be shown on the tentative parcel map.
- iii. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with subpart (W)(d)(2) above.

i. Lot Access.

- i. Each resulting lot must adjoin the public right of way.
- ii. Each resulting lot must have frontage on the public right of way of at least 12.5 feet.

j. Unit Standards.

- i. Quantity. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under Subpart (X) of this Code, an ADU, or a JADU

- ii. Unit Size.
 - a) The total floor area of each primary dwelling that is developed on a resulting lot must be
 - (I) less than or equal to 800 and
 - (II) more than 500 square feet.
 - b) A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.
 - c) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.
- iii. Height Restrictions.
 - a) On a resulting lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
 - b) On a resulting lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.
 - c) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.
- iv. Lot Coverage. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
- v. Open Space. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

- vi. Setbacks.
 - a) Generally. All setbacks must conform to those objective setbacks that are imposed through the underlying zone.
 - b) Exceptions. Notwithstanding subpart (W)(e)(10)(F) above:
 - (I) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (II) 800 square feet; four-foot side and rear. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - c) Front Setback Area. Notwithstanding any other part of this Code, dwellings that are constructed after an urban lot split must be at least 20 feet from the front property lines. The front setback area must:
 - (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans;
 - (III) allow for vehicular and fire-safety access to the front structure.
- vii. Parking. Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:
 - a) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or

(II) a site that contains

- (ia) an existing rail or bus rapid transit station,
- (ib) a ferry terminal served by either a bus or rail transit service, or
- (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

b) The site is located within one block of a car-share vehicle location.

viii. Architecture.

- a) If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- b) If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- c) All exterior lighting must be limited to down-lights.
- d) No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- e) If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

[Return to Municipal Code Contents]

- ix. Landscaping. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
 - a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - b) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
 - c) All landscaping must be drought-tolerant.
 - x. Nonconforming Conditions. An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.
 - xi. Utilities.
 - a) Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.
 - b) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
 - xii. Building & Safety. All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.
- k. Fire-Hazard Mitigation Measures.
- i. A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - a) It must have direct access to a public right of way with a paved street with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.

[Return to Municipal Code Contents]

- b) All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - c) All enclosed structures on the site must have fire sprinklers.
 - d) All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - e) If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.
- ii. Prior to submitting an application for an urban lot split, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this subpart (W) (e)(11). The City or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the City's costs for inspection. Failure to pay is grounds for denying the application.

I. Separate Conveyance.

- i. Within a resulting lot.
 - a) Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - b) Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - c) All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
- ii. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient

[Return to Municipal Code Contents]

to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate Covenants, Conditions & Restrictions (CC&Rs), easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

m. Regulation of Uses.

- i. Residential-only. No non-residential use is permitted on any lot created by urban lot split.
- ii. No Short Term Rentals. No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
- iii. Owner Occupancy. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

n. Notice of Construction.

- i. At least 30 business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a) Notice that construction has been authorized,
 - b) The anticipated start and end dates for construction,
 - c) The hours of construction,
 - d) Contact information for the project manager (for construction-related complaints), and
 - e) Contact information for the Building & Safety Division.
- ii. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law,

the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

- o. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:
 - i. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 - ii. Expressly prohibits any non-residential use of the lots created by the urban lot split.
 - iii. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - iv. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

6. Specific Adverse Impacts.

- a. Notwithstanding anything else in this subpart (W), the City may deny an application for an urban lot split if the Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- b. "Specific adverse impact" has the same meaning as in Gov. Code §65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
- c. The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

Ord. MC-1570U, 1-19-22

X. TWO-UNIT PROJECTS

1. Purpose. The purpose of this subpart (X) is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
2. Definition. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
3. Application.
 - a. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
 - b. An application for a two-unit project must be submitted on the City’s approved form.
 - c. The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
 - d. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - e. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Mayor and City Council may establish and change the fee by resolution. The fee must be paid with the application.
4. Approval.
 - a. An application for a two-unit project is approved or denied ministerially, by the Community and Economic Development Director, or his or her designee, without discretionary review.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- b. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.
 - c. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
 - d. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.
5. Requirements. A two-unit project must satisfy each of the following requirements:
- a. Map Act Compliance. The lot must have been legally subdivided.
 - b. Zone. The lot is in a single-family residential zone. For purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot and only includes the Residential Estate (RE), Residential Low (RL) and Residential Suburban (RS) zones
 - c. Lot Location.
 - i. The lot is not located on a site that is any of the following:
 - a) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b) A wetland.
 - c) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d) A hazardous waste site that has not been cleared for residential use.
 - e) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

[Return to Municipal Code Contents]

- f) Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
- g) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
- h) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
- i) Habitat for protected species.
- j) Land under conservation easement.
- ii. The purpose of subpart (X)(e)(3)(A) above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code §66411.7(a)(3)(C).)
- d. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.
- e. No Impact on Protected Housing. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

[Return to Municipal Code Contents]

- iv. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

- f. Unit Standards.
 - i. Quantity.
 - a) No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this Subpart (X) of this Code, an ADU, or a JADU.

 - b) A lot that is not created by an urban lot split may have a two-unit project under this subpart (X), plus any ADU or JADU that must be allowed under state law and the City’s ADU ordinance.

 - ii. Unit Size.
 - a) The total floor area of each primary dwelling built that is developed under this section must be
 - (I) less than or equal to 800 and

 - (II) more than 500 square feet.

 - b) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

 - c) A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

- iii. Height Restrictions.
 - a) On a lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
 - b) On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.
 - c) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.
- iv. Demo Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
- v. Lot Coverage. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
- vi. Open Space. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
- vii. Setbacks.
 - a) Generally. All setbacks must conform to those objective setbacks that are imposed through the underlying zone.
 - b) Exceptions. Notwithstanding subpart (X)(e)(6)(G) above:
 - (I) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

- (II) 800 square feet; four-foot side and rear. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
- c) Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed under this section must be at least 20 feet from the front property lines. The front setback area must:
 - (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans;
 - (III) allow for vehicular and fire-safety access to the front structure.
- viii. Parking. Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
 - a) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (II) a site that contains
 - (ia) an existing rail or bus rapid transit station,
 - (ib) a ferry terminal served by either a bus or rail transit service, or
 - (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

- b) The site is located within one block of a car-share vehicle location.
- ix. Architecture.
- a) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - b) If there is no legal primary dwelling on the lot before the two-unit project, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - c) All exterior lighting must be limited to down-lights.
 - d) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
 - e) If any portion of a dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- x. Landscaping. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
- a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.
 - b) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- c) All landscaping must be drought-tolerant.
 - xi. Nonconforming Conditions. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
 - xii. Utilities.
 - a) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
 - b) Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
 - xiii. Building & Safety. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.
- g. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - i. It must have direct access to a public right of way with a paved street with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - ii. All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - iii. All enclosed structures on the site must have fire sprinklers.
 - iv. All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - v. If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- h. Separate Conveyance.
 - i. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - ii. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - iii. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- i. Regulation of Uses.
 - i. Residential-only. No non-residential use is permitted on the lot.
 - ii. No Short Term Rentals. No dwelling unit on the lot may be rented for a period of less than 30 days.
 - iii. Owner Occupancy. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.
- j. Notice of Construction.
 - i. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a) Notice that construction has been authorized,
 - b) The anticipated start and end dates for construction,
 - c) The hours of construction,
 - d) Contact information for the project manager (for construction-related complaints), and
 - e) Contact information for the Building & Safety Division.

- ii. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.
- k. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:
 - i. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 - ii. Expressly prohibits any non-residential use of the lot.
 - iii. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - iv. If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
 - v. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

6. Specific Adverse Impacts.

- a. Notwithstanding anything else in this subpart (X), the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- b. "Specific adverse impact" has the same meaning as in Gov. Code §65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- c. The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.
7. Remedies. If a two-unit project violates any part of this code or any other legal requirement:
- a. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
 - b. The city may:
 - i. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - ii. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - iii. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - iv. Record a notice of violation.
 - v. Withhold any or all future permits and approvals.
 - vi. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

Ord. MC-1570U, 1-19-22

19.04.040 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to, Article IV, Administration provisions.

G19.04.050 RESIDENTIAL DEVELOPMENT DESIGN GUIDELINES

1. PURPOSE

The following design guidelines are intended as a reference to assist the designer in understanding the City's goals and objectives for high quality residential development. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

The design guidelines are formatted into two general categories; 1) single-family residential and 2) multi-family residential. Each category is further divided into architectural guidelines and site planning guidelines.

Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all residential development within the City except for the CR-2 Zone (downtown) where large scale, mid to high rise residential structures may be located. Any addition, remodeling, relocation or construction requiring a building permit subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

3. SINGLE-FAMILY SITE PLANNING

An important goal of the single-family site planning guidelines is to create functional and visual variety along local streets. It is the intent of these guidelines to discourage subdivisions where identical homes march down long, uninterrupted straight streets, with no variation in building placement or the street scene.

[Return to 19.04]

All single-family subdivision plans that apply for alternative lot sizes will be evaluated using the guidelines contained in this section with emphasis on the following criteria:

- A. Proportional mix and placement of lots
- B. Preserving of mature trees and natural features
- C. Placement of dwelling unit on lot
- D. Preserving of views
- E. Provision of amenities (subdivision entrance treatment, landscaping, open space, etc.)
- F. Treatment of drainage courses
- G. Treatment of walls and fences
- H. Other unique amenities

A. VARIED FRONT SETBACKS

Placement of homes and garages close to or back from the street creates different patterns of visible open space. The structures themselves, when close to the street, also add diversity to the view.

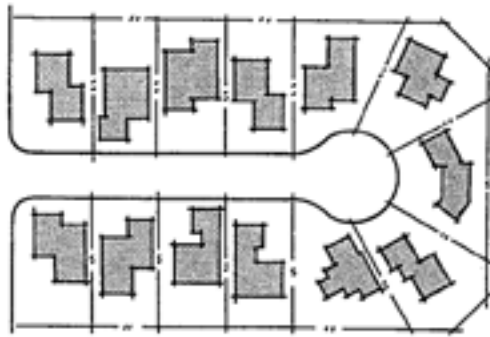
B. INTERRUPTION OF STRAIGHT STREETS

On straight roads, knuckles or cul-de-sacs can be introduced to limit the length of straight stretches.

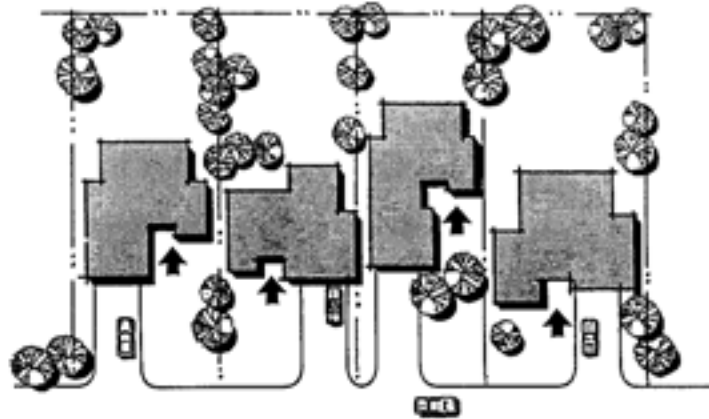
C. VARIED SIDE YARD SETBACKS

Varying the distance between adjoining homes, or between homes and fences, results in different types of yards and private patio areas.

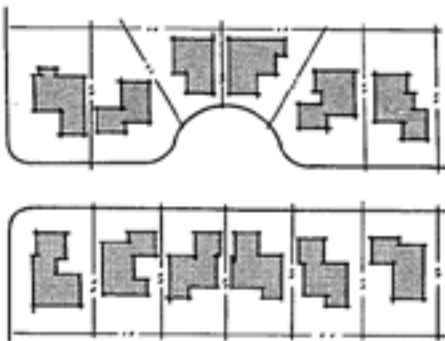
[Return to 19.04]



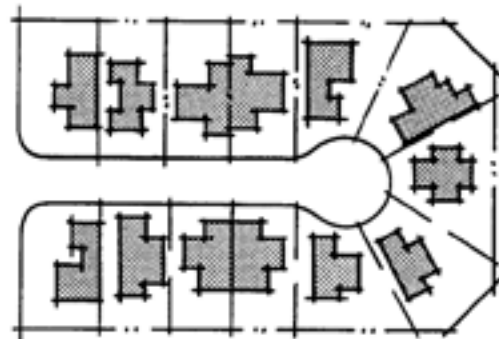
Varied Front Setbacks



Staggering of setbacks to each entry creates variety and identity.



Interruption of Straight Streets



Varied Side Yard Setbacks

D. ATTACHED DWELLINGS

Attached dwellings can look like two or more separate structures, or can look like one large home, depending on how they are treated. Attached dwellings can yield larger open areas between structures.

E. LOT ORIENTATION

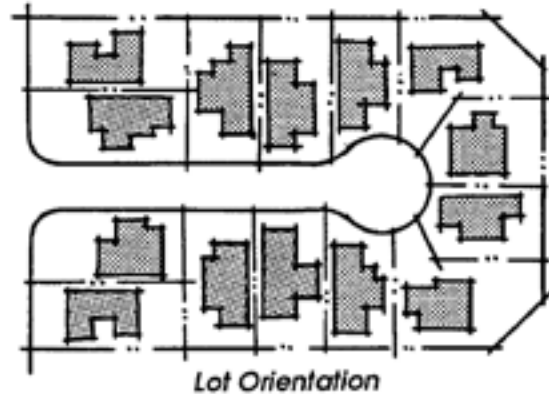
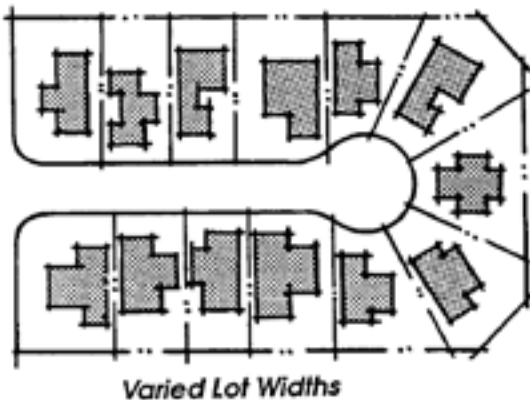
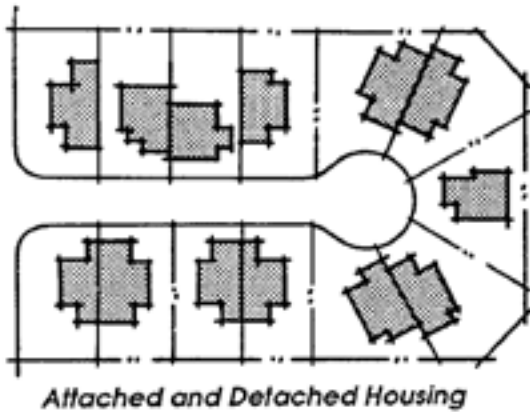
On curves or at corners, lots can often be oriented in a different direction than those at mid-block. In these cases some lots can be non-rectangular and angled on the street.

Structures should be oriented so that a majority of primary living spaces receive direct sunlight for the daylight hours. In new projects, structures should be positioned to minimize the impact of shadows on adjacent properties and within the project.

[Return to 19.04]

F. VARIED LOT WIDTHS

Making some lots wider, and some narrower, than the average can provide different amounts of open area between structures. It also allows placement of different shapes and sizes of homes. On narrow lots, a variation of only 3 or 4 feet can make a perceptible difference.



G. VARIED GARAGE PLACEMENT AND ORIENTATION

When lot size permits, garages can be on the front side of the house and can be entered from the front or side. They can also vary in size. Garages can be detached and connected to the home by breezeways.

H. ZERO LOT LINE HOMES

Zero lot line homes (flush to the side lot line), as allowed in Planned Residential Development, lend themselves well to creation of courts and patios that a traditional center plot may prevent. The two yield different street scenes.

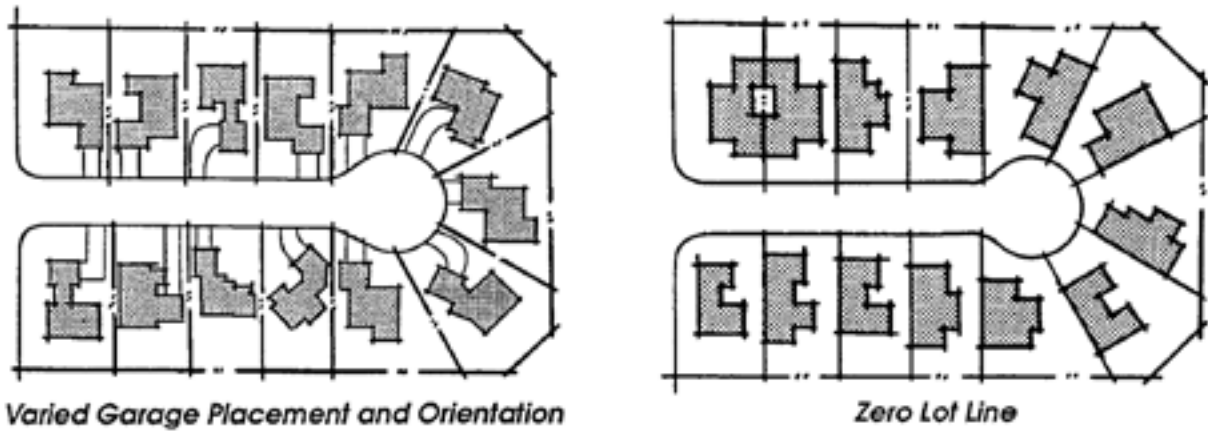
[Return to 19.04]

I. CUL-DE-SAC TREATMENTS

Closed cul-de-sacs are preferable in general. However, for longer cul-de-sacs, openings should be provided at the ends for pedestrians.

J. STRAIGHT AND CURVED STREETS

While straight streets are the most efficient, occasional curves can provide changing street scenes. Curves that seem very slight in a bird's-eye view are readily perceived by the driver and interrupt the line of sight.



K. WALLS

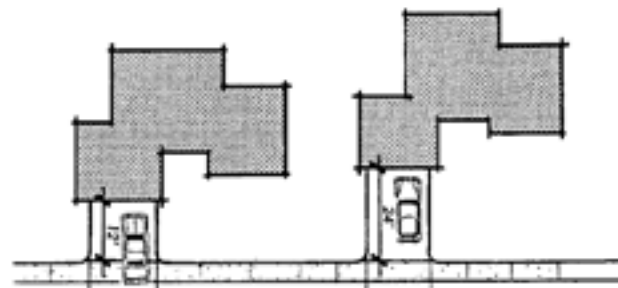
Walls and fences are an integral part of the streetscape.

1. Walls should be of plaster or smooth stucco finish or other approved masonry. They should be designed in a style, materials and color to complement the dwelling units to which they are attached.
2. Other materials may include wrought iron, tile insets or grillwork. The recommended choice for wrought iron is 1 inch pickets, at a maximum of 6 inch on center.
3. Both sides of all perimeter walls or fences should be architecturally treated.

[Return to 19.04]

L. GARAGES

1. Garage door setbacks should allow driveway parking that keeps the sidewalk clear of vehicles.
2. Garages should have a single story mass at the front of the structures to provide an architectural transition in 2 story massing.
3. Angled garages are encouraged to break up the monotony of all garage doors being parallel to the street.



*0-24 ft. Driveway
Cars will park in too short of
a driveway creating a traffic
hazard - pedestrian traffic
is forced out into road.*

*24 ft. Driveway
Adequate space for off-
street parking - pedestrian
lane not severely obstructed.*



*Garage has single story mass.
Upper portion of structure is set back.*

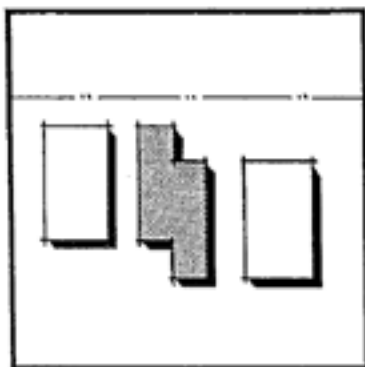
[Return to 19.04]

M. INFILL IN EXISTING NEIGHBORHOODS

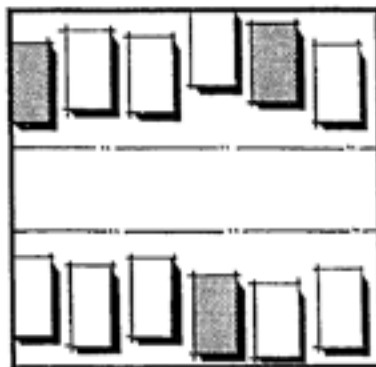
To the extent possible, new single-family development in existing neighborhoods should be integrated with the housing units in the adjacent area.

1. Site setbacks of residential projects should be either:
 - a. Equal to the average setback of all residences on both sides of public streets within 100 feet of the property lines of the new project, or;
 - b. Equal to the average of the 2 immediately adjacent residences.

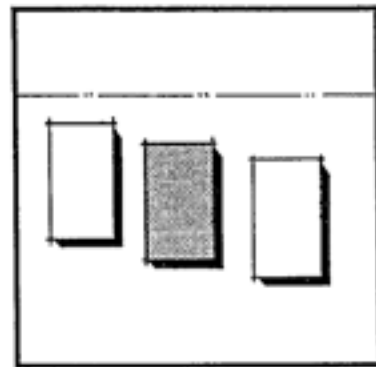
In cases where averaging between 2 adjacent existing residences is chosen, the new residence may be averaged in a stepping pattern between the setbacks of adjacent residences, or the new residence's entire frontage may be built on the average setback line.



Stepped setbacks to match adjacent buildings.

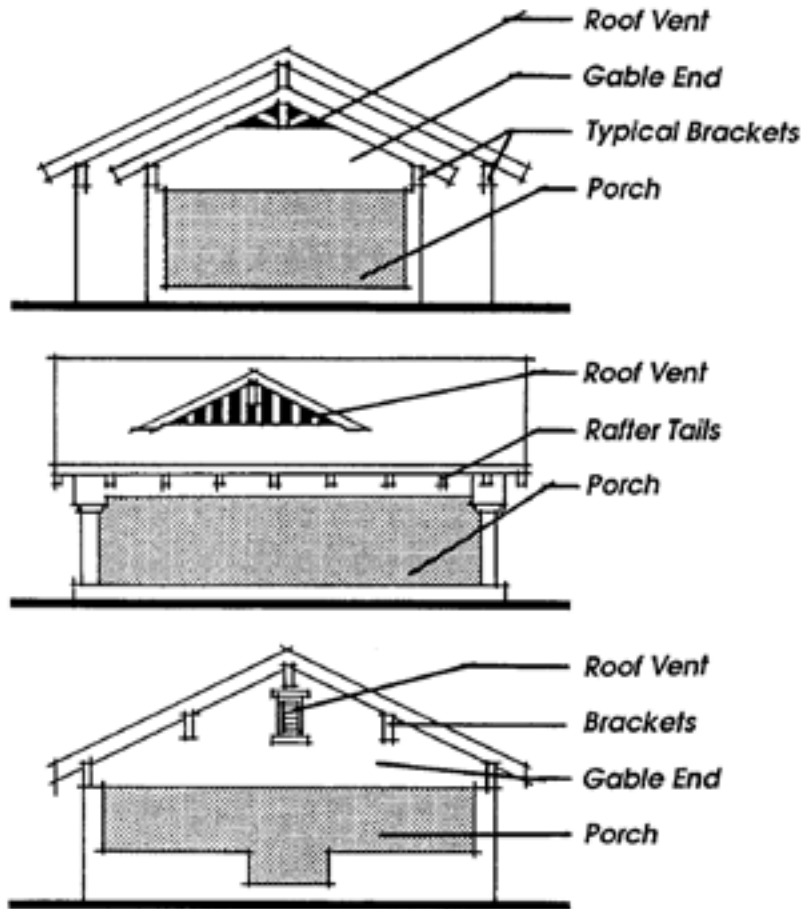


Average of setbacks on both sides of street.



Average of setbacks of adjacent buildings.

2. New development in existing neighborhoods should incorporate distinctive architectural characteristics of surrounding development, for example: window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows, and the like.



3. New development should continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods common patterns that should be continued are entries facing the street, front porches, and parking at the rear.

N. GRADING

Development should relate to the natural surroundings and minimize grading by following the natural contours as much as possible. Graded slopes should be rounded and contoured to blend with the existing terrain. Significant natural vegetation should be retained and incorporated into the project whenever possible. Contact the City's Parks, Recreation and Community Services Department regarding requirements for a certified arborist report concerning existing vegetation.

[Return to 19.04]

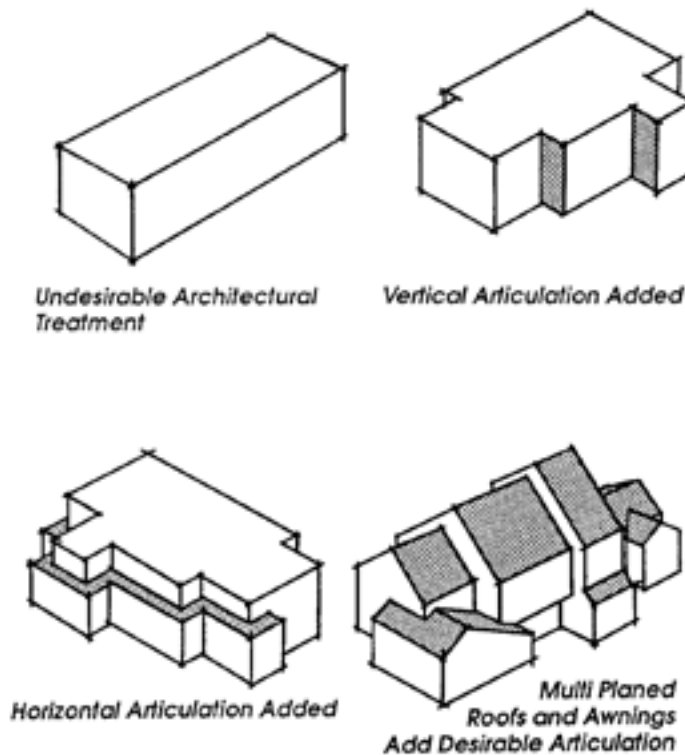
4. SINGLE-FAMILY ARCHITECTURE

There is no particular architectural "style" required for residential structures but the focus should be on the development of a high quality residential environment. In general, the architecture should consider compatibility with surrounding character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another.

A. FACADE AND ROOF ARTICULATION

The articulation of facades and the massing of structures give them richness and scale. Long uninterrupted exterior walls should be avoided on all structures. All structure walls should have "relief" to create an interesting blend with landscaping, structures, and the casting of shadows. The integration of varied texture, relief, and design accents on building walls can soften the architecture.

For sloped roofs, both vertical and horizontal articulation is encouraged. Roof lines should be representative of the design and scale of the units under them. Roof articulation may be achieved by changes in plane of no less than 2 feet 6 inches and/or the use of traditional roof forms such as gables, hips, and dormers. Flat roofs and A-frame type roofs are discouraged unless appropriate to the architectural style.



[Return to 19.04]

B. VARIED STRUCTURE DESIGN

Design of structures should be varied in tract developments to create variety and interest. A significant difference in the massing and composition (not just finish materials) of each adjacent house should be accomplished. One design should not be repeated more frequently than each fourth house.

C. ATTACHED DWELLINGS

1. Single-family attached dwellings should be architecturally articulated to project an image of customized homes. Preferred configurations include architectural treatment either as apparently large single-family units or as traditional rowhouses.



Three attached units appear as one large custom home.

2. Walls or other features should be used to lengthen the horizontal elements of elevations and reduce the visual impact of garage doors.
3. Driveways should be grouped with a separating planting strip to provide maximum effective turf areas.
4. Garages should have a single-story appearance at the front of the building to allow a stepped-back architectural transition for two-story structures. Garages must be set back from the street sufficiently to allow driveway parking without overhanging the sidewalk.

D. SCALE

Form and scale should relate to the use of the structure as a single-family residence. Also, the scale of structures should be within a human scale so as not to overwhelm or dominate its surroundings.

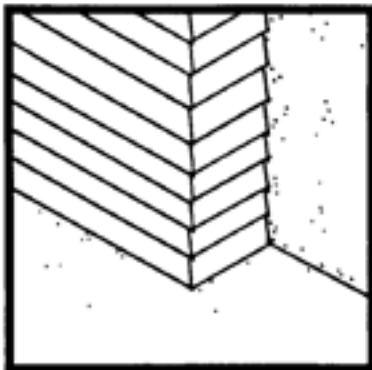
[Return to 19.04]

E. MATERIALS

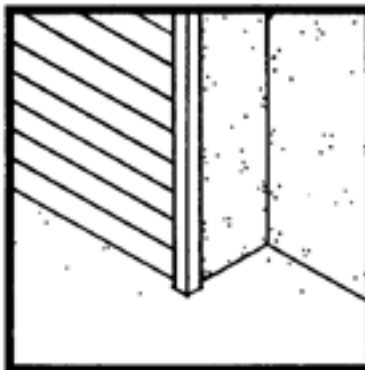
The choice and mix of materials on the facades of structures and garage doors is important in providing an attractive living environment. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided. All structure elevations should be architecturally treated.

Materials tend to appear substantial and integral when material changes occur at changes in plane. Material or color changes at the outside corners of structures give an impression of thinness and artificiality which should be avoided. Material changes not accompanied by changes in plane also frequently give material an insubstantial or applied quality.

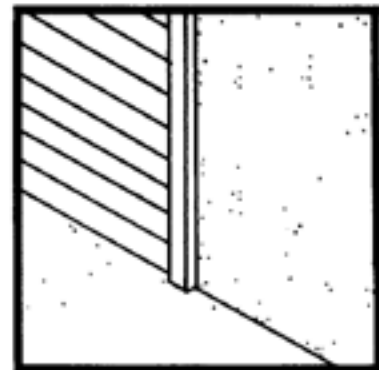
Materials to be avoided include: metal or aluminum siding and roofs, reflective materials and finishes, and unfinished concrete block.



*Change in plane with
change in material
Recommended*



*Material or color change
at outside corner
Not recommended*



*Change of materials on same
plane Not Recommended*

F. VENTS AND DOWNSPOUTS

Roof flashing, rain gutters, and downspouts, vents, and other roof protrusions should be finished to match the adjacent materials and/or colors.

G. EQUIPMENT SCREENING

Any equipment, whether on the roof, side of structure, or ground, must be screened. The method of screening must be architecturally compatible in terms of materials, color, shape, and size. The screening design should blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

[Return to 19.04]

H. ANCILLARY STRUCTURES

The design of ancillary structures (guesthouses, cabanas, barns, storage sheds, etc.) should be architecturally compatible with the main structure through the use of walls/roofs/trellises, fence/wall connections, and/or landscaping.

I. GARAGE DOORS

Garage doors should appear to be set into the walls rather than flush with the exterior wall. Garage door design should be kept simple, clean, and unadorned. They are a major visual element of a home.

Plywood is acceptable when three or more panels are used or when joints are sealed with trim. A variety of compatible designs should be used throughout a project to ensure variety. The design of the garage door should relate to the particular architectural style selected.



Garage door wood trim

[Return to 19.04]

5. MULTI-FAMILY SITE PLANNING

Multi-family and cluster housing because of their higher densities, tend to generate large parking areas and a decrease in private open space. If not properly designed, parking facilities can dominate the site and open spaces may be relegated to left over areas, not related to the structures or the people who live there. Residential developments surrounded by high walls, parking lots, and rows of carports along public streets are examples of practices to be avoided. Perimeter parking drives are discouraged because parking areas provide a poor image of a project and often function as barriers between the project and the surrounding community. The guidelines that follow are intended to help mitigate the effects of these situations and to provide a pleasant residential environment within the context of higher density development.

A. BUILDING ARTICULATION

Long, unbroken facades and box-like forms should be avoided. Building facades should be broken up to give the appearance of a collection of smaller structures. To the extent possible, each of the units should be individually recognizable. This can be accomplished with the use of balconies, setbacks and projections which help articulate individual dwelling units or collections of units, and by the pattern and rhythm of windows and doors.

B. CLUSTERING OF UNITS

Clustering of multi-family units should be a consistent site planning element. Structures composed of a series of simple yet varied planes assure compatibility and variety in overall building form.



Articulated facade gives appearance of a collection of smaller structures

[Return to 19.04]

The following design techniques should be considered and implemented whenever possible:

1. Varying front setbacks within same structure.
2. Staggered and jogged unit planes.
3. Use of reverse building plans to add variety.
4. Maximum of 2 adjacent units with identical wall and rooflines.
5. Variety of orientations to avoid the monotony of garage door corridors.

C. PROJECT ENTRIES

Project entry areas provide the resident and visitor with an overview to the project. They should provide an open window with landscaping, recreational facilities, and project directories. Special attention should be given to hardscape and landscape treatments to enhance the overall project image.

D. ENTRY DRIVES

The principal vehicular access into a multi-family housing project should be through an entry drive rather than a parking drive. Colored, textured paving treatment at entry drives is encouraged, however, stamped concrete is not permitted within public street right-of-ways.

E. ON-SITE PARKING AND DRIVES

1. In higher-density projects, there are three means of accommodating parking: parking drives, parking courts, and garages within residential buildings. Projects with either long, monotonous parking drives or large, undivided parking lots are not desired. When cost considerations preclude parking within residential structures, dispersed parking courts are the desired alternative.
2. Parking drives, when located on the periphery of a project, isolate the development from its surroundings. Unless the new and existing adjacent uses are considered incompatible, the extent of perimeter parking drives should be minimized.
3. Parking areas should be visible from the residential units which use them.

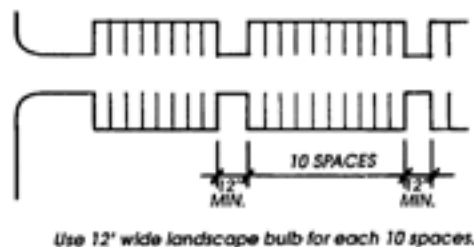
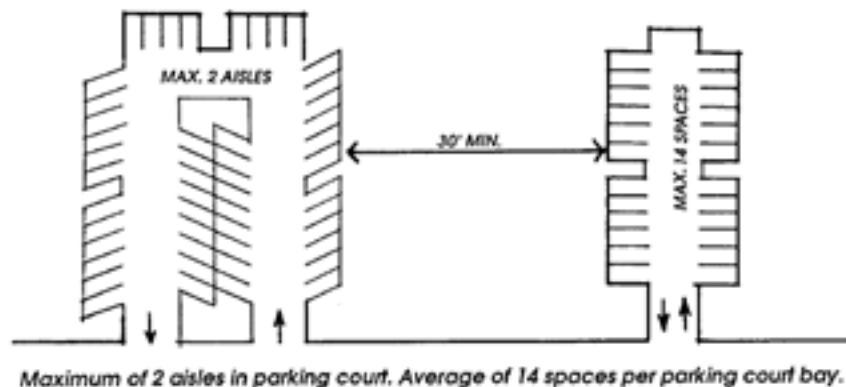
[Return to 19.04]

F. PARKING COURTS

1. A parking court of any length should not consist of more than two double-loaded parking aisles (bays) adjacent to each other.
2. The length of a parking court should not exceed 14 stalls.
3. Parking courts should be separated from each other by dwelling units or by a landscaped buffer not less than 30 feet wide.

G. PARKING DRIVES

1. There should be no more than an average of 10 spaces of uninterrupted parking, whether in garages, carports, or open parking areas.
2. Each average of 10 spaces of parking should be separated from additional spaces by a landscaped bulb not less than 12 feet wide. Architectural elements, such as trellises, porches, or stairways, may extend into these landscaped bulbs.



[Return to 19.04]

H. GARAGES

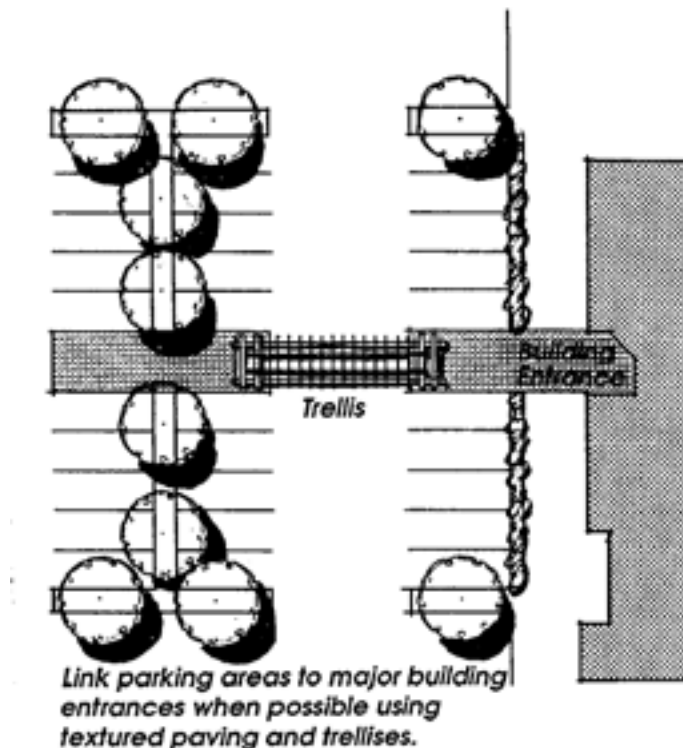
1. Individual parking garages within residential structures should be enclosed behind garage doors.
2. Garages with parking aprons less than 20 feet in length should have automatic garage door openers and/or sectional roll-up doors.

I. CARPORTS

Where carports are utilized, they must follow the same criteria for spatial arrangement as parking courts (#F above). Carports may be incorporated with patio walls or used to define public and private open space, but incorporating carports into exterior project walls adjacent to streets is strongly discouraged. The ends of each cluster of carports should be landscaped.

J. PEDESTRIAN ACCESS FROM PARKING

Landscape bulbs should, wherever possible, align with major building entrances to provide pedestrian access to the building entrance from a parking court or drive. Bulbs that align with entrances should be at least 2 car spaces wide and should include a pathway as well as a vertical landscape or architectural element, for example, a trellis or a tree.

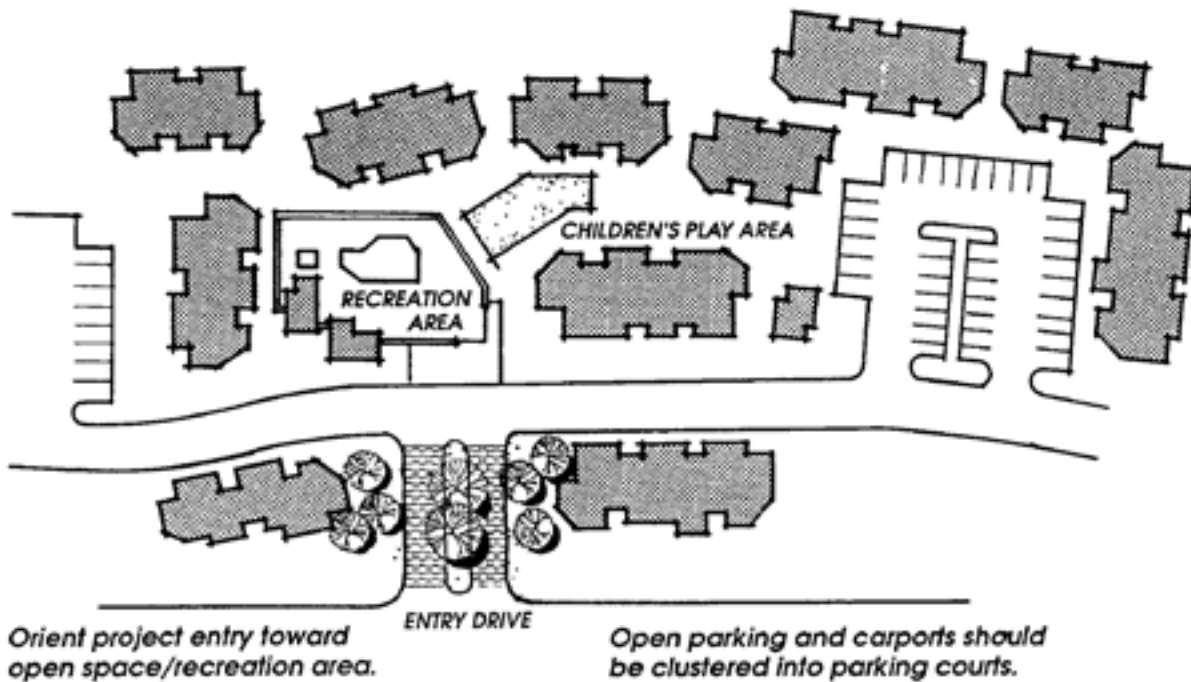


[Return to 19.04]

K. OPEN SPACE

Residents of housing projects should have safe and efficient access to useable open space, whether public or private, for recreation and social activities. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

Required common open spaces should be conveniently located for the majority of units. Private open spaces should be contiguous to the units they serve and screened from public view. Projects should have secure open spaces and children's play areas that are visible from the units.



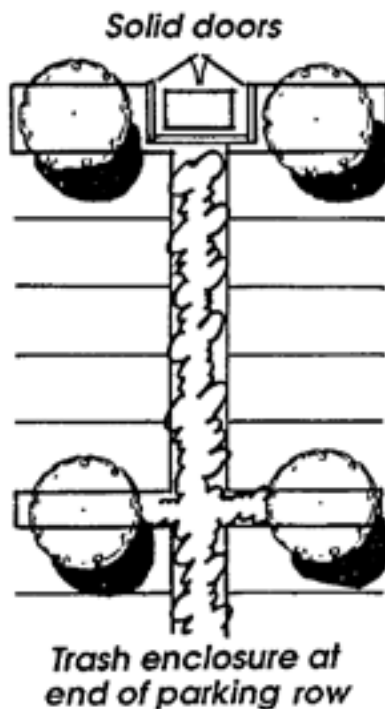
L. PLANTED AREAS

All areas not covered by structured drives, parking or hardscape should be appropriately landscaped.

Landscaping is used to frame, soften, and embellish the quality of environment, to buffer units from noise or undesirable views, to break up large expanses of parking, and to separate frontage roads within a project from public streets. To accomplish these design objectives, landscape elements need vertical dimension. Trees and tall shrubs are needed in addition to grass and groundcover. Trees can also be used to provide shading and climatic cooling of nearby units.

M. REFUSE STORAGE/DISPOSAL

Trash bins must be fully enclosed in accordance with City of San Bernardino Public Works Department Standards. Said enclosures should be softened with landscaping on their most visible sides whenever possible. Recommended locations include inside parking courts or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations.



[Return to 19.04]

N. SUPPORT FACILITIES

Any support structures within multi-family residential projects such as laundry facilities, recreation buildings and sales/lease offices should be consistent in architectural design and form with the rest of the complex. Temporary sales offices should also be compatible with these guidelines.

O. MAILBOXES

Where common mailbox services are provided, they should be located close to the project entry, near recreational facilities. The architectural character should be similar in form, materials, and colors to the surrounding buildings. Mailbox locations must be approved by the U.S. Postal Service.

P. SITE GRADING

Site grading should recognize existing drainage patterns, and landforms while providing appropriate transition of architectural elements to grade. Site grading should also provide for an uninterrupted flow of vehicular and pedestrian traffic through the development. The plan should direct and provide adequate flow of surface run-off to catch basins while gracefully contouring the land to blend with existing conditions at the boundaries of the site.

Street drainage should be collected in curb gutters. The use of center-swale drainage devices is strongly discouraged. Parking lots may drain to a single concrete swale at the edge of the aisle.

Q. SECURITY

Multi-family should be designed to provide the maximum amount of security for residents and visitors. Parking areas should be well lit and located so as to be visible from residential units. Landscaping should be planned and maintained to provide views into open space areas.

[Return to 19.04]

6. MULTI-FAMILY ARCHITECTURE

There is no particular architecture "style" proposed for multi-family residential structures. The primary focus should be on constructing a high quality residential environment. The criteria presented here strive for this "quality" through descriptions and examples of appropriate building materials and architectural expression. In general, the design of multi-family developments should consider compatibility with the surrounding neighborhood. Often, such projects are developed adjacent to single family neighborhoods and measures should be taken to ensure that the height and bulk of higher density projects do not impact these lower density residential areas.

Many of the same architectural principles and techniques discussed under the single family category of these guidelines are also applicable to multi-family projects and these should be reviewed by the designer in conjunction with the following:

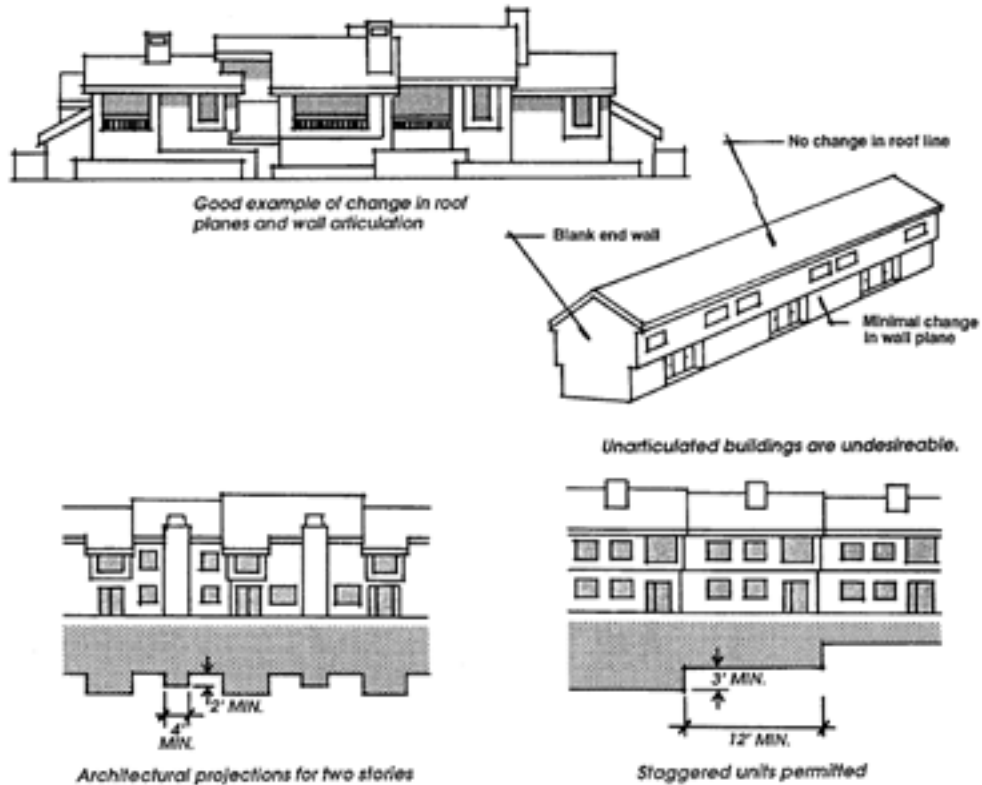
A. FACADE AND ROOF ARTICULATION

Separations, changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables mitigate the barracks-like quality of flat walls and roofs of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the structure's edge. Extremely long structures, if they are appropriately articulated, may be acceptable; however, structures (including garages and carports) exceeding 150 feet in length are generally discouraged.

Structures containing three or more attached dwellings in a row should incorporate at least one of the following:

1. For each dwelling unit, at least 1 architectural projection not less than two feet from the wall plane and not less than four feet wide should be provided. Such projections should extend the full height of single story structures, at least 1/2 the height of a 2-story building, and 2/3 the height of a 3-story building.
2. A change in wall plane of at least three feet in depth for at least 12 feet in length for each two units should be provided.

[Return to 19.04]



B. SCALE

Because multi-family projects are usually taller than one story, their bulk can impose on surrounding uses. The scale of such projects should be considered within the context of their surroundings. Structures with greater height may require additional setbacks so as not to dominate the character of the neighborhood.

Large projects should be broken up into groups of structures. The use of single "mega-structures" is to be avoided.

C. MATERIALS

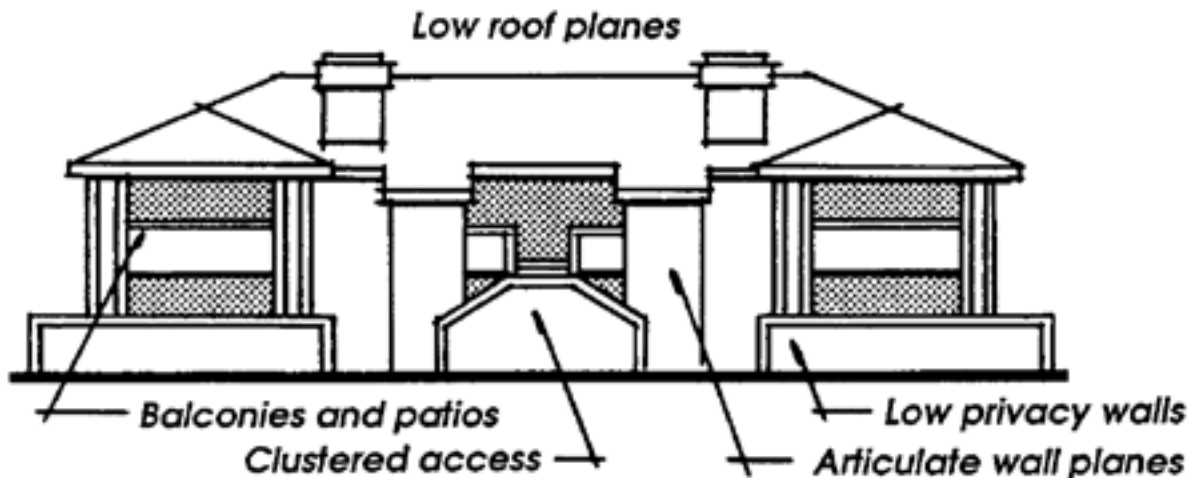
Materials selected for multi-family projects should be very durable and require low maintenance. Piecemeal embellishment and frequent changes in materials should be avoided.

[Return to 19.04]

D. BALCONIES, PORCHES, AND PATIOS

The incorporation of balconies, porches, and patios within multi-family structures, is encouraged for both practical and aesthetic value. These elements should be integrated to break up large wall masses, offset floor setbacks, and add human scale to structures.

Common exterior balconies and corridors that provide access to units should not require circulation past adjacent unit windows and entries.



E. DWELLING UNIT ACCESS

The use of long, monotonous access balconies and corridors which provide access to five or more units should be avoided. Instead, access points to units should be clustered in groups of four or less. To the extent possible, the entrances to individual units should be plainly visible from nearby parking areas. The use of distinctive architectural elements and materials to denote prominent entrances is encouraged.

F. EXTERIOR STAIRS

Simple, clean, bold projections of stairways are encouraged to complement the architectural massing and form of the multi-family structure. Stairways should be of smooth stucco, plaster or wood, with accent trim of complementary colors. Thin-looking, open metal, prefabricated stairs are discouraged.

[Return to 19.04]

G. CARPORTS, GARAGES AND ACCESSORY STRUCTURES

Carports, detached garages, and accessory structures should be designed as an integral part of the architecture of projects. They should be similar in materials, color, and detail to the principal structures of a development. Carports may utilize flat roofs but should not project above any exterior walls adjacent to streets. Prefabricated metal carports should not be used.

Where garages are utilized, doors should appear set into walls rather than flush with the exterior wall. Their design should be simple and unadorned.

H. GUTTERS AND DOWNSPOUTS

Gutters and downspouts should be concealed unless designed as a continuous architectural feature. Exposed gutters used as architectural features should be colored to match fascia or wall material. Exposed downspouts should be colored to match the surface to which they are attached unless copper is used.

Roof vents should be colored to match roofing materials or the dominant trim color of the structure.

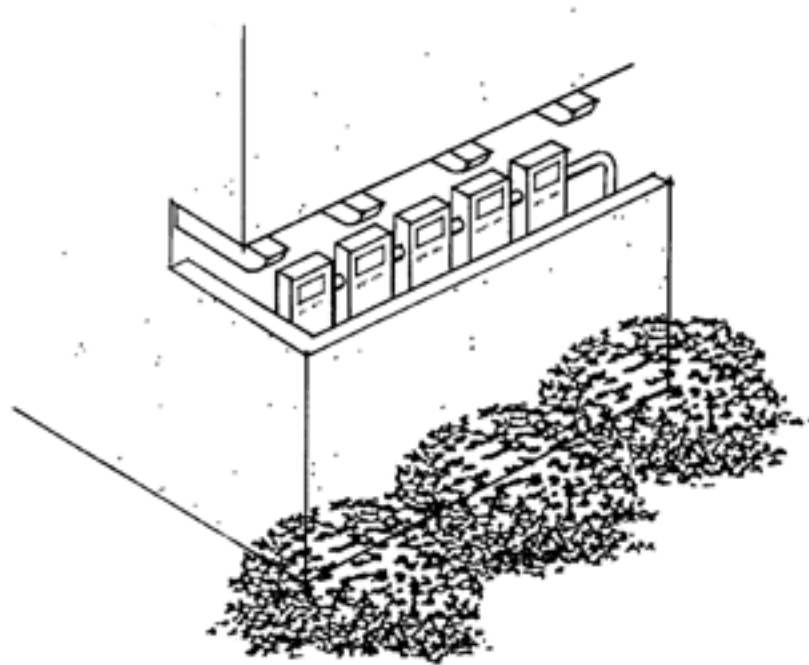
I. SOLAR PANELS

Solar panels should be integrated into the roof design, flush with the roof slope. Frames should be colored to match roof colors. Natural aluminum finish is strongly discouraged. Any mechanical equipment should be enclosed and completely screened from view.

[Return to 19.04]

J. MECHANICAL AND UTILITY EQUIPMENT

All mechanical equipment whether mounted on the roof or ground must be screened from view. Utility meters and equipment must be placed in locations which are not exposed to view from the street or they must be suitably screened. All screening devices are to be compatible with the architecture and color of the adjacent structures.



Utility meters and other outdoor equipment must be suitably screened from view. Screening devices should be compatible with adjacent structures.

K. ANTENNAS

All antennas should be placed in attics or building interiors. It is recommended that all new units be pre-wired to accommodate cable reception. Satellite dish antennas are specifically prohibited on roofs and should be considered early in the design process in terms of location and any required screening.

7. MULTI-FAMILY IN-FILL IN SINGLE FAMILY NEIGHBORHOOD

Efforts should be made to integrate new multi-family projects into existing neighborhoods so that they are compatible with adjacent structures and fit within the context of the existing neighborhood.

[Return to 19.04]

A. FRONT YARD SETBACKS

Front yard setbacks for new multi-family projects should be equal to or greater than the average setbacks for the two adjacent properties. If one or both of the adjacent properties are vacant then the average shall be calculated on the next adjacent occupied property.

B. ARCHITECTURAL COMPATIBILITY

New multi-family development in existing neighborhoods should incorporate architectural characteristics and maintain the scale of existing structures on the property and surrounding development, for example; window and door detailing, facade decoration, materials, color, roof style and pitch, porches, and the like.

C. SITE DESIGN

New multi-family developments should be designed to continue the on-site relationships of the original structure(s) and surrounding neighborhood. Site access should be taken from the adjacent alley whenever possible.

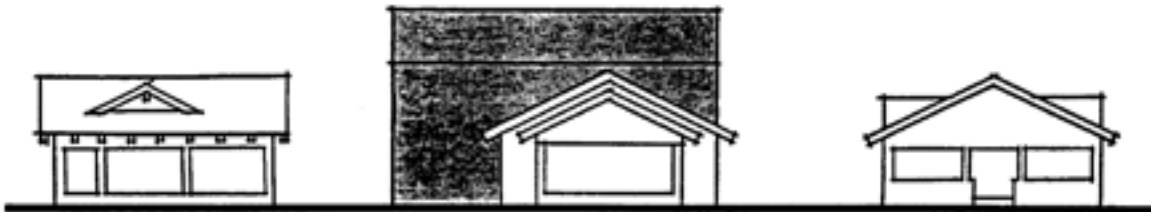


[Return to 19.04]

EXISTING SFD ELEVATIONS

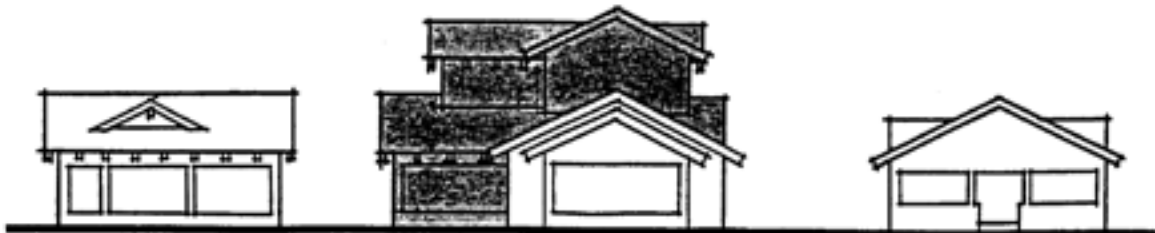


INAPPROPRIATE INFILL STRUCTURE



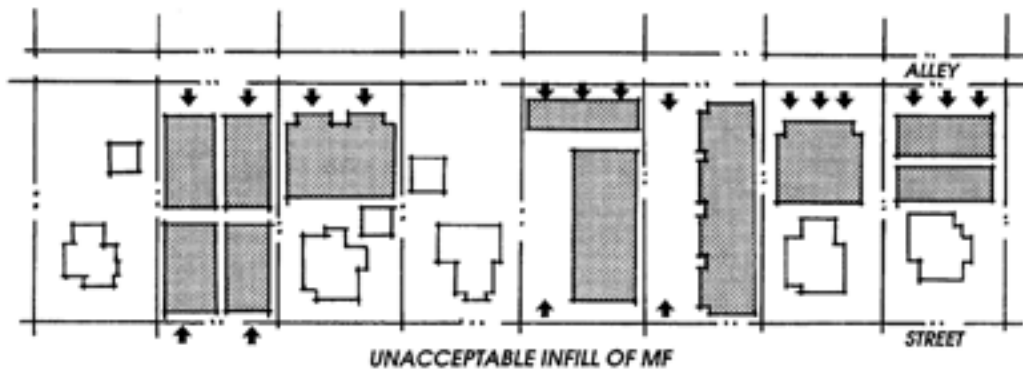
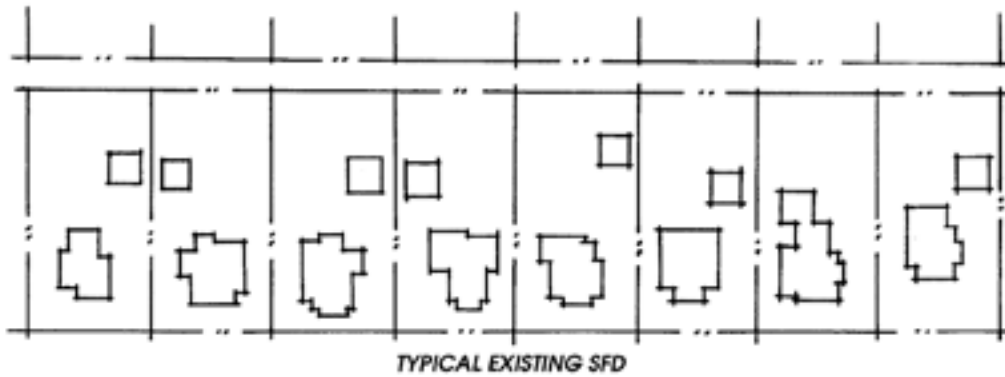
Multi-Family structure/addition does not conform to adjacent SF forms.

APPROPRIATE INFILL OF MULTI-FAMILY



Articulation and form is compatible with existing structure and adjacent SF units.

[Return to 19.04]



Unacceptable infill of Multi-Family structures does not conform to articulation and scale of adjacent single family structures.



Appropriate infill of Multi-Family units transitions and conforms to architectural articulation of adjacent single family structures.

8. PRIVATE TENNIS COURT DESIGN GUIDELINES

Private tennis courts are subject to Development Permit review and should be constructed in the following manner:

1. Tennis courts should not encroach into the front and side setback or within 10 feet of rear property line.
2. There should be no more than 1 tennis court for each residential parcel of land. The review authority may approve additional tennis courts in multi-family developments in the RM, RMH, and RH zones.
3. Private tennis courts should not be used for commercial purposes, and shall be used only by the residents and their invited guests.
4. All tennis court fencing should not exceed 10 feet in height as measured from the court surface, and shall be screened from public view.
5. All tennis courts should be recessed four feet and shall be further screened with a combination of walls, berms or landscaping.
6. A plan for overhead court lighting shall be subject to Development Permit review.
7. Light standards should not exceed the following heights as measured from the court surface:
 - a. Eighteen feet with 4 poles on each side.
 - b. Twenty feet with 3 poles on each side.
8. All illumination fixtures shall be energy efficient and directed inward and away from adjoining properties and public rights-of-way.
9. Hours of lighting operation should be determined during permit review; in no instance should lighting be used after 11:00 P.M.

[Return to 19.04]

CHAPTER 19.06 COMMERCIAL ZONES

Sections:

19.06.010	Purpose
19.06.020	Development Permitted and Conditionally Permitted Uses
19.06.025	Prohibited Uses
19.06.026	(Repealed by Ord. MC-1464, 3-07-18)
19.06.030	Development Standards
19.06.040	Applicable Regulations

Tables:

06.01	Commercial Zones List of Permitted Uses
06.02	Commercial Zones Development Standards
06.03	Commercial and Industrial Zones Specific Standards

Guidelines

G19.06.050	Commercial Development Design Guidelines
-------------------	---

19.06.010 Purpose

1. The purpose of this Chapter is to achieve the following:
 - A. Provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the City in a manner consistent with the General Plan.
 - B. Provide adequate space to meet the needs of commercial development, including off-street parking and loading.
 - C. Minimize traffic congestion and avoid the overloading of utilities.
 - D. Protect commercial areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
 - E. Promote high standards of site planning, and landscape design for commercial and office developments within the City.
 - F. Provide employment opportunities for existing and future residents of the City and those of adjacent communities.
 - G. Provide for land uses which meet the needs of and attract regional populations, in addition to local residents.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- H. Ensure compatibility with adjacent land uses.
- I. Single-family dwelling units which legally existed in commercial land use districts prior to June 3, 1991 may remain as a permitted use.

(Ord. MC-823, 3-03-92)

- 2. The purpose of the individual commercial zones are as follows:

(Ord. MC-1393, 12-02-13)

- A. CO (COMMERCIAL OFFICE) ZONE

This zone is intended to provide for the continued use, expansion, and new development of administrative and professional offices, hospitals, and supporting retail uses in proximity to major transportation corridors and ensure their compatibility with adjacent residential and commercial uses. Additionally, this zone permits a maximum density of 47 units per net acre for senior citizen and senior congregate care housing. Existing single family residential structures may remain as a permitted use.

(Ord. MC-1381, 12-19-12; Ord. MC-818, 1-07-92)

- B. CG-1 (COMMERCIAL GENERAL) ZONE

This zone is intended to provide for the continued use, enhancement, and new development of retail, personal service, entertainment, office and related commercial uses along major transportation corridors and intersections to service the needs of the residents; reinforcing existing commercial corridors and centers and establishing new locations as residential growth occurs. Additionally, this zone permits a maximum density of 47 units per net acre for senior citizen and senior congregate care housing.

(Ord. MC-1304, 5-05-09)

C. CG-2 (COMMERCIAL GENERAL-2) ZONE

This zone is intended to enhance the economic activity of appropriate commercial corridors; infilling and intensifying existing development, establishing new key activity centers and nodes, allowing for the development of medium and medium high residential density as alternative uses. The residential development shall have a minimum contiguous area of one net acre with a maximum density of 12 units per net acre along Mount Vernon Avenue and Baseline Street and other designated locations west of I-215 and a maximum density of 21 units per net acre along Baseline Street and other designated locations east of I-215. Additionally, a bonus density of 50% for the development of senior citizen and senior congregate care housing shall be permitted, subject to the approval of a Conditional Use Permit.

(Ord. MC-1381, 12-19-12)

D. CG-3 (COMMERCIAL GENERAL-3) ZONE

This zone provides for the development of local and regional serving retail, personal service, entertainment, office and related commercial uses. This district includes, but is not limited to, properties adjacent to California State University at San Bernardino along North Park Boulevard, Kendall Drive, and University Parkway for commercial and personal service uses to meet the needs of students, faculty, and visitors, and properties along Mt. Vernon Avenue, between 4th and 9th Streets, within the Paseo Las Placitas Specific Plan area.

Design guidelines for the Mount Vernon Corridor (Paseo Las Placitas) are contained in Chapter 19.10, Special Purpose Zones, Section 19.10.030(3).

(Ord. MC-1381, 12-19-12)

E. CR-1 (COMMERCIAL REGIONAL-MALLS) ZONE

This zone is intended to maintain and enhance the Inland Center Malls and adjacent properties to this and the Carousel Mall as the principal region-serving retail centers of the City.

(Ord. MC-1381, 12-19-12)

F. CR-2 (COMMERCIAL REGIONAL-DOWNTOWN) ZONE

This zone is intended to permit a diversity of regional-serving uses in the Downtown area including local, county, and state governmental-administrative, professional offices, cultural-historical and entertainment, convention facilities, hotels-motels, financial establishments, restaurants, supporting retail and services, educational institutions, public open spaces, and residential and senior citizen housing. Development of sites exclusively for residential uses shall have a minimum contiguous area of 1 net acre, with a maximum density of 47 units per net acre. Senior citizen and senior congregate care housing shall permit a maximum density of 130 units per net acre, subject to the approval of a Conditional Use Permit.

G. CR-3 (COMMERCIAL REGIONAL-TRI-CITY-CLUB) ZONE

This zone is intended to permit a diversity of regional-serving uses including corporate and professional offices, retail commercial, entertainment (theaters, nightclubs, etc.), financial establishments, restaurants, hotels-motels, warehouse-promotional retail, supporting retail and services, and similar uses.

(Ord. MC-1436, 12-21-16; Ord. MC-1098, 6-05-01)

H. CR-4 (COMMERCIAL REGIONAL-AUTO PLAZA) ZONE

This zone is intended to provide for the development of new and used automobile and truck sales and related retail and service uses in the Auto Plaza area.

I. CCS-1 (CENTRAL CITY SOUTH) ZONE

This zone is intended to permit general retail, professional office and medical types of uses. Standards are contained in Chapter 19.13.

(Ord. MC-1381, 12-19-12)

J. CCS-2 (CENTRAL CITY SOUTH) ZONE

This zone is intended to permit service commercial uses. Standards are contained in Chapter 19.13.

K. CCS-3 (CENTRAL CITY SOUTH-FLOOD CONTROL CHANNEL) ZONE

This zone is intended to provide for the flood control channel. Standards are contained in Chapter 19.13.

[\[Return to Municipal Code Contents\]](#)

L. CH (COMMERCIAL HEAVY) ZONE

This zone is intended to accommodate automobile and truck sales and repair facilities, lumberyards, and related hardware sales, plant nurseries, light industrial manufacturing and storage facilities, and similar uses requiring extensive outdoor or indoor space for their sales, service, and-or storage, excluding neighborhood commercial uses.

19.06.020 DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES

[Table 06.01](#) represents those uses in the commercial zones which are subject to a Development Permit (D) or Conditional Use Permit (C).

(Ord. MC-888, 12-07-93)

**TABLE 06.01
COMMERCIAL ZONES LIST OF PERMITTED, DEVELOPMENT PERMITTED
AND CONDITIONALLY PERMITTED USES**

The following list represents those primary uses in the commercial zones, which are Permitted (P), subject to an Administrative or Development Permit (D), or a Minor-Conditional Use Permit (C). Those with a -- are not permitted uses in that zone.

(Ord. MC-1381, 12-19-12)

LAND USE ACTIVITY	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
A. Administrative & Professional Offices-Services	D	D	D	D	D	D	D	--	D	D	D
Commercial Establishments where the administrative, clerical and managerial functions of a business of industry are conducted or where members of a profession conduct their practice (e.g., accounting or engineering)											
B. Assembling, Processing Facilities	--	--	--	--	--	--	--	--	D	--	--
Establishments, which perform the assembling, cleaning, manufacturing, processing, repairing or testing of products and welding and excluding explosives, conducted entirely within an enclosed structure											

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

LAND USE ACTIVITY

	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
C. Automotive-Related Uses											
Commercial establishments, which provide parts, repair, sale and service for autos, RVs and trucks. Examples of allowable land use activities include, but are not limited to, the following:											
1. Auto Parts Sales – No Installations	--	D	D	D	D	D	--	D	D	D	D
2. Auto Parts Sales – With Installations	-	D	D	D	D	D	--	D	D	--	D
3. Auto Repair (e.g., bodywork, engine and drive train, painting and misc. work)	--	C	C	--	C	--	--	C	C	--	C
4. Car, RV and Truck Sales – New	--	D	D	--	D	--	C	D	D	D	D
5. Car, RV and Truck Sales – Used	--	C	C	--	C	--	C	D ¹	C	C	C
6. Car Washes	--	C	C	C	--	--	--	D	C	--	C
7. Impound Vehicle Storage Yards	--	--	--	--	--	--	--	--	C	--	--
8. Service Stations	C	C	C	C	C	C	C	C	C	C	--
9. Vehicle Leasing-Rental	--	D	D	D	--	D	--	D	D	D	D

LAND USE ACTIVITY CO CG-1 CG-2 CG-3 CR-1 CR-2 CR-3 CR-4 CH CCS-1 CCS-2

D. Boarding-Lodging Facilities

Commercial establishments, which provide boarding, camping spaces-facilities, and lodging (with or without meals). Examples of allowable land use activities include, but are not limited to, the following:

1. Boarding Houses	--	--	C	--	--	C	--	--	--	--	--	--	--	--
2. Fraternities-Sororities	--	--	--	C	--	--	--	--	--	--	--	--	--	--
3. Hotels-Motels	--	C	C	--	--	C	--	--	C	--	--	--	C	--
4. RV Parks	--	C	C	--	--	--	--	--	--	C	--	--	--	--
5. Single Room Occupancy (SROs)	--	--	C	--	--	--	--	--	C	--	--	--	--	--
6. Extended Lodging Facilities	--	--	--	--	--	C	--	--	C	--	--	--	--	--

(Ord. MC-1126, 6-04-02)

LAND USE ACTIVITY CO CG-1 CG-2 CG-3 CR-1 CR-2 CR-3 CR-4 CH CCS-1 CCS-2

E. Eating-Drinking Establishments

Commercial establishments, which serve prepared food or beverages for consumption on or off the premises.

Examples of allowable land use activities include, but are not limited to, the following:

- | | | | | | | | | | | |
|--|----|---|---|---|----|----------------|----|----|----|----|
| 1. Night Clubs-Bars-Lounges | -- | C | C | C | C | C | -- | -- | C | -- |
| 2. Restaurants – No Drive-Thru | D | D | D | D | D | D | -- | D | D | D |
| 3. Restaurants – With Drive-Thru
(Ord. MC-1436, 12-21-16) | -- | C | C | C | -- | C ² | -- | -- | -- | -- |
| 4. Restaurants – Take-Out Only
(No seats) | D | D | D | D | D | D | -- | D | D | D |

F. Entertainment-Recreation

Commercial establishments, which provide participant-spectator amusement, entertainment or sport, primarily for financial gain. Examples of allowable land use activities include, but are not limited to, the following:

- | | | | | | | | | | | |
|------------------------|----|----|----|----|----|----|----|---|----|----|
| 1. Adult Entertainment | -- | -- | -- | -- | -- | -- | -- | D | -- | -- |
|------------------------|----|----|----|----|----|----|----|---|----|----|

LAND USE ACTIVITY CO CG-1 CG-2 CG-3 CR-1 CR-2 CR-3 CR-4 CH CCS-1 CCS-2

2. Auditoriums, Convention Halls and Theaters	C	C	C	C	C	C	--	C	C	C	C
3. Banquet Halls	C	C	C	C	C	C	--	C	C	C	C
4. Movie Theaters ⁴	C	C	C	C	C	C	--	C	C	C	C
5. Miscellaneous Indoor	D	D	D	D	D	D	--	D	D	D	D
6. Miscellaneous Outdoor	C	C	C	C	C	C	--	C	C	C	C

G. Financial

Commercial establishments, which engage in monetary transaction not directly related to the sale of a product-service.

	D	D	D	D	D	D	--	D	D	D	D
--	---	---	---	---	---	---	----	---	---	---	---

H. Medical-Care Facilities-Social Services

Commercial establishments, which provide services of a medical-care nature, related to the health and welfare of the City's residents. Examples of allowable land use activities include, but are not limited to, the following:

1. Blood Banks	C	C	--	--	--	--	--	--	--	--	--
----------------	---	---	----	----	----	----	----	----	----	----	----

LAND USE ACTIVITY

	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
2. Emergency Shelters	--	--	--	--	--	C	--	--	C	--	--
3. Health Clinics-Outpatient Surgery	D	D	D	D	D ⁵	D	D	--	--	D	--
4. Medical Offices	D	D	D	D	D	D	D	--	D	D	D
5. Hospitals	C	C	--	--	--	--	--	--	--	--	--
6. Outpatient – Treatment Programs	C	C	C	--	--	--	--	--	--	D	--
7. Residential Care Facilities	C	C	C	--	--	C	--	--	--	--	--
8. Senior-Congregate Care Facilities	C	C	C	--	--	C	--	--	--	--	--
9. Social Services Centers	C	C	C	C	--	C	C	--	--	--	--

I. Personal Service

Commercial establishments, which provide needed services of a personal nature. Examples of allowable land use activities include, but are not limited to, the following:

1. Barber-Beauty-Nail Shops
2. Dance Schools-Karate Studios
3. Dry Cleaners

LAND USE ACTIVITY

	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
4. Health-Athletic Clubs	D	D	D	D	D	D	D	--	--	D	D
5. Laundromats (self-serve)	--	D	D	D	--	D	--	--	--	--	D

J. Retail Commercial

Commercial establishments, which sell merchandise generally needed-desired by the community. Examples of allowable land use activities include, but are not limited to, the following:

1. Convenience Stores	--	C	C	C	--	--	--	--	--	--	--
2. Drug Stores	D	D	D	D	D	D	D	--	D	D	D
3. Flower-Gift Shops	D	D	D	D	D	D	D	--	D	D	D
4. General Merchandise (including Supermarkets)	--	D	D	D	D	D	D	--	D	D	D
5. Home Improvements with Outdoor Display of Lumber, Garden and Nursery Items	--	D	D	D	--	--	D	--	D	--	--
6. Indoor Retail Concession Malls	--	C	C	--	--	--	--	--	C	--	--
7. Liquor Stores	--	C	C	C	C	C	C	--	--	C	C

LAND USE ACTIVITY

	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
8. Medical Equipment and Supplies	D	D	D	--	D	D	--	--	--	--	--
9. Mini-Malls	--	C	C	C	--	--	C	--	--	C	--
10. Mobile Home Sales	--	D	D	D	--	D	D	D	D	--	D
11. Neighborhood Grocery Stores (with or without alcohol sales)	--	C	C	C	--	C	--	--	C	--	--

(Ord. MC-1093, 3-05-01)

K. Service Commercial

Commercial establishments, which store large inventories of goods typically in industrial-style structures where goods are not produced on the site, but are offered for sale. Examples of allowable land use activities include, but are not limited to, the following:

1. Catering Establishments	--	D	D	--	--	D	D	--	D	D	D
2. Cleaning-Janitorial	--	D	D	--	--	D	D	--	D	D	D

LAND USE ACTIVITY CO CG-1 CG-2 CG-3 CR-1 CR-2 CR-3 CR-4 CH CCS-1 CCS-2

3.	Copy Centers/Postal Service Centers and Blueprinting	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
4.	Equipment Rental/Sales/Service Yard	--	--	--	--	--	--	--	--	--	--	D	--	--	--	--	--
5.	Laboratories (e.g., Film, Medical and Dental, "R&D", etc.)	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
6.	Misc. Repairs/Services (indoors only)	--	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
7.	Publishing/Printing Plants	--	--	--	--	--	--	--	D	--	--	D	--	D	D	D	D
8.	Recycling Facilities	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶	D ⁶
9.	Recycling Facilities (reverse vending only)	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
10.	Veterinary Services – Animal Boarding	--	C	C	C ¹³	--	--	--	--	--	--	C	--	C	--	--	C
11.	Veterinary Services – No Animal Boarding	--	D	D	--	--	--	--	--	--	--	D	--	D	--	--	--
12.	Welding and Related Uses	--	--	--	--	--	--	--	--	--	--	D	--	D	--	--	--

LAND USE ACTIVITY CO CG-1 CG-2 CG-3 CR-1 CR-2 CR-3 CR-4 CH CCS-1 CCS-2

LAND USE ACTIVITY	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
L. Other											
1. Antennae-Satellite Dish	D	D	D	D	D	D	D	D	D	D	D
2. Bakeries (Commercial)	--	--	D	--	--	--	--	--	--	D	D
3. Cable Companies	--	D	--	--	--	--	--	--	D	--	--
4. Clubs, Lodges and Meeting Halls	D	D	D	--	D ⁷	D	D	--	D	D	D
5. Combination Residence-Office ⁸	C	--	--	--	--	--	--	--	--	--	--
6. Commercial Cannabis Activities ¹⁴	--	D	D	D	--	D	D	--	D	D	D
7. Day Care Facilities	C	D	D	D	D	D	D	D	D	D	D
8. Educational Services (except Trade-Tech)	--	C	C	--	D ⁷	C	--	--	D	--	--
9. Fences-Walls	D	D	D	D	D	D	D	D	D	D	D
10. Fuel Dealers	--	--	--	--	--	--	--	--	C	--	--
11. Funeral Parlors-Mortuaries	--	C	C	--	--	--	--	--	--	--	--
12. Heliports-Helipads	C	C	--	--	--	--	C	--	C	--	--
13. Libraries	D	D	D	D	D	D	D	--	D	D	D
14. Mini-storage	--	C ⁹	--	--	--	--	--	--	--	--	--

LAND USE ACTIVITY	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
15. Mixed-Use (excluding residential)	D	D	D	D	D	D	D	--	D	D	--
16. Mixed-Use Commercial and Residential Development (including Artist Colony and combination residence-office)	D	D	D	D	D	D	D	--	--	D	--
17. Multi-Family Housing	--	--	D ¹⁰	--	--	D	--	--	--	--	--
18. Museums	D	D	D	D	D	D	D	--	D	D	D
19. Office Conversion from Single-Family Residential	D ¹¹	D	D ¹¹	D	D	D	D	--	D	D	D
20. Parking Lots	D	D	D	D	D	D	D	D	D	D	D
21. Parking Structures	D	--	--	--	D	D	D	--	--	--	--
22. Pipelines (as defined by Section 19.20.030.12.E or as superseded by State or Federal law)	C	C	C	C	C	C	C	C	C	C	C
23. Police-Fire Protection	D	D	D	D	D	D	D	D	D	D	D
24. Public Utility Uses	D	D	D	D	D	D	D	D	D	D	D
25. Radio-Television Broadcasting	--	D	--	--	D ¹²	D	--	--	D	D	D

LAND USE ACTIVITY	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
26. Religious Facilities	--	C	C	C	C	C	C	--	C	C	C
27. Single-Family Residential (existing)	P	P	P	P	P	P	P	P	P	P	P
28. Swap Meets	--	--	--	--	--	--	--	--	C	--	--
29. Temporary Uses (subject to [T] Temporary Use-Special Use Permit	T	T	T	T	T	T	T	T	T	T	T
30. Trade-Tech Schools	C	D	D	--	D ¹²	D	D	--	--	D	--
31. Transit Center	--	--	--	--	--	--	--	--	--	D	--
32. Winery-Microbrewery	--	C	C	C	C	C	C	--	C	C	C

¹ Used vehicle sales may only be in conjunction with a “new” sales dealer.

² Only on properties in the Freeway Corridor Overlay District with frontage on 5th Street.
Ord. MC-1338, 11-16-10

⁴ Project with any single theater (regardless of others) having auditoriums of 3,000 square feet or less and 200 seats or fewer unless exempt by Development Agreement in place by February 22, 2012.
Applies to theaters established after February 22, 2012.

⁵ Ord. MC-1115, 2-05-02

⁶ Must be in compliance with Section 19.06.030(2)(Q)

⁷ Ord. MC-1115, 2-05-02

⁸ Ord. MC-1218, 3-07-06

⁹ Ord. MC-1035, 11-17-98

¹⁰ Requires approval by Council

¹¹ Refer also to Table 06.03

¹² Ord. MC-1115, 2-05-02

¹³ Ord. MC-1492, 5-02-18

¹⁴ Ord. MC-1519, 7-17-19

19.06.025 Prohibited Uses

(Ord. MC-1233, 10-02-06)

1. Notwithstanding any conflicting provision(s) in any other section of the San Bernardino Municipal Code, including the Development Code, no Conditional Use Permit, Development Permit, Building Permit, Certificate of Occupancy, or Zoning Verification Review (also referred to as “Zoning Consistency Review”), shall be issued or granted for the establishment of a new business, or the relocation of an existing business, in the City of San Bernardino within the following categories of commercial uses:

A. Smoke Shops and Hookah Lounges– Establishments that either exclusively sell or have more than ten percent (10%) of their floor area dedicated to the display, use, or sale of cigarettes, cigars, pipes, bongs, tobacco, hookah, e-cigarettes, and related paraphernalia.

Ord. MC-1405, 7-07-14

B. Single-price overstock-discount store – Establishments that sell a broad range of outlet, close-out, discontinued, liquidation, or overstock merchandise, and primarily at a single discount price in the low and very low price ranges, including but not limited to food stuffs, alcoholic beverages, apparel and accessories, costume jewelry, notions and wares, housewares, fountain refreshments, and toys. This category shall not include single-price overstock discount stores containing a minimum floor area of 9,000 square feet in size and approved under a Conditional Use Permit.

(Ord. MC-1367, 11-08-11)

C. Tattoo Parlors and-or Body Piercing Studios – Establishments that engage in any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring and-or establishments that create an opening in the body of a person for the purpose of inserting jewelry or other decoration. This category shall not include licensed physicians, nurses, electrologists, and cosmetologists and shall also not include jewelry stores that offer ear piercing.

D. Second Hand Stores-Thrift Stores – Establishments that sell used merchandise such as clothing and shoes, household furniture, home furnishings and appliances, books and magazines, office furniture, used musical instruments, used phonographs and records, used fixtures and equipment, including re-sale shops, consignment shops, and similar businesses. This category shall not include the following:

[Return to Municipal Code Contents]

1. Stores owned or operated by existing entities recognized as non-profit by the Secretary of State of the State of California, and in “good status” with the same.
 2. Antique Stores – An antique, for the purposes of this ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, and at least 50 years old. This includes any premise used for the sale or trade of articles of which 90% or more are over 50 years old or have collectible value.
 3. Existing, legally established indoor concession malls and outdoor swap meets, unless otherwise prohibited.
- E. Check-Cashing, Cash Advance, and Loan Facilities – Establishments that engage, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, such facilities do not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company.
1. This category shall include any business licensed by the California Commissioner of Corporations to make deferred deposit transactions pursuant to California Financial Code Section 23000 et seq., sometimes referred to as “payday advance,” “cash advance,” or “payday loan” services.
 2. This category shall not include any ancillary check-cashing facility that is located entirely within a major retailer over 15,000 square feet in size.
- F. Convenience Stores (if located within a one mile radius or another convenience store) – The retail sale of groceries, staples, sundry items, and-or alcoholic beverages where the gross floor area is less than 5,000 square feet. This category shall not include any convenience store located on the same parcel with an automobile service station.
- G. Pawn Shops - Businesses that loan money or other items of value to any person, firm or corporation, upon any personal property, personal security or the purchasing of personal property and reselling or agreeing to resell such articles at prices previously agreed upon.
1. This category shall not include any legally established pawnshop in an unreinforced masonry building to be relocated to another building within 50 feet of the current location.

[Return to Municipal Code Contents]

2. This category shall not include any legally established pawnshop relocating to another property within the City subject to approval of a Conditional Use Permit.

(Ord. MC-1443, 5-01-17)

- H. Automotive Stereo Shops – Establishments that either exclusively or as a substantial portion (+50%) of their floor area, sell and install automotive stereos and accessories. This category shall not apply to the establishment of a new Automotive Stereo shop in the Auto Center Plaza area.
- I. Tire Stores – Establishments less than 5,000 square feet in size which sell new and-or used automobile tires and accessories. This category shall not include legally established service stations and auto repair facilities.
- J. Self-service Laundry – Any commercial establishment providing the use of self-service washing machines and dryers to the public, usually coin-operated. This category shall not include self-service laundries approved under a Conditional Use Permit to be established in a multi-tenant center of at least 20,000 square feet.

(Ord. MC-1367, 11-08-11)

- K. Recycling Center – Small collection facilities which occupy an area of less than 500 square feet, and which accept by donation, redemption or purchase, recyclable materials from the public, unless required as a Certified Recycling Center by the California Public Resources Code, or donation drop boxes operated by a valid non-profit organization.

(Ord. MC-1381, 12-19-12)

- L. Party Supply Stores – Establishments that either exclusively or as a substantial portion of their floor area, sell or rent party supplies and equipment. This category shall not include party supply stores of at least 2,500 square feet and located in a multi-tenant center of at least 20,000 square feet, or party supply stores established in a single-tenant building of at least 10,000 square feet of floor area; and approved under a Conditional Use Permit.

(Ord. MC-1367, 11-08-11)

2. Section 19.06.025(1) shall not apply to any of the enumerated uses if established in a shopping center or mall containing over 150,000 square feet of floor area and that have at least one major commercial-anchor-tenant, and subject to approval of a Conditional Use Permit pursuant to Development Code Chapter 19.36.

Ord. MC-1405, 7-07-14

[Return to Municipal Code Contents]

3. Section 19.06.025(1) shall not apply to any of the enumerated uses if that use is exclusively established in single independent building exceeding 25,000 square feet in size

19.06.026 (Repealed by Ord. MC-1464, 3-07-18)

19.06.030 Development Standards

1. GENERAL STANDARDS

- A. The following standards are minimum unless stated as maximum. See [Table 06.02](#).

- B. COMMERCIAL LAND USE DISTRICT STANDARDS

The following standards shall apply to development in all commercial districts, except as otherwise provided for in this Development Code:

The following standards shall apply to development in all commercial zones, except as otherwise provided for in this Development Code:

1. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses (e.g. patio dining areas and nursery sales limited to plants and trees) or permanent outdoor sales and display areas, for major tenants (15,000 sq. ft. or greater) shall be approved with a Development Permit. Temporary outdoor sales and displays are permitted pursuant to Chapter 5.22 of the Municipal Code.

(Ord. MC-972, 6-04-96)

2. Outside storage, which shall be limited to within cargo containers only, shall be confined to the rear of the principal structure(s) or the rear two-thirds of the site, whichever is the more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping and shall be approved with a Development Permit. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

(Ord. MC-1393, 12-02-13)

[Return to Municipal Code Contents]

3. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
4. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s).
5. Elevations of all structures shall be architecturally treated to ensure compatibility with high quality neighboring structures.
6. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.

TABLE 06.02 COMMERCIAL ZONES DEVELOPMENT STANDARDS

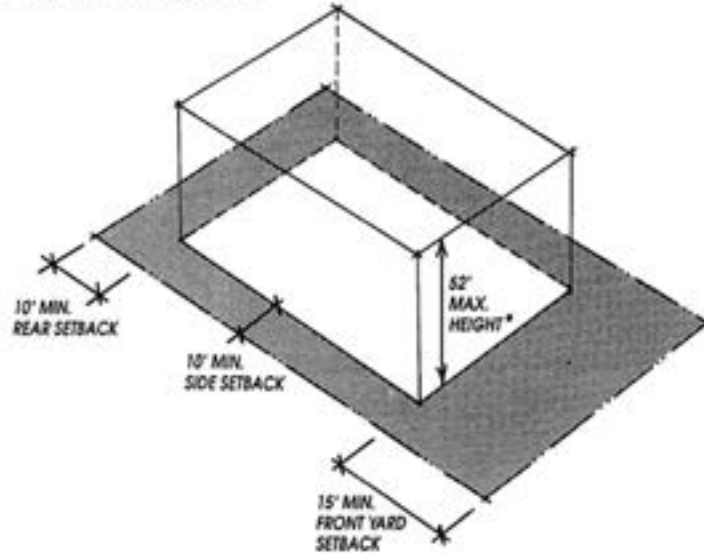
DEVELOPMENT STANDARDS	CO	CG-1	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS-1	CCS-2
Net Lot Area ¹	10,000	10,000	10,000	10,000	0	0	10,000	1 ac.	10,000	10,000	1 ac.
Front Setback	15	10	10	15	0	0	15	20	10	20	10
Rear Setback	10	0 ²	0 ²	0 ²	0	0	10	0	0	10	10
Side Setback (Each)	10	0 ²	0 ²	0 ²	0	0	10	5	0	10	10
Side Setback (Street Side)	10	10	10	10	0	0	10	20	10	10	10
Lot Coverage (Maximum %)	50	50	50	50	75	100	75	75	75	50	75
Structure Height (Maximum)-Feet	4 st. ³ / 52	2 st. ⁴ / 30	2 st. / 30	2 st. / 30	4 st. / 52	100 ⁴	4 st. ⁵ / 52	2 st. / 30	2 st. / 45	2 st. ⁵ / 30	2 st. ⁵ / 50

st. = story
ac. = acre

¹ This standard is only required for new commercial and industrial subdivisions
² Except if adjacent to any Residential Land Use District, where the minimum side or rear setback shall be 10 feet.
³ Except within 75 feet of any Residential Land Use District, the maximum height is 2 stories or 30 feet.
⁴ Except additional height may be allowed as provided as bonus height provision of Section 19.06.030(2)(E).
⁵ May exceed this height with a Conditional Use Permit, pursuant to Section 19.36. In CG-1, the site must abut a freeway
 Ord. MC-1381, 12-19-12
 CCS-1 added by Ord. MC-941, 6-06-95

Site Development Standards CO (Commercial Office Zone)

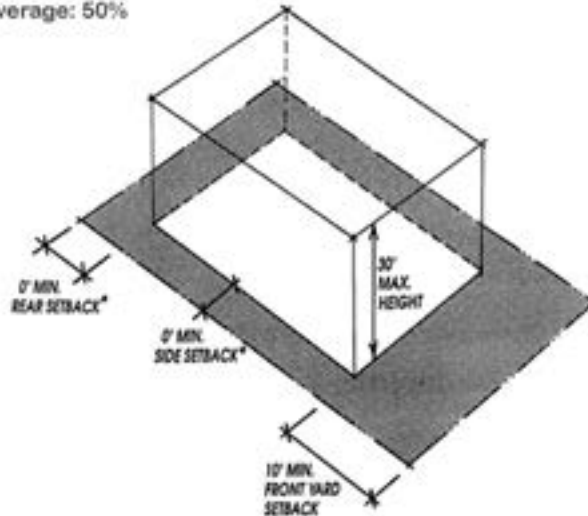
Min. Lot Size: 10,000 square feet
Max. Lot Coverage: 50%



* Within 75 feet of any Residential Land Use District, the maximum height is 2 stories or 30 feet.

Site Development Standards CG-1 (Commercial General) Zone

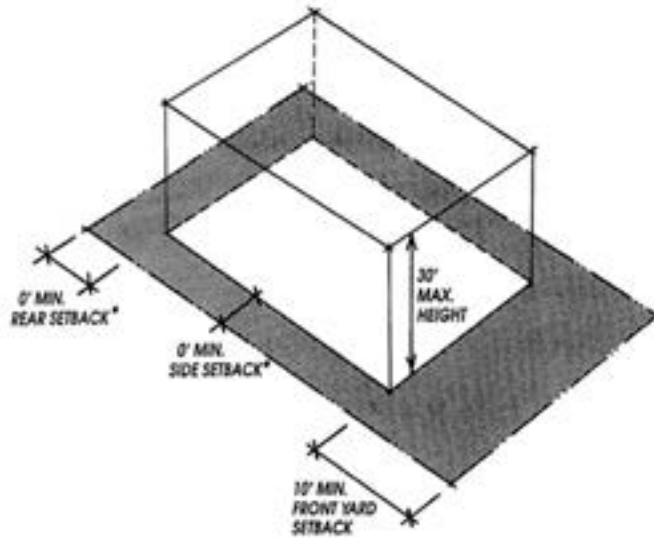
Min. Lot Size: 10,000 square feet
Max. Lot Coverage: 50%



* Except if adjacent to a Residential Land Use District, The minimum side or rear setback shall be 10 feet

Site Development Standards CG-2 (Commercial General-2) Zone

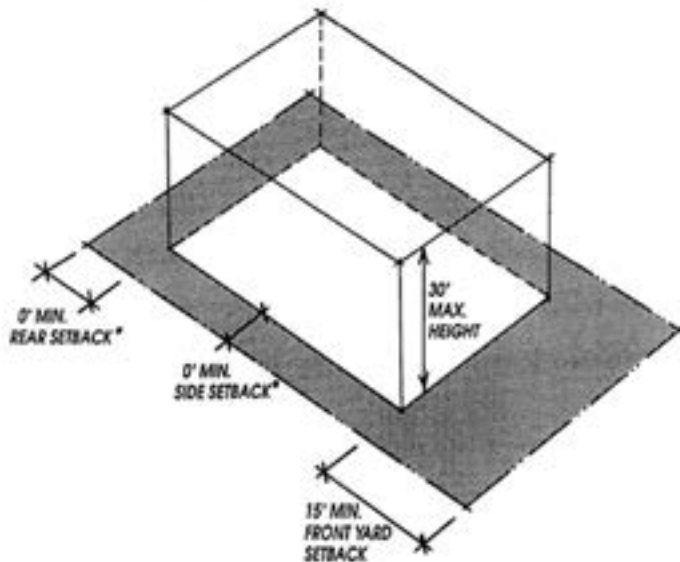
Min. Lot Size: 10,000 square feet
Max. Lot Coverage: 50%



* Except if adjacent to a Residential Land Use District the minimum side or rear setback shall be 10 feet.

Site Development Standards CG-2 (Commercial General -3) Zone

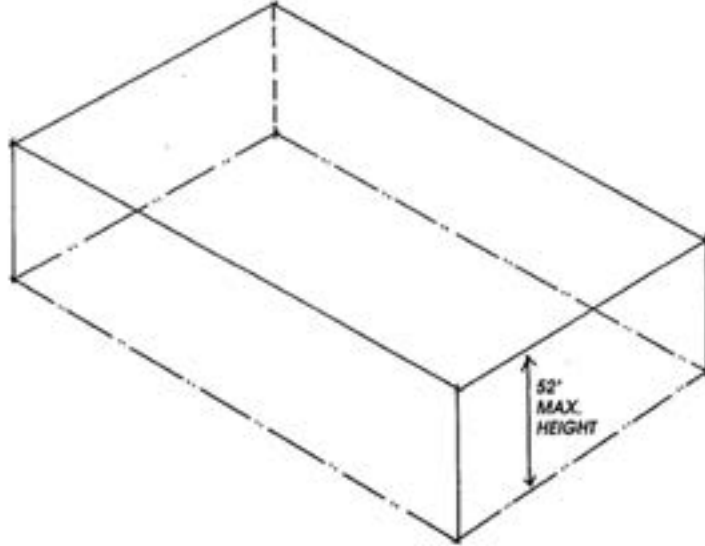
Min. Lot Size: 10,000 square feet
Max. Lot Coverage: 50%



* Except if adjacent to a Residential Land Use District, the minimum side or rear setback shall be 10 feet.

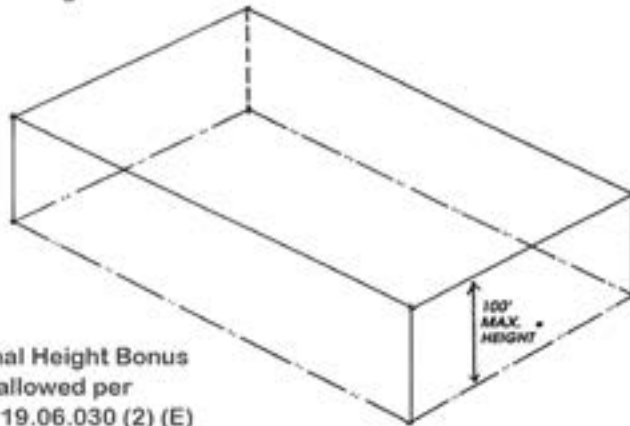
Site Development Standards CR-1 (Commercial Regional - Malls) Zone

No Minimum Lot Area Required
Max. Lot Coverage: 75%



Site Development Standards CR-2 (Commercial Regional - Downtown) Zone

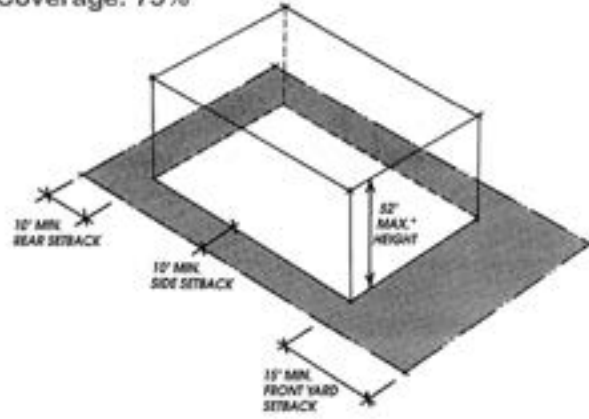
No Minimum Lot Area Required
Max. Lot Coverage: 100%



* Additional Height Bonus
may be allowed per
Section 19.06.030 (2) (E)
of this Development Code.

Site Development Standards CR-3 (Commercial Regional - Tri-City/Club) Zone

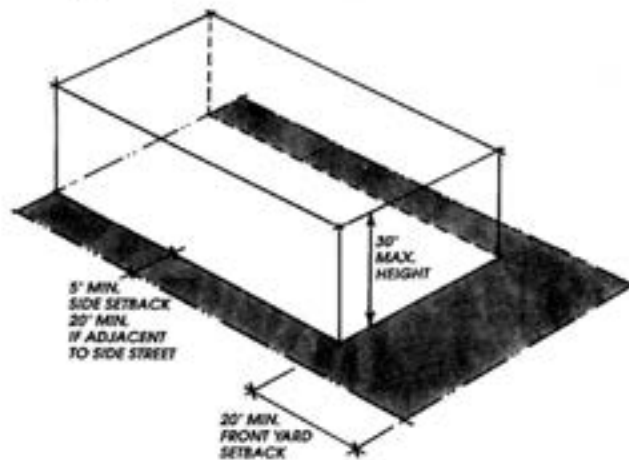
Minimum Lot Area: 10,000 square feet
Max. Lot Coverage: 75%



* May Exceed this height with Conditional Use Permit pursuant to Section 19.036.

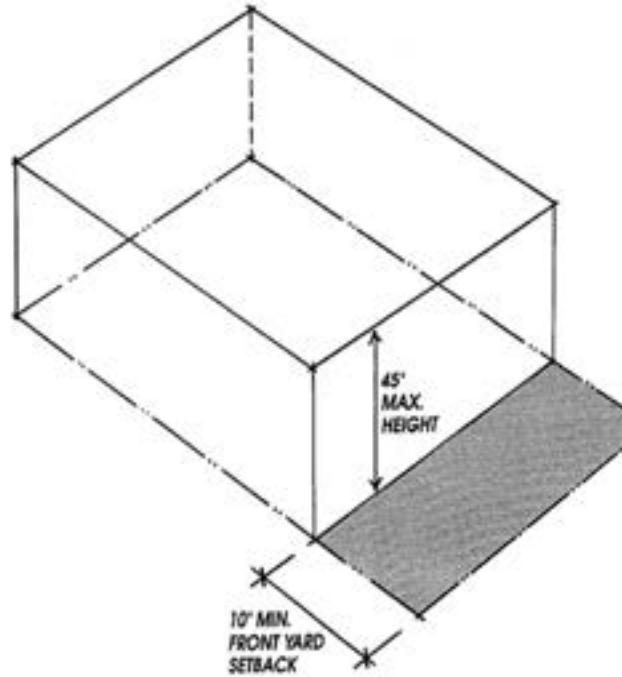
Site Development Standards CR-4 (Commercial Regional - Auto Plaza) Zone

Minimum Lot Area: 1 Acre
Max. Lot Coverage: 75%



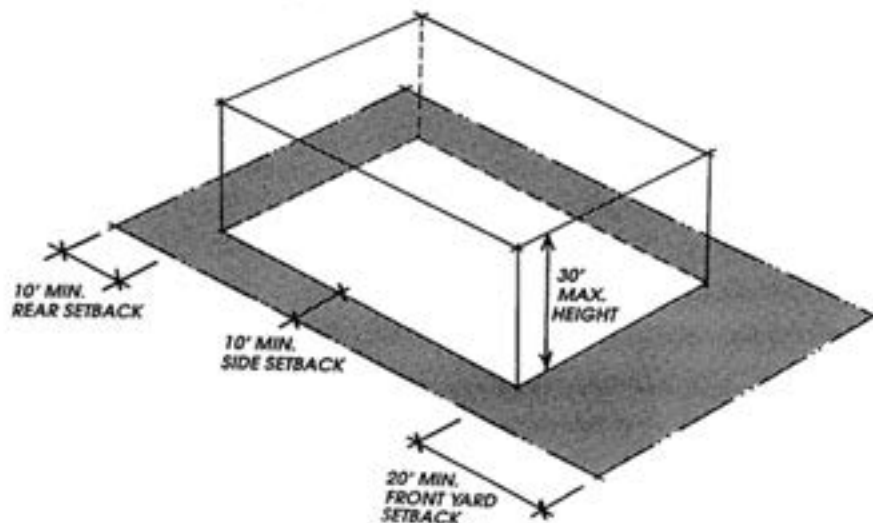
Site Development Standards CH (Commercial Heavy) Zone

Min. Lot Size: 10,000 square feet
Max. Lot Coverage: 45%



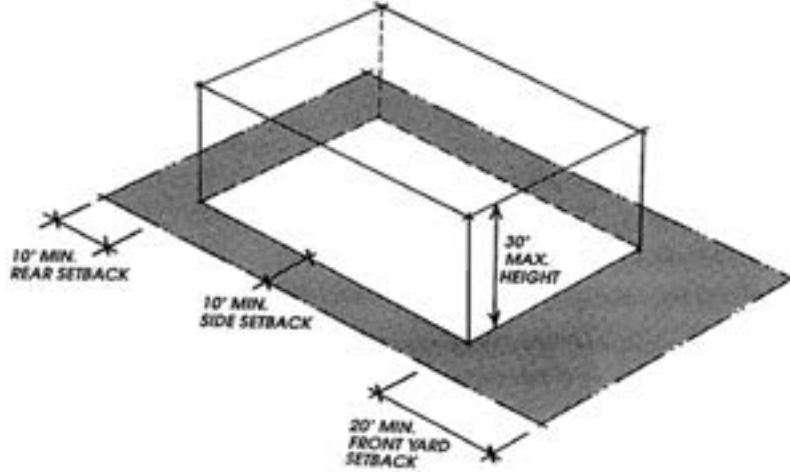
Site Development Standards CCS-1 (Central City South) Zone

Minimum Lot Area: 10,000 square feet
Max. Lot Coverage: 50%



Site Development Standards CCS -2 (Central City South) Zone

Minimum Lot Area: 1 Acre
Max. Lot Coverage: 75%



* May exceed this height with a Conditional Use Permit,
pursuant to Section 19.036

**TABLE 06.03
COMMERCIAL AND INDUSTRIAL ZONES SPECIFIC STANDARDS**

SPECIAL STANDARDS	CO	CG-1 ²	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS	OIP	IL	IH	IE	UBP ³			
															1	2	3	
A. Adult Businesses							X					X ⁴				1	2	3
B. Alcohol Beverage Control License	X	X	X	X	X	X	X	X	X	X	X	X	X					
C. Automobile Sales	X	X	X	X	X	X ¹	X	X	X	X	X							X
D. Automobile Dismantling													X	X				
E. Bonus Height						X												
F. Commercial Cannabis Activities (Ord. MC-1519, 7-17-19)	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
G. Convenience Stores	X	X	X	X	X	X	X	X	X	X	X	X	X	X				

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

SPECIAL STANDARDS	CO	CG-1 ²	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS	OIP	IL	IH	IE	UBP ³		
															1	2	3
H. Daycare Centers	x	x	x	x	x	x	x	x	x	x	x	x	x	x	1	2	3
I. Drive-Thru Restaurants Ord. MC-1436, 12-21-16	x	x	x	x	x	x											x
J. Indoor Retail Concession Malls (Ord. MC-825, 3-17-92)	x	x					x										
K. Microbrewery	x	x	x	x	x	x		x	x	x		x					
L. Mini Malls	x	x	x	x			x			x							x
M. Mini Storage		x ⁵					x			x							x

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

SPECIAL STANDARDS	CO	CG-1 ²	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS		OIP	IL	IH	IE	UBP ³				
										1	2					1	2	3		
N. Mixed Use Commercial & Residential Development (Including Artist Colony & combination Residence-Office) (Ord. MC-1218, 3-07-06)	X	X	X	X	X	X	X	X	X	1	2						1	2	3	
O. Mobile Vendors																				
P. Multi-Family Housing		X			X															
Q. Neighborhood Grocery Stores (with or without alcohol) (Ord. MC-1093, 3-05-01)	X	X	X		X			X												
R. Recycling Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

SPECIAL STANDARDS

	CO	CG-1 ²	CG-2	CG-3	CR-1	CR-2	CR-3	CR-4	CH	CCS	OIP	IL	IH	IE	UBP ³
S. Sales and Production of Handicraft Items						X									
T. Senior Housing	X	X ⁶	X												
U. Service Stations (Gasoline)					X	X	X	X	X		X	X	X		
V. Service Station Conversions					X	X	X	X	X		X	X	X	X	
W. Single-Family Housing, Existing (Ord. MC-823, 3-03-92)					X	X	X	X	X		X	X	X		X
X. Single-Family-Office Conversions (Ord. MC-818, 1-07-92)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

Y.	Single Room Occupancy (SRO) Facilities (Ord. MC-809, 10-08-91)	x	x	x	x	x	x
Z.	Social Service Uses-Centers (Ord. MC-1106, 10-02-01)	x	x	x	x	x	x
AA.	Extended Lodging Facilities (Ord. MC-1126, 6-04-02)	x	x	x	x	x	x

¹ South of I-10 and adjacent to Tippecanoe Avenue between Hospitality Lane and I-10 only.
(Ord. MC-1098, 6-05-01; Ord. MC-989, 12-17-96)

² (Ord. MC-856, 12-23-92)

³ (Ord. MC-863, 3-24-94)

⁴ (Ord. MC-909, 8-16-94; Ord. MC-896, 2-23-94)

⁵ (Ord. MC-1035, 11-17-98)

⁶ CG-1 only. (Ord. MC-1304, 5-05-09)

2. SPECIFIC STANDARDS FOR COMMERCIAL ZONES

In addition to the general development requirements contained in Chapter 19.20 (Property Development Standards), the following standards shall apply to specific commercial zones. (See [Table 06.03](#) on previous page.) For residential uses in commercial zones, see [Table 4.03](#) and the standards contained in Chapter 19.04.030(2).

A. ADULT BUSINESSES

(Ord. MC-1060, 10-19-99)

1. **Legislative Purpose.** It is the intent of this ordinance to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult Businesses in close proximity to each other or proximity to other incompatible uses such as schools, parks, religious institutions, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this article to establish reasonable and uniform regulations to prevent the concentration of Adult Businesses or their close proximity to incompatible uses, while permitting the location of Adult Businesses in certain areas. It is also the purpose of this ordinance to regulate Adult Businesses in order to promote the health, safety, and general welfare of the citizens of the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to adult materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
2. **Definitions.** For the purpose of this section, the following definitions shall apply:
 - a. **Adult Arcade.** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by 5 or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

[\[Return to Municipal Code Contents\]](#)

- b. **Adult Bookstore.** An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration any 1 or more of the following:
- 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - 2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- c. **Adult Business-Adult Entertainment Business** means:
- 1) Any business establishment which as a regular and substantial course of conduct offers, sells or distributes adult-oriented merchandise or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," but not including those uses or activities which are preempted by State law; or
 - 2) Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, or sexual encounter establishment.
- d. **Adult Cabaret.** Nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- e. **Adult Motel.** A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- f. **Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- g. **Adult Theater.** A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- h. Establishment of an Adult Entertainment Business includes any of the following:
 - 1) The opening or commencement of any such business as a new business;
 - 2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
 - 3) The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
 - 4) The relocation of any such business.
- i. **Massage Parlor.** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- j **Sexual Encounter Establishment.** An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where 2 or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.

- k. **Specified Anatomical Areas.** Includes any of the following:
 - 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- l. **Specified Sexual Activities.** Includes any of the following:
 - 1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3) Masturbation, actual or simulated; or
 - 4) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

- m. **Substantial Enlargement.** The increase in floor area occupied by the business by more than 10%, as such floor area exists on the effective date of this Development Code.

- n. **Substantial Portion.** For the purposes of this section "substantial portion" shall mean 20% or more of the face value of the stock in trade, or 20% of the floor area of the store, whichever is more.

(Ord. MC-799, 7-02-91)

3. Adult Business Development Permit (DP-D). Adult businesses are permitted, subject to a Development Permit (DP-D), only in the CH and IL zones. It shall be unlawful for any person to establish an Adult Business in the City of San Bernardino unless the person first obtains and continues to maintain in full force and effect a Development Permit (DP-D) from the City of San Bernardino as herein required.
 - a. Notwithstanding any other provision of this Development Code, the Development-Environmental Review Committee (D-ERC) shall adopt findings and approve an application for an Adult Business Development Permit II within forty-five (45) days after receipt of a complete application if the application satisfies the requirements of this section. If the D-ERC determines that the application does not satisfy the requirements of this section, the D-ERC shall deny the application.
 - b. Any party shall have the right to appeal the D-ERC's decision to the Planning Commission, and to subsequently appeal the Planning Commission's decision to the Council pursuant to Development Code Chapter 19.52. The Planning Commission and the Council shall each hold a hearing and shall render a decision within thirty (30) days after each appeal is filed unless a continuance is requested by the applicant for the Adult Business Development Permit II.
 - c. Pursuant to Code of Civil Procedure Section 1094.6, any action to review the decision of the Council shall be commenced not later than the ninetieth day after the Council's decision is rendered. The Council shall take all lawful steps to ensure that any party aggrieved by its decision shall be afforded prompt judicial review of said Council's decision.
 - d. Standards for Approval of Adult Business Development Permit II:
 - 1) The operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to the City's building, fire, zoning and health regulations.
 - 2) The applicant has not knowingly made any false, misleading or fraudulent statement of fact in the application process, or on any document required by the City in conjunction therewith.
 - 3) It is unlawful to cause or permit the establishment or substantial enlargement of an adult business, within 2,000 feet of another adult business or within 1,000 feet of any religious institution which received development approval prior to December 14, 1994,

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

any school or any public park within the City or within 1,000 feet of any property designated for residential use or used for residential purposes.

(Ord. MC-942, 6-06-95; Ord. MC-915, 12-20-94)

- 4) Measurement of Distance. The distance between any 2 adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment business and any religious institution, school or public park or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the religious institution, school or public park or the property designated for residential use or used for residential purposes. Should the straight line distance be intersected by a freeway, a river or a flood control channel, the distance shall instead be measured by the shortest route of travel.

(Ord. MC-977, 7-31-96)

- 5) Signs. All on-site signage shall conform to Chapter 19.22.
- 6) Viewing Area.
 - a. It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any adult business in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall, or other enclosure. For purposes of this Section, viewing area means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show or film.
 - b. It is unlawful for more than 1 person at a time to occupy any individual partitioned viewing area or booth.
 - c. It is unlawful to create, maintain or permit to be maintained any holes or other openings between any 2 booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.
 - d. The opening to the viewing area shall be from the main aisle.

[Return to Municipal Code Contents]

- 7) The applicant and owner, and every subsequent owner of the adult business shall obtain an adult entertainment license pursuant to SBMC Chapter 5.14. Failure to maintain said adult entertainment license in effect while the adult business is in operation shall be grounds for revocation of the Adult Business Development Permit II. The conditions of approval imposed on said adult entertainment license shall be included as conditions of approval on the Adult Business Development Permit II.
- 8) All construction shall comply with all applicable requirements in the San Bernardino Municipal Code and Development Code including, but not limited to the California Building Standards Code as incorporated in San Bernardino Municipal Code Chapter 15.04.
- 9) The D-ERC shall impose additional conditions prior to approval of an application for an Adult Business Development Permit II which are deemed necessary by the DERC to ensure compliance with the Development Code and to protect the public health and safety. Such conditions shall be limited to the following: hours of operation, maximum occupancy, fire and life safety issues, fire suppression, exterior signage, exterior and interior lighting, parking, landscaping, existence of public telephones, and security guards.

B. ALCOHOL BEVERAGE SALES

ARTICLE I – GENERAL

SECTION I – TITLE AND PURPOSE

A. Title:

- (1) This ordinance shall be known as the Conditional Use Permit - Deemed Approved Alcoholic Beverage Sales Regulations Ordinance.
- (2) This ordinance requires land use permits for newly established alcoholic beverage sales activities, confers deemed approved status for existing alcoholic beverage sales activities and provides standards and an administrative hearing process to review violations of those standards in order to protect the general health, safety, and welfare of the residents of the City of San Bernardino and to prevent nuisance activities where alcoholic beverage sales occur.

B. Purpose:

- (1) To protect residential, commercial, industrial and civic areas and minimize the adverse impacts of nonconforming and incompatible uses; and
- (2) To provide opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services; and
- (3) To provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior and escalated noise levels; and
- (4) To provide that alcoholic beverage sales establishments are not the source of undue public nuisances in the community; and
- (5) To provide for properly maintained alcoholic beverage sales establishments so that the negative impacts generated by these activities are not harmful to the surrounding environment in any way; and
- (6) To monitor Deemed Approved establishments to ensure they do not substantially change in mode or character of operation.

SECTION II – DEFINITIONS

The meaning and construction of these words and phrases, as set forth below, shall apply throughout, except where the context clearly indicates a different meaning or construction.

- (A) “**Administrator**” means the Administrative Hearing Officer as identified in Section III.
- (B) “**Alcoholic Beverage**” means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.
- (C) “**Alcoholic Beverage Sales Activity**” means the retail sale of alcoholic beverages for onsite or offsite consumption.

- (D) **"Alcoholic Beverage Sales Establishment"** means an establishment where an alcoholic beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the following recognized types of establishments: liquor stores; beer and wine stores; convenience markets; markets; neighborhood specialty food markets; retail sales establishments; wine shops; service stations; taverns; clubs; cocktail lounges, ballrooms, cabarets, dance bars, piano bars; billiard or game parlors, bowling alleys; nightclubs, dance halls; cafes, bars, restaurants with bars; full-service restaurants; and fast food establishments.
- (E) **"California Department of Alcoholic Beverage Control"** or **"ABC"** refers to the department of the State of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.
- (F) **"Conditions of Approval"** means a requirement that must be carried out by the activity by: (1) a new alcoholic beverage sales activity to exercise a land use permit; or (2) a legal nonconforming alcoholic beverage sales activity to comply with deemed approved performance standards and to retain its deemed approved status.
- (G) **"Deemed Approved Activity"** means any Legal Nonconforming alcoholic beverage sales activity, as defined in subsection (J). Such activity shall be considered a Deemed Approved activity as long as it complies with the Deemed Approved Performance Standards set forth in Article III, Section IV.
- (H) **"Deemed Approved Status"** means the permitted use of land for a Deemed Approved Activity. Deemed Approved status replaces Legal Nonconforming status with respect to Alcoholic Beverage Sales Commercial Activity and remains in effect as long as it complies with the Deemed Approved provisions and performance standards.
- (I) **"Illegal Activity"** means an activity, which has been finally determined to be in noncompliance with the Deemed Approved provisions and performance standards. Such an activity shall lose its Deemed Approved status and shall no longer be considered a Deemed Approved activity.

- (J) **“Legal Nonconforming Alcoholic Beverage Sales Commercial Activity”** or **“Legal Nonconforming Activity”** means an Alcoholic Beverage Sales Commercial Activity which was a nonconforming use pursuant to San Bernardino Municipal Code (Development Code) Chapter 19.62, and for which a valid state of California Alcoholic Beverage Control license had been issued and used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale Regulations Ordinance. Such an activity shall be considered a Deemed Approved Activity and shall no longer be considered a Legal Nonconforming Activity.
- (K) **“Off-Sale Alcohol Outlet”** means an establishment that conducts retail sales of Alcoholic Beverages for consumption off the premises where sold.
- (L) **“On-Sale Alcohol Outlet”** means an establishment that conducts retail sales of Alcoholic Beverages for consumption on the premises where sold.
- (M) **“Operational Standards”** means regulations for the business practice activities and land use for locations with a Conditional Use Permit or those further requirements imposed to achieve these goals. Operational Standards constitute requirements which must be complied with by an establishment in order to maintain its Conditional Use Permit.
- (N) **“Performance Standards”** means regulations for the business practice activities and land use for locations with Deemed Approved status or those further requirements imposed to achieve these goals. Performance Standards constitute requirements which must be complied with by an establishment in order to retain its Deemed Approved status.
- (O) **“Permit”** means a Conditional Use Permit issued pursuant to this ordinance.
- (P) **“Permittee”** means the individual or entity that owns an alcoholic beverage sale establishment and to whom a Conditional Use Permit to operate an alcoholic beverage sale establishment has been issued by the City of San Bernardino.
- (Q) **“Premises”** means the actual space in a building devoted to alcoholic beverage sales.
- (R) **“Restaurant”** means a bona fide eating place whose predominant function is the service of food and where on-site sale of alcoholic beverages is incidental or secondary.

SECTION III – ADMINISTRATIVE HEARING OFFICER

The “Administrative Hearing Officer” shall have the same appointment and qualifications as that designated in San Bernardino Municipal Code Chapter 9.93, Administrative Civil Penalties; and shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular alcoholic beverage sale establishments with the provisions of this Ordinance. This section is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies in the field of monitoring and ensuring the harmony of alcoholic beverage sale activities in the City. The Administrative Hearing Officers shall have the powers and duties assigned to them by the Development Code, and other San Bernardino Municipal Code ordinances.

SECTION IV - INSPECTION AND RIGHT OF ENTRY

The sale of alcoholic beverages is a closely regulated industry. The officials responsible for enforcement of the City Municipal Code or other provisions of the Development Code or their duly authorized representatives may enter on any site or into any structure open to the public for the purpose of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this ordinance or whenever necessary to the investigation of violations to the Conditions of Approval or Deemed Approved performance standards prescribed in these regulations. If an owner, occupant or agent refuses permission to enter, inspect or investigate, premises which are not open to the public, the officials or their representatives may seek an inspection warrant under the provisions of California Code of Civil Procedure section 1822.50 et. seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor and Common Council hereby declare that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections subsections, sentences, clauses or phrases may be declared invalid.

ARTICLE II – CONDITIONAL USE PERMITS FOR NEW ALCOHOLIC BEVERAGE SALES ACTIVITIES

SECTION I – PURPOSE

The general purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare by requiring consideration and approval of a Conditional Use Permit before a new alcoholic beverage sales activity will be permitted in any land use zoning district of the City and by requiring all new alcoholic beverage sales activities to comply with the operational standards in this ordinance and to achieve the following objectives:

- (A) Protect surrounding neighborhoods from the harmful effects attributable to the sale of alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.
- (B) Encourage businesses selling alcoholic beverages to operate in a manner that is mutually beneficial to other such businesses and other commercial and civic activities.
- (C) Provide a mechanism to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels.
- (D) Ensure that businesses selling alcoholic beverages are not the source of undue public nuisances in the community.
- (E) Ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

This Article alone does not allow or permit alcoholic beverage sales activities, but only applies to these activities where otherwise allowed or permitted within an applicable land use zoning district. This Article does not authorize alcoholic beverage sales activities in any land use district where they are not otherwise allowed or permitted by the applicable involved zoning district's regulations. The provisions of this ordinance are intended to compliment the State of California alcohol-related laws. The city does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control.

SECTION II – REQUIREMENT

Notwithstanding any other provisions of this Code, no new on-site or off-site alcoholic beverage sales activity may be established unless a Conditional Use Permit is first obtained in accordance with the requirements of this Article. The following uses are

[\[Return to Municipal Code Contents\]](#)

exempt from this requirement to obtain a Conditional Use Permit, and shall be subject to Director approval of a Development Permit and a finding of public convenience or necessity, if required:

- (A) Sit-down restaurants whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or secondary.
- (B) Establishments containing 10,000 square feet or more, including but not limited to supermarkets and drug stores, which do not sell alcoholic beverages as the principal business
- (C) Establishments, whose applications have been deemed complete prior to the effective date of this Ordinance by the Community Development s Department.
- (D) Temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and regulations.

SECTION III – LOCATIONAL RESTRICTIONS

- (A) Unless otherwise exempted under subsections B – H, a new alcoholic beverage sales activity is not permitted within 500 feet of any of the following locations:
 - 1. A public or private state licensed or accredited school.
 - 2. A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day-care facility.
 - 3. A place of worship or religious institution.
 - 4. A hospital.
 - 5. An alcohol or other drug abuse recovery or treatment facility.
 - 6. A county social service office.
- (B) Establishments containing 10,000 square feet or more, including but not limited to supermarkets and drugstores, which do not sell alcoholic beverages as the principal business are exempt from the locational restrictions.

- (C) Sit down restaurants whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or secondary are exempt from these locational restrictions. An incidental bar or lounge shall be allowed for the convenience of dining patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.)
- (D) All other establishments for on-site consumption of alcohol may be exempted from the locational restrictions, subject to evaluation of site-specific conditions through the Conditional Use Permit review process and considering recommendations from the Police Department.
- (E) Specialty retail establishments that offer unique product lines or variety of selection warranting a finding of public convenience or necessity are exempt from the locational restrictions.
- (F) An automobile service station convenience store that meets the location criteria of Section 19.06.030(2)(T) may be exempted from these locational restrictions, subject to evaluation of site-specific conditions through the Conditional Use Permit review process and considering recommendations from the Police Department.
- (G) A fraternal organization or veterans club may be exempted from the locational restrictions, subject to evaluation of site-specific conditions through the Conditional Use Permit review process and considering recommendations from the Police Department.
- (H) Temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and regulations are exempt from the locational restrictions.
- (I) The following location conditions will be considered in the review of Conditional Use Permit applications, and may be grounds for denial based on potential adverse effects to the public interest, health, safety or convenience:
 - 1. A location within a crime reporting district, or within 500 feet of a crime reporting district, where the general crime rate exceeds the city-wide general crime rate by more than 20 percent.
 - 2. A location where the new alcoholic beverage sales activity would be within 500 feet from an existing alcoholic beverage sales activity, or would lead to the grouping of more than four alcoholic beverage sales activities within a 1,000 foot radius from the new alcoholic beverage sales activity.

SECTION IV – OPERATIONAL STANDARDS

All new alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

- (A) That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- (B) That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- (C) That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- (D) That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control (“ABC”), California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business registration fees.
- (E) That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- (F) That the owners and all employees of establishments involved in the sale of alcoholic beverages complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Service" (RBS) training by October 21, 2011, or within sixty (60) days of hire for employees hired after that date. To satisfy this requirement, the RBS course must be recognized by the California Department of Alcoholic Beverage Control. The RBS course shall include at a minimum the following: a review of ABC laws and regulations; administrative, criminal and civil liabilities; acceptable forms of identification; and how to identify minors and persons already intoxicated.

(Ord. MC-1358, 7-06-11)

[Return to Municipal Code Contents]

1. Sit down restaurants that continue to serve menu items until closing and whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or secondary are exempt from this training requirement. An incidental bar or lounge shall be allowed for the convenience of dining patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.) Fraternal organizations and veterans clubs are exempt from this training requirement.
2. Retail outlets with 25 or more employees or containing 10,000 square feet or more, and subject to this training requirement may elect to send only supervisory employees to the RBS training, who would then be responsible for training all employees who are involved in the sale of alcoholic beverages.

(G) A copy of these operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

SECTION V – ADMINISTRATION

The San Bernardino City Planning Commission shall administer Conditional Use Permits.

SECTION VI – PERMIT APPLICATION

Any person, association, partnership, corporation or other entity desiring to obtain an alcoholic beverage sales activity Conditional Use Permit shall file an application with the City of San Bernardino Community Development Department to forward to the San Bernardino City Planning Commission on a form provided by the City. The application shall be accompanied by a nonrefundable application processing fee in an amount established by a resolution of the Mayor and Common Council.

The application for a Conditional Use Permit shall include, but not be limited to the following information:

- (A) The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.

[Return to Municipal Code Contents]

- (B) The name, address, and telephone number of each lender or share holder with a five percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid.
- (C) The name, address, and telephone number of the person who shall manage and operate the establishment for which the permit is requested.
- (D) The name, address, and telephone number, if available, of all existing schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities or county social service offices within 500 feet of the proposed alcoholic beverage sales activity establishment.
- (E) The name, address, and telephone number, if available, of all alcoholic beverage sale activities within 500 feet of the proposed alcoholic beverage sales activity establishment and within a 1000 foot radius from the proposed alcoholic beverage sales activity establishment.
- (F) The name, address, and telephone number of a person authorized to accept service of legal notices.
- (G) The proposed business name of the alcoholic beverage sales activity establishment and description of all operating aspects of the proposed business.
- (H) The type of ABC license the applicant is seeking for the alcoholic beverage sales activity establishment.
- (I) Any other information reasonably necessary to accomplish the purposes of this ordinance.
- (J) The Planning Commission may refer the application to other City departments to determine whether the premises where the alcoholic beverage sales activity establishment will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer. City departments may prepare reports summarizing their inspections and recommending whether to approve or deny the application based on their inspections.

SECTION VII – ACTION ON PERMIT APPLICATION

The Planning Commission shall approve issuance of the Conditional Use Permit to allow a new alcoholic beverage sales activity upon making the following findings:

[Return to Municipal Code Contents]

- (A) The proposed alcoholic beverage sales activity establishment is located in a zoning district in which the establishment is a permitted use.
- (B) A finding of "public convenience and necessity" (Business and Professions Code Section 23958.4(b) (2)), if the activity will be located in an area that has been determined by the state of California Department of Alcoholic Beverage Control to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).
- (C) A finding that the alcoholic beverage sales activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- (D) The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, county social service offices, or other alcoholic beverages sales activity establishments.
- (E) The proposed establishment will otherwise be compatible with existing and potential uses within the general area.
- (F) The proposed establishment is not located in what has been determined to be a high-crime area or where a disproportionate number of police service calls occur.
- (G) The use of the proposed establishment is consistent with the General Plan.

SECTION VIII – CONDITIONS OF APPROVAL

Conditions of Approval that may be imposed include but are not limited to the following:

- (A) Prohibited Products: To discourage nuisance activities, an Off-Sale Alcohol Outlet may be prohibited from selling one or more of the following products:
 - (1) Wine or distilled spirits in containers of less than 750 milliliters.
 - (2) Malt beverage products with alcohol content greater than five and one-half percent by volume.
 - (3) Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.

- (4) Beer or malt liquor sold individually in containers of 40 ounces or less.
 - (5) Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
 - (6) Distilled spirits in bottles or containers smaller than 375 milliliters.
 - (7) Cooler products, either wine- or malt beverage- based, in less than four-pack quantities.
- (B) Pay Telephones: Pay telephones on the site of the establishment shall be required to be of the type that only allow outgoing calls and shall be located in a visible and well-lighted location.
- (C) Program: A “complaint response community relations” program established and maintained by the establishment conducting the Deemed Approved Activity may be required. The program may include the following:
- (1) Posting at the entry of the establishment providing the telephone number for the area commander of the local law enforcement substation to any requesting individual.
 - (2) Coordinating efforts with the police department to monitor community complaints about the establishment activities.
 - (3) Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.
- (D) Activities: If appropriate the following activities may be prohibited on the premises: pool or billiard tables football or pinball games, arcade style video or electronic games coin-operated amusement devices.
- (E) Chilled Alcoholic Beverages: An Off-Sale Alcohol Outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.
- (F) Hours of Operation: In an Off-Sale Alcohol Outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the State of California Department of Alcoholic Beverage Control.
- (G) Cups: In Off-Sale Outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

- (H) Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant language of the patrons:
 - (1) “California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age.”
 - (2) "No Loitering or Public Drinking."
 - (3) “It is illegal to possess an open container of alcohol in the vicinity of this establishment.”
- (I) Presentation of Documents: A copy of the Conditions of Approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any City Enforcement Officer or authorized state or county official upon request.
- (J) Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
- (K) Drug Paraphernalia: An Off-Sale Alcohol Outlet shall be prohibited from selling drug-tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. “Drug Paraphernalia” means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
- (L) Loitering: The establishment’s operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

- (M) Security Cameras: At least two 24-hour time lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Police Department.
- (N) Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and City permits and licenses.
- (O) Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
- (P) Window Obstructions: No more than 25% of windows or clear doors shall bear advertising of any sort, and all advertising signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance.

**SECTION IX –
APPEALS FROM A DETERMINATION
ON AN APPLICATION FOR PERMIT**

Any applicant or other person aggrieved by a decision of the Planning Commission on an application for a Conditional Use Permit required by this Article may appeal the decision to the Mayor and Common Council pursuant to Development Code Chapter 19.52.

**SECTION X –
GROUNDS FOR CONDITIONAL USE PERMIT
SUSPENSION OR REVOCATION**

An alcoholic beverage sales activity establishment Conditional Use Permit may be suspended by the Planning Commission for up to one year or revoked after a noticed public hearing held pursuant to Development Code Chapter 19.52, for failure to comply with Operational Standards, training requirements or conditions imposed through the Conditional Use Permit.

Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Notice shall be mailed by U.S. First-Class Mail and Certified Mail Return Receipt Requested at least 10 days before the date of the hearing.

[Return to Municipal Code Contents]

SECTION XI – INVESTIGATIVE PROCEDURES OF POTENTIAL VIOLATION OF CONDITIONS OF APPROVAL

The City shall appoint an Administrative Hearing Officer pursuant to San Bernardino Municipal Code Chapter 9.93, to conduct hearings, make findings and determine whether violations of this Article, including the Operational Standards and Conditions of Approval, as well as whether undue negative impacts or public nuisance activities have occurred, are occurring or are likely to occur in the future. The assigned Administrative Hearing Officer shall exercise all powers relating to the conduct of the administrative hearing pursuant to San Bernardino Municipal Code Chapter 9.93.

Upon the City's receipt of a complaint from the public, Police Department, City official or any other interested person that a Conditional Use Permit activity is in violation of the Operational Standards and-or Conditions of Approval set forth in this Article, the following procedure shall be followed:

- (A) A City Enforcement Officer (any Police Officer or other City Enforcement Officer as listed in San Bernardino Municipal Code Chapter 9.93) shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with Operational Standards and-or Conditions of Approval.
- (B) If the Enforcement Officer determines that the activity is in violation of the Operational Standards and-or Conditions of Approval, the Enforcement Officer may issue an Administrative Citation or an Administrative Civil Penalties Notice, which then may be subject to a hearing by the Administrative Hearing Officer pursuant to San Bernardino Municipal Code Chapter 9.92 or 9.93.
- (C) Any Administrative Citation or Administrative Civil Penalties Notice issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of San Bernardino Municipal Code Chapter 9.92 and 9.93, unless otherwise expressly provided by this Ordinance.
- (D) The Administrative Hearing Officer shall determine whether the activity is in compliance with the operational standards and-or Conditions of Approval. Based on this determination, the Hearing Officer may continue the Conditional Use permit status for the use in question, may impose Administrative Civil Penalties pursuant to San Bernardino Municipal Code Chapter 9.93 for violations of the Operational Standards and-or Conditions of Approval or may recommend that the Planning Commission revoke the activity's Conditional Use Permit. If the Hearing Officer determines instead to impose further, new conditions on the activity, such conditions shall be based upon the information then before the Hearing Officer. In reaching a determination as to whether a use has violated the Operational Standards or

[\[Return to Municipal Code Contents\]](#)

Conditions of Approval, or as to the appropriateness of imposing additional or amended conditions on a use, recommending suspension or revocation of a use, assessing administrative penalties, or the amount of Administrative Civil Penalties to assess, the Hearing Officer may consider:

1. The length of time the activity has been out of compliance with the Operational Standards and-or Conditions of Approval.
2. The impact of the violation of the Operational Standards and-or Conditions of Approval on the community.
3. Any information regarding the owner of the activity's efforts to remedy the violation of the operational standards and-or Conditions of Approval.

(E) "Efforts to Remedy" shall include, but are not limited to:

1. Timely calls to the Police Department that are placed by the owner of the Deemed Approved activity, his or her employees, or agents.
2. Requesting that those persons engaging in activities causing violations of the Operational Standards and or Conditions of Approval cease those activities, unless the owner of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.
3. Making improvements to the activity's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks and the abatement of graffiti within three days.

(F) If in the judgment of the Administrative Hearing Officer, the operations of the owner of the activity constitute a nuisance, the owner is unable or unwilling to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Hearing Officer may recommend that the Planning Commission suspend or revoke the activity's Conditional Use permit. All determinations, decisions, and conditions made or imposed regarding the use of a activity shall run with the land.

(G) The decision of the Administrative Hearing Officer shall become final and conclusive and shall not be subject to appeal to the Mayor and Common Council. Once the decision of the Administrative Hearing Officer becomes final, the time in which judicial review of the decision must be sought shall be governed by California Code of Civil Procedure Section 1094.6, or other applicable State Law.

[Return to Municipal Code Contents]

SECTION XII – APPEAL FROM SUSPENSION OR REVOCATION OF CONDITIONAL USE PERMIT

Any applicant or other person aggrieved by a decision of the Planning Commission from a suspension or revocation of a Conditional Use Permit may appeal the decision to the Mayor and Common Council pursuant to Development Code Chapter 19.52.

ARTICLE III – STANDARDS AND PROCEDURES FOR EXISTING DEEMED APPROVED ALCOHOLIC BEVERAGE SALES ACTIVITIES

SECTION I – PURPOSE

The purposes of these regulations are to protect and promote the public health, safety, comfort, convenience, prosperity and general welfare by requiring that alcoholic beverage sales activities that are legal nonconforming activities to comply with the Deemed Approved performance standards in this Chapter and to achieve the following objectives:

- (A) Protect surrounding neighborhoods from the harmful effects attributable to the sale of alcoholic beverages and to minimize the adverse impacts of nonconforming and incompatible uses.
- (B) Encourage businesses selling alcoholic beverages to operate in a manner that is mutually beneficial to other such businesses and other commercial and civic activities.
- (C) Provide a mechanism to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels.
- (D) Ensure that businesses selling alcoholic beverages are not the source of undue public nuisances in the community.
- (E) Ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.

SECTION II – APPLICABILITY

The Deemed Approved alcoholic beverage sales regulations shall apply to all alcoholic beverage sales activities for on-site or off-site consumption existing and operating within the City on the effective date of this ordinance.

SECTION III – AUTOMATIC DEEMED APPROVED STATUS

All Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities, on the effective date of this ordinance, whether or not previously granted a Conditional Use Permit by the City, shall automatically become Deemed Approved Activities as of the effective date of this ordinance and shall no longer be considered Legal Nonconforming Activities.

Each deemed approved activity shall retain its Deemed Approved status as long as it complies with the performance standards of this ordinance.

The occurrence of any of the following shall terminate the Deemed Approved status of the alcoholic beverage sales activity after notice and a hearing in accordance with Section VI below, and require the issuance of a Conditional Use Permit in order to continue the alcoholic beverage sales activity:

- (A) An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.
- (B) There is a substantial modification to the mode or character of operation.
- (C) As used herein, the phrase “substantial change of mode or character of operation” includes but is not be limited to the following:
 - 1. The off-site alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
 - 2. The on-site alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display, sales or service of any alcoholic beverage.
 - 3. The off-site or on-site alcoholic beverage sales activity establishment expands the sale or service of any alcoholic beverages and-or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.
 - 4. The off-site or on-site alcoholic beverage sales activity establishment extends the hours of operation.
 - 5. The alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 90 days or greater by ABC.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

6. The alcoholic beverage sales activity voluntarily discontinues active operation for more than 90 consecutive days or ceases to be licensed by the ABC.

(D) A substantial change in the mode of character of operation shall not include:

1. Re-establishment, restoration or repair of an existing alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not increase the sales or service of any alcoholic beverage, extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.
2. Temporary closure for not more than ninety days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not increase the sales or service of any alcoholic beverage, extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

- (E) Discontinuance. Once it is determined by the City that there has been a discontinuance of active operation for 90 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a Conditional Use Permit as provided in Article II. The property owner shall be notified by the City of the termination of the Deemed Approved status and shall be informed of the property owner's right to appeal the City's decision to the Administrative Hearing Officer.

SECTION IV – DEEMED APPROVED PERFORMANCE STANDARDS

The provisions of this section shall be known as the Deemed Approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all Deemed Approved alcoholic beverage sales activities that hold Deemed Approved status pursuant to this Article.

An alcoholic beverage sales activity ("Alcohol Outlet") shall retain its Deemed Approved status only if it conforms to all of the following Deemed Approved performance standards:

- (A) The Alcohol Outlet shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

[Return to Municipal Code Contents]

- (B) The Alcohol Outlet shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- (C) The Alcohol Outlet shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.
- (D) The Alcohol Outlet shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business registration fees.
- (E) The Alcohol Outlet's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- (F) A copy of these performance standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- (G) The owners and all employees of establishments involved in the sale of alcoholic beverages shall complete an approved course in Licensee Education on Alcohol and Drugs (LEAD), or other "Responsible Beverage Service" (RBS) training by October 21, 2011, or within 60 days of hire for employees hired after that date. To satisfy this requirement, the RBS course must be recognized by the California Department of Alcoholic Beverage Control. The RBS course shall include at a minimum the following: a review of ABC laws and regulations; administrative, criminal and civil liabilities; acceptable forms of identification; and how to identify minors and persons already intoxicated.

(Ord. MC-1358, 7-06-11)

1. Sit down restaurants that continue to serve menu items until closing and whose predominant function is the service of food and where the on-site sale of alcoholic beverages is incidental or secondary are exempt from this training requirement. An incidental bar or lounge shall be allowed for the convenience

[\[Return to Municipal Code Contents\]](#)

of dining patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.) Fraternal organizations and veterans clubs are exempt from this training requirement.

2. Retail outlets with 25 or more employees or containing 10,000 square feet or more, and subject to this training requirement may elect to send only supervisory employees to the RBS training, who would then be responsible for training all employees who are involved in the sale of alcoholic beverages.

SECTION V – NOTIFICATION TO OWNERS OF ESTABLISHMENTS CONDUCTING DEEMED APPROVED ACTIVITIES

The City’s Community Development Department shall notify the owner of each Deemed Approved activity, and also, if not the same, any property owner at the address shown on the City’s property tax assessment records, of the activity’s Deemed Approved status. The notice shall be sent by U.S. First Class Mail and Certified Mail Return Receipt Requested and shall include a copy of the performance standards in this Article with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the Deemed Approved regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail. Failure of any person to receive notice given pursuant to this Article shall not affect the Deemed Approved status of the activity.

SECTION VI - DEEMED APPROVED STATUS PROCEDURES

The City shall appoint an Administrative Hearing Officer pursuant to San Bernardino Municipal Code Chapter 9.93 to conduct hearings, make findings and determine whether violations of this Article, including the Deemed Approved performance standards, Conditions of Approval, undue negative impacts or public nuisance activity, have occurred, are occurring, or are likely to occur in the future. The assigned Administrative Hearing Officer shall exercise all powers relating to the conduct of the administrative hearing pursuant to San Bernardino Municipal Code Chapter 9.93.

Upon the City’s receipt of a complaint from the public, Police Department, City official or any other interested person that a Deemed Approved use is in violation of the performance standards set forth in this Article, the following procedure shall be followed:

- (A) A City Enforcement Officer shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity’s compliance with performance standards.

[\[Return to Municipal Code Contents\]](#)

- (B) If the Enforcement Officer determines that the Deemed Approved activity is in violation of the performance standards, the Enforcement Officer may issue an Administrative Citation or an Administrative Civil Penalties Notice, which then may be subject to a hearing by the Administrative Hearing Officer pursuant to San Bernardino Municipal Code Chapters 9.92 or 9.93.
- (C) Any Administrative Citation or Administrative Civil Penalties Notice issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of San Bernardino Municipal Code Chapters 9.92 and 9.93, unless otherwise expressly provided by this Ordinance.
- (D) The Administrative Hearing Officer shall determine whether the Deemed Approved activity is in compliance with the performance standards. Based on this determination, the Hearing Officer may continue the Deemed Approved status for the use in question, may impose Administrative Civil Penalties for violations of the performance standards pursuant to San Bernardino Municipal Code Chapter 9.93, may impose such reasonable conditions, including but not limited to the conditions listed in Article II, Section VIII above, as are in the judgment of the Hearing Officer necessary to ensure compliance with the performance standards and may suspend or revoke the Deemed Approved activity's Deemed Approved status. If the Hearing Officer determines instead to impose further, new conditions on the Deemed Approved activity, such conditions shall be based upon the information then before the Hearing Officer. In reaching a determination as to whether a use has violated the performance standards, or as to the appropriateness of imposing additional or amended conditions on a use, suspending or revoking a use, assessing Administrative Civil Penalties, or the amount of Administrative Civil Penalties to assess, the Hearing Officer may consider:
 - 1. The length of time the Deemed Approved activity has been out of compliance with the performance standards.
 - 2. The impact of the violation of the performance standard(s) on the community.
 - 3. Any information regarding the owner of the Deemed Approved activity's efforts to remedy the violation of the performance standard(s).
- (E) "Efforts to Remedy" shall include, but are not limited to:
 - 1. Timely calls to the Police Department that are placed by the owner of the Deemed Approved activity, his or her employees, or agents.
 - 2. Requesting that those persons engaging in activities causing violations of the performance standard(s) cease those activities, unless the owner of the Deemed Approved activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.

[Return to Municipal Code Contents]

3. Making improvements to the Deemed Approved activity's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks and graffiti abated within three days.
- (F) If in the judgment of the Administrative Hearing Officer, the operations of the owner of the deemed Approved activity constitute a nuisance, the owner is unable to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the Hearing Officer may suspend or revoke the activity's Deemed Approved status. Any continued operation of the business shall require a Conditional Use Permit approved by the Planning Commission. All determinations, decisions, and conditions made or imposed regarding the use of a Deemed Approved activity shall run with the land.
- (G) The decision of the Administrative Hearing Officer shall become final and conclusive and shall not be subject to appeal to the Mayor and Common Council. Once the decision of the Administrative Hearing Officer becomes final as provided in this Chapter, the time in which judicial review of the decision must be sought shall be governed by California Code of Civil Procedure Section 1094.6, or other applicable State Law.

ARTICLE IV - ALCOHOLIC BEVERAGE SALES ACTIVITY PENALTIES

- (A) Any person who violates, causes or permits another person to violate any provision of this ordinance is guilty of either an infraction or misdemeanor. Any person convicted of either an infraction or misdemeanor under the provision of this ordinance shall be punished by a fine, imprisonment or both according to Chapter 1.12 of the San Bernardino Municipal Code.
- (B) **Separate Offenses for Each Day:** Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.
- (C) **Any Violation a Public Nuisance:** In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.
- (D) **Injunction as Additional Remedy:** Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall at the discretion of the City, create a cause of action for injunctive relief.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- (E) Administrative Civil Penalties: In addition to any other penalties provided in this section, \$1,000.00 in Administrative Civil Penalties shall be imposed for each and every offense and for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator.
- (F) The City shall bill all persons liable for these Administrative Civil Penalties by mail showing the itemized cost of such chargeable service and requesting payment. Payment of the penalties shall be due within thirty 30 days of the date of the bill is deposited in the Mail. If full payment is not received within the required time for payment the bill will be delinquent and all persons liable for the penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of \$100.00 per day. The delinquent costs may be placed as a lien against the property or collected by the City in any manner authorized bylaw and are recoverable in a civil action filed by the City in a court of competent jurisdiction.
- (G) Liability for Expenses: In addition to the punishment provided by law a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations shall be charged against the owner of the establishment conducting the Deemed Approved Activity or owner of the property where the establishment is located. The Enforcement Officer shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time, the charges shall be placed as a lien against the property.

C. AUTOMOBILE SALES

Automobile sales dealerships, new and-or used, in the City must conform with the intent of this Development Code and shall enhance and promote the image of the City. A Development Permit shall be required for automobile sales dealerships of new vehicles and a Conditional Use Permit shall be required for automobile sales dealerships of used vehicles, and all dealerships must be constructed in the following manner:

1. The minimum site area shall be 15,000 square feet, except CR-4 where one acre minimum is required.
2. All parts, accessories, etc., shall be stored within a fully enclosed structure.

3. Service and associated car storage areas shall be completely screened from public view.
4. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
5. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 19.28 (Landscaping Standards).
6. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
7. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys.
8. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
9. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces.
10. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
11. All on-site parking shall comply with provisions of Chapter 19.24 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
12. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

D. AUTOMOBILE DISMANTLING

Automobile dismantling establishments are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. The minimum site area shall be 15,000 feet.
2. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area.
3. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 19.28 (Landscaping Standards).
4. All stored, damaged, or wrecked vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
5. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses.
6. Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
7. Service bays with individual access from the exterior of the structure shall not face the public right-of-way.
8. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
9. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
10. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
11. All repair activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited.
12. All repair facilities shall close all windows when performing body and fender work, hammering, sanding or other noise-generating activity. Exterior noise shall not exceed 65 dBA at the property line.

13. All on-site parking shall comply with the provisions of Chapter 19.24 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
14. The premises shall be kept in a neat and orderly condition at all times.
15. All used or discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be permanently screened from public view.
16. All hazardous materials resulting from the repair or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations prior to issuance of a Certificate of Occupancy.

E. BONUS HEIGHT

Proposed structures within CR-2 zone shall have a maximum height limit of 100 feet. This section provides a special incentive to increase the maximum allowable height through a program which encourages such additional amenities as deemed desirable by the Commission. These amenities may include, but are not limited to, the following:

(Ord. MC-908, 8-16-94)

1. Mixed Use Developments (i.e., residential above commercial office and retail uses, restaurants, theaters, etc.);
2. Enhanced pedestrian activities;
3. Improved signage and additional landscaping;
4. Additional parking;
5. Ground level and second floor plazas;
6. Outdoor cafes;
7. Artistic sculptures and aquatic amenities; and
8. Day care facilities.

F. COMMERCIAL CANNABIS ACTIVITIES

Commercial Cannabis Activities are permitted in accordance with the provisions of SBMC Chapter 5.10 (Commercial Cannabis Activities)

(Ord. MC-1519, 7-17-19)

G. CONVENIENCE STORES

The retail sale of groceries, staples, sundry items and-or alcoholic beverages where the gross floor area is less than 5,000 square feet is subject to Conditional Use Permit review, and shall be constructed and operated in the following manner:

1. The minimum site area shall be 10,000 square feet.
2. The site shall have direct frontage along a major or secondary street. The site shall not have direct access on a local residential street.
3. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the DRC.
4. No convenience store shall be located within a one-mile radius of another convenience store or less than 1,000 feet from an existing elementary, junior high school, or high school, as measured from one property line to another. Service stations that include a convenience store as an ancillary use are not subject to the distance restrictions from other convenience stores. Exceptions to the distance restrictions from schools may be considered on a case by case basis through the Conditional Use Permit Process, considering mitigating factors of circulation patterns, security and management plans and subject to recommendations from the affected school district.

(Ord. MC-1381, 12-19-12; Ord. MC-1345, 2-08-11;
Ord. MC-1210, 7-06-05; Ord. MC-963, 3-20-96)

5. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
6. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
7. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 19.28 (Landscaping Standards).

[Return to Municipal Code Contents]

8. All on-site parking shall comply with the provisions of Chapter 19.24 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
9. The premises shall be kept in a neat and orderly condition at all times.
10. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
11. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 19.06.030(2)(O)(Service Station Standards). Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
12. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
13. Each convenience store shall provide a public restroom located within the store.
14. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.
15. On-site video games may not be installed or operated on the premises.
16. A convenience store adjacent to any residentially designated district shall have a six-foot high decorative masonry wall along property lines adjacent to such districts.
17. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

H. DAY CARE CENTERS

Refer to Section 19.04.030(2)(B).

I. DRIVE-THRU RESTAURANTS

This Section contains standards for drive-thru restaurants as well as prohibition of same in specified zones. Drive-thru restaurants are subject to Conditional Use Permit review.

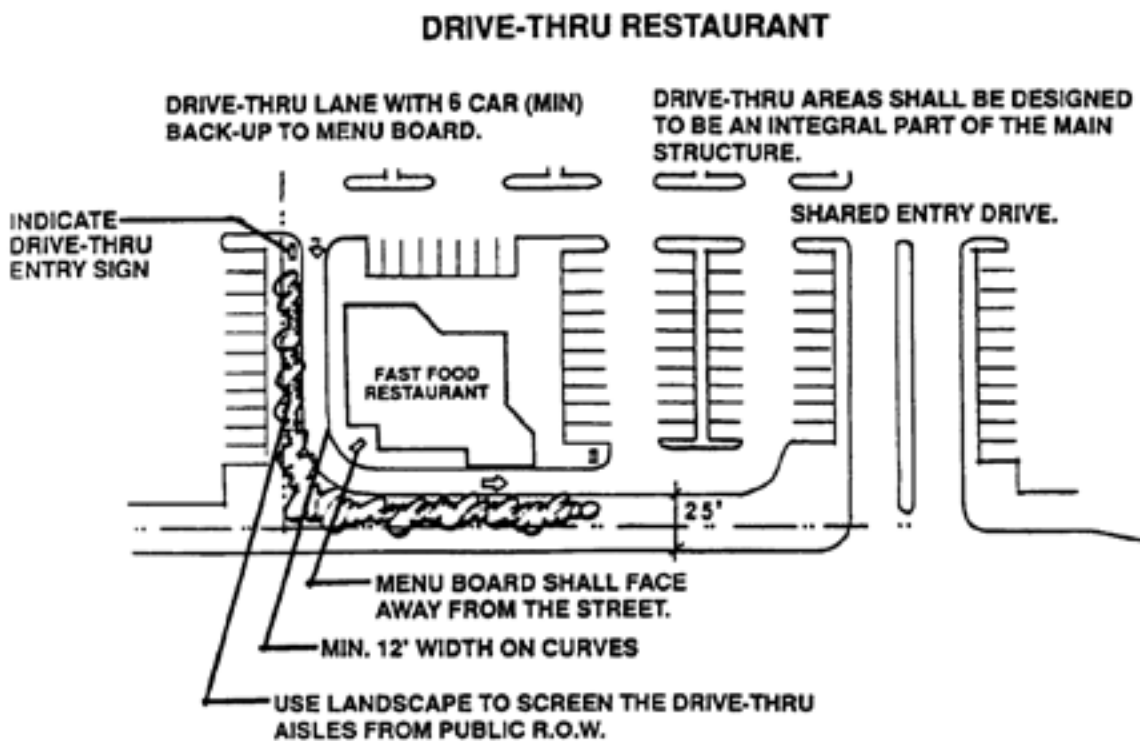
1. Establishments providing drive-thru facilities may be permitted in the CG-1, CG-2, CG-3, CG-4, CR-2 (on properties in the Freeway Corridor Overlay Zone with frontage on 5th Street only) and CR-3 zones.

(Ord. MC-1436, 12-21-16; Ord. MC-1338, 11-16-10; Ord. MC-1098, 6-05-01)

2. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.
3. Drive-thru aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.
4. Drive-thru aisles shall provide sufficient stacking area behind menu board to accommodate a minimum of six cars.
5. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view.
6. Landscaping shall screen drive-thru or drive-in aisles from the public right of way and shall be used to minimize the visual impact of readerboard signs and directional signs.
7. Drive-thru aisles shall be constructed with (PCC) concrete.
8. Parking areas and the drive-thru aisle and structure shall be set back from the ultimate curb face a minimum of 25 feet.
9. Menu boards shall be a maximum of 30 square feet, with a maximum height of seven feet, and shall face away from the street.

10. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.

11. No drive-thru aisles shall exit directly onto a public right-of-way.



J. INDOOR RETAIL CONCESSION MALLS

Indoor retail concession malls are subject to a Conditional Use Permit and shall comply with the following standards:

1. Additional refuse containers may be required.
2. A centralized loading area is required.

3. A parking study may be required which addresses available off-street parking for establishments which are proposed for tenant suites within existing multi-tenant, commercial centers.
4. Indoor retail concession malls shall be considered to be one tenant for purposes of Development Code sign standards.

(Ord. MC-825, 3-17-92)

K. MICROBREWERIES-WINERIES

Microbreweries and wineries may be established subject to Minor-Conditional Use Permit review and shall be constructed in the following manner:

1. Fifty percent of the total building square footage may be used for production and storage of beer produced on the premises.
2. Accessory uses may include but are not limited to food-beverage service and live entertainment and are subject to a Conditional Use Permit.
3. All on-site parking shall comply with provisions of Chapter 19.24 (Off-Street Parking).
4. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
5. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses.

(Ord. MC-1381, 12-19-12; Ord. MC-997, 7-08-97)

L. MINI-MALLS

Mini-malls (small scale, up to 30,000 square feet, multi-tenant shopping centers) are subject to a Conditional Use Permit and shall comply with the following standards:

1. All development and operational standards outlined in Section 19.06.030(2)(F) (Convenience Stores), except for item numbers 4 and 17 shall apply.
2. The development shall provide internal continuity, uniformity, and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking, and signage.
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent and similar commercial developments.

[Return to Municipal Code Contents]

4. No outdoor displays or sale of merchandise shall be permitted. However, limited outdoor sales may be allowed pursuant to Chapter 5.22 of the Municipal Code.

(Ord. MC-972, 6-04-96)

5. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

M. MINI-STORAGE

Mini-storage facilities are subject to a Conditional Use Permit and shall be constructed in the following manner:

1. The minimum site area shall be 20,000 square feet.
2. The site shall be entirely paved, except for structures and landscaping.
3. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
4. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 19.28 (Landscaping Standards).
5. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
6. The site shall be completely enclosed with a six-foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use.
7. No business activity shall be conducted other than the rental of storage spaces for inactive storage use.
8. All storage shall be located within a fully enclosed structure(s).
9. No flammable or otherwise hazardous materials shall be stored on-site.

[Return to Municipal Code Contents]

10. Residential quarters for a manager or caretaker may be provided in the development.
11. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking.
12. Aisle width shall be a minimum of 25 feet between buildings to provide unobstructed and safe circulation.
13. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
14. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to 7:00 A.M. to 9:00 P.M., Monday through Saturday, and 9:00 A.M. to 9:00 P.M. on Sundays.

**N. MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT
(INCLUDING ARTIST COLONY AND COMBINATION RESIDENCE- OFFICE**

(Ord. MC-1218, 3-07-06)

Vertical and-or horizontal mixed-use developments containing a mix of office and retail uses, but no residential uses, are permitted in the CO, CG-1, CG-2, CG-3, CR-1, CR-2, CR-3, CH and CCS-1 zones. Horizontal and-or vertical mixed-use developments containing a mix of residential, commercial and-or office uses are permitted in the CO, CG-1, CG-2, CG-3, CR-1, CR-2, CR-3 and CCS-1 zones. Mixed-use development having commercial uses mixed with residential uses shall be constructed, maintained, and operated in the following manner:

1. Development Standards for mixed use development containing one or more dwellings, including live-work units, shall be as specified in Table 6.02 Commercial Zones Development Standards. Multi-family dwelling units in mixed use development containing commercial uses shall be constructed in compliance with Section 19.04.030 (2) (L) Multi-Family Housing Standards. Mixed use development not containing multi-family apartment dwelling units and containing only single family units, townhomes and-or condominium dwelling units and commercial land uses shall be exempt from Section 19.04.030 (2) L and be constructed in compliance with the following development standards:
 - a. Each dwelling unit shall provide a minimum of 300 square feet of private useable open space (which may include private (walled) patio, balcony, and-or roof deck). Private useable open space areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than six feet apart, required front, rear, and side yard setbacks from property lines; or keep slope areas greater than six percent.
 - b. Each non-live-work dwelling unit shall have a private (walled) patio, balcony, and-or roof deck not less than 150 square feet in area and having a minimum width of 10 feet and depth of 10 feet.
 - c. Mixed use developments containing one or more dwelling units, including live-work units, shall provide recreational amenities, within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter–barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, daycare facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

Units	Amenities
0 – 11	0
12 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4

Add one amenity for each 100 additional units or fraction thereof.

- d. Locations of Off-Street Parking. Spaces for residential uses shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.
 - e. Private Enclosed Storage Approaches. Each dwelling unit in a mixed use development shall be provided a minimum of 150 cubic feet of private enclosed storage space within the garage, or immediately adjacent to the dwelling unit.
 - f. Community Entry Driveway Approaches. Driveway approaches accessing a public street in a mixed use development of 12 or more units shall be delineated with interlocking pavers, rough-textured concrete, or stamped concrete.
 - g. Washing Machine and Dryer. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
 - h. Building Separation. The distance between buildings containing one or more dwelling units in a mixed use development shall be a minimum of 6 feet (excluding roof overhangs and fireplace chimneys); and, at a minimum, shall comply with the requirements of the City's building code. A live-work unit that does not have a wall or roof in common with any other building or structure may either be constructed with no side yard separation of distance between units (i.e., double exterior walls separating units), or shall be a minimum of six feet (excluding roof overhangs and fireplace chimneys). Notwithstanding the above, the distance between dwelling units separated by an entry courtyard and facing another structure shall be a minimum of 15 feet. In the event that the front of the units are internally oriented to face one another, then a minimum 15-foot building separation is required between the fronts of the units.
 - i. The maximum structure height in the CG-2 and CG-3 zones shall be four stories (not to exceed 56 feet).
2. Land Use Activities in Mixed Use Buildings Having Residential Units. Land use activities where residential and commercial land use activities are allowed to mix shall be any land use activity permitted by right and-or subject to approval of a Conditional Use Permit in the land use district governing the premises; provided, however, that in order to enhance the success of businesses in mixed use buildings and protect the health and safety of persons who reside in a mixed use building, the following land use activities shall not be permitted:
- a. Automotive related uses,

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- b. Boarding-lodging facilities,
- c. Home improvements with outdoor display,
- d. Indoor retail concession malls,
- e. Mini-malls
- f. Nurseries-garden supplies,
- g. Publishing-printing plants,
- h. Recycling facilities,
- i. Recycling facilities (reverse vending only),
- j. Veterinary services-animal boarding,
- k. Funeral parlors-mortuaries,
- l. Single-price overstock-discount stores,
- m. Adult-oriented businesses (see Section 19.06.030(2)(A) for specific definition of terms,
- n. Turkish baths,
- o. Commercial saunas,
- p. Fortune tellers,
- q. Tattoo parlors and-or body piercing studios,
- r. Aroma therapy boutiques,
- s. Oxygen boutiques,
- t. Second hand stores-thrift stores
- u. Check-cashing facilities, and
- v. Pawn shops

3. Home Occupations are allowed in compliance with Chapter 19.54 in townhome, condominium, and detached single family units only.
4. Parking Requirements. As specified for each use in the Development Code.
5. Signage. A signage program shall be submitted as part of the site development permit application package, addressing proposed monument, ladder and-or individual property signage.
6. Public Telephones. Exterior public pay telephones are prohibited.
7. Conditions, Covenants, and Restrictions (CC&Rs). CC&Rs shall be reviewed and subject to the approval of the Development Services Deputy Director-City Planner. The CC&Rs shall list restricted uses. At a minimum, the property owners association will be responsible for maintaining concrete and asphalt paved areas, fences and walls, and landscape areas exterior to private yards and private open space; and common areas. The property owners association will be responsible for controlling hours of business, visitor and guest parking, and enforcing standards established for the exterior of the structures.
8. Live-Work Units. A dwelling constructed, maintained, and operated having commercial and residential uses is classed as a Live-Work Unit and shall adhere to the requirements for Mixed Use Residential and Commercial Development, with the following standards and exceptions:
 - a. Permitted Dwelling Types. Live-work units shall be townhome, condominium and-or detached single family units only.
 - b. Commercial Land Use Activities in Live-Work Units. The following land use activities shall not be permitted in live-work units:
 - 1) Night clubs-bars-lounges,
 - 2) Entertainment-recreation,
 - 3) Medical-care facilities-social services,
 - 4) Tanning salons,
 - 5) Dry cleaners,
 - 6) Health-athletic clubs,

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- 7) Laundromats (self-serve),
 - 8) Convenience stores,
 - 9) Drug stores,
 - 10) Supermarkets,
 - 11) Liquor stores,
 - 12) Mobile home sales, and
 - 13) Religious facilities.
- c. Minimum Dwelling Size Standards. The minimum dwelling unit area for each live-work unit shall be not less than 1,000 square feet, exclusive of work area; and the minimum dwelling unit area for Artist Colony dwelling units shall not be less than 750 square feet.
- d. Hazardous Activities. Storage of hazardous materials necessary for work activities in live-work units may be stores in controlled areas per the current Uniform Building Code-Uniform Fire Code used by the City of San Bernardino. Hazardous activities including but not limited to welding, open flame, or storage of flammable liquids, storage of hazardous materials, or similar hazardous operations are not permitted in live-work units without express written approval from the Fire Department, which shall impose the appropriate requirements for such approval.
- e. Open Space. Each live-work unit shall provide a minimum 300 square feet of useable private open space; or, a minimum of 120 square feet of usable private open space and 300 square feet of common useable open space. Useable private open space areas may include private (walled) patios, balconies, and-or roof decks. Useable private open space areas shall not include right-of-way, private streets or driveways, vehicle-parking areas, required setbacks from property lines, or slope areas greater than 6 percent.
- f. Entries. With the exception of Artist Colony units, the work area in a live-work unit is required to have either separate access entry or, if approved by the Director, a shared live-work entry on the grade level of the unit. Each live-work unit shall be provided a primary entry from common areas such as hallways, corridors, and-or exterior portions of the building such as courtyards, breezeways, parking areas, and public spaces.

[Return to Municipal Code Contents]

- g. Work Area. With the exception of Artist Colony units, each live-work unit shall have a minimum of 300 square feet of floor area designed and constructed as work area.
- h. Walls Facing Street and-or Parking Lot. Excluding professional live-work units, ground floor exterior walls facing a street and-or a parking lot shall have one store front window having a minimum height of 3 feet and width of 5 feet.
- i. Vehicle Parking Requirements. One space for each 250 square feet of cumulative gross floor area of work area in the live-work units in the mixed use development; and 2 covered spaces within an enclosed garage for each live-work unit, plus 1 uncovered off-street guest parking space for every 5 live-work units.
- j. Tandem Parking. Unattended tandem parking will be permitted if the Deputy Director-City Planner determines that such parking would be appropriate and effectively used.
- k. Loading spaces are not required for the commercial components of a live-work unit provided the work area of the live-work unit does not exceed 700 square feet of floor area.
- l. Noise. Noise levels generated by a live-work unit shall conform to the requirements of the Municipal Code for residential use.
- m. Business Hours. Hours of operation for businesses serving customers on-site from live-work units shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday.
- n. No Separation Sale or Rental. No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.
- o. Businesses in Live-Work Units. Conducting a business in the work area of a live-work unit is an opportunity for those whose home-based businesses will blend with the unique environment. Conducting a business in the work area is not required.
- p. Arcade-Pinball and Arcade Video Games. On-site arcade-pinball machines and arcade video games may not be installed or operated in the work area of a live-work unit.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- q. Employment. A business conducted in a work area of a live-work unit may have on the premises at any given time a maximum of three part-time and-or full-time employees, or a combination not exceeding four employees on the premises. There is no limit to resident-family-member-employees.
 - r. Pre-wired. Each live-work unit shall have a minimum of 200 amp electric service. Each live-work unit shall be pre-wired for telephone, cable television, and computer Internet. Each live-work unit shall be pre-wired for a security system approved by the Police Department.
9. Professional Live-Work Unit. A dwelling constructed, maintained, and operated having commercial uses restricted to Studio-Artist and Creative-Tech-based offices and services, and-or Professional offices and services (including combination residence-office), and primarily non-retail uses in the work area, is classed as a Professional Live-Work unit.
- a. The following types of live-work units are Professional Live-Work Units:
 - 1) Studio-Artist and Creative-Tech-based offices and services. Activities in these live-work units include, but are not limited to, artist studios and non-traditional live and work space for technology art and graphics-based professional activities and services such as web and software-based application and development, animation, multimedia development, programming, research, and other similar uses which do not require intensive customer traffic.
 - 2) Professional offices and services. Activities in these live-work units include, but are not limited to, tax preparation, accounting, financial planner, architecture, landscaping architecture, engineering and planning consultant services, graphic and arts, attorney, chiropractor, internet or web oriented businesses, and other similar uses which do not require intensive customer traffic.
 - b. Professional Live-Work Units (including but not limited to Combination Residence-Office in the CO zone) shall be constructed, maintained, and operated as live-work units, with the following additional standards and exceptions:
 - 1) Land use activities in professional live-work units. Residential uses shall be condominium, townhome, and-or single family detached dwellings only. In addition to the land use activities prohibited in live-work units, no retail sales shall occur in a live-work unit designated as a “professional live-work unit” unless the sales

products are jewelry, art products such as ceramics, paintings, graphics, pottery, sculpture, photography, or similar products, and-or the products of the occupant's primary business located in the work area on the premises.

- 2) Occupancy. The residential portion of a Professional Live-Work unit shall only be occupied by the individual and his-her family that has their professional occupation or business established in the work areas of said unit.
- 3) Signage shall be restricted to signage attached to the dwelling and shall not exceed three (3) square feet for each dwelling unit containing a business.
- 4) Parking Requirements. One space for each 500 square feet of cumulative gross floor area; and 2 covered spaces in an enclosed garage for each professional live-work unit.

O. MOBILE VENDORS

Mobile vendors are permitted by temporary use permits only, in accordance with the provisions of Chapter 19.70.

(Ord. MC-1363, 8-02-11)

P. MULTI-FAMILY HOUSING

Refer to Section 19.04.030(2)(L).

Q. NEIGHBORHOOD GROCERY STORES

(Ord. MC-1093, 3-05-01)

Neighborhood Grocery Stores (with or without alcohol) may be established subject to Conditional Use Permit and shall be operated in the following manner:

1. A maximum of seventy-five (75) square feet of the sales area may be used for the display or sale of alcohol.
2. The primary business must be a full service grocery store (fresh fruit, vegetables, meat and fish) with food preparation facilities on site.
3. No gasoline sales are allowed.

[Return to Municipal Code Contents]

4. The hours of operation are limited to 7:00am to 9:00pm.
5. The sale of alcohol is limited to off-sale of beer and wine only, with no single sales.
6. All parking shall comply with provision of Chapter 19.24 (Off-Street Parking).
7. All signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
8. Periodic inspections may be required.

R. RECYCLING FACILITIES FOR REUSABLE DOMESTIC CONTAINERS
 (Amended by Ord. MC-1430, 11-10-16)

Recycling facilities are subject to permit review in all commercial and industrial zones according to the following schedule:

Type of Facility	Zones Permitted	Permit Required
Reverse Vending Machine(s)	All Commercial and Industrial	Development Permit and up to 5 reverse vending machines
Small Collection	CG-1, CG-2, CR-3 (So. of I-10) & All Industrial	Development Permit
Large Collection	CH and All Industrial	Conditional Use Permit
Light Processing	All Industrial	Conditional Use Permit
Heavy Processing	All Industrial	Conditional Use Permit

1. For the purposes of this Section, the following definitions shall apply:
 - a. Collection Facility. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public, which may include the following:
 - 1) Reverse vending machine(s);

- 2) Small collection facilities which occupy an area of less than 500 square feet and may include:
 - a) A mobile unit;
 - b) Bulk reverse vending machines occupying more than 50 square feet; and
 - c) Kiosk-type units which may include permanent structures.
- 3) Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
 - b. Mobile Recycling Unit. An automobile, truck, trailer, or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes, or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.
 - c. Convenience Zones. An area within a ½ mile radius of a supermarket.
 - d. Supermarket. A full-service, self-service retail store with gross annual sales of 2,000,000 dollars or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.
 - e. Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment, or to an end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:
 - 1) Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
 - 2) A heavy processing facility is any processing facility other than a light processing facility.

- f. Recycling Facility. A center for the collection and-or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residential, commercial or manufacturing designated parcel used solely for the recycling of material generated on the parcel.
- g. Recycling or Recyclable Material. Reusable domestic containers including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.
- h. Reverse Vending Machine. An automated mechanical device which accepts at least 1 or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than 1 container at a time and will pay by weight instead of by container.

- i.. Unattended Collection Boxes

(Added by Ord. MC-1430, 11-10-16)

The purpose of this section is to enact and enforce standards for "Unattended Collection Boxes" located within the City limits. Nothing in this chapter shall preempt or make inapplicable any provision in state or federal law.

- 1. **"Director"** means the Director of the City of San Bernardino Community Development Department or his/her designee.
- 2. **"Operator"** means any person or entity who maintains "Unattended Collection Boxes" to solicit salvageable personal property as defined herein.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

3. **"Permittee"** means a property owner who is issued a permit authorizing the placement of an Unattended Collection Box on his/her property.
 4. **"Property Owner"** means the person who owns the real property where the "Unattended Collection Box" is located or is proposed to be located.
 5. **"Residential District"** means zones designated as RE, RL, RS, RU, RM, MH or RH by the City of San Bernardino Planning Department.
 6. **"Commercial District"** means zones designated CO, CG-1, CG-2, CG-3, CR, CR-2, CR-3, CR-4, or CH by the City of San Bernardino Planning Department.
 7. **"Unattended Collection Box"** means any unattended container, receptacle, product lockers or similar device that is located on any lot or property within the City for the purpose of soliciting and collecting clothing or other salvageable personal property. This term does not refer to recycle bins for the collection of recyclable material governed or regulated by the zoning code, or any unattended collection box located within a building.
2. The standards for recycling facilities are as follows:
- a. Reverse vending machine(s) located within a commercial structure shall require a Development Permit, shall not require additional parking spaces for recycling customers, and may be permitted in all commercial and industrial zones subject to compliance with the following standards:
 - 1) Shall be installed as an accessory use to a commercial use which is in full compliance with all applicable provisions of this Development Code and the Municipal Code;
 - 2) Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - 3) Shall not occupy parking spaces required by the primary use;
 - 4) Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;

- 5) Shall be constructed and maintained with durable waterproof and rustproof material;
- 6) Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- 7) Shall have a sign area of a maximum of four square feet per machine, exclusive of operating instructions;
- 8) Shall be maintained in a clean, sanitary, and litter-free condition on a daily basis;
- 9) Operating hours shall be consistent with the operating hours of the primary use;
- 10) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn; and
- 11) Shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

b. Small collection facilities that are required as Certified Recycling Centers by the California Public Resources Code or that are operated as drop boxes by valid non-profit organizations only, and which are located within applicable commercial and industrial zones shall be subject to a Development Permit, and comply with the following standards:

- 1) Shall be installed as an accessory use to an existing commercial use which is in full compliance with all applicable provisions of this Development Code and the Municipal Code;
- 2) Shall be no larger than 500 square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
- 3) Shall be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;
- 4) Shall accept only glass, metals, plastic containers, papers and reusable items;
- 5) Shall use no power-driven processing equipment except for reverse vending machines;

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- 6) Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
- 7) Shall store all recyclable material in the mobile unit vehicle and shall not leave materials outside of the unit when attendant is not present;
- 8) Shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials, including mobile facilities;
- 9) Shall not exceed noise levels of 65 dBA as measured at the property line of adjacent residential land use districts;
- 10) Attended facilities shall not be located within 100 feet of any residential land use district;
- 11) Collection containers, site fencing, and signage shall be of such color and design so as to be compatible with and to harmonize with the surrounding uses and neighborhood;
- 12) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure of containers;
- 13) Signs may be provided as follows:
 - a) Recycling facilities may have identification signs with a maximum of 15% per side of a structure or 16 square feet, whichever is greater. In the case of a wheeled facility, the side will be measured from the ground to the top of the container;
 - b) Signs shall be consistent with the character of their location; and
 - c) Directional signs, consistent with Chapter 19.22 (Sign Standards), bearing no advertising message may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- 14) The facility shall not impair the landscaping required by Chapter 19.28 (Landscaping Standards) for any concurrent use;
 - 15) No additional parking space shall be required for customers of a small collection facility located at the established parking lot of the primary use. One space will be provided for the attendant, if needed;
 - 16) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
 - 17) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist:
 - a) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and
 - b) The permit shall be reviewed at the end of 18 months.
 - 18) Small collection facilities shall not be 24 hour operations;
 - 19) Small collection facilities may be subject to landscaping and-or screening as determined by the review authority; and
 - 20) Shall maintain adequate refuse containers for the disposal of non-hazardous waste.
- c. A large collection facility which is larger than 500 square feet, or on a separate parcel not accessory to a "primary" use, which has a permanent structure is permitted in the commercial, and industrial zones, subject to a Conditional Use Permit, and the following standards:
- 1) The facility does not abut a parcel designated or planned for residential use;
 - 2) The facility shall be screened from the public right-of-way, within an enclosed structure;
 - 3) Structure setbacks and landscape requirements shall be those provided for the land use district in which the facility is located;

[Return to Municipal Code Contents]

- 4) All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Outdoor storage shall be screened by a six-foot, solid decorative masonry wall. No storage, excluding truck trailers shall be visible above the height of the wall. No outdoor storage shall be permitted in the land use districts; which do not permit outdoor storage.
- 5) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
- 6) Space shall be provided on site for six vehicles to circulate and to deposit recyclable materials;
- 7) Four parking spaces for employees plus one parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;
- 8) Noise levels shall not exceed 65 dBA as measured at the property line of adjacent residential land use districts;
- 9) If the facility is located within 500 feet of property designated, or planned for residential use, it shall not be in operation between 7:00 P.M. and 7:00 A.M.;
- 10) Any containers provided for after hours donation of recyclable materials shall be at least 50 feet from any residential land use district, permanently located, of sturdy rustproof construction, and shall have sufficient capacity to accommodate materials collected and be secure from unauthorized entry or removal of materials;
- 11) Donation areas shall be kept free of litter and any other undesirable material and the containers will be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
- 12) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the land use district; and directional signs bearing no advertising message may be installed with the approval of the Director, if necessary to facilities traffic circulation; and

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- 13) Adequate refuse containers for the disposal of non-hazardous waste shall be permanently maintained on-site.
- d. Light processing facilities and large processors shall be permitted in all industrial zones subject to a Conditional Use Permit, and shall comply with the following standards:
- 1) The facility shall not abut a residentially designated parcel;
 - 2) In the CH or IE zones, processors shall operate within a completely enclosed structure;
 - 3) Power-driven processing shall be permitted provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;
 - 4) A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two outbound truck shipments of material per day and shall not shred, compact or bale ferrous metals other than food and beverage containers;
 - 5) Structure setbacks and landscaping requirements shall be those provided for the land use district in which the facility is located;
 - 6) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable materials shall be constructed of non-flammable material. No storage excluding truck trailers shall be visible above the height of the required walls;
 - 7) The site shall be maintained in a clean manner and free of litter and any other undesirable material(s). Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present;
 - 8) Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, a parking area shall be provided for a minimum of 10 customers at any one time;

- 9) One employee space shall be provided for each commercial vehicle operated by the processing center;
- 10) Noise levels shall not exceed 65 dBA as measured at the property line of residential land use districts;
- 11) If the facility is located within 500 feet of property designated or planned for residential use, it shall not be in operation between 7:00 P.M. and 7:00 A.M. The facility shall be administered by on-site personnel during the hours the facility is open;
- 12) Any containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential land use district parcel, and shall be sturdy, rustproof construction, with sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
- 13) Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
- 14) Signs shall be installed pursuant to Chapter 19.22 (Sign Standards). Additionally, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
- 15) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable from adjacent residentially designated parcels; and
- 16) The facility shall maintain adequate on-site refuse containers for the disposal of non-hazardous waste.

e. Unattended Collection Box Standards.

(Added by Ord. MC-1430, 11-10-16)

1. Physical Standards.

- i. Unattended Collection Boxes shall not be more than eighty-two (82) inches high, sixty (60) inches wide, and fifty (50) inches deep.

- ii. Unattended Collection Boxes shall be fabricated from durable metal and waterproof materials.
- iii. Unattended Collection Boxes shall not be electrically or hydraulically powered or mechanized.
- iv. Unattended Collection Boxes shall not become a fixture of the site and shall not be considered an improvement to real property.
- v. Unattended Collection Boxes shall require one dedicated parking spot for item drop-off and content retrieval.
- vi. Unattended Collection Boxes shall contain an opening with a tamper-restraint locking mechanism. Unattended Collection Boxes shall be secured in such a manner that the contents may not be accessed by anyone other than those responsible for the retrieval of the boxes contents.
- vii. Each Unattended Collection Box shall be maintained in good condition and appearance, and free of structural damage, holes, rust, graffiti, and chipping/peeling paint.
- viii. Unattended Collection Boxes shall not overflow at any time.
- ix. Items left next to or outside of the Unattended Collection Box shall be considered a nuisance. Such nuisance may be abated by the City at the Permittee's expense pursuant to San Bernardino Municipal Code 8.30.
- x. Permittee or Operator shall address all Unattended Collection Box maintenance issues within twenty- four (24) hours of notice from the City, including but not limited to graffiti, vandalism, and structurally - damaged boxes.
- xi. The Permittee or Operator shall inspect the Unattended Collection Box a minimum of once per week to empty the contents of the Unattended Collection Box and address any existing maintenance issues.
- xii. Operator and Permittee shall be responsible for disposing undesirable material or unwanted items in accordance with Municipal and State laws.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- xiii. The name, address, telephone number, email address and web address of the Operator shall be displayed on the front of each Unattended Collection Box in two-inch type face letters.
- xiv. Each Unattended Collection Box shall display its weekly pick up schedule. Pickup must be at least once a week as stated in this chapter.
- xv. No other signage or advertisements shall be allowed on box.
- xvi. Each Unattended Collection Box shall display the City of San Bernardino Business Permit number and a weatherproof copy of the permit granted pursuant to this chapter.
- xvii. Each Unattended Collection Box shall display the phone number of a City hotline provided by the Director in legible type with each number at least two inches in height.

2. Locational Standards.

- i. Unattended Collection Boxes shall not be located in, encroach onto, or obstruct any of the following:
 - a) Access to any parking
 - b) Pedestrian pathways or alternate pathways provided in accordance with the Americans with Disabilities Act
 - c) Emergency access or fire lanes
 - d) Marked drive aisles or on-site vehicular and pedestrian traffic circulation
 - e) Landscaped areas
 - f) Trash enclosures or access to trash enclosures
 - g) Setback areas required by law, including, but not limited to, front setback areas and street setbacks
 - h) Building exits

- ii Unattended Collection Boxes shall not be permitted on any unimproved parcel or where the principal use of land has been closed or unoccupied for more than thirty (30) consecutive days.
- iii Unattended Collection Boxes shall be placed on a surface that is paved, level, and free of dust.
- iv The location of the Unattended Collection Box shall not disrupt or impact any line-of-sight for pedestrians, bicyclists, or operators of motor vehicles.
- v. It shall be unlawful to locate any Unattended Collection Box less than 1,000 feet from the property line where another Unattended Collection Box is permitted.
- vi Only one (1) Unattended Collection Box shall be allowed per each City-approved parcel.
- vii Unattended Collection Boxes shall provide a minimum 100 foot setback from parcel line with properties that are residentially zoned or have existing residential uses.

3 Permits.

- i. It shall be unlawful and hereby declared a public nuisance for any person to place, operate, maintain or allow Unattended Collection Boxes on real property unless the property owner first obtains a permit pursuant to this chapter.
- ii. The permit application shall be made on a form provided by the Director or his/her designee and shall include all of the following information:
 - a) The name, physical address, email address, and telephone number of both the property owner and operator. Operator shall also provide its organization's website address where applicable.
 - b) The text of the disclosures that will be made on the Unattended Collection Box as required by this Chapter.

- c) The physical address of the property where the proposed Unattended Collection Box will be located, a drawing indicating the size of the Unattended Collection Box, and the proposed location of the Unattended Collection Box on said property.
 - iii. Each application shall be accompanied by a nonrefundable fee in the amount to be established by resolution of the Mayor and Common Council. This fee shall be in addition to any fee or tax imposed by the City pursuant to any other provision of this Code.
 - iv. All applications shall be filed with the Community Development Department.
 - v. Within sixty (60) days of receiving a completed application, the Community Development Department shall either issue a permit or deny the issuance of a permit.
 - vi. Unattended Collection Boxes that existed prior to the enactment of this chapter shall be subject to the same regulations herein.
 - vii. The Community Development Department shall not issue a permit unless the applicant has submitted a complete and accurate application accompanied by the applicable fee.
 - viii. When the Director denies an application, the Director shall provide a written statement to the Property Owner indicating the reasons for denial.
4. Term of Permit, Renewal of Permits.
- i. The permit year shall begin on January 1 each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the following calendar year.

- ii. The permit shall be renewed annually. The application for renewal must be filed no later than thirty (30) days before permit expires.
 - iii. Permittee may apply for permit renewal by submitting a renewal application and a non-refundable annual renewal fee to the Director before the expiration of a current permit. The annual renewal fee shall be in the amount set by resolution of the Mayor and Common Council.
 - iv. The Director shall either approve or deny the renewal of a permit within sixty (60) days of receipt of the complete renewal application and payment of the renewal fee.
 - v. Prior to expiration of the permit, a Permittee may voluntarily cancel the permit by notifying the Director in writing of his or her intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the Permit.
 - vi. If a permit expires and is not timely renewed, the Unattended Collection Box must be removed from the property within ten (10) days of the expiration of the permit.
5. Revocation of Permit, Removal of Unpermitted Collection Boxes, Restitution of Fees.
- i. The Director shall have the right to revoke any permit issued here under for cause. Failure to comply with the provisions of this chapter or any other law shall constitute grounds for revocation of the permit. When the Director revokes a permit, the Director shall provide a written notification to the Permittee stating the specific grounds for revocation.

- ii. Upon revocation, the Unattended Collection Box shall be removed from the Permittee's real property within thirty (30) days.
- iii. Upon revocation of a permit, a Permittee shall be prohibited from applying for a permit for a period of one calendar year.

6. Permits Nontransferable.

- i. Permits under this chapter are nontransferable.

- A Permittee shall not transfer, assign or convey such permit to another person.

Any purported transfer, assignment, or conveyance of a permit issued under this chapter shall be considered null and void.

Appeals.

- i. When the Director denies a permit application or revokes an existing permit, the property owner may appeal the Director's determination to the Planning Commission within ten (10) days of the Director's decision. Appeals of the Director's determination must be made in writing with the Office of the City Clerk.

Liability.

- i. An Operator shall maintain a general liability insurance policy of a minimum of one million dollars (\$1,000,000.00) for the duration of the operation of an Unattended Collection Box at each site, to cover any claims or losses due to the placement, operation, or maintenance of the Unattended Collection Box. Operator's failure to maintain the required insurance coverage shall be grounds for revocation of the permit.

Violation and Penalty.

- i. Any person who violates, causes, or allows another person to violate any provision of this ordinance is guilty of either an infraction or misdemeanor. Any person convicted of an infraction or misdemeanor under the provision of this ordinance shall be punished by a fine, imprisonment, or both, according to Chapter 1.12 of the City of San Bernardino Municipal Code.

[Return to Municipal Code Contents]

- ii. In addition to any other penalties provided in this section, up to \$1,000.00 in Administrative Civil Penalties may be imposed for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator.
- iii. Nothing in this Chapter shall preclude the City from pursuing the remedies made applicable hereto elsewhere in this Municipal Code or under State law, including but not limited to, as applicable, revocation of permits, injunctive relief and removal of the Unattended Collection Boxes pursuant to Chapter 8.30 of the San Bernardino Municipal Code.
- iv Pursuant to Government Code section 38773, all unpaid expenses incurred by the City in connection with an action to abate a public nuisance shall be a lien against the property on which it is maintained and a personal obligation against the property owner

Severability.

- i. The provisions of this Chapter are severable, and, if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

S. SALES AND PRODUCTION OF HANDICRAFT ITEMS

Facilities providing for the sales and production of handicraft items may be established subject to Development Permit review and shall be constructed in the following manner:

- 1. The sales and production of handicraft items shall be permitted only on parcels located within both the CR-2 zone and the Main Street Overlay.
- 2. The retail and service operations shall be contained within the main structure which houses the primary use.
- 3. Retail and service operations shall occupy a minimum of 15% of the total building square footage.
- 4. Accessory items not produced on site may be sold on the premises in addition to those products manufactured, warehoused and-or assembled on the premises.
- 5. Outside storage of materials shall be prohibited.

(Ord. MC-997, 7-08-97)

[Return to Municipal Code Contents]

T. SENIOR CITIZEN-CONGREGATE CARE HOUSING STANDARDS

Refer to Section 19.04.030(2)(Q).

U. SERVICE STATION STANDARDS

Service stations are subject to a Conditional Use Permit and shall comply with the following standards:

1. New service stations shall be permitted only at the intersections of major and secondary arterials, and along major or secondary arterials with freeway off-ramps within the Freeway Corridor Overlay zone. Stations within the Freeway Corridor Overlay shall only be located at the intersection of the arterial with the New service stations shall be permitted only at the intersections of major and secondary arterials, and along major or secondary arterials with freeway off-ramps within the Freeway Corridor Overlay zone. Stations within the Freeway Corridor Overlay shall only be located at the intersection of the arterial with the freeway on- and off-ramps or with streets forming the boundary of the Freeway Corridor Overlay zone. A maximum of three service stations shall be permitted at each intersection, or on each side of the freeway along a major or secondary arterial with a freeway off-ramp within the Freeway Corridor Overlay zone, provided that at least one station offers only non-petroleum alternative fuel.

(Ord. MC-1381, 12-19-12; Ord. MC-1353, 7-06-11; Ord. MC-963, 3-20-96)

2. A minimum street footage of 100 feet on each street shall be provided.

Ord. MC-1400, 5-05-14

3. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a. The dispensing of petroleum products, water and air from pump islands.
 - b. The provision of emergency service of a minor nature.
 - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which must be screened from public view.

4. Pump islands shall be located a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
5. The maximum number of points of ingress-egress to any one street shall be 2.
6. There shall be a minimum distance of 30 feet between curb cuts along a street frontage.
7. No driveway may be located closer than 35 feet to the curb return.
8. The width of a driveway may not exceed 36 feet at the sidewalk.
9. On-site parking shall be provided at 1 space for each pump island, plus 1 space for each service bay.
10. Outside storage of motor vehicles is prohibited.
11. No vehicles may be parked on sidewalks, parkways, driveways or alleys.
12. No vehicle may be parked on the premises for the purpose of offering same for sale.
13. Landscaping shall comprise a minimum of 15% of the service station site area, exclusive of required setbacks, and shall be provided and permanently maintained according to the following regulations, as well as those contained in Chapter 19.28 (Landscaping Standards).
 - a. A minimum five-foot wide (inside dimension), six-inch high planter area shall be provided along interior property lines, except for openings to facilitate vehicular circulation to adjacent properties. Where adjacent to a periphery wall, trees planted not more than 16 feet apart shall be included in the planter areas.
 - b. A planter area of not less than 200 square feet shall be provided at the corner of 2 intersecting streets. Landscaping shall not exceed a height of 30 inches.
 - c. A minimum of 50 square feet of planter area shall be located along those portions of the main structure fronting on a public street.

- d. Additional landscaping may be required to screen the service station from adjacent properties.
14. All on-site signage shall comply with the provisions of Chapter 19.22 (Sign Standards).
15. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.
16. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure.
17. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
18. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties. No luminaire shall be higher than 15 feet above finished grade.
19. Where an existing service station adjoins property in a residential land use district, a six-foot high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement-modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of 30 inches.
20. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening.
21. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
22. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

[Return to Municipal Code Contents]

V. SERVICE STATION CONVERSIONS

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this Development Code.

W. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansions to single-family units which legally existed in the commercial and industrial districts prior to June 3, 1991, shall comply with the RS, Residential Suburban, zone Standards.

(Ord. MC-823, 3-03-92)

X. SINGLE FAMILY-OFFICE CONVERSIONS

(Ord. MC-818, 1-07-92)

A structure originally constructed as a single family residence which is proposed for conversion to a low intensity office use shall require the following:

1. The building elevations and the landscaping between the front property line and the building front shall be maintained in their residential character.
2. Parking shall be provided to the rear of the structure. Access may be permitted from the original driveway if there is a minimum width of 10 feet.
3. Any trees with a trunk diameter greater than six inches shall be preserved. If it becomes necessary to remove a tree with a trunk diameter greater than six inches, each tree removed shall be replaced on a 2:1 ratio with 36-inch box trees.
4. If the rear property line abuts an alley, access to parking shall be provided from the alley whenever possible.
5. Where two or more single-family residences adjacent to one another are converted to office uses, reciprocal access and parking may be required.

[Return to Municipal Code Contents]

6. Parking spaces shall be provided as determined at project review. To the greatest extent possible, professional office parking requirements shall be met. Landscaping requirements may be reduced to provide adequate parking.
7. Unattended tandem parking will be permitted if it is determined such parking would be appropriate and effectively used.
8. Parking lot landscaping may be reduced to 5% of the parking area (plus setbacks) if it is deemed necessary in order to provide adequate parking spaces.
9. Loading spaces are not required.
10. A monument sign shall be permitted with the following standards:

Maximum height	4 feet.
Maximum area	16 square feet.
Minimum distance from property line	10 feet

No illumination shall be permitted.
11. The structure shall be made to conform to the provisions of the Uniform Fire Code and the Uniform Building Code for commercial structures.
12. Trash receptacles should be placed to the rear of the structure and screened from view. Location and size of receptacles will be determined at project review.

Y. SINGLE ROOM OCCUPANCY (SRO) FACILITIES

(Ord. MC-809, 10-08-91)

Single Room Occupancy (SRO) facilities are subject to Conditional Use Permit review and approval and shall conform to the following standards:

1. SROs shall not be located within 250 feet of a parcel which has a school for children, adult bookstore or theater, or liquor store.

(Ord. MC-878, 6-09-93)

2. SROs shall be located within ¼ mile of a bus stop.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

3. SROs shall comply with the following parking requirements: One space per full time SRO employee at maximum shift and 1 per 10 occupants.
4. Secured bicycle or motorcycle spaces shall be provided at a ratio of one space per 10 occupants.
5. Any design of a SRO project shall coordinate with and complement the existing architectural style and standards of the surrounding land uses and local community. If a design theme has become established in an area, this should be reflected in the design and scale of the SRO project.
6. An unrestricted drop-off-pick-up-loading-temporary parking area shall be provided near a single entry located adjacent to front entry-desk area.
7. Exterior common areas and/or open courtyards should be provided throughout the project. If common areas are made available, these areas should be designed to provide passive open space with tables, chairs, planters, or small garden spaces to make these areas useful and functional for the residents. Exterior common areas, including parking areas, should be illuminated with a minimum of two footcandles by low pressure sodium lighting from dusk to dawn.
8. Each SRO unit shall be provided with the following minimum amenities:
 - a. Adequate heating and air conditioning. (Window air conditioning units are not permitted. Air conditioning units may be installed for each SRO unit as long as they are flush with the exterior wall surface.)
 - b. Kitchen sink with garbage disposal.
 - c. Counter top measuring a minimum of 12 inches deep and 24 inches wide.
 - d. Space and proper wiring for a microwave and small refrigerator. (These appliances must be available for rent.)
 - e. Pre-wired for telephone and cable television.
 - f. Toilet and sink in a separate room that is a minimum of 20 square feet.
 - g. One bed space per person.
 - h. One closet per person.
 - i. One storage-desk arrangement per person.

[Return to Municipal Code Contents]

- j. Intercom system.
 - k. Lockable door, which is a minimum of 36 inches wide, opens inward, and has a reprogrammable key card access from a secured enclosed interior hallway or common area.
9. The maximum occupancy and minimum unit size (not including toilet compartments) shall be:
- 1 person - 150 square feet.
 - 2 persons - 175 square feet.

The maximum unit size shall be 325 square feet.

- 10. Elevators shall be required on new SROs which are 3 stories or more in height.
- 11. A full common kitchen facility shall be provided on each floor, if complete kitchens are not provided in each unit. Complete kitchen shall include a microwave, sink with garbage disposal, and refrigerator. Other cooking appliances or facilities shall be prohibited in each SRO unit, unless approved in writing by the management staff.

(Ord. MC-878, 6-09-93)

- 12. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of 1 per 7 occupants or fraction thereof on the same floor with interior lockable doors. These shall be directly accessible from indoor common areas or indoor hallways.
- 13. SRO facilities shall provide for 1 handicapped-accessible unit for every 25 units or fraction thereof for up to 100 units and 1 handicapped-accessible unit for every 40 units or fraction thereof for the number of units over 100.
- 14. At least 1 janitor closet and trash chute shall be provided on each floor.
- 15. Common laundry facilities shall be provided with 1 washer and 1 dryer for every 25 units or fraction thereof for up to 100 units and 1 washer and 1 dryer for every 50 units or fraction thereof for the number of units over 100. Keyed access for tenants only shall be provided. Defensible space concepts should be employed in the design and location of the laundry facility areas.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

16. Common furnished and secured indoor space shall be provided at the following ratios:

4.5 sq. ft. per 150 to 159 sq. ft. unit

4.0 sq. ft. per 160 to 169 sq. ft. unit

3.5 sq. ft. per 170 to 179 sq. ft. unit

3.0 sq. ft. per 180 and up sq. ft. unit

Common indoor space means all useable interior common areas not used for circulation or service facilities. Common indoor space includes lobby, recreation room or reading room.

17. Ingress and egress shall be strictly limited and monitored by the use of a front desk area which has a full view of the entry-lobby area, is staffed 24 hours a day, 7 days a week, and has an operational outdoor entry intercom system with intercoms in each unit and common areas. Entrance into the hallways of common areas where individual units are located shall be regulated by the front desk clerk through the use of "buzz-in" doors. Each resident and guest must be cleared by the front desk clerk before entry is permitted. The required secondary egress areas shall also be alarmed and monitored. A notice shall be posted in the common indoor lobby area regarding contact procedures to investigate code compliance problems. At least 1 pay telephone, a drinking fountain and individual mail boxes shall be provided in the lobby-front desk area.
18. An adequately sized supply room shall be provided with adequate security control.
19. SROs of any size shall be required to have fully automatic fire sprinkler systems with a central monitoring system, alarm and fire annunciator in compliance with Fire Department standards. A manual fire alarm system shall also be installed.
20. All provisions of the Uniform Building Code and Uniform Fire Code must be complied with for hotels. However, reasonable equivalent alternatives to Fire and Building Code requirements may be utilized, if approval is obtained from the Chief Building Official and Fire Chief on a case-by-case, item-by-item basis.
21. Defensible space concepts should be employed in the design and location of SROs.

[\[Return to Municipal Code Contents\]](#)

22. Interior hallways shall be brightly lit with at least 1 footcandle of lighting on the floor surface.
23. All lighting fixtures shall be vandal and graffiti resistant. All ground-floor exteriors and common areas, including hallways, elevators and shower facilities should be made graffiti resistant through the use of special paint, texturing, carpeting or other means as approved by the Police Department.
24. A Management Plan shall be submitted for review and approval, or approval with modifications as part of the Conditional Use Permit. This Plan shall be comprehensive and shall contain provisions as recommended by the Director of the Department of Planning and Building Services and as adopted by the Planning Commission. The failure of the property owner to comply with the Management Plan may be grounds for revocation of the Conditional Use Permit pursuant to San Bernardino Municipal Code Chapter 19.36.
25. Security provisions shall be provided in the following manner:
 - a. Video cameras equipped with infrared detectors must be strategically placed in all public areas including hallways, elevator entrances, lobby areas, garage areas, laundry areas, profit centers and other common areas, and monitored for internal security. The monitoring station may be at the front desk. In order to provide for adequate monitoring, the location and configuration of monitors is subject to review by the Police Department. NOTE: Infrared detectors are to activate a flashing light to help direct monitoring staff to a specific monitor and area of the facility.
 - b. Unit doors shall be equipped with interior locks and key card entrance systems which shall be reprogrammable.
 - c. Common shower area doors accessible through hallways shall be equipped with interior locks with access by a management master key. An emergency call button or pull cord shall be provided.
 - d. Front entry areas shall allow for adequate visual access into the front desk-lobby area by police from patrol cars.
 - e. Each room and all common areas shall have operable windows, except for the first floor which may be fixed, if a reasonable equivalent alternative is approved by the Chief Building Official and Fire Chief.

- f. Adequate measures shall be taken to provide for vehicle parking security including limited secured access by electronic wrought iron security gates and fencing or alternative materials compatible with the architectural style, night lighting and video camera monitoring. Override devices for gates shall be provided for the Police and Fire Department.
 - g. Pursuant to 19.06.030(2)(S)(26) or (27), if "failure by management" has occurred or violations of conditions of approval are found, then a private security guard may be required to be provided on a 24 hours a day basis. The security guard shall be fully uniformed, bonded, P.O.S.T. certified and licensed by the State to bear firearms.
 - h. Valid photo identification shall be required as a condition of registration. A valid photo identification is a state or official driver's license, a military identification card, an official state identification card or a San Bernardino Police Department registration card. Management shall post in the registration area signs declaring that photo identification is required for tenants and a valid identification for their guests (photo identification is not required, unless the guest is staying overnight), and that the registration information will be presented to the Police Department upon demand.
 - i. Management is to keep and maintain complete and accurate tenant registration cards in duplicate, including photocopies of required photo identification. Registration information shall include the name of the occupant, unit number, rental rate, vehicle type and vehicle license number. The duplicate copies of the registration cards shall be taken to the San Bernardino Police Department weekly. Registration information shall be provided to the Police Department upon demand.
26. A condition of approval of a SRO facility shall be in compliance with Municipal Code Chapter 5.82 (Business Permit Regulation's). A SRO facility with excessive drug or prostitution arrests may be brought before the Police Commission for review, with notice of that review meeting being sent to the SRO facility owner. If the Police Commission determines that a "failure by management" has occurred, in that a finding is made that excessive drug or prostitution arrests are occurring at the SRO facility, the Operators Permit issued to the SRO facility may be revoked pursuant to Municipal Code Chapter 5.82. Further operation of the SRO facility shall not occur without first processing and obtaining approval for a new Operators Permit.

27. Condition compliance inspections by the City may be made on an annual basis, and the costs of such inspections, up to \$5,000.00 adjusted annually for inflation, shall be paid by the SRO facility operator. Any violation(s) of the conditions of approval, municipal codes, or state or federal laws or regulations pertaining to SRO facilities, as they exist at the time of the inspection, shall be corrected within the time period(s) specified in the notice of violation. If the Director makes a finding that the corrections have not been made within the specified time period(s), the Conditional Use Permit and Operators Permit for the SRO facility may be revoked pursuant to the provisions in Chapter 19.36 and 5.82 of the Municipal Code.
28. The maximum number of SRO units to be brought into service within the City of San Bernardino after the effective date of the Development Code, shall be the number that accommodates 500 occupants. Prior to any proposed amendments to these SRO standards or to an increase in the maximum number of SRO units in service, the Department of Planning and Building Services shall present a report to the City Council with the following information: the number and location of permitted SRO projects, the number and capacity of existing SRO units, the average occupancy rate, the rent levels, the average number of vehicles per resident, and the perceived adequacies or deficiencies of the management services provided in the SRO facilities.
29. Existing motels, hotels or apartments shall not be permitted to convert to SROs.

(Ord. MC-878, 6-09-93)

Z. SOCIAL SERVICE USES-CENTERS

Refer to Section 19.04.030(2)(T).

(Ord. MC-1106, 10-02-01)

AA. HOTELS, MOTELS, B&BS, AND EXTENDED LODGING FACILITIES

(Ord. MC-1381, 12-19-12; Ord. MC-1126, 6-04-02)

1. Hotels, Motels and Bed & Breakfast Inns (B&Bs) are allowed in the CG-1, CG-2, CR-2, CR-3, and CCS-1 zones. Extended Lodging Facilities are allowed in the CR-2 and CR-3 zones.
2. All Hotels, Motels, Bed & Breakfast Inns (B&Bs), and Extended Lodging Facilities are subject to a Conditional Use Permit and shall comply with the following standards in addition to any conditions imposed by the Planning Commission.

[Return to Municipal Code Contents]

- a. Hotels and Extended Lodging Facilities shall provide guestrooms with voicemail, dataports, desk, laundry facilities, color television, alarm clock or wake up service. Hotels and Extended Lodging Facilities shall also make irons and ironing boards available to guests upon request. Motels shall provide guestrooms with voicemail, desk, color television, and alarm clock or wake up service.
 - b. The minimum lot size for a Hotel or Extended Lodging Facilities shall be one (1) acre, with a minimum of 100 rooms. The minimum room size for Hotels and Extended Lodging Facilities shall be 300 square feet. There shall be a minimum of 25 square feet per guestroom of meeting space for full service Hotels.
 - c. Hotels and Extended Lodging Facilities shall include at least one recreational facility, such as a pool, whirlpool-spa, or fitness room. Motels shall provide a pool.
 - d. A restaurant shall be provided for full service Hotels and a guest courtesy lounge (for snacks including vending machines) shall be provided for limited service Hotels and Extended Lodging Facilities.
 - e. Extended Lodging Facilities shall provide a 24-hour per day on-site supervisor, as designated by the owner-operator.
 - f. Hotels and Extended Lodging Facilities shall provide interior access to rooms. Motels can have access from walkways or the parking lot.
3. An application for a Conditional Use Permit for a Hotel, Motel, or Extended Lodging Facility shall be accompanied by a report with the following information.
 - a. Number of Hotel, Motel, and Extended Lodging Facility rooms available in the City;
 - b. Current rates structure of existing facilities in the City and-or the adjacent areas;
 - c. Proposed rate structure, including term (daily, weekly, etc.).
 4. Kitchens, kitchenettes and other cooking facilities shall not be permitted with Hotel or Motel units except the manager's unit. Kitchens, kitchenettes or other cooking facilities may be permitted within Extended Lodging Facilities.
 5. Housekeeping services including cleaning and linen service shall be made available daily to each guestroom, at the option of the guest.

[Return to Municipal Code Contents]

6. Leases and rental agreements of any duration are prohibited.
7. Hotels, Motels, and Extended Lodging Facilities cannot be used for a mailing address, voter registration, school registration, or listed for a personal phone number.
8. No existing Hotels or Motels can be converted to an Extended Lodging Facility.
9. Hotels, Motels, and Extended Lodging Facilities cannot be used for long-term occupancy for uses and facilities such as apartments, care facilities, boarding houses, and other similar uses and facilities, etc.
10. Hotels may have a maximum continuous length of stay of fourteen (14) days with a five-day interruption required before commencement of each such subsequent stay.
11. Motels may have a maximum continuous length of stay of fourteen (14) days with a five-day interruption required before commencement of each such subsequent stay.
12. Extended Lodging Facilities may have a maximum continuous length of stays as follows:
 - a. One hundred (100) % of the total guest rooms in the facility may be occupied by guests having a maximum length of stay of up to 30 days with a five-day interruption required before commencement of each such subsequent stay.
 - b. Fifteen (15) % of the total guest rooms in the facility may be occupied by guests having a maximum continuous length of stay of up to 90 days with a five-day interruption required before commencement of each such subsequent stay.
 - c. Five (5) % of the total guest rooms in the facility may be occupied by guests having a maximum continuous length of stay of up to 180 days with a five-day interruption required before commencement of each such subsequent stay.
 - d. Four (4) % of the total guest rooms in the facility may be occupied by guests having a maximum continuous length of stay of up to 270 days with a five-day interruption required before commencement of each such subsequent stay.
 - e. Two (2) % of the total guestrooms in the facility will be unlimited as to length of stay.

[Return to Municipal Code Contents]

13. No Hotel, Motel, or Extended Lodging Facility shall solicit or accept advance payment for more than seven (7) days lodging.
14. Compliance with the foregoing limitations will be determined on a year-to-year basis, based on average guest length of stay throughout each twelve (12) month period of operation on the applicable Extended Lodging Facility.
15. Operators of Hotels, Motels, and Extended Lodging Facilities shall provide the City with rental receipts, and related, pertinent information, within 3 days after request by any City official.
16. All of the provisions of this section of the Development Code Amendment, and applicable conditions of approval, shall be written in to the deed and recorded, prior to the issuance of a grading permit.

19.06.040 Applicable Regulations

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to Article IV, Administration provisions.

G19.06.050 COMMERCIAL DEVELOPMENT DESIGN GUIDELINES

1. GENERAL

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goals and objectives for high quality development within the commercial zones. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all commercial development within the City, except within the downtown area, CR-2 zone, which is regulated by the Main Street Overlay zone, and the area located within the Paseo Las Placitas Specific Plan which is subject to the guidelines contained in Chapter 19.10, Special Purpose zones. (Reso 92-135 4/6/92.) Any addition, remodeling, relocation, or construction requiring a building permit within any commercial zone subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

[Return to 19.06]

3. GENERAL DESIGN PRINCIPLES

A. DESIRABLE ELEMENTS OF PROJECT DESIGN

The most desirable qualities and design elements for commercial structures include:

1. Richness of surface and texture
2. Significant wall articulation (insets, canopies, wing walls, trellises)
3. Multi-planed, pitched roofs
4. Roof overhangs, arcades
5. Regular or traditional window rhythm
6. Articulated mass and bulk
7. Significant landscape and hardscape elements
8. Prominent access driveways
9. Landscaped and screened parking
10. Comprehensive sign program

[Return to 19.06]

B. UNDESIRABLE ELEMENTS

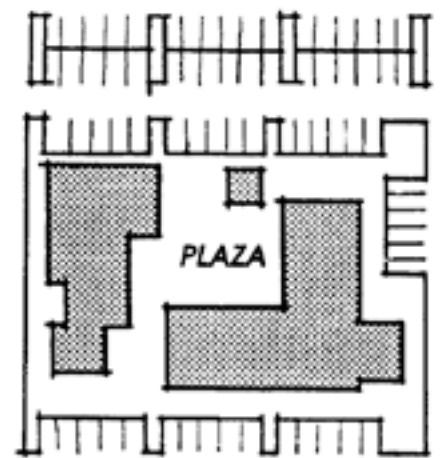
The elements to avoid or minimize include:

1. Large blank, unarticulated stucco wall surfaces
2. Unpainted concrete precision block walls
3. Highly reflective surfaces
4. Metal siding on the main facade
5. Plastic siding
6. Square "boxlike" structures
7. Mix of unrelated styles (i.e. rustic wood shingles and polished chrome)
8. Large, out of scale signs with flashy colors
9. Visible outdoor storage, loading, and equipment areas
10. Disjointed parking areas and confusing circulation patterns

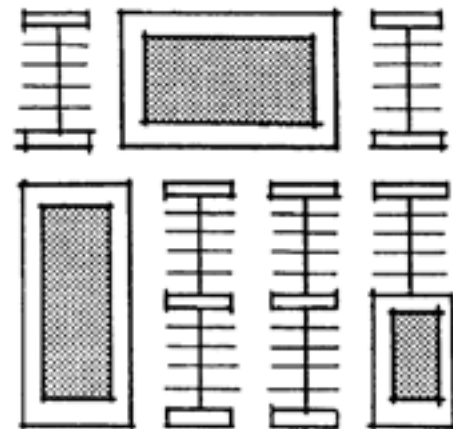
4. SITE PLANNING

Placement of structures should consider the existing built context of commercial area, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics and particular influences.

- A. Structures should be sited in a manner that will complement the adjacent structures. Sites should be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.
- B. Whenever possible, new structures should be clustered. This creates plazas or pedestrian malls and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.



**CLUSTER BUILDINGS ON THE SITE
TO CREATE PEDESTRIAN AREAS**

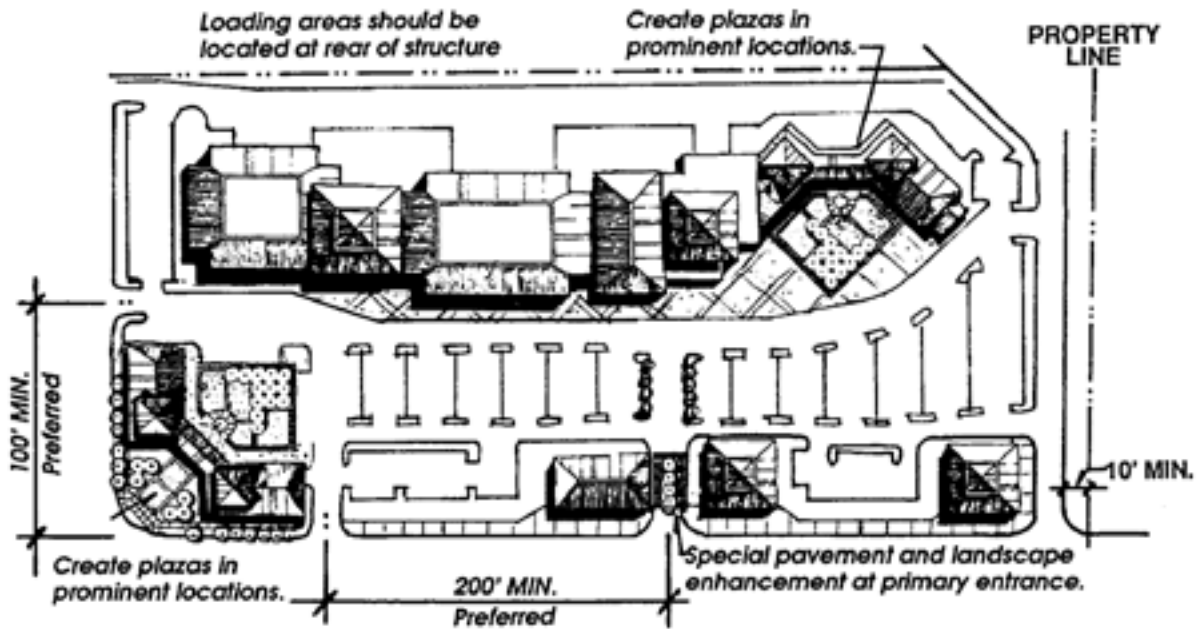


**DO NOT SEPARATE BUILDINGS
WITH PARKING LOTS**

- C. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with textured paving, landscaping, and trellises.
- D. Recognize the importance of spaces between structures as "outdoor rooms" on the site. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply "left over" areas between structures. Such spaces should provide pedestrian amenities such as shade, benches, fountains, etc.

[Return to 19.06]

- E. Freestanding, singular commercial structures should be oriented with their major entry toward the street where access is provided, as well as having their major facade parallel to the street.
- F. Loading facilities should not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.
- G. Open space areas should be clustered into larger, predominant landscape areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or areas of little impact to the public view, where they are not required as a land use buffer or as a required yard setback.

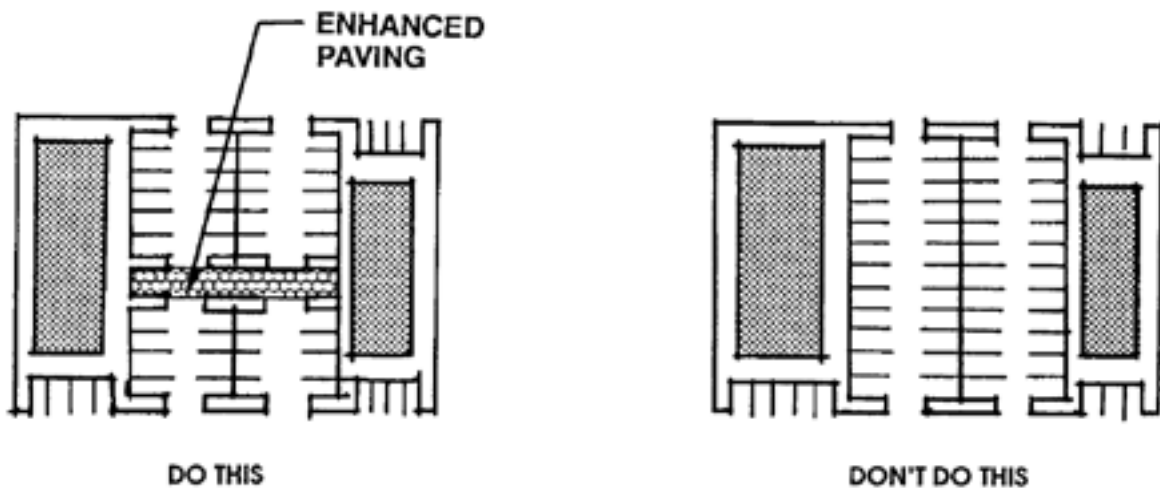


[Return to 19.06]

5. PARKING AND CIRCULATION

Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer should analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones; and the overall configuration and appearance of the parking area.

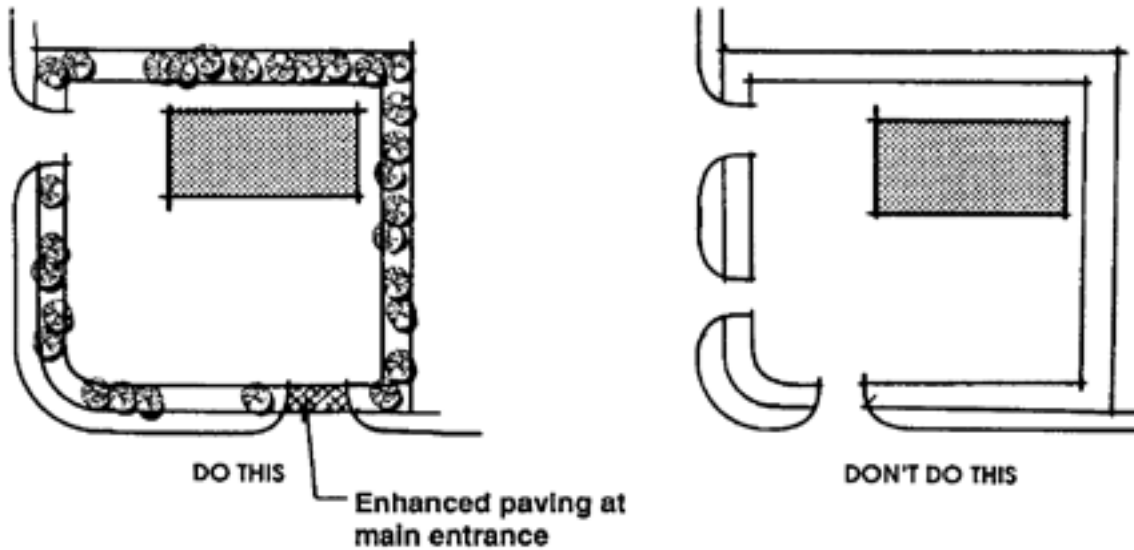
- A. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.



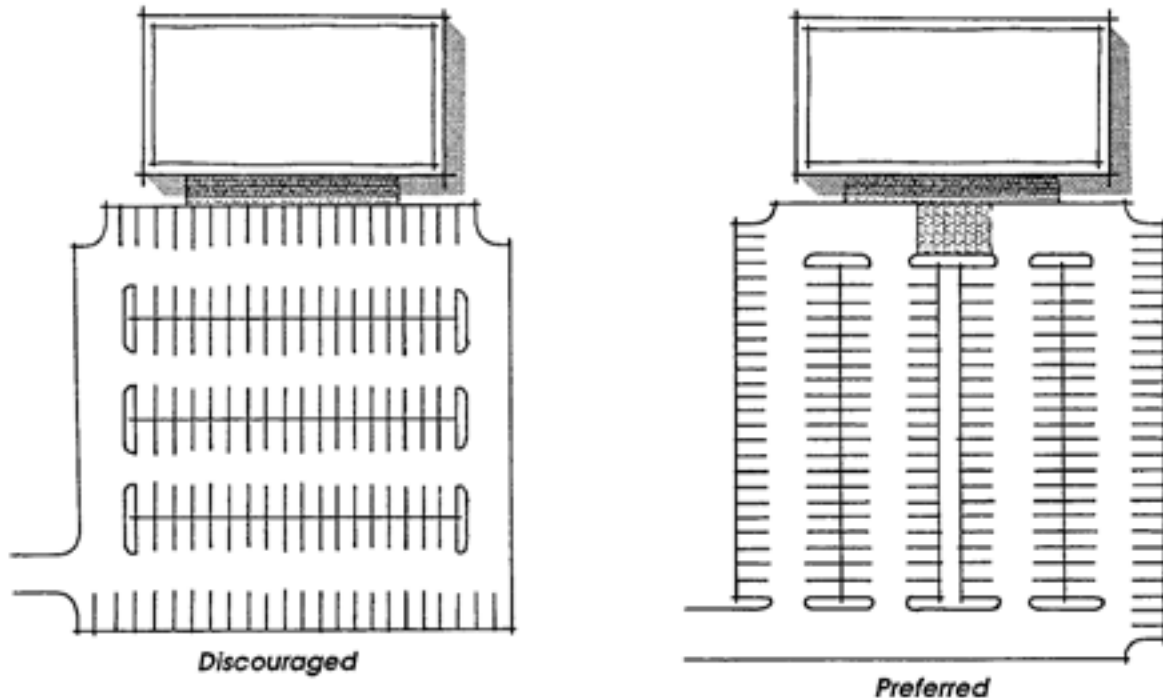
- B. Parking aisles should be separated from vehicle circulation routes whenever possible.
- C. Common driveways which provide vehicular access to more than 1 site are encouraged.
- D. Angled parking is preferred over 90° parking.
- E. Parking areas shall be landscaped, receiving interior as well as perimeter treatment in accordance with the requirements of this Development Code.
- F. Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut the structures should be avoided.

[Return to 19.06]

- G. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
- H. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
- I. Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.
- J. Parking access points, whether located on front or side streets should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points should be limited to the minimum amount necessary to provide adequate circulation.



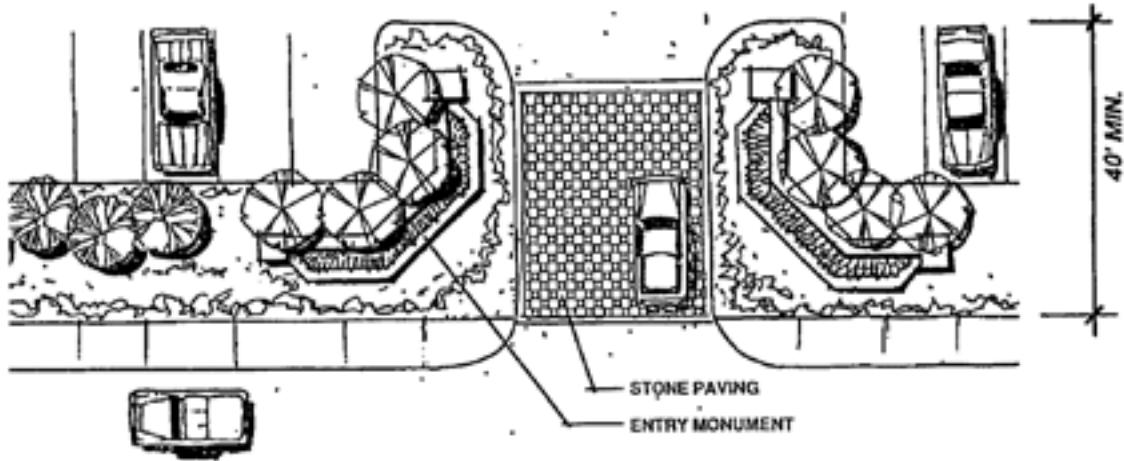
- K. Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.



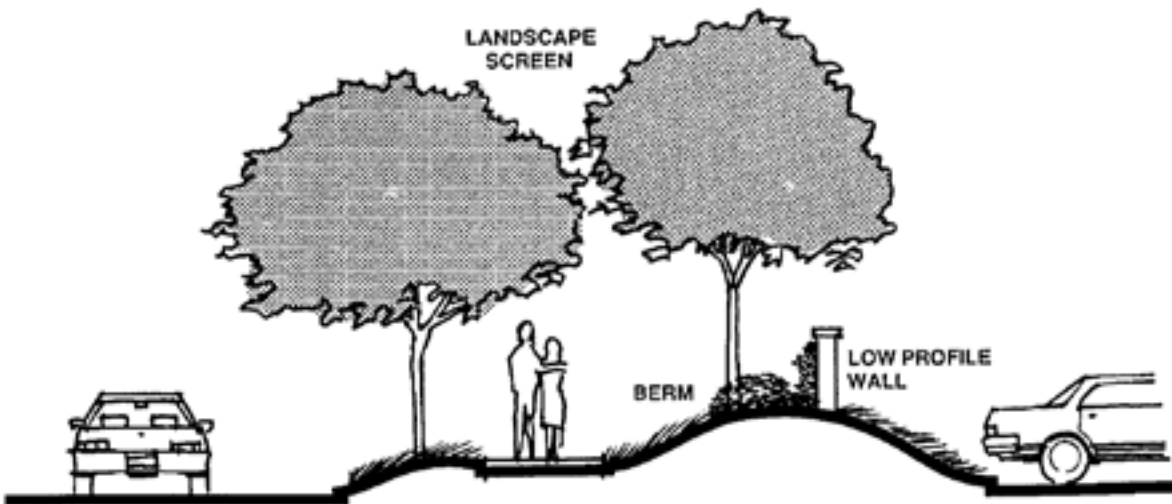
- L. Frontage roads should be provided for large projects on major arterials whenever possible.
- M. Parking areas and pedestrian walkways should be visible from structures to the greatest degree possible.
- N. The parking area should be designed in a manner which links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscaping treatment.
- O. Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.

[Return to 19.06]

- P. The first parking stall which is perpendicular to a driveway or first aisle juncture, should be at least 40 feet back from the curb. With larger centers, significantly more setback area may be required.



- Q. Utilize a 36-inch high opaque wall or landscaping to screen any parking at the street periphery. A combination of walls, berms, and landscape material is highly recommended. Where practical, lowering the grade of the parking lot from existing street elevations may aid in obscuring views of automobiles while promoting views of architectural elements of the structures beyond.

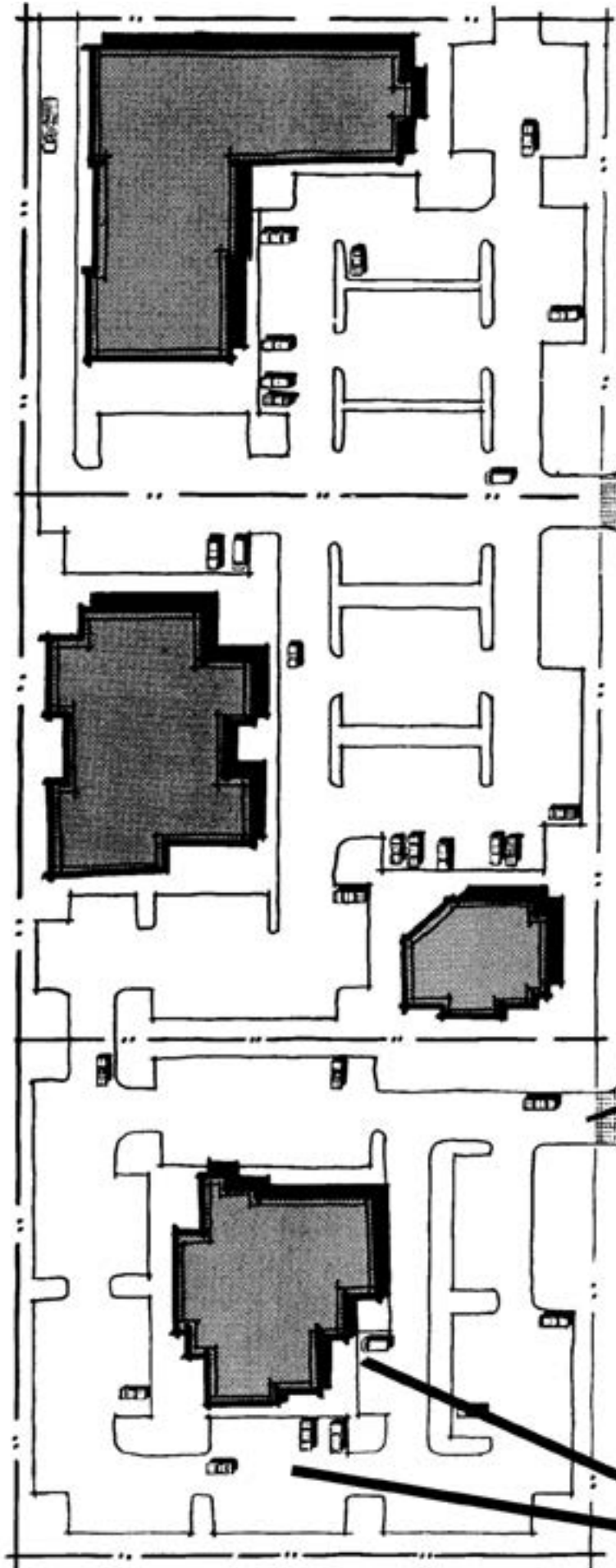


[Return to 19.06]

Design parking so that pedestrians walk parallel to moving cars.
 Minimize the need for pedestrians to cross traffic aisles.

Parking shall be separated from buildings, sidewalks, plazas, and landscaped area with a six inch curb.

In essence, buildings should be located on "islands" of turf or other landscape material.
 Parking adjacent to a building wall is prohibited.



Ensure that handicapped stalls close to the building entrance are provided

Driveway entries on separate properties should be located as far from one another as possible.

Common driveways which provide vehicular access to more than one site are encouraged.

Whenever possible, divide the parking into a series of smaller connected lots.

Driveway entries should be at least 25' wide and preferably 30' - 35' wide

[Return to 19.06]

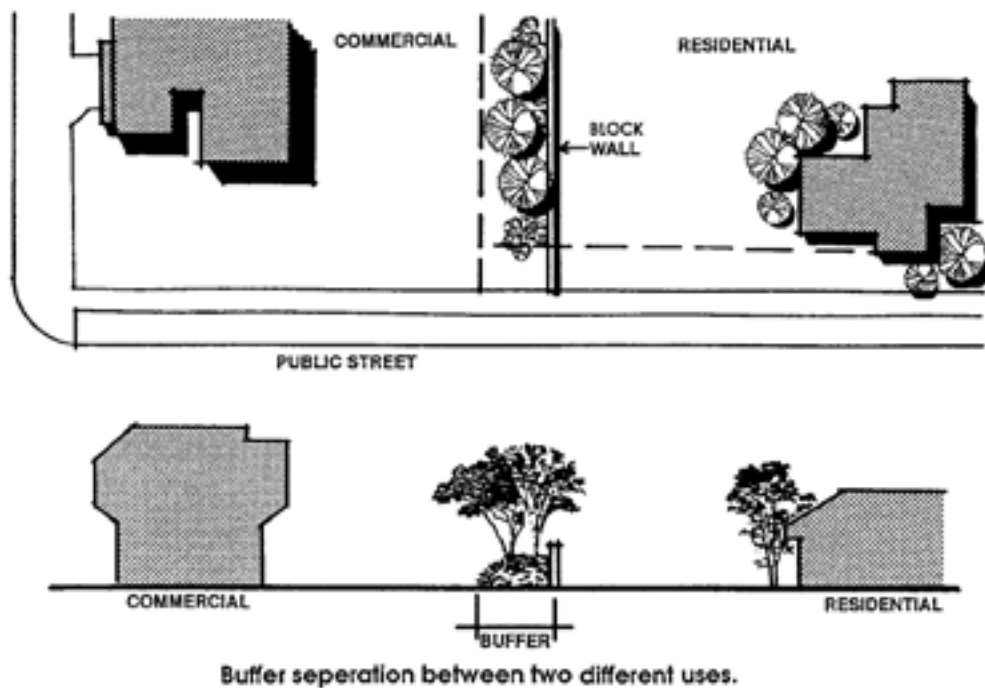
6. LANDSCAPING

- A. Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
- B. Landscaping should be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
- C. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
- D. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees should be located in planters that are bounded on at least three sides by parking area paving.
- E. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs. Concrete mow-strips separating turf and shrub areas are required per the development regulations.
- F. Vines and climbing plants integrated upon buildings, trellises, and perimeter garden walls are strongly encouraged. A few plants to consider for this purpose are: bougainvillea, grape ivy, and wisteria vines.
- G. Use boxed and tubbed plants in clay or wood containers, especially for enhancement of sidewalk shops, plazas, and courtyards.
- H. At maturity, trees should be able to be trimmed 10 feet above ground and shrubs should be maintained at a height of approximately three feet to provide adequate visibility.

[Return to 19.06]

7. WALLS AND FENCES

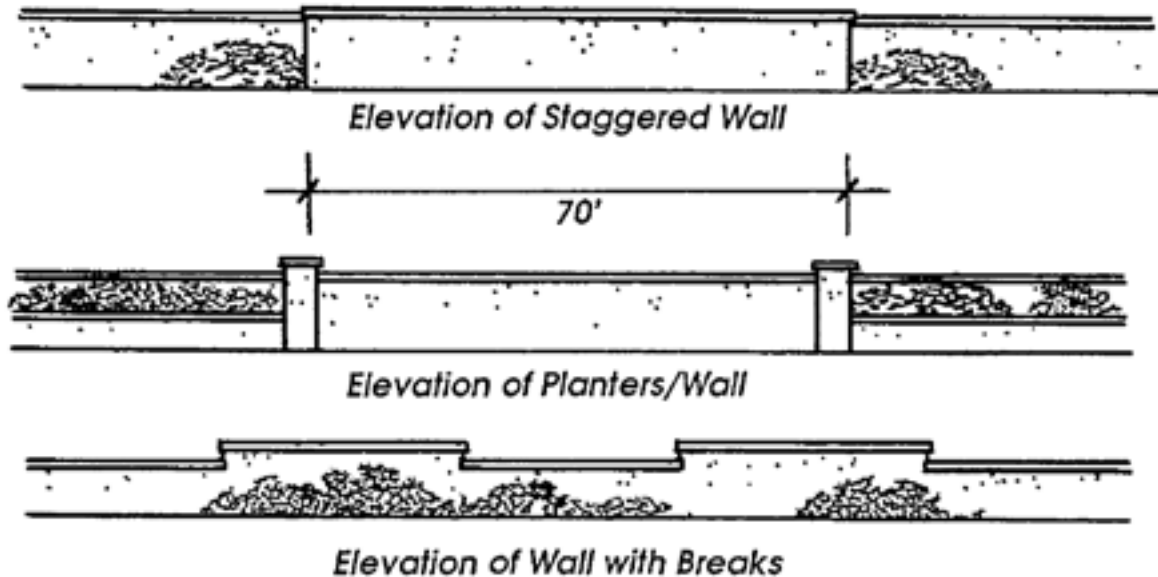
- A. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.
- B. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.



- C. When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grill work.

[Return to 19.06]

- D. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.

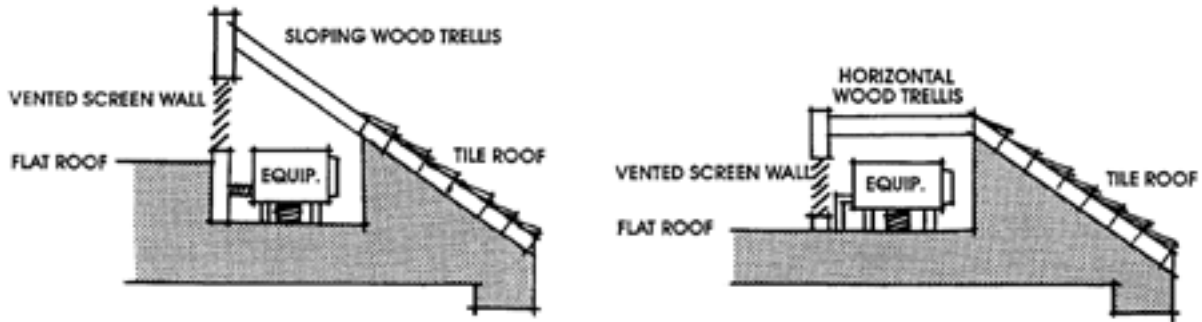


8. SCREENING

- A. Screening for outdoor storage should be a minimum of 6 feet and a maximum of 10 feet high. The height should be determined by the height of the material or equipment being screened. Chain link fencing with redwood or neutral colored slatting is an acceptable screening material for areas of any lot not visible from the street. Exterior storage should be confined to portions of the site least visible to public view.
- B. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping. Chainlink fencing with wood or metal slatting is not permitted when visible from the public right-of-way.

[Return to 19.06]

- C. Any outdoor equipment, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.



9. ARCHITECTURAL DESIGN GUIDELINES

- A. Heights of structures should relate to adjacent open spaces to allow maximum sun and ventilation, protection from prevailing winds, enhance public views of surrounding mountains and minimize obstruction of view from adjoining structures.
- B. Height and scale of new development should be compatible with that of surrounding development. New development height should "transition" from the height of adjacent development to the maximum height of the proposed structure.
- C. Large buildings which give the appearance of "box-like" structures are generally unattractive and detract from the overall scale of most buildings. There are several ways to reduce the appearance of large scale, bulky structures.
1. Vary the planes of the exterior walls in depth and/or direction. Wall planes should not run in one continuous direction for more than 50 feet without an offset.
 2. Vary the height of the buildings so that it appears to be divided into distinct massing elements.
 3. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.
 4. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.

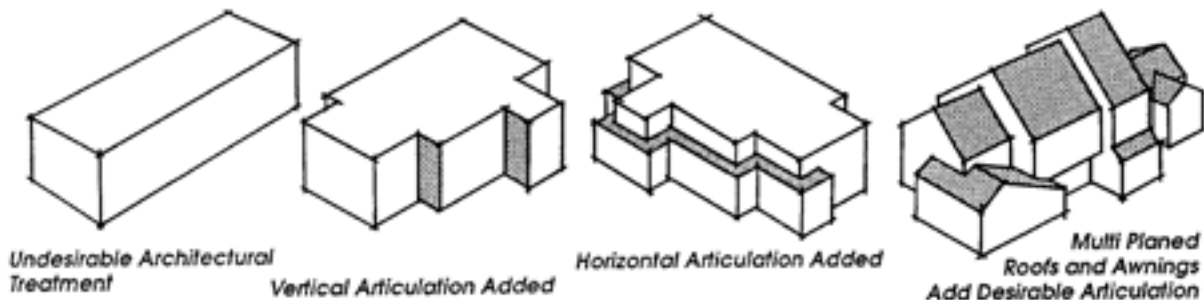
[Return to 19.06]

5. Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features.
6. All structure elevations should be architecturally treated.



AWNINGS OF THE SAME FORM AND LOCATION ARE REPEATED, WITH THE SIGNAGE ON THE AWNING'S VALANCE.

VARYING ROOF PLANES, SETBACKS AND ARTICULATED FRONT FACADES ADD A PEDESTRIAN SCALE.

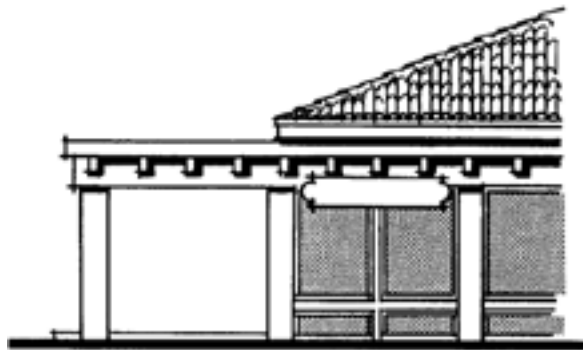


D. Scale, for purposes here, is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed building's size related to the size of a human being (human scale). Large scale building elements will appear imposing if they are situated in a visual environment which is predominantly smaller in scale.

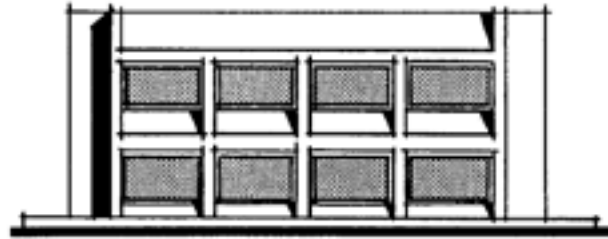
1. Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.
2. The scale of buildings should be carefully related to adjacent pedestrian areas (i.e. plazas, courtyards) and other structures.

[Return to 19.06]

3. Large dominating structures should be broken up by: 1) creating horizontal emphasis through the use of trim; 2) adding awnings, eaves, windows, or other architectural ornamentation; 3) use of combinations of complementary colors; and 4) landscape materials.



Storefront elements and pedestrian level details provide an intimate scale



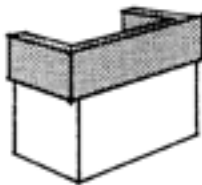
Form and texture shall be repeated in a manner to provide a sense of unity within a large mass.

- E. The use of standardized "corporate" architectural styles associated with chain-type restaurants is strongly discouraged.
- F. Much of the existing color in the City is derived from the primary building's finish materials such as brick, wood, stucco, and terra cotta tile. Also dominant are earth tones that match these natural materials.
 1. Large areas of intense white color should be avoided. While subdued colors usually work best as a dominant overall color, a bright trim color can be appropriate.
 2. The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design guidelines.
 3. Wherever possible, minimize the number of colors appearing on the structure's exterior. Small commercial structures should use no more than 3 colors.
 4. Primary colors should only be used to accent elements, such as door and window frames and architectural details.
 5. Architectural detailing should be painted to complement the façade and tie in with adjacent structures.

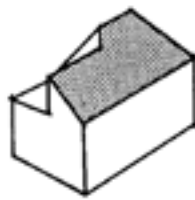
[Return to 19.06]

10. ROOFS

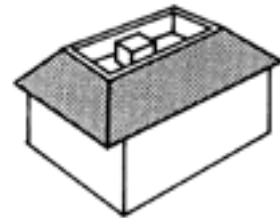
- A. The roofline at the top of the structure should not run in continuous plane for more than 50 feet without offsetting or jogging the roof plane.
- B. All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building.
- C. The following roof materials should not be used:
 - 1. Corrugated metal (standing rib metal roofs are permitted)
 - 2. Highly reflective surfaces (copper roofs may be considered)
 - 3. Illuminated roofing



*Partial mansard
roof discouraged*



*Clipped roof to hide
rooftop equipment*

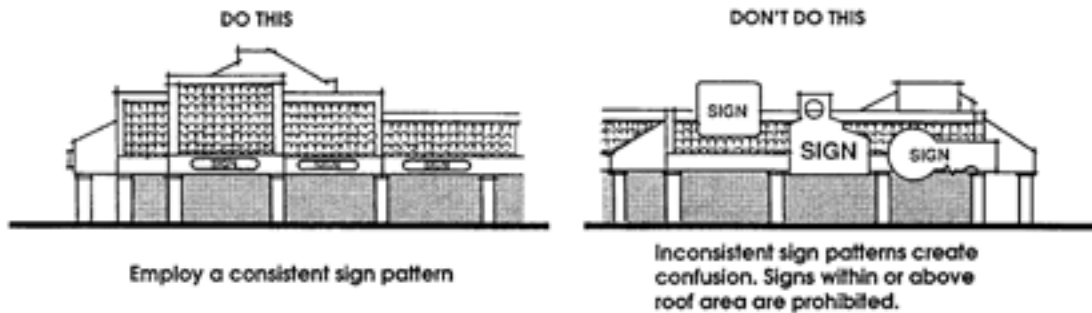


*Full mansard roof will
hide rooftop equipment*

11. AWNINGS

- A. The use of awnings along a row of contiguous structures should be restricted to awnings of the same form and location. Color of the awnings should be consistent and a minimum eight-foot vertical clearance should be maintained.
- B. Signs on awnings should be painted on and be limited to the awning's flap (valance) or to the end panels of angled, curved, or box awnings.
- C. Plexiglas, metal, and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas, matte finish vinyl, and fabric awnings are encouraged.
- D. Internally lit awnings should not be used.

[Return to 19.06]



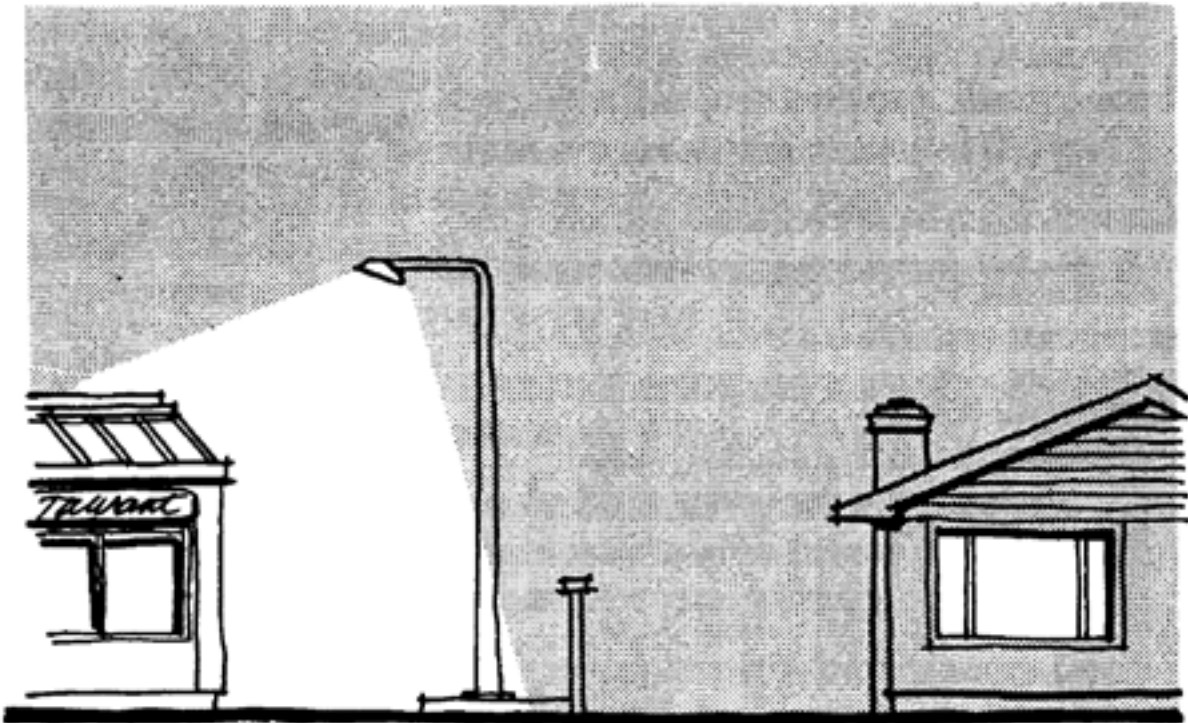
12. SIGNS

- A. Every structure and commercial complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept. All signing should be highly compatible with the building and site design relative to color, material, and placement.
- B. Monument-type signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.
- C. The use of backlit individually cut letter signs is strongly encouraged.
- D. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.

[Return to 19.06]

13. LIGHTING

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.
- B. The design of light fixtures and their structural support should be architecturally compatible with the main structures on-site. Illuminators should be integrated within the architectural design of the structures.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. All lighting fixtures must be shielded to confine light spread within the site boundaries.



[Return to 19.06]

CHAPTER 19.08 INDUSTRIAL ZONES

Sections:

- 19.08.010 Purpose**
- 19.08.020 Permitted, Development Permitted and Conditionally Permitted Uses**
- 19.08.030 Land Use District Development Standards**
- 19.08.040 Applicable Regulations**

Tables:

- 08.01 Industrial Zones List of Permitted, Development Permitted and Conditionally Permitted Uses**
- 08.02 Industrial Zones Development Standards**

Guidelines:

- G19.08.050 Industrial Development Design Guidelines**

19.08.010 Purpose

1. The purpose of this Chapter is to achieve the following:
 - A. Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.
 - B. Provide adequate space to meet the needs of industrial development, including off-street parking and loading.
 - C. Minimize traffic congestion and avoid the overloading of utilities.
 - D. Protect industrial areas from excessive noise, illumination, unsightliness, odor, smoke, toxic wastes, and other objectionable influences.
 - E. Promote high standards of site planning and landscape design for industrial developments within the City.
 - F. Promote consolidation of industrial uses into comprehensively planned industrial parks.
 - G. Promote a mix of industrial uses that provide the City with a sound, diverse industrial base.
 - H. Ensure compatibility with adjacent land uses.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- I. Single-family dwelling units which legally existed in the industrial zones prior to June 3, 1991, may remain as a permitted use.

(Ord. MC-823, 3-03-92)

2. The purpose of the individual industrial zones is as follows:

(Ord. MC-1393, 12-02-13)

- A. OIP (OFFICE INDUSTRIAL PARK) ZONE

This zone is intended to establish distinctive office industrial parks and corporate centers serving City and regional needs. Supporting retail/commercial services may be located in Corporate Office Industrial Park structures.

- B. IL (INDUSTRIAL LIGHT) ZONE

This zone is intended to retain, enhance, and intensify existing and provide for the new development of lighter industrial uses along major vehicular, rail, and air transportation routes serving the City.

- C. IH (INDUSTRIAL HEAVY) ZONE

This zone is intended to provide for the continuation and development of heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses.

- D. IE (INDUSTRIAL EXTRACTIVE) ZONE

This zone is intended to promote the mining and processing of the City's mineral resources in the Cajon Creek, Lytle Creek, and Santa Ana River areas, while ensuring their compatibility with adjacent land uses. Additionally, this zone provides for the development of interim uses including, but not limited to lumber yards, outdoor storage, plant nurseries, recreation (non-structural), etc., which do not impair the long term ability to extract and process mineral resources.

19.08.020 Permitted, Development Permitted and Conditionally Permitted Uses

The following list represents those primary uses in the manufacturing/industrial zones which are Permitted (P), subject to a Development Permit (D) or a Conditional Use Permit (C):

**TABLE 08.01
INDUSTRIAL ZONES LIST OF PERMITTED, DEVELOPMENT PERMITTED
AND CONDITIONALLY PERMITTED USES**

The following list represents those primary uses in the industrial zones, which are Permitted (P), subject to an Administrative or Development Permit (D), or a Minor/Conditional Use Permit (C). Those with a – are not permitted uses in that zone.

LAND USE ACTIVITY	OIP	IL	IH	IE
1. Accessory structures/uses typically appurtenant to a principally permitted land use activity	D	D	D	D
2. Agricultural Production-crops	—	—	D	D
3. Agricultural Services	—	D	D	—
4. Assembling, cleaning, manufacturing, processing, repairing or testing of products (except vehicle-related) and welding and excluding explosives, conducted entirely within an enclosed structure except for screened outdoor storage areas	D	D	D	—
5. Assembling, cleaning, manufacturing, processing, repair of products, research, storage, testing or wholesale land uses (except vehicle-related and explosives) with a portion of the operation (other than storage) occurring outside of the enclosed structure	—	—	D	—
A. Outside land uses in the CH and IH districts within 150 feet of a residential land use district	—	—	C	—
6. Commercial Cannabis Activity (Ord. MC-1519, 7-17-19)	D	D	D	—
7. Concrete batch plants, processing of minerals and aggregate and other related land uses, not including extraction activities	—	—	C	C
8. Crematory	—	D	D	—
9. Dwelling unit for a full-time security guard and family	—	D	D	D
10. Educational Service, including day care	D	D	C	—

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

LAND USE ACTIVITY		OIP	IL	IH	IE
11.	Emergency Shelters	D ¹	D ¹	D ¹	D ¹
12.	Entertainment/Recreational Uses				
A.	Adult Entertainment	—	C	—	—
B.	Auditoriums, Convention Halls and Theaters	C	—	—	—
C.	Banquet Hall	C	—	—	—
D.	Miscellaneous Indoor	C	D	D	—
E.	Miscellaneous Outdoor	C	C	C	—
13.	Financial	D	—	—	—
14.	Fuel Dealers	—	C	D	—
15.	Funeral Parlors/Mortuaries	—	D	D	—
16.	Gasoline Service Stations <u>with or without ancillary Commercial Uses</u> only at the intersections of major and secondary arterials	—	C	C	—
	Ord. MC-1400, 5-05-14				
17.	Heliports/Helipads	C	C	C	C
18.	Impound Vehicle Storage Yards (with or without towing)	—	C	D	—
19.	Membership organizations, including meeting halls, and fraternal lodges	D	D	—	—
20.	Mining/Extraction, including aggregate, coal, gas, metal and oil	—	—	—	C
21.	Mobile Home Dealers (sales and service)	—	D	D	—
22.	Offices/Services (administrative and professional)	D	D	—	—
23.	Offices - Medical	D	—	—	—

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

LAND USE ACTIVITY		OIP	IL	IH	IE
24.	Outdoor contractor's, lumber, and rental yards and storage areas for building supplies	—	D	D	D
25.	Outdoor Horticultural Nurseries	—	D	D	D
26.	Parking Lots	D	D	D	D
27.	Personal Services	D	D	—	—
28.	Pipelines (As defined by Section 19.20.030[12][E] or as superseded by State or Federal law)	C	C	C	C
29.	Public utility uses, distribution and transmission substations and communication equipment structures	D	D	D	D
30.	Publishing/Printing Plants	D	D	D	—
31.	Railroad Yards	—	—	D	—
32.	Recycling Facilities	In compliance with Section 19.06.030.1.B.2.Q			
33.	Research and Development, including laboratories	D	D	D	—
34.	Retail Commercial	D ²	D ²	D ²	—
35.	Salvage and Wrecking (dismantling) yards	—	—	C	C
36.	Salvage and Wrecking Facilities (completely within an enclosed structure)	—	C	C	—
37.	Social Service Centers	—	C ³	—	—
38.	Swap Meets	—	C	C	C
39.	Towing Services	—	D	D	—
40.	Transportation/Distribution	—	D	D	—
41.	Truck Stops	—	C	C	—

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

LAND USE ACTIVITY		OIP	IL	IH	IE
42.	Veterinary Services/Animal Boarding	—	D	—	—
43.	Warehousing and Wholesaling, including self-service mini-storage	—	D	D	—
44.	Other				
A.	Antennas, Satellite and Vertical	D	D	D	D
B.	Cleaning/Janitorial	D	D	—	—
C.	Copy Centers/Postal Service Centers, Blueprinting	D	D	—	—
D.	Equestrian Trails	P	P	P	P
E.	Fences/Walls	D	D	D	D
F.	Police/Fire Protection	D	D	D	D
G.	Religious Facilities/Churches	C	C	C	—
H.	Single-Family Residential (Existing - Ord. MC-823, 3-03-92)	P	P	P	P
I.	Temporary Uses (Subject to Temporary Use Permit)	T	T	T	T
J.	Transit Center	—	—	D	—
K.	Vehicle Repair	—	C	C	—
L.	Winery/Microbrewery	—	C	—	—

1. Permitted in the Emergency Shelter Overlay, pursuant to Chapter 19.10-E.
(Ord. MC-1342, 12-07-10)

2. Incidental to a primary use, and contained within a primary structure (15% max.)

3. Commission recommends to Council for final determination

[Return to Municipal Code Contents]

19.08.030 Land Use District Development Standards

1. GENERAL STANDARDS

A. The following standards are minimum unless stated as maximum:

**TABLE 08.02
INDUSTRIAL ZONES DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS	OIP	IL	IH	IE
Net Lot Area ¹	10,000	20,000	40,000	N/A
Front Setback	20 ⁴	10	20	N/A
Rear Setback	10	10	10	N/A
Side Setback (Each)	10	10 ²	10 ²	N/A
Side Setback (Street Side)	10	10	10	N/A
Lot Coverage (Maximum %)	50	75	75	N/A
Structure Height (Maximum)/Feet	42	2 stories/50 ³	None	N/A

st. = story

ac. = acre

- 1. This standard is only required for new industrial subdivisions
- 2. The minimum setback of 20 feet is required only along major or secondary arterial streets. Ten (10) feet is the minimum setback along all other streets.
- 3. Unless attached buildings are proposed, whereby no setback would be required for the attached side.
- 4. Unless the Commission finds that increased height is necessary for the proposed industrial use.

2. INDUSTRIAL ZONE STANDARDS

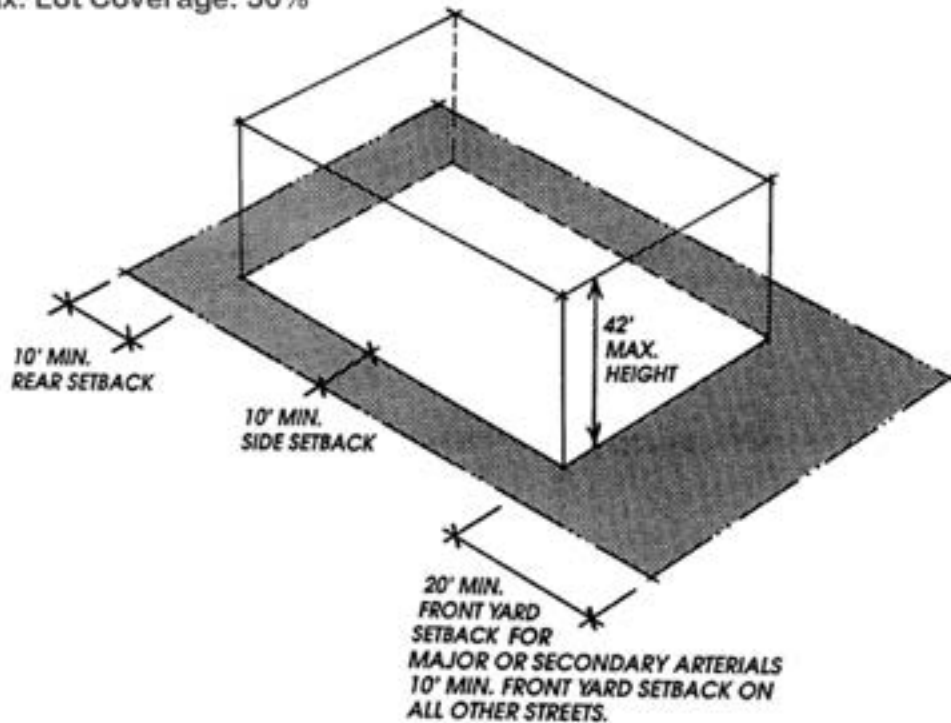
The following standards shall apply to development in all industrial zones, except as otherwise provided for in this Development Code:

1. All uses shall be subject to the approval of a Development Permit or a Conditional Use Permit pursuant to [Chapters 19.44](#) and [19.36](#).
2. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:
 - a. The operations are contained within the main structure which houses the primary use;
 - b. Retail sales occupy no more than 15% of the total building square footage;
 - c. No retail sales or display of merchandise occur(s) outside the structure(s); and
 - d. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.
3. Outside storage shall be confined to the rear of the principal structure(s) or the rear two-thirds of the site, whichever is the more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.
4. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.
5. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

6. In addition to the general development requirements contained in Chapter 19.20 (Property Development Standards), the Standards referred to in Table 06.03 shall apply to specific Industrial Zones.

SITE DEVELOPMENT STANDARDS OIP (OFFICE INDUSTRIAL PARK) ZONE

Minimum Lot Area: 10,000 square feet
Max. Lot Coverage: 50%



19.08.040 Applicable Regulations

All uses shall be subject the applicable regulations of this Development Code, including, but not limited to, Article IV, Administration provisions.

[\[Return to Municipal Code Contents\]](#)

G19.08.050 INDUSTRIAL DEVELOPMENT DESIGN GUIDELINES

1. PURPOSE

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goals and objectives for high quality development within the industrial zones. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reasons, these design guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all industrial development within the City, unless otherwise specified herein. Any addition, remodeling, relocation, or construction requiring a building permit within any industrial zone subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

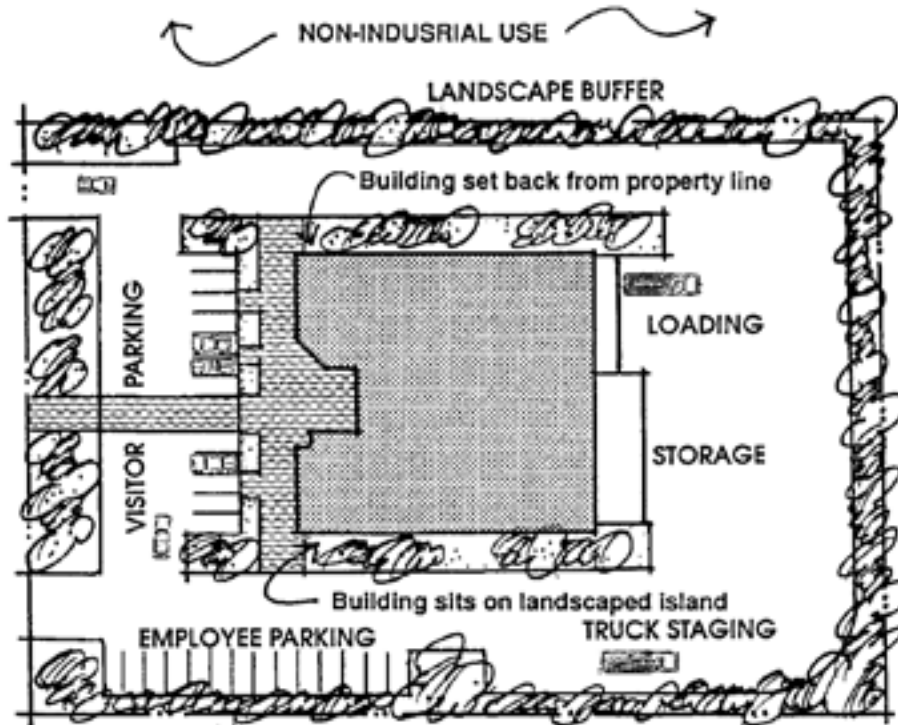
3. SITE PLANNING PRINCIPLES

A. The main elements of sound industrial site design include the following:

1. Controlled site access
2. Service areas located at the sides and rear of buildings
3. Convenient access, visitor parking and on-site circulation
4. Screening of outdoor storage, work areas, and equipment
5. Emphasis on the main building entry and landscaping
6. Landscaped open space

[Return to 19.08]

- B. A variety of building and parking setbacks should be provided in order to avoid long monotonous building facades and to create diversity.
- C. Structures should be located on "turf islands", where the office portion of the building does not directly abut paved parking areas. A minimum five- to seven- foot landscape strip should be provided between parking areas and the office portion of a structure.



- D. Building setbacks should be provided proportionate to the scale of the structure and in consideration of existing development adjacent to it. Larger structures require more setback area for a balance of scale and so as not to impose on neighboring uses.
- E. Placement of structures which creates opportunities for plazas, courts, or gardens is encouraged. Setback areas can often be used to provide space for patio areas.
- F. Where industrial uses are adjacent to non-industrial uses, appropriate buffering techniques such as setbacks, screening, and landscaping need to be provided to mitigate any negative effects of industrial operations.

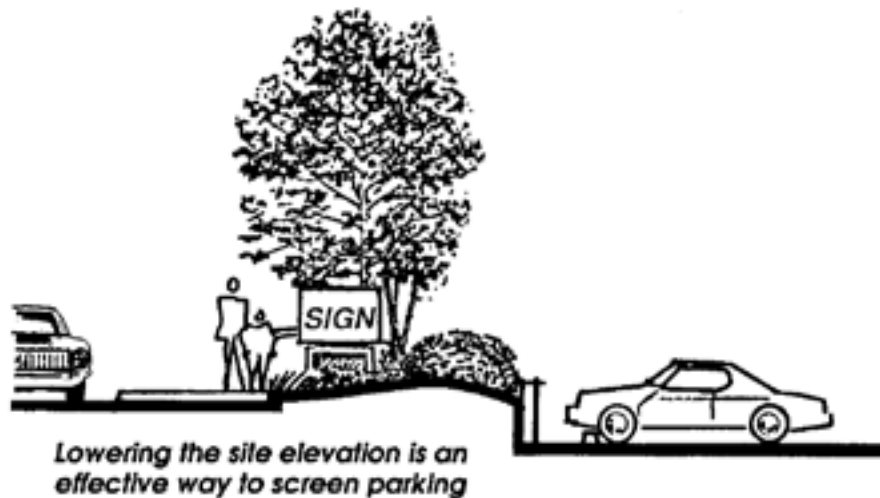


[Return to 19.08]

- G. Proposed development should be designed to preserve existing stands of trees wherever possible. Contact the City's Park, Recreation and Community Services Department regarding requirements for certified arborist's report concerning existing vegetation.

4. PARKING AND CIRCULATION

- A. The parking lot and cars should not be the dominant visual elements of the site. Large expansive paved areas located between the street and the building are to be avoided in favor of smaller multiple lots separated by landscaping and buildings. Angled parking is highly encouraged for larger parking lots which can accommodate one way aisles.
- B. Site access and internal circulation should be designed in a straight forward manner which emphasizes safety and efficiency. The circulation system should be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access. Circulation routes and parking areas should be separated.
- C. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided.
- D. Vehicles should not be required to enter the street in order to move from 1 area to another on the same site.
- E. Parking lots adjacent to and visible from public streets must be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible.

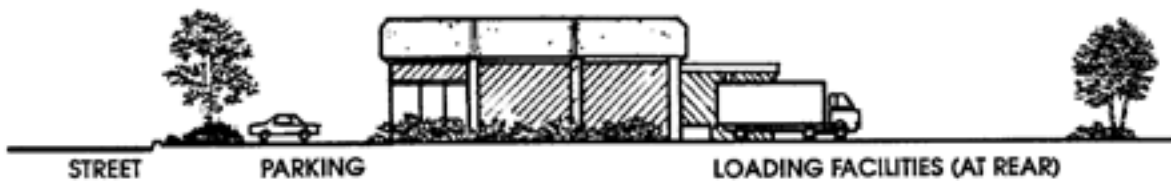


[Return to 19.08]

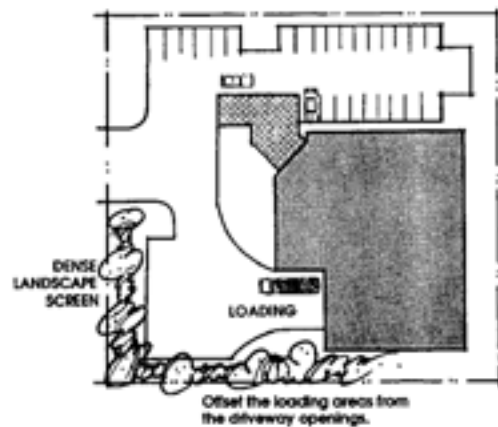
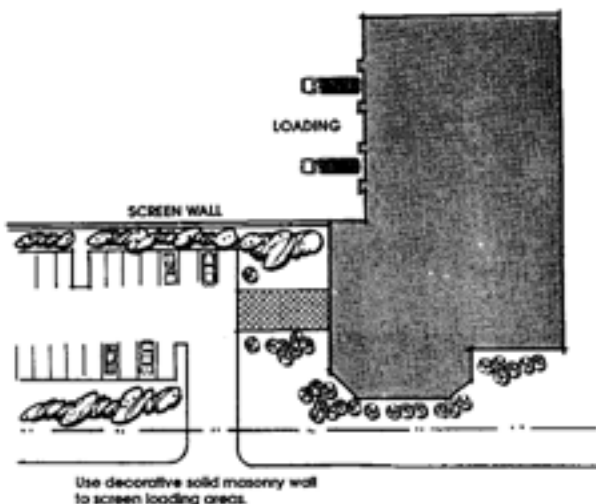
- F. The industrial site should be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
- G. All parking spaces should be visible from the interior of the structures, especially entrances.

5. LOADING FACILITIES

- A. To alleviate the unsightly appearance of loading facilities for industrial uses, these areas should not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.



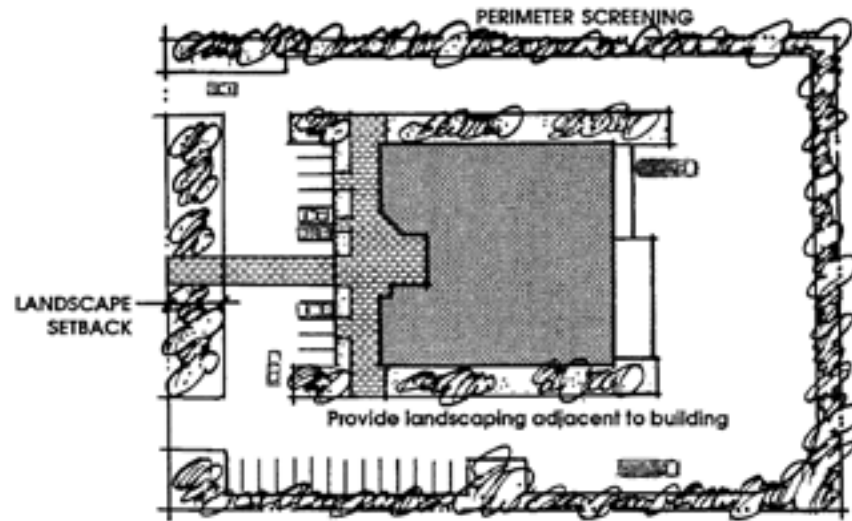
- B. When it is not possible to locate loading facilities at the rear of the building, loading docks and doors should not dominate the frontage and must be screened from the street. Loading facilities should be offset from driveway openings.
- C. Backing from the public street onto the site for loading into front end docks causes unsafe truck maneuvering and should not be utilized except at the ends of industrial cul-de-sacs where each circumstance will be studied individually at the time of design review.



[Return to 19.08]

6. LANDSCAPING

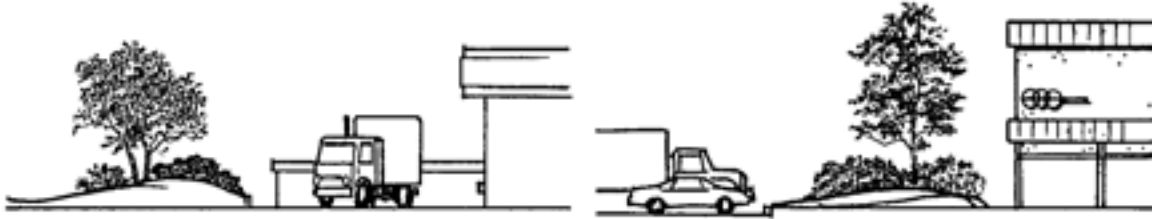
- A. For industrial uses landscaping should be used to define areas by helping to focus on entrances to buildings, parking lots, loading areas, defining the edges of various land uses, providing transition between neighboring properties (buffering), and providing screening for outdoor storage, loading, and equipment areas.



- B. Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended goals.
- C. Use of vines on walls is appropriate in industrial areas because such walls often tend to be large and blank.
- D. Landscaping around the entire base of buildings is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
- E. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lots, trees should be located in planters that are bounded on at least three sides by parking area paving.

[Return to 19.08]

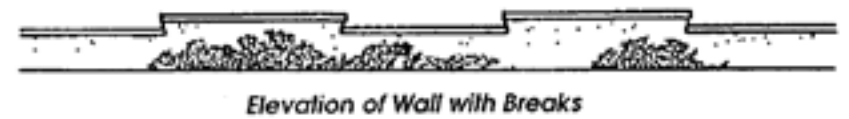
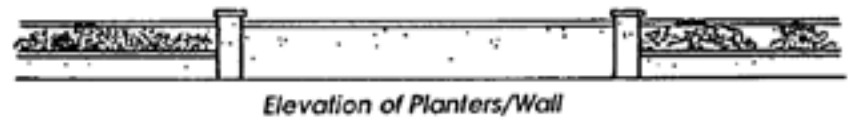
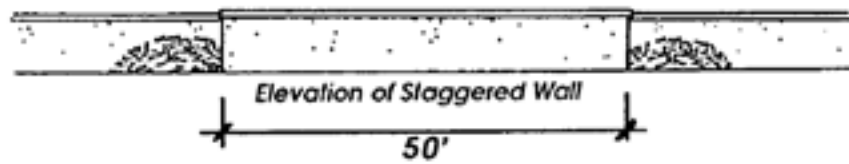
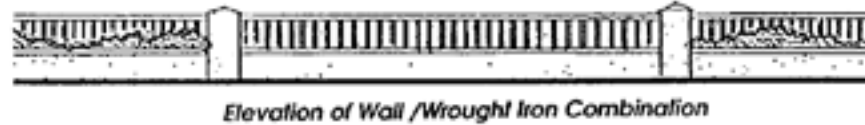
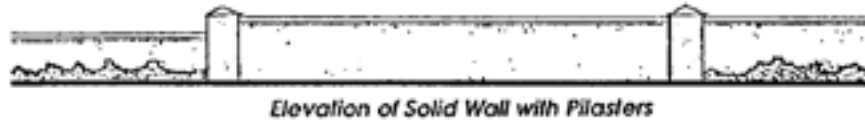
- F. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs. Concrete mow-strips are required per development regulations between turf and shrub areas.

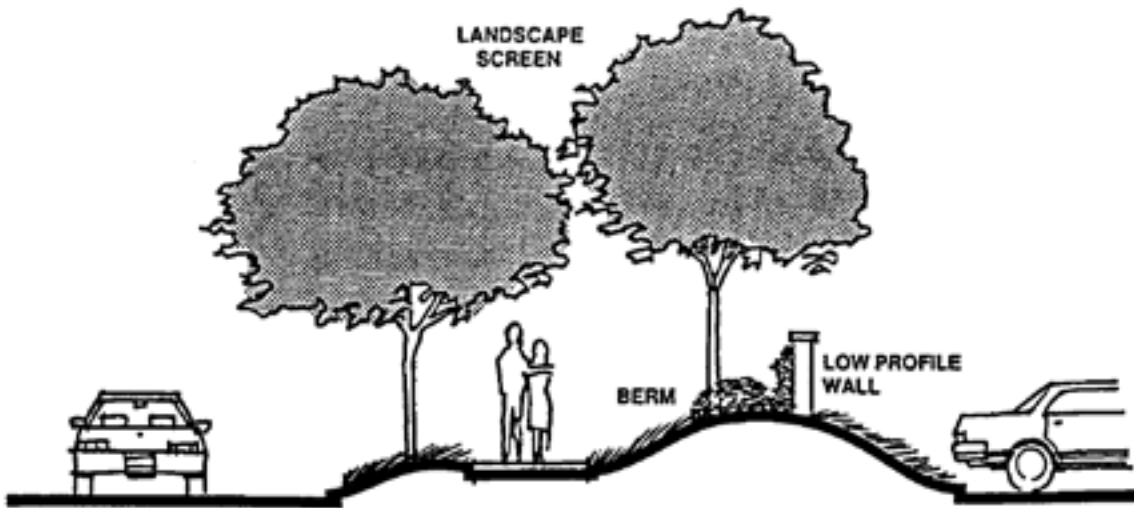


7. WALLS AND FENCES

- A. Walls will serve a major function in the industrial landscape and will be used to screen automobiles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and security functions.
- B. Where walls are used at property frontages, or screenwalls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.
- C. When security fencing is required, it should be a combination of solid pillars or short solid wall segments and wrought iron grill work.

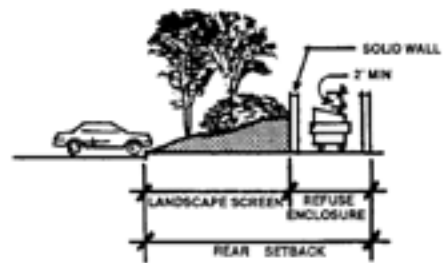
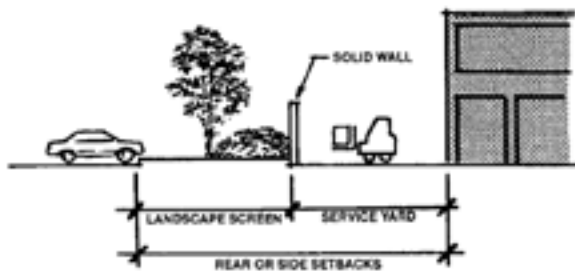
- D. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.





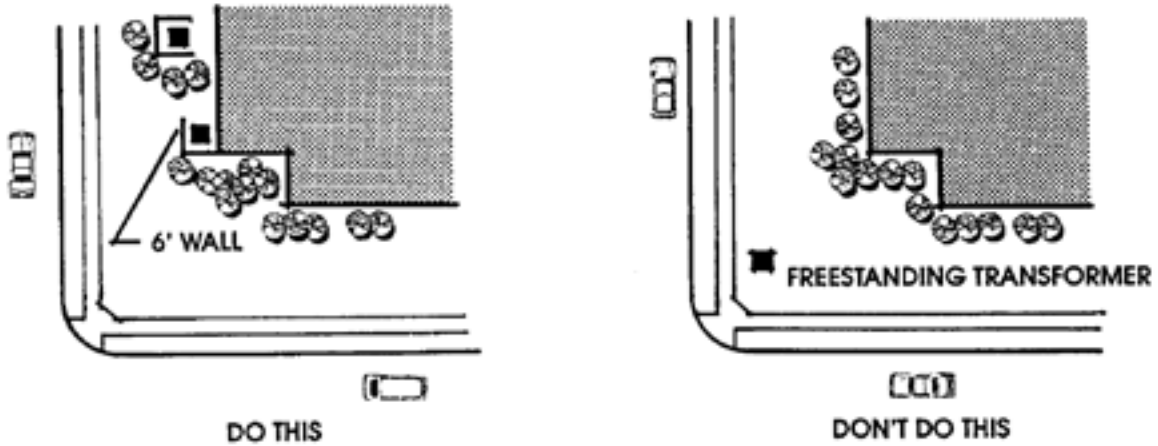
8. SCREENING

- A. Screening for outdoor storage should be a minimum of eight feet and a maximum of 12 feet high. The height should be determined by the height of the material being screened. Chain link fencing with appropriate slatting is an acceptable screening material for areas of any lot not visible from the street. Exterior storage should be confined to portions of the site least visible to public view.
- B. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping. Chain link fencing with wood or metal slatting is an acceptable screening material only for areas of a lot not visible from a public street.

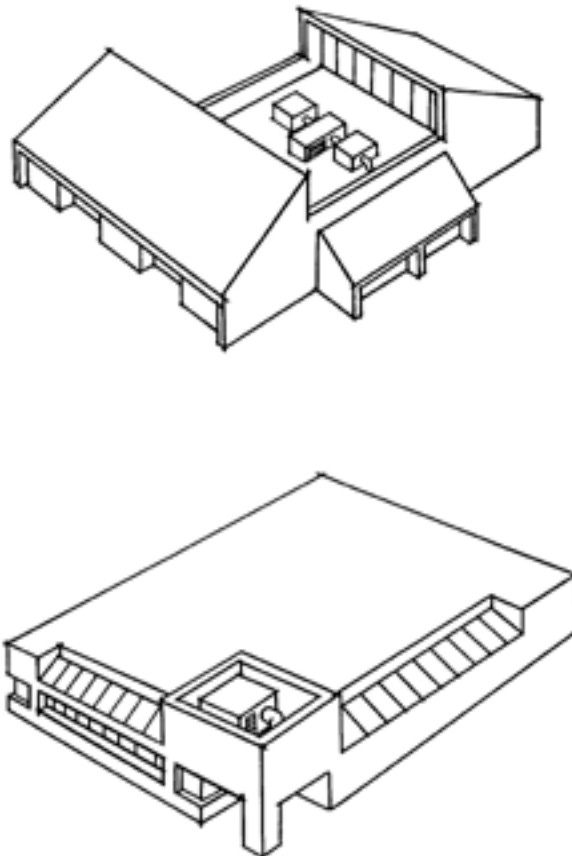


[Return to 19.08]

- C. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.



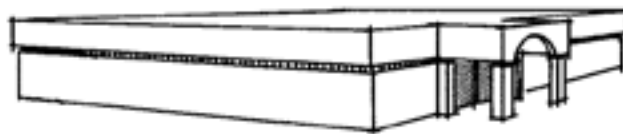
- D. The need to screen rooftop equipment should be taken into consideration during the initial design phase for the structure.



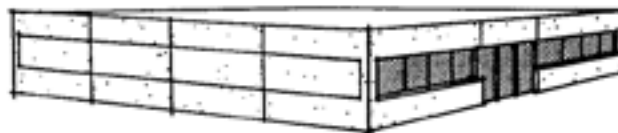
9. ARCHITECTURAL DESIGN

A. As a category of structure types, industrial structures often present unattractive and monotonous facades. There are, however, a variety of design techniques which can be utilized to help overcome this situation and to direct development into a cohesive design statement.

1. Employ variety in structure forms, to create visual character and interest.
2. Avoid long, "unarticulated" facades. Facades with varied front setbacks are strongly encouraged. Wall planes should not run in one continuous direction for more than 50 feet without an offset.
3. Avoid blank front and side wall elevations on street frontages.
4. Entries to industrial structures should portray a quality office appearance while being architecturally tied into the overall mass and building composition.
5. All structure elevations should be architecturally treated.



Entry projection and indentation color bands



Vertical seams, window glazing bands and textured walls



Window glazing, color bands, textured walls and entry indentation



Mix of complimentary materials, varied wall planes, increased window areas, and some textured walls

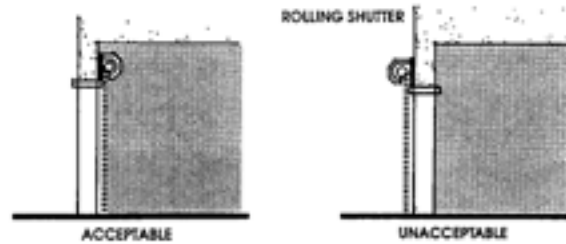
[Return to 19.08]

6. Windows and doors are key elements of any structure's form, and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety. Recessed openings help to provide depth and contrast on elevation planes.
 7. Sensitive alteration of colors and materials can produce diversity and enhance architectural forms.
 8. The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall.
- B. Design elements which are undesirable and should be avoided include:
1. Highly reflective surfaces at the ground story
 2. Large blank, unarticulated wall surfaces
 3. Exposed, untreated precision block walls
 4. Chain link fence, barbed wire
 5. False fronts
 6. "Stuck on" mansard roofs on small portion of the roofline
 7. Unarticulated building facades
 8. Materials with high maintenance such as stained wood, shingles or metal siding
- C. Choose wall materials that will withstand abuse by vandals or accidental damage from machinery.
- D. All metal buildings should be architecturally designed providing variety and visual interest to the streetscape.
- E. Berming in conjunction with landscaping can be used at the building edge to reduce structure mass and height along facades.



[Return to 19.08]

- F. Rolling shutter doors located on the inside of the building are the preferred method for providing large loading doors while keeping a clean, uncluttered appearance from the exterior.

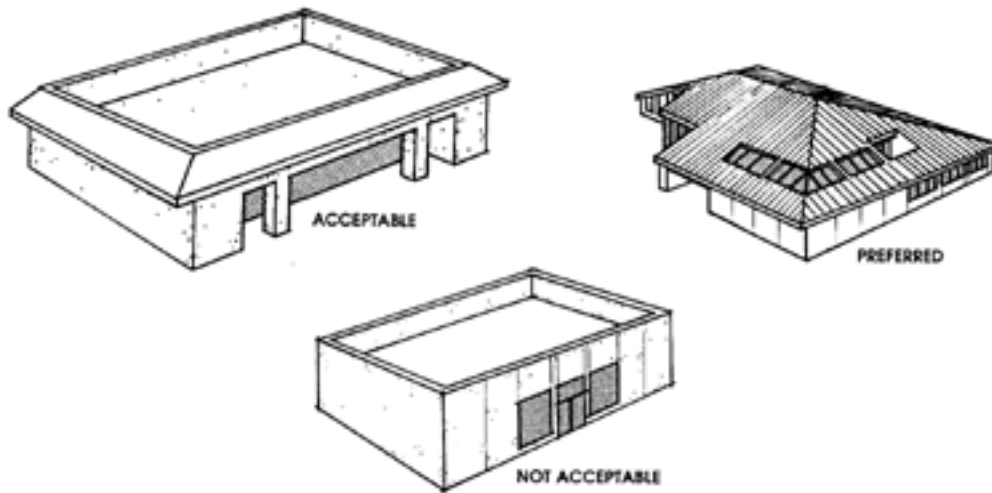


10. ROOFS

- A. The roofline at the top of the structure should not run in a continuous plane for more than 50 feet without offsetting or joggging the roof plane.
- B. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) should not be utilized. Mansard roofs should wrap around the entire perimeter of the structure.
- C. All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. Mechanical equipment should be located below the highest vertical element of the building.
- D. The following roof materials should not be used:
1. Corrugated metal (standing rib metal roofs are permitted)
 2. Highly reflective surfaces
 3. Illuminated roofing

[Return to 19.08]

- E. The roof design should be considered as a component of the overall architectural design theme.

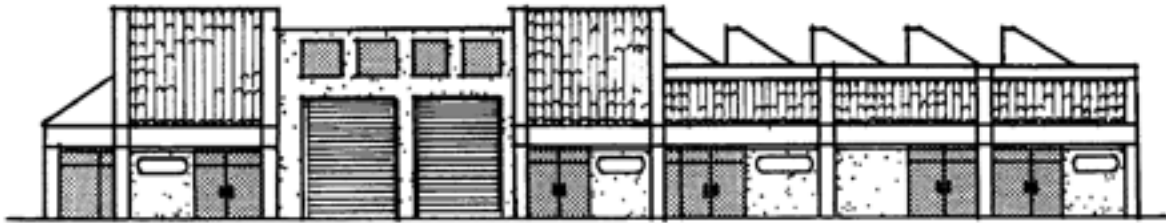


11. SIGNS

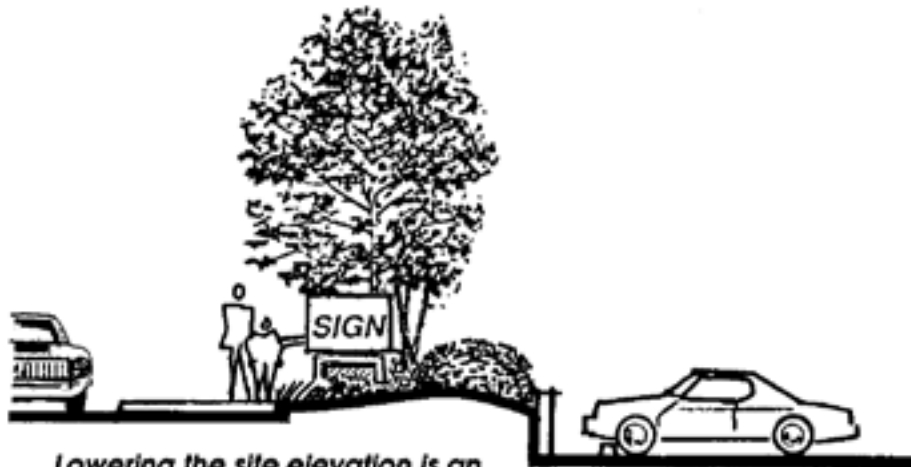
- A. Every structure should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with building and the readability of the sign should be considered in developing the overall signing concept. All signs should be highly compatible with the structure and site design relative to color, material, and placement.
- B. Monument-type signs are the preferred alternative for business identification. Where several tenants occupy the same site individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.
- C. The use of backlit individually cut letter signs is strongly encouraged.

[Return to 19.08]

- D. The industrial site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.



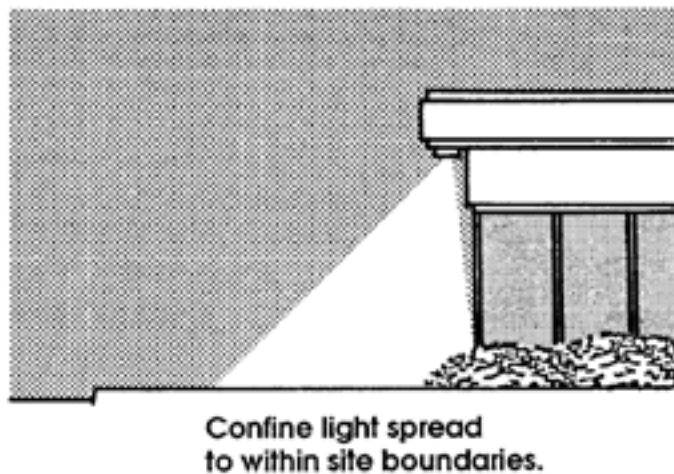
Employ a consistent sign program for multiple tenant projects



Lowering the site elevation is an effective way to screen parking

12. LIGHTING

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.
- B. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Illuminators should be integrated within the architectural design for the buildings.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. All lighting should be shielded to confine light spread within the site boundaries.
- E. One footcandle evenly distributed across a parking lot is the required minimum. At entrances and loading areas, up to 2 footcandles may be appropriate.



CHAPTER 19.10 SPECIAL PURPOSE ZONES

Sections:

- 19.10.010 Purpose**
- 19.10.020 General Standards**
- 19.10.030 Land Use District Specific Standards**
- 19.10.040 Applicable Regulations**

Tables:

- 10.01 University Business Park Specific Plan
List of Permitted Uses**
- 10.02 University Business Park Specific Plan
Preferred/Permitted Uses by Parcel**

Guidelines:

- G19.10.050 Development Design Guidelines**
- G19.10.060 40th Street Project Area Design Guidelines**

19.10.010 Purpose

1. The purpose of this Chapter is to achieve the following:
 - A. Protection, preservation, and management of natural resources;
 - B. Protection of public outdoor recreation;
 - C. Protection of public health and safety, particularly in areas subject to periodic inundation;
 - D. Provide for the continuation and expansion of existing public facilities; and
 - E. Allow for the consideration and adoption of specific plans which recognize unique areas of the City necessitating special consideration and implementation.
 - F. Single-family dwelling units which legally existed in the Special Purpose zones prior to June 3, 1991 may remain as a permitted use.

(Ord. MC-823, 3-03-92)

2. The purpose and permitted uses for each of the individual special zones are as follows:

(Ord. MC-1393, 12-02-13)

[\[Return to Municipal Code Contents\]](#)

A. PCR (PUBLIC/COMMERCIAL RECREATION) ZONE

1. The purpose of this zone is to provide for the continuation of existing and development of new public and private commercial recreation facilities which ensure their compatibility with adjacent land uses;
2. The following uses may be permitted subject to the approval of a Development Permit:
 - a. Baseball stadiums, arenas, exhibition, convention, and sporting facilities;
 - b. Entertainment, hotels, restaurants, specialty commercial, and farmers markets;
 - c. Open space;
 - d. Public and private golf courses; and
 - e. Other such uses that the Director may find to be similar with those uses listed above, pursuant to Section 19.02.070(3).

B. PF (PUBLIC FACILITIES) ZONE

The purpose of this zone is to provide for the continuation of existing and development of new schools, government administrative, police, fire, libraries, social service, and other public facilities.

C. PFC (PUBLIC FLOOD CONTROL) ZONE

The purpose of this zone is to provide for the continuation, maintenance, and expansion of public flood control facilities.

D. PP (PUBLIC PARK) ZONE

The purpose of this zone is to provide for the continuation and enhancement of existing public parks and open space and development of new parks and recreation facilities.

E. SP (SPECIFIC PLAN) DISTRICT

This district is intended to provide a base designation to further implement the goals, objectives, and policies of the General Plan with respect to specific areas and uses which by their unique character require a more comprehensive and intense evaluation and planning effort. This district will apply to individual parcel(s) only after the adoption of a specific plan by the Council, pursuant to Government Code Section 65450 et seq.

F. OS (OPEN SPACE) ZONE

This zone is intended to preserve areas of permanent open space.

(Ord. MC-1381, 12-19-12)

19.10.020 General Standards

Any structure located in a Special Purpose zone (except the Open Space zone, wherein all structures are prohibited) shall be subject to an Administrative or Development Permit and shall be:

(Ord. MC-1381, 12-19-12)

1. Clearly incidental to the primary use;
2. Sited in a manner sensitive to the existing natural resources and constraints of the land;
3. Subject to demonstrating need and appropriateness;
4. Landscaped in a manner which complements both the immediate setting and surrounding areas;
5. Subject to demonstrating the need for exterior lighting, and if justified shall be appropriately located, directed, and shielded from surrounding properties and public rights-of-way;
6. Subject to a visual analysis relating building proportions, massing, height, and setbacks to preserve and enhance the scenic character of the area; and
7. Compatible and in harmony with surrounding development and land use designations.

[Return to Municipal Code Contents]

19.10.030 Land Use District Specific Standards

1. Golf Courses and Related Facilities

Golf course developments are subject to a Conditional Use Permit and shall be constructed in the following manner:

- A. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course;
- B. Treated effluent shall be used for irrigation where available;
- C. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment; and
- D. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and harmony with the golf course setting.

2. Single-Family Housing, Existing

Additions, alterations, and expansions to single-family units which legally existed in a Special Purpose zone prior to June 3, 1991, shall comply with the RS, Residential Suburban, Zone Standards.

(Ord. MC-823, 3-03-92)

3. Specific Plan 91-01, Paseo Las Placitas, Mount Vernon Corridor

(Ord. MC-1054, 8-17-99)

- A. Permitted uses within Paseo Las Placitas shall be as established in Chapter 19.06, Table 06.01.
- B. New development and rehabilitation of existing structures shall be in compliance with the design guidelines in the Paseo Las Placitas Specific Plan.
- C. Plazas, fountains, courtyards, outdoor eating areas, and similar uses may be permitted in the required building setback, subject to the approval of the Review Authority.
- D. Commercial parking may be provided on-site or off-site elsewhere within the Paseo Las Placitas in a public parking area.

[\[Return to Municipal Code Contents\]](#)

- E. Parking required by Chapter 19.24 may be reduced up to 20 percent by the Review Authority, provided that off-site parking areas have been established and developed.
- F. Signage is permitted pursuant to Chapter 19.22, consistent with the design guidelines in the Paseo Las Placitas Specific Plan.
- G. Landscaping is required pursuant to Chapter 19.26, consistent with the design guidelines and species list in the Paseo Las Placitas Specific Plan.
- H. Public improvements (i.e., street dedication/widening, curbs, gutters, sidewalks, etc.) shall be required, consistent with adopted City standards and requirements.

4. Specific Plan 92-01, University Business Park

(Ord. MC-856, 12-23-92)

- A. The following development standards for new construction apply to all three designations within the University Business Park.

Gross Lot Area (for new subdivision)	UBP-1 =	20,000 sq. ft
	UBP-2 =	10,000 sq. ft.
	UBP-3 =	1 acre
Front Setback All zones =		10 feet
Rear Setback All zones =		10 feet
Side Setback (Each) All zones =		10 feet
Side Setback (Street Side) All zones =		10 feet
Lot Coverage (Maximum) All zones =		50 percent
Structure Height (Maximum)	UBP-1 =	2 stories or 42 feet
	UBP-2 =	2 stories or 35 feet
	UBP-3 =	3 stories or 42 feet

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- B. No outside storage shall be permitted within the UBP-2 and UBP-3 designations. In the UBP-1 designation, outside storage may be permitted only if adequately screened with decorative walls.
- C. All uses shall be conducted within a completely enclosed structure, except for parcels fronting on Georgia Boulevard. Limited outside uses (e.g. patio dining areas and nursery sales limited to plants and trees) shall be approved with a Development Permit. Miscellaneous Outdoor Entertainment in the UBP-2 zone shall require a Conditional Use Permit.
- D. There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles, where permitted), trailers, airplanes, boats, recreational vehicles or their composite parts; loose rubbish, garbage, junk or their receptacles; tents; equipment; or building materials, in any portion of a lot except for parcels fronting on Georgia Boulevard. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
- E. Every parcel with a structure will have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
- F. No roof-mounted air conditioning or heating equipment, vents or ducts shall be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s).
- G. Elevations of all structures shall be architecturally treated to ensure compatibility with high quality neighboring structures.
- H. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.

- I. Permitted Operations and Uses. Unless otherwise specifically prohibited, industrial, research and development uses will be permitted if such uses are performed or carried out entirely within a building that is so designed and constructed that the operations and uses therein do not cause or produce a nuisance to adjacent site, including without limitation nuisance caused by vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, emission of obnoxious odors or emission of duct or other toxic or non-toxic matter. Nuisances of reasonable limited duration which result from breakdowns or malfunctions in systems or equipment which were not reasonable preventable shall not be deemed a violation of this policy.

- J. Prohibited Operations and Uses. The following operations and uses shall not be permitted:
 - 1) Residential uses, whether permanent or temporary,
 - 2) Hospital uses,
 - 3) Heavy manufacturing,
 - 4) Operation of salvage or junk yards, or storage of inoperable vehicles, junk or surplus materials,
 - 5) Oil drilling, development, refining or processing,
 - 6) Keeping, breeding or slaughtering of animals, rendering of animal fat or other animal products, or dumping, disposing, incinerating or other reduction of garbage, sewage, offal, dead animals or refuse,
 - 7) Foundry operations and smelting of any minerals or metals,
 - 8) Quarry operations.

- K. Maintenance and Repair. All improvements located on each parcel shall be maintained at all times in good, safe and attractive condition and repair, and shall be properly painted in colors approved in the Development Permit.

- L. Materials Prohibited. Buildings made from prefabricated metal components shall be prohibited. Wood or other pressed-board siding shall not be permitted as exterior surface material, except for trim or other minor uses of wood products, as approved by the Development Permit.

- M. Fences. Chain link or barbed wire fences shall not be permitted.

[Return to Municipal Code Contents]

- N. Loading Areas. The provisions of Chapter 19.26, off-street loading standards apply.
- O. Signs. All tenant identification and public information signs shall meet the provisions of Chapter 19.22, Sign Regulations, except for the following provisions which shall apply to every parcel in this Specific Plan:
- 1) Freestanding pole signs shall not be permitted,
 - 2) One monument sign up to a maximum area of 75 square feet and a maximum height of eight feet may be permitted on any parcel.
- P. Site Layout. All structures shall be oriented on the site in such a way as to provide a buffer from high winds for public outdoor areas.
- Q. Parking. The number of parking spaces required for any use may be reduced by up to 25 percent provided:
- 1) The required 75 percent is fully paved and meets all other Development Code standards for parking areas,
 - 2) The remaining 25 percent is set aside as expansion area and is paved with approved concrete landscape pavers, planted with turf, irrigated and properly maintained,
 - 3) The expansion area is not used for storage of any type,
 - 4) Trees shall not be required to be planted within the expansion area until it is brought up to full development standards.
- R. The following standards apply only to the five parcels fronting on McArthur Boulevard which are designated UBP-3. The primary purpose of these standards is to enhance the view of these parcels from the travel lanes along Interstate 215 and to encourage architectural designs which are "inviting" to travelers. Although the parcels may develop at different times, it is incumbent upon the City to maintain a unified architectural and landscape theme between parcels.
- 1) Parking Location. No vehicular parking shall be permitted closer than 20 feet from the front property line. This parking setback area shall be entirely landscaped except for required driveways for access. On-street parking shall not be permitted along McArthur Boulevard.

[Return to Municipal Code Contents]

- 2) Sidewalks. All development along McArthur Boulevard shall provide pedestrian sidewalks at the parkway to allow entrance to the structure(s) through the main entrance facing the street.
- S. University Business Park incorporates three separate districts created as part of the University Business Park Specific Plan and is intended to apply only to parcels within the boundaries of the Specific Plan. These are labeled UBP-1, UBP-2 and UBP-3.

(Ord. MC-1381, 12-19-12 0

1) UBP-1

The UBP-1 designation emphasizes industrial and non-retail commercial service uses. Essentially, it combines uses currently permitted within the OIP and IL designations, but without the more intense industrial uses such as motor freight transportation, mini-storage, truck stops, service stations, etc.

2) UBP-2

The UBP-2 designation emphasizes the typical commercial retail uses currently permitted in the CG-1 designation but eliminates some of the heavier (and less desirable) uses that would not be appropriate within a business park setting. For example, the UBP-2 does not permit recreation camps and RV parks, funeral parlors, truck and RV rental agencies and commercial sports. No outside uses or storage is permitted.

3) UBP-3

The UBP-3 designation emphasizes large, stand-alone uses which have a single freestanding building on each parcel. It would not permit strip commercial centers with several small tenants. Light manufacturing uses, including warehouses and research and development businesses, are permitted as long as all activities take place indoors and there is no outside storage. One of the primary criteria for structures within this designation is the visual impact to the Interstate freeway.

Table 10.03 represents those uses allowed within the sub-areas, subject to an Administrative or Development Permit (D), a Minor/Conditional Use Permit (C) or a Temporary Use/Special Event Permit (T). (See Table 10.03, University Business Park, List of Permitted Uses.)

T. Descriptions of the permitted uses, conditionally permitted uses and temporary uses within each of the three land use sub-areas are as follows:

- 1) Construction - Activities include the storage of construction equipment and supplies by either large or small contractors for both general and special trade. This use is permitted only on parcels fronting Georgia Boulevard.

UBP-1	Permitted
-------	-----------

UBP-2	Not Permitted
-------	---------------

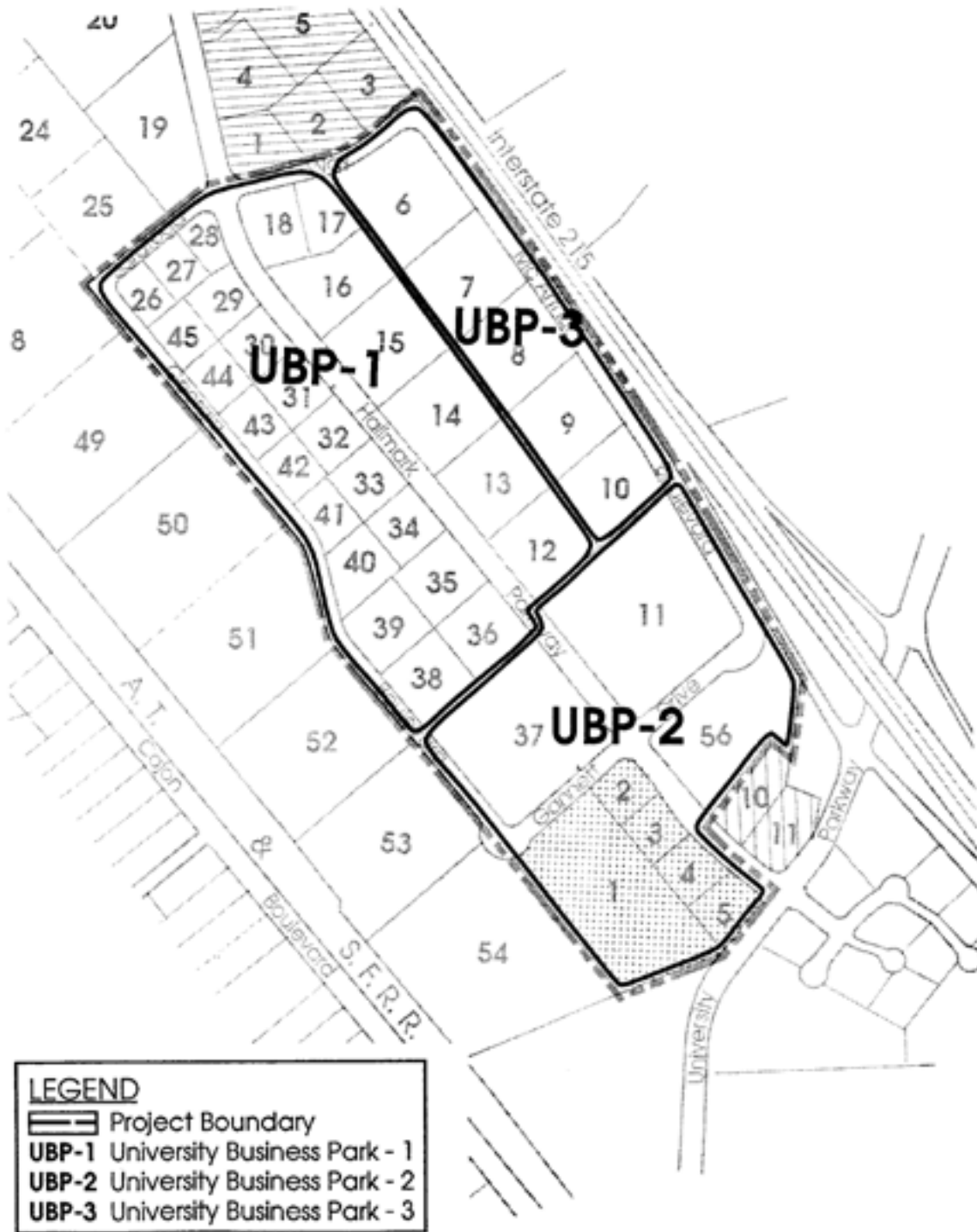
UBP-3	Not Permitted
-------	---------------

- 2) Manufacturing - These activities involve the manufacture or assembly of products typically used for business, commercial or residential purposes. Among these are precision instruments for medical and optical uses, electronic equipment, office supplies and equipment, wrought iron, leather, rubber or plastic products, non-explosive chemicals, paper products, fixtures and furniture. Printing and publishing establishments for private and commercial purposes, regardless of size, are permitted. The manufacture of stone, clay, glass or concrete products may be permitted subject to a Conditional Use Permit.

UBP-1	Permitted
-------	-----------

UBP-2	Not Permitted
-------	---------------

UBP-3	Permitted
-------	-----------



**TABLE 10.01
UNIVERSITY BUSINESS PARK SPECIFIC PLAN
LIST OF PERMITTED USES**

USE	LAND USE DESIGNATION		
	UBP-1	UBP-2	UBP-3
CONSTRUCTION	D		
MANUFACTURING	D		D
TRANSPORTATION, COMMUNICATION, AND SIMILAR USES	D	C	
WHOLESALE TRADE			
Wholesale trade, durable and non-durable goods	D		D
RETAIL			
Building materials, garden supply, hardware	D	D	D
General merchandise		D	D
Mini-malls		D	
Commercial centers		D	D
Food stores		D	D
Gasoline sales w/mini-market		D	
Automotive dealers		D	D
Apparel and accessory stores		D	D
Eating establishments	D	D	D
Sale of alcohol		D	C

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

USE	LAND USE DESIGNATION		
	UBP-1	UBP-2	UBP-3
Video tape rental		D	
Miscellaneous retail		D	
Fuel dealers	D		
PROFESSIONAL OFFICES AND SERVICES			
Business services	D	D	D
Professional services	D	D	D
Schools	D	D	D
Health services and treatment	D	D	D
Animal care	D	D	D
Laundry	D		
Dry cleaners and laundromats		D	
Equipment rent/lease	D	D	
Auto repair and related services	D	D	
Auto and truck rental	C	C	
Car wash	D	D	
Miscellaneous repair services	D	D	
Personal services		D	
Hotels and motels		D	C
Cinemas		D	D

[Return to Municipal Code Contents]

USE	LAND USE DESIGNATION		
	UBP-1	UBP-2	UBP-3
SPECIAL PURPOSES			
Motion pictures	D		D
Theatrical production	D	D	D
Miscellaneous outdoor entertainment	D	C	
Miscellaneous indoor entertainment	D	D	D
Daycare facilities	D	D	D
OTHER			
Miscellaneous	D	D	D
Temporary	T	T	T

Key::

D = Development Permit

C = Conditional Use Permit

T = Temporary Permit

- 3) Transportation, Communication and Similar Services - These activities include, but are not limited to, warehousing, heliports, and helipads, pipelines and various transportation and communications services. Warehousing is not permitted in the UBP-2 zone.

UBP-1	Permitted
UBP-2	Permitted/CUP
UBP-3	Not Permitted

- 4) Wholesale Trade - Activities include large volume sales of durable and non-durable goods to wholesale users or contractors as opposed to retail consumers.

UBP-1 Permitted

UBP-2 Not Permitted

UBP-3 Permitted

- 5) Retail

- a. Building Materials, Garden Supply and Hardware - Activities include the sale of these items for home and office use to small contractors or homeowners. Garden supplies and live plants may be available for retail consumers as opposed to wholesale users or contractors.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- b. General Merchandise - Activities include, but are not limited to, the sale of both durable goods such as furniture, pianos, organs, major appliances and furnishings and non-durable items such as apparel, cosmetics, infant supplies and sundries to retail consumers as opposed to wholesale buyers.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Permitted

- c. Mini-Malls/Commercial Centers - Mini-Malls are groupings of retail establishments of less than 20,000 square feet, while Commercial Centers are groupings of retail establishments of greater than 20,000 square feet. Within both, activities typically include, but are not limited to, the sale of apparel, children's furnishings and clothing, music and videos, home entertainment equipment and sports equipment. These groupings may also typically include eating establishments, bakery and specialty food stores. Personal services establishments and dry cleaners are also included in this category.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- d. Commercial Centers - Commercial Centers are groupings of retail establishments of greater than 20,000 square feet. Activities typically include, but are not limited to, the sale of apparel, children's furnishings and clothing, music and videos, home entertainment equipment and sports equipment. Small specialty store, personal service establishments and dry cleaners are not included in this category.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- e. Food Stores - Activities typically include, but are not limited to, the retail sales of meat, fish, produce and other foods and associated household products. This category includes uses such as supermarkets and large discount stores. Bakeries and specialty food stores are permitted in the UBP-2 Zone. In the UBP-3 Zone, however, bakeries and specialty food stores must be integrated into the primary business.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Permitted

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- f. Freeway Oriented, Self-Serve Gasoline Station - This use is limited to Assessor's Parcel Number 266-361-18 (shown as Parcel 5 on Land Use Plan Map). Please refer to Section 19.10.030(4)(U)(3) for a complete description of the preferred use for this parcel.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- g. Automotive Dealers - Activities typically include new automobile sales dealerships with incidental used-car sales. The category also permits associated part and accessories sales and vehicle service and repair work (except for auto body work).

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- h. Apparel and Accessory Stores - Activities typically include but are not limited to, the retail sales of clothing, shoes, hosiery, jewelry and related items to retail consumers as opposed to wholesale customers.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Permitted

- i. Eating Establishments - These activities typically involve businesses primarily engaged in the sale of prepared food and non-alcoholic beverages for on-site or off-site consumption. If alcoholic beverages are to be sold for on-site consumption with food services, a Development Permit will be required. Typical uses include sit-down restaurants, coffee shops, bakeries, take-out fast food restaurants, short order eating places, including free standing fast food. In the UBP-1 Zone, these activities are intended to be ancillary to the primary use(s) on a parcel. They must be integrated into the main structure and may not be stand-alone structures. In the UBP-2 and UBP-3 Zones, these establishments are primarily stand alone structures and are not ancillary to other uses. Drive through service is only permitted in the UBP-2 Zone.

UBP-1	Permitted
UBP-2	Permitted
UBP-3	Permitted

- j. Sale of Alcoholic Beverages - These activities include establishments or stores primarily engaged in the sale of alcoholic beverages for either on-site or off-site consumption. These typically include liquor stores, cocktail lounges, pubs, and private clubs.

UBP-1	Not Permitted
UBP-2	Permitted/CUP
UBP-3	Permitted/CUP

- k. Video Tape Rental - Activities include, but are not limited to, the retail sale and rental of video tapes for home entertainment purposes.

UBP-1	Not Permitted
UBP-2	Permitted
UBP-3	Not Permitted

- I. Miscellaneous Retail - Activities include, but are not limited to, small recyclable materials collection facilities, pet stores (including grooming), hobby and craft supply sales, book, card and music sales and similar establishments.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- m. Fuel Dealers - Activities include the sale of different types of fuel (gasoline, diesel, propane, oil, etc.) either at the premises or by a fleet of delivery vehicles.

UBP-1 Permitted

UBP-2 Not Permitted

UBP-3 Not Permitted

6) Professional Offices and Services

- a. Business Services - Activities include, but are not limited to, establishments that provide mass-mailing, reprographics, cleaning, delivery, repair, maintenance or other similar services for individuals and business customers.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- b. Professional Offices and Services - These activities include temporary employment, secretarial and clerical support, telephone answering and protective services, engineering, accounting, research, management, real estate, financial, government, legal or other professional offices and similar services.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- c. Schools - These activities include any type of educational facility which conducts classes in business, the arts, sciences, auto repair, electronic repair, family and home economics, basic living skills, primary and secondary education and similar subjects.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- d. Health Services and Treatment - Activities typically include, but are not limited to, establishments primarily engaged in the provision of personal health services including prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, mental health technicians, nurses and other health personnel as well as the provision of medical testing and analysis services. Typical uses include medical offices, emergency clinics, dental laboratories and health/fitness centers. Excluded are facilities which provide overnight sleeping facilities for patients. A facility for treatment of alcohol or drug related cases requires a Conditional Use Permit.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted.

- e. Animal Care - Activities typically include, but are not limited to, the provision of animal care, treatment and boarding services of large and small animals. Uses include, but are not limited to, animal clinics, hospitals and kennels which support and are incidental to these uses. Outdoor kennels are not permitted.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- f. Laundry - This type of use is intended to serve as the large, wholesale laundry and cleaning service for several small, independent commercial cleaning establishments located elsewhere. Retail customers would not come directly to this facility.

UBP-1 Permitted

UBP-2 Not Permitted

UBP-3 Not Permitted

- g. Dry Cleaners and Laundromats - Activities typically include, but are not limited to, apparel and drapery dry cleaning establishments and self-serve laundry facilities.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- h. Equipment Rent/Lease - These activities include the rental, lease and repair of various types of equipment ranging from precision and medical items to heavy construction items. All such equipment must be stored indoors.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Not Permitted

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- i. Auto Repair and Related Services - These activities include any type of auto or truck repair (except for dismantling yards) including tune-up, detailing, engine work and general repairs, painting and body work (except in the UBP-2 Zone), upholstery, window tinting, etc. All such activities must be done inside an enclosed structure out of view from the public right-of-way. Vehicles awaiting repair may be stored outdoors during the day and indoors at night and weekends except along Georgia Boulevard where vehicles may be stored outdoors, even at night and on weekends, as long as decorative screening and landscaping is provided to completely shield the vehicles from public view.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- j. Auto and Truck Rental and Leasing - These activities include the rental and leasing of autos and trucks. Fleets of vehicles available for rent or lease must be stored and maintained out of view from the public right-of-way. The rental or leasing of trucks is not permitted in the UBP-2 Zone.

UBP-1 Permitted/CUP

UBP-2 Permitted/CUP

UBP-3 Not Permitted

- k. Car Wash - These activities include the washing and detailing of vehicles. Also included are minor servicing and repair that can be accomplished without the need for overnight storage, except along Georgia Boulevard, subject to the same provisions as item j. above.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- I. Miscellaneous Repair Services - These activities include the repair of appliances, garden tools, electronic equipment and similar home and business items. Such services in the UBP-1 Zone may include dismantling and the use of welding equipment.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- m. Personal Services - Activities typically include, but are not limited to, beauty and barber shops, manicuring establishments, massage, florist shops and photography studios. Uses also include some sales of small personal convenience items.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Not Permitted

- n. Hotels and Motels - Activities typically include, but are not limited to, lodging services to transient guests. All uses are subject to a Conditional Use Permit. Ancillary uses may include, but not be limited to, eating establishments, pool and spa or other recreation, conference facilities and specialty retail sales.

UBP-1 Not Permitted

UBP-2 Permitted/CUP

UBP-3 Permitted/CUP

- o. Cinemas - Activities typically include, but are not limited to, the showing of motion pictures with associated sales of refreshments, snacks and non-alcoholic beverages.

UBP-1 Not Permitted

UBP-2 Permitted

UBP-3 Permitted

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

7) Special Purpose

- a. Motion Pictures - This use includes the production of film and/or video motion pictures and any associated technical support.

UBP-1 Permitted

UBP-2 Not Permitted

UBP-3 Permitted

- b. Theatrical Production - This use is intended to provide for the rehearsal space, storage space and production activities which are typically needed to put on a performance at another location.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- c. Miscellaneous Outdoor Entertainment - This type of facility may include open-air stadiums for sports such as baseball, soccer, boxing, etc. Such facility must provide fixed seating for all patrons. Other types of amusement facilities such as miniature golf are also permitted. All uses in the UBP-2 Zone are subject to a Conditional Use Permit. Loud or potentially hazardous sports or competitions such as go-cart racing, bicycle or motorcycle race courses, shooting with firearms or bow and arrow, etc. are specifically prohibited.

UBP-1 Permitted

UBP-2 Permitted/CUP

UBP-3 Not Permitted

- d. Miscellaneous Indoor Entertainment - Activities include any kind of indoor sport or recreation such as bowling, boxing, video arcades, swimming, exercise or similar items. Sports or competition events such as go-cart racing, bicycle or motorcycle race courses, shooting with firearms or bow and arrow, etc. are also permitted. This type of facility must be fully enclosed to prevent noise from affecting adjacent properties. Also included are ancillary dining, conference room and daycare facilities.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- e. Daycare Facilities - Activities typically include the day-time care of individuals under 18 years of age within nursery schools, preschools and day care centers. However, adult day care facilities will be considered. Overnight sleeping facilities are not permitted.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

8) Other

- a. Miscellaneous - Activities include museums, membership organizations, and churches, or antennae, satellite or vertical, or other uses the Director determines to be similar.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- b. Temporary - Uses of a temporary or seasonal nature such as fairs, farmer's markets, pumpkin sales and Christmas tree sales are permitted subject to a Temporary Use Permit.

UBP-1 Permitted

UBP-2 Permitted

UBP-3 Permitted

- U. Assignment of Preferred Use(s) on Specific Parcels. Table 10.04 (Preferred/Permitted Uses by Parcel) lists every parcel within the University Business Park Specific Plan area, its land use designation and size, and the use or uses that are either preferred or permitted within each one. Table 10.04 lists 6 separate parcels as having preferred uses assigned to them. These uses are approved upon adoption of this plan and only require review of a Development Permit application. The following is a detailed description of the preferred uses that have been approved on the parcels listed.

**TABLE 10.02
UNIVERSITY BUSINESS PARK SPECIFIC PLAN
PREFERRED/PERMITTED USES BY PARCEL**

APN	Designation	Size (Ac)	Permitted Use(s) and Other Requirements
266-361-29	UBP-3	2.91	See Table 10.03
266-361-30	UBP-3	2.48	See Table 10.03
266-361-31	UBP-3	2.40	See Table 10.03
266-361-32	UBP-3	2.32	See Table 10.03
266-361-33	UBP-3	2.04	See Table 10.03
266-361-34	UBP-2	7.51	See 4.U.1 for details of preferred use(s).
266-361-35	UBP-1	1.96	See Table 10.03 (Developed at time of Plan approval)
266-361-36	UBP-1	2.24	See Table 10.03

[Return to Municipal Code Contents]

266-361-37	UBP-1	2.35	See Table 10.03 (Developed at time of Plan approval)
266-361-38	UBP-1	2.55	See Table 10.03 (Developed at time of Plan approval)
266-361-39	UBP-1	2.18	See Table 10.03
266-361-40	UBP-1	0.81	See Table 10.03
266-361-41	UBP-1	0.96	See Table 10.03
266-361-49	UBP-1	0.71	See Table 10.03
266-361-50	UBP-1	0.72	See Table 10.03
266-361-51	UBP-1	0.79	See Table 10.03
266-361-52	UBP-1	0.82	See Table 10.03
266-361-53	UBP-1	0.83	See Table 10.03
266-361-54	UBP-1	0.89	See Table 10.03
266-361-55	UBP-1	0.89	See Table 10.03
266-361-56	UBP-1	0.96	See Table 10.03
266-361-57	UBP-1	0.96	See Table 10.03 (Developed at time of Plan approval)
266-361-58	UBP-1	1.40	See Table 10.03
266-361-59	UBP-1	1.37	See Table 10.03 (Developed at time of Plan approval)
266-361-60	UBP-2	5.84	See Table 10.03
266-361-61	UBP-1	1.40	See Table 10.03
266-361-62	UBP-1	1.42	See Table 10.03

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

266-361-63	UBP-1	1.09	See Table 10.03
266-361-64	UBP-1	0.90	See Table 10.03
266-361-65	UBP-1	0.87	See Table 10.03
266-361-66	UBP-1	0.87	See Table 10.03
266-361-67	UBP-1	0.81	See Table 10.03
266-361-68	UBP-1	0.81	See Table 10.03
266-361-14	UBP-2	5.66	See Table 10.03
266-361-15	UBP-2	0.82	See 4.U.2 for details of preferred use(s).
266-361-16	UBP-2	0.85	See 4.U.2 for details of preferred use(s).
266-361-17	UBP-2	0.97	See 4.U.3 for details of preferred use(s).
266-361-18	UBP-2	1.00	See 4.U.4 for details of preferred use(s).
266-361-92	UBP-2	4.20	See 4.U.5 for details of preferred use(s).

- 1) Assessor's Parcel Number 266-361-34 (also shown as Parcel 11 on the Land Use Plan Map) may contain a multi-screen theater complex with up to 15 individual screens and not greater than 60,000 square feet. One freeway oriented marquee sign listing names of movies currently being shown shall be permitted to be placed on a wall facing the Interstate 215 right-of-way. Said sign shall be a maximum of 125 square feet in area and shall be placed no higher than the eave of the structure. One monument sign with a maximum height of 8 feet from ground level may be placed along the Gannett Drive frontage. No other monument or pole sign may be permitted. Parking area shall be located on the opposite side of the main building as the Interstate 215 right-of-way, with the building, landscaping and berming situated such that visibility of the parking area is screened as much as possible. No parking shall be permitted along the street frontage surrounding the site. All other Development Code requirements apply. In lieu of this preferred use or uses, any other permitted use (as determined by Table 10.03) may be developed.

- 2) Assessor's Parcel Numbers 266-361-16 and 266-361-17 (also shown as Parcels 3 and 4 on the Land Use Plan Map) will each contain fast food restaurants with drive-up windows. The gross floor area of each shall not exceed 2,500 square feet. On-site traffic circulation and stacking lane for the drive-up window is subject to review and approval by the City. One monument sign per parcel with a maximum height of eight feet from ground level may be placed along the Hallmark Parkway frontage. No other monument or pole sign may be permitted. All other Development Code requirements shall also apply. In lieu of this preferred use or uses, any other permitted use (as determined by Table 10.03) may be developed.

- 3) Assessor's Parcel number 266-361-18 (also shown as Parcel 5 on the Land Use Plan Map) may contain a freeway oriented, self-service, 24-hour gasoline station with ancillary mini-market. The facility will have no less than 12 gasoline dispensing pumps for autos and/or trucks and 18 parking spaces. The mini-market will not exceed a gross floor area of 5,000 square feet. The sale of alcoholic beverages for off-premise consumption will be permitted. One monument sign with a maximum height of 8 feet from ground level may be placed along the Hallmark Parkway frontage. No other monument or pole sign may be permitted on this parcel. However, the tenant for this parcel may utilize the Park's existing freeway oriented sign. All other Development Code requirements shall also apply. In lieu of this preferred use or uses, any other permitted use (as determined by Table 10.03) may be developed.

- 4) Assessor's Parcel Number 266-361-92 (also shown as Parcel 56 on the Land Use Plan Map) may contain a motel with up to 150 units and a maximum height of two stories. The motel shall provide a swimming pool, spa and at least one conference room that is available to the community for various meetings, etc. To comply with the City's Freeway Corridor Overlay, the structure shall be located at least 50 feet from the Interstate 215 right-of-way. Parking may be located within this setback area, but the first 25 feet from the right-of-way line shall be landscaped. Any elevations of the structure facing the Interstate right-of-way shall be designed to be an integrated part of the architectural theme.

The parcel may also contain a restaurant with a maximum of 5,000 square feet of gross floor area and/or a full service car care center including washing and detailing. These uses shall be located to the west of the motel use described above. The car center may include the sale of auto accessories and gasoline, minor auto maintenance services and a tune-up shop. No heavy or major mechanical work or auto painting shall be permitted. One monument sign with a maximum height of 8 feet from ground level may be placed along the Hallmark Parkway frontage.

[\[Return to Municipal Code Contents\]](#)

The sign shall identify the use or uses available on the site. No other monument or pole sign may be permitted. All other Development Code requirements shall also apply. In lieu of these preferred uses, any other permitted use (as determined by Table 10.03) may be developed.

- 5) Assessor's Parcel Number 266-361-15 (also shown as Parcel 2 on the Land Use Plan Map) may contain a full service restaurant. The gross floor area shall not exceed 5,500 square feet. One monument sign with a maximum height of 8 feet from ground level may be placed along the Hallmark Parkway frontage. The sign shall identify the use or uses available on the site. No other monument or pole sign may be permitted. All other Development Code requirements shall also apply. In lieu of this preferred use, any other permitted use (as determined by Table 10.03) may be developed.

V. A graphic illustration of the locations of the sub-areas designated for land use purposes is shown on the Land Use Plan Map.

W. Landscaping in this area shall be installed in a manner consistent with Chapter 19.26, Landscaping Standards, of this Development Code.

5. Specific Plan No. 90-01, CalMat Cajon Creek

This Specific Plan district is intended to provide for the development of industrial light, industrial heavy, industrial extractive and open space uses with mining-related interim uses within the CalMat Cajon Creek Specific Plan Area and to provide employment opportunities within the CalMat Cajon Creek Specific Plan area for existing and future residents of the City and those of adjacent communities. The CalMat Cajon Creek Specific Plan establishes zones, permitted uses, development standards and design guidelines for the Specific Plan area and is incorporated herein by reference.

(Ord. MC-874, 6-02-93)

6. Specific Plan No. 95-01, San Bernardino International Trade Center

This Specific Plan district is intended to provide for zones and development standards which are compatible with the development goals of the International Trade Center Specific Plan and the surrounding community. It provides a variety of land use districts which will help stimulate business development and job growth within and around the Specific Plan. The Plan establishes zones, permitted uses, development standards and design guidelines which will provide compatibility between different types of development and land uses and is incorporated herein by reference.

(Ord. MC-962, 3-20-96)

19.10.040 Applicable Regulations

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to, Article IV, Administration provisions.

G19.10.050 DEVELOPMENT DESIGN GUIDELINES

1. GENERAL

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goal's and objectives for high quality development within areas of approved Specific Plans. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all commercial development and rehabilitation projects within the areas of approved Specific Plans. Any addition, remodeling, relocation, or construction requiring a building permit within any Specific Plan area subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

3. DESIGN GUIDELINES FOR PASEO LAS PLACITAS (MOUNT VERNON CORRIDOR) SPECIFIC PLAN

The pleasant, pedestrian-oriented environment envisioned for the entire Paseo Las Placitas area is achieved by the proper scaling, proportioning and detailing of both the public streetscape and private courtyard spaces.

The Paseo Las Placitas Design Palette is inspired by Spanish Revival architecture with its variety of materials, forms, fountains and landscape materials.

The environment to be created is one of courtyards and walkways defined by light colored or white, plastered walls of one- to three-story structures. Clay roof tiles, wrought iron fences, gates and railings and wooden trellis beams and/or columns complete the major vocabulary of building materials.

[\[Return to 19.10\]](#)

- A. Parking Structures should:
 - 1. Accommodate a 40-foot by 40-foot Entry Plaza.
 - 2. Incorporate a major automobile entry off side streets.
 - 3. Provide a continuous, 18-foot colonnade with retail storefronts adjacent.
 - 4. Be separated from the adjacent residential area by a 15-foot buffer.
 - 5. Be designed as three-story garage with two levels of covered parking and a roof-top level. Shade elements, such as trellises should be used on the roof level.
 - 6. Be designed in a Spanish Revival style utilizing the materials previously described.
- B. Public Surface Lots will be provided as the first phase of parking for the Maximum Development Plan. These lots should be sized so that the lot dimensions will allow future parking structures of efficient design.
- C. Extensive use of potted plants, vines on trellises, courtyard and wall fountains and appropriate, metal crafted light fixtures and well-detailed signage of tile or carved wood is recommended.
- D. Fountains are one of the major features of Paseo Las Placitas. Each courtyard segment is to incorporate at least one freestanding and/or one wall fountain.
- E. Window boxes, hand painted signs and awnings can add interest and color to the environment.
- F. A variety of designs of wrought iron fences and gates is consistent with the Spanish Revival vocabulary.
- G. The Gateways to Paseo Las Placitas should include the Corner Plazas, Gateway Structures and special Entry Intersection Paving.
 - 1. The corner plazas should include fountains, landscaping and tile accents.
 - 2. The gateways should incorporate the design theme of Spanish Revival architecture including tile accent and plaster finish.

[Return to 19.10]

- H. Smaller building development as will be appropriate for the Restaurant and Retail/Office complexes: These guidelines, for these uses, also apply wherever the uses are ultimately located.
- I. Courtyards and outdoor dining areas should have a minimum width of 15 feet. Fountains are encouraged in all courtyards.
- J. Towers should be used as vertical elements to relieve the predominant horizontal lines of buildings.
- K. Veranda style, open rail, second level balconies and exterior stairways are encouraged to add interest to the building massing and facades. Ceramic tile accent is encouraged.
- L. The massing of building should:
 - 1. Maintain low plate lines and profiles at street fronts and property edges.
 - 2. Stagger long linear walls horizontally to provide interest by breaking long lines.
 - 3. Not include large expanses of flat wall planes vertically or horizontally.
 - 4. Reduce apparent volumes by lowering roof lines.
 - 5. Be varied in height to add variety and interest.
 - 6. Employ clean, simple, geometric forms and coordinated massing that produce overall unity while creating interest.
 - 7. Embody the Spanish Revival architecture theme in all structures-major and minor.
 - 8. Incorporate awnings, moldings, pilasters and other architectural embellishments whenever possible to create comfortable, human and visually stimulating facades.
 - 9. Relate buildings with one another to create acceptable compositional patterns that create a sense of unity and overall harmony.
 - 10. Integrate columns into the facade.
 - 11. Include facade articulation which reinforces a sense of order through the interplay of light, shadow and texture.

[Return to 19.10]

M. Entries - Recessed door, window and wall openings are characteristic elements of the Spanish Revival theme.

1. Door and window openings in buildings should be accented architecturally through indentation and framing.
2. Articulation and color for identity and interest is a recommended treatment for building entrances.
3. Integration with overall building form is required for the building entrance.
4. Metal doors without articulation are strongly discouraged.

N. Windows

1. Fully recessed openings are encouraged, although plaster projections and projecting windows may be used to add articulation to wall surfaces.
2. High interior spaces should have operable windows or exhaust vents to release built-up heat.
3. Color accented window frames are encouraged.
4. Metal window frames are allowed. Factory finish aluminum window or door frames are strongly discouraged.
5. The following glazing materials are allowed:
 - a. Transparent glass
 - b. Lightly tinted glass
 - c. Lightly reflective solar glass (glass with a reflective factor of 30 percent or less) above the first floor.
6. The following glazing materials are not allowed:
 - a. Highly reflective glass
 - b. Dark tinted glass
 - c. Glass of a pronounced color

[Return to 19.10]

O. Roofs

1. Principal roof forms should be gable or hip with pitches from 3:12 to 6:12.
2. All pitched roof materials should be clay or concrete tile.
3. The use of double stacked roof tiles for additional texture is encouraged.
4. Varying plate heights and ridge heights is encouraged.
5. Large roof overhangs and exposed rafter tails are encouraged.
6. The use of wood shingles, simulated wood shingles, flat concrete tiles or other roofs should not be acceptable unless approved in a specific case by the Review Authority. Metal roofs are not acceptable.
7. Roof lines should be broken and varied within an overall horizontal context.
8. Skylights are to be designed as an integral part of the roof. Their form, location and color should relate to the building.
9. Solar panels should be integrated into the roof design, flush with the roof slope. Frames should be colored to complement roof. Natural aluminum frames are prohibited. Support solar equipment should be enclosed and screened from view.

P. Loading Areas

1. Loading and service areas should not be visible from the Wide Sidewalk Pedestrian Promenade or the courtyards. Loading docks and service areas should be located on the rear side of all buildings adjacent to the alley/buffer areas.
2. Loading docks should be articulated and painted to match the building.
3. Access to service ways should be from side streets with truck traffic avoiding main, pedestrian-oriented streets, wherever possible.
4. Generally, side loading will be necessary.

[Return to 19.10]

Q. Trash

1. Refuse enclosures are required by the Development Code. Gates should be painted to match adjacent buildings. Recommended enclosure locations include inside parking courts, or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance.
2. Refuse collection areas should be located on an interior side or rear yard.
3. Walls of refuse enclosures may be screened by landscaping materials.

R. Building Materials

1. Exterior plaster should be a smooth trowel finish, sand finish or float finish which simulates plaster over an uneven adobe brick structure.
2. Exterior columns for trellises, porches or colonnades should utilize materials and colors which are compatible with the adjacent building.
3. The use of bull nose or beveled corners at plaster walls is encouraged.
4. Exterior paving materials at courtyards, patios, and pedestrian identification points should utilize brick, interlocking pavers, quarry tile or colored/textured concrete. Natural concrete should not be acceptable in these locations.
5. Applied veneers on columns are discouraged.
6. Tile accent bands on plaster columns are acceptable.
7. Wood trimmed details for balconies are encouraged.
8. Rough sawn lumber, preferably with uneven edges for rafter tails, beams, posts and trim.
9. Rafter tails should be four inches or larger.
10. Thin posts, such as four inches by four inches wood or metal pipe columns are unacceptable. Wood posts should be six inches or larger.
11. The use of fascia boards is discouraged.

[Return to 19.10]

12. The underside of eaves, porches and colonnades should be wood planking or exterior plaster.
13. Stucco or plaster walls with wrought-iron grilles between pilasters are encouraged.
14. Use of wood lattice, if any, should be very minimal.
15. Bold trim and patterns are discouraged.
16. The crisp, clean and simple use of tile, brick, stone and masonry are encouraged as design accent and trim if used in an authentic expression of Spanish Revival architecture.
17. Use of material such as vinyl or aluminum siding is encouraged. Wood, masonite siding and stone should be limited to specific cases as approved by the Review Authority.
18. Patio trellises, arbors and other exterior structures may be of stucco or wood. They should incorporate forms typical of early California architecture as defined herein.
19. Materials should not be used to form any high contrasting or graphic pattern that would cause visual distraction.

S. Landscaping Guidelines

1. The use of vines and shrubbery around columns is encouraged.
2. The use of vines on trellis structures is encouraged.
3. Vegetation should be mass planted in key areas, define circulation patterns and create courtyard environments.
4. Plant material, particularly vines and espaliered trees, should be used to visually soften project walls.
5. Plant material should be massed to:
 - a. Distinguish entries
 - b. Define circulation patterns
 - c. Unify the overall project

[Return to 19.10]

6. Buildings in most cases should be landscaped with low-level plantings and trees to soften the impact of the architecture and provide a more human scale.
 7. Vegetation of varying heights and textures should be placed along perimeter walls and fences to soften hard planes and to create interest and variety.
- T. Plant Palette - The plant palette encourages the use of plant materials which are indigenous to Southern California, or were imported and used extensively for decades when Spanish Revival architecture was initially introduced to Southern California.

Drought tolerant species have been emphasized.

COMMON NAME	BOTANICAL NAME
STREET TREES-LARGE SPECIES	
Green Ebony	Jacaranda Acutifolia
American Sweet Gum	Liquidamber Styraciflua
Southern Magnolia	Magnolia Grandiflora
Paper Bark Tree	Melaleuca Leucadendron
Canary Island Pine	Pinus Canariensis
Mondell Pine	Pinus Eldarica
London Plane Tree	Plantanus Acerifolia
California Live Oak	Quercus Agrifolia
Holly Oak	Quercus Llex
Cork Oak	Quercus Suber
Trident Maple	Acer Buergerianum
Crape Myrtle	Lagerstroemia Indica

[Return to 19.10]

COMMON NAME	BOTANICAL NAME
Japanese Privet	Lingustrum Japonicum
Purple Leaf Plum	Prunus Cerasifera
Windmill Palm	Trachycarpus Fortunei
ORNAMENTAL TREES	
Trident Maple	Acer Buegerianum
White Alder	Alnus Rhombifolia
Purple Orchid Tree	Bauhinia Variegata
Canary Isle Date Palm	Beaucarnea Canariensis
Canary Isle Date	Beaucarnea Canariensis
Lemon Bottle Brush	Callistemon Citrinus
St. John Bread Carob	Caratonia Siliqua
Carrotwood	Cupaniopsis Anacardioides
Bronze Loquat	Eriobotrya Deflexa
Mexican Blue Palm	Erythea Armata (Brahea Armata)
Sweet Mock Orange	Philadelphus Virginalis
Split Leaf Philodendrum	Philodendrum Selloum
Red Photina	Photina x Fraseri
Mock Orange	Pittosporum Tobira
'Wheelerii' Dwarf Mock Orange	Pittosporum Tobira
Blue Cape Plumbago	Plumbago Capensis

[Return to 19.10]

COMMON NAME	BOTANICAL NAME
`Select Spreader'	Podocarpus
Spreading Yew Pine	Macrophylla
Elephant's Food	Portulaca
Carolina Laurel Cherry	Prunus Caroliniana
Firethorn	Pyrancaanthus Species
Raphiclepis Indica	
Chinese Wisteria	Wisteria Sinensis
Shiny Xylosma	Xylosma Congestum

SHRUBS FOR GROUND COVERS AND SLOPES

Glossy Abelia	Abellia Grandiflora
Lily of the Nile	Aganpanthus Africanus
`Twin Peaks'	Baccharis Pilularis
California Holly	Heteromeles Arbutifolia
Crape Myrtle	Lagerstroemia Indica
Paper Bark Tree	Melaleuca Leucadendron
Flax Leaf Melaleuca	Melaleuca Linariifolia
Pink Melaleuca	Melaleuca Mesophylla
Canary Isle Date Plum	Phoenix Canariensis
Canary Isle Palm	Pinus Canariensis
Mondell Pine	Pinus Eldarica
Alleppo Pine	Pinus Halpensis

[Return to 19.10]

COMMON NAME	BOTANICAL NAME
Chinese Pistache	<i>Pistacia Chinensis</i>
London Plane Tree	<i>Plantanus Acerifolia</i>
Yew Pine	<i>Podocarpus Macrophylla</i>
Gallery Pear	<i>Pyrus Calleryana</i>
California Live Oak	<i>Quercus Agrifolia</i>
Holly Oak	<i>Quercus Llex</i>
Cork Oak	<i>Quercus Suber</i>
California Pepper Tree	<i>Schinus Mole</i>
Windmill Palm	<i>Trachycarpus Fortunei</i>
Bougainvillea (Various Varieties)	<i>Bougainvillea Spp.</i>
Netal Plum	<i>Carissa Grandiflora</i>
Day Lily or Bi-Color	<i>Hemerocallis Hybrid</i>
Best for Groundcover	<i>Jasminum Mesnyi</i>
'Petites' Crape Myrtle	<i>Lagerstroemia</i>
'Petites'	<i>Nerium Oleander</i>
Lily Turf	<i>Ophiopogon Vaponicaum</i>
African Daisy	<i>Osteopermum</i>
Fountain Grass 'Rubrum'	<i>Pennisetum Setaceum</i>
Green Globe' 'Wheelerii' 'Ralphii'	<i>Pittosporum</i>
Cape Plumbago	<i>Plumbago Auriculata</i>
'Select Spreader'	<i>Podocarpus</i>

[Return to 19.10]

COMMON NAME	BOTANICAL NAME
'Red Leaf' 'Low Boy'	Pyranantha
Prostrate Varities	Raphiolepis
Cape Honey Suckle	Tecomaria Capensis
Star Jasmine	Trachelo-Spermum
ORNAMENTAL SHRUBS	
Glossy Abelia	Abelia x Grandiflora
'Edward Goucher'	Abelia Hybrid
'Sprengeri' Sprenger Asparagus	Asparagus Densiflorus
Coyote Bush	Baccharis Pilularis
Barbery Berberis	'species'
Bougainvillea	Bougainvillea spectabilis
Schefflera	Brassaia Actinophylla
Japanese Boxwood	Buxux Microphylla Japonica
Sasanqa Camellia	Camillie Sasanqua
Sago Palm	Cycas Revoluta
Japanese Aralia	Fatsia Japonica
Daisy Bush	Camolepis Chrysanemoides
Gardenia	Gardenia Jasminoides
Chinese Hibiscus	Hibiscus Rosa-Sinensis
Japanese Privet	Liqustrum Japonicum

[Return to 19.10]

COMMON NAME**BOTANICAL NAME**

Heavenly Bamboo

Nandina Domestica

Oleander

Nerium Olenader

GROUND COVERS

Compacta

Xylosma-Congestum

Mitsuwa Gazania

Trialing Gazania

Cascade Gazania

Mondo Grass

Periwinkle:

Vinca Major

Vinca Minor

Aaron's Beard

African Daisy

Ice Plants, Trailing

Ivy's:

Hahn's

Needlepoint

U. Rehabilitation of Existing Buildings.

1. Existing entries should be enhanced by the addition of replacement doors and added porticoes or trellises.
2. Existing windows and walls should be enhanced by the superimposition of plaster frames or the replacement of window walls.
3. The colors and materials of the additive elements should conform to the design palette and materials contained in the guidelines for new construction.
4. Accessory structures, built in former parking areas, should conform to all the design guidelines for Paseo Las Placitas.
5. All trash and utility systems should be upgraded to comply with the new construction guidelines where possible.
6. If possible, existing signage should be replaced with new signage constructed in accordance with the signage requirements.
7. To the extent feasible, existing roofs and rooflines, if not consistent with the Design Guidelines, should be modified to harmonize with the new construction guidelines contained herein.

V. Parking Lot Design

1. Surface parking lots are prevalent in the Minimum Development Plan and in limited portions of the Maximum Development Plan.
2. Tree well and planter areas within paved parking areas should provide a minimum clear planting dimension of 5 feet (from inside face of curb).
3. Parking should be screened from streets through combined use of berming and/or low walls and landscape.
4. Vehicular access to building service areas and off-street parking lots should be located to minimize curb cuts over sidewalks and onto any street.

[Return to 19.10]

W. Noise Abatement - The impact from significant noise sources should be mitigated through noise abatement techniques which include the following:

1. Solid masonry enclosure-minimum 6 feet high around noise emitting source.
2. Solid masonry or concrete walls at interface of noise source.
3. Ground mounted air-conditioning or other equipment which should be located away from entries, windows or adjoining property lines.
4. Roof mounted air-conditioning equipment which should be mounted on isolators to reduce vibration.

X. Signs

1. Sign materials should complement the building with materials, colors and textures which reflect those of the overall Specific Plan area.
2. Signs should utilize lettering styles reminiscent of the Spanish Revival Style rather than that of contemporary signage.
3. The use of tile wall signs and wood signs is preferred for individual tenant identification.
4. Sign colors should not be overpowering but should be an accent to the building on which it is mounted.
5. Signs generally may not be painted on exterior walls. However, extremely well-designed, painted signs which offer a special accent, may be approved by the Review Authority.

Graphic examples and illustrations of these design guidelines are contained in the document entitled "Paseo Las Placitas, Specific Plan and Environmental Impact Report for the Mount Vernon Corridor" on file in the Department. Reso 92-135, 4-06-92

[Return to 19.10]

G19.10.060 40th STREET PROJECT AREA DESIGN GUIDELINES

1. GENERAL

The following design guidelines are intended as a reference framework to assist owners, tenants, architects and contractors in understanding the 40th Street Project Area goals and objectives for high quality development. The guidelines complement the mandatory site development regulations contained in Chapter 19.06 of the Development Code by providing examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reason, these design guidelines shall be followed. If the Development Review Committee waives a guideline, members of the Planning Commission and the Mayor and Common Council shall be notified. The Mayor or any Councilperson may file an appeal within 15 days of the DRC's approval of the waiver. No fee shall be required for such appeal.

2. APPLICABILITY

The provisions of this section shall apply to all development in commercial areas within the 40th Street Project Area. Any addition, remodeling, relocation, construction or reconstruction requiring a building permit within any commercial zone subject to review by the Community Development Department or the Development Review Committee shall adhere to these guidelines where applicable. Exception: These provisions shall not apply to tenant improvements that do not change the exterior of the building.

(Ord. MC-1393, 12-02-13)

3. GENERAL DESIGN PRINCIPLES

A. PURPOSE

These Design Guidelines are established in order to achieve the following objectives for the 40th Street Project Area:

1. Renew general pride and confidence in the 40th Street area.

[Return to 19.10]

2. Create an identity, community and sense of place for 40th Street
3. Promote quality design
4. Promote pedestrian activities
5. Promote property maintenance
6. Promote enhancement of property and area values
7. Promote an aesthetically pleasing environment

B. DESIRABLE ELEMENTS OF PROJECT DESIGN

The qualities and design elements for commercial properties that are most desirable include:

1. Pedestrian scale
2. Richness of surface and texture
3. Significant wall articulation (insets, canopies, wing walls, trellises)
4. Multi-planed, pitched roofs
5. Roof overhangs, arcades
6. Regular or traditional window rhythm
7. Articulated mass and bulk
8. Significant landscape and hardscape elements
9. Prominent access driveways
10. Landscaped and screened parking
11. Lighting elements
12. Limited color palette

[Return to 19.10]

C. UNDESIRABLE ELEMENTS

The elements to avoid or minimize include:

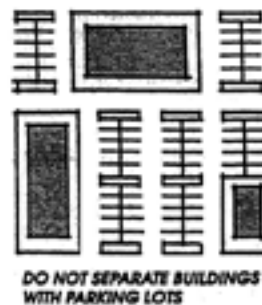
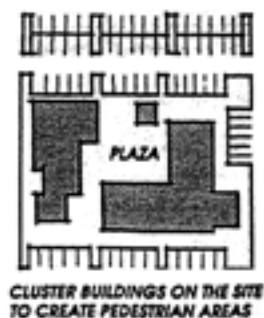
1. Large blank, flat wall surfaces
2. Unpainted concrete precision block walls
3. Highly reflective surfaces
4. Metal siding on the main facade
5. Plastic siding
6. Square "boxlike" buildings
7. Mix of unrelated styles (i.e. rustic wood shingles and polished chrome)
8. Visible outdoor storage, loading, and equipment areas
9. Disjointed parking areas and confusing circulation patterns

4. SITE PLANNING

Placement of buildings should consider the existing built context of the area, the location of residential neighborhoods and an analysis of a site's characteristics and particular influences.

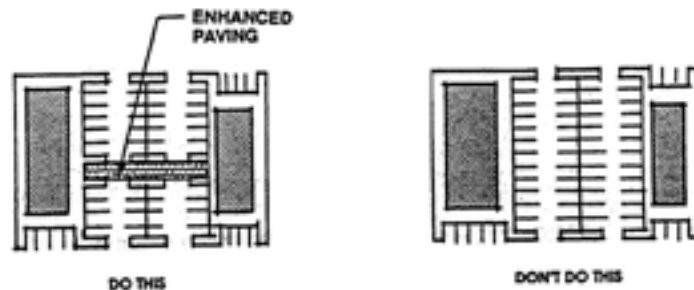
A. BUILDING LOCATION

1. Buildings should be located to complement adjacent buildings. Sites should be developed in a coordinated manner to provide order and diversity.



[Return to 19.10]

2. Clustering three or more buildings in a shopping center provides opportunities to create plazas or pedestrian malls and prevents long rows of buildings. When clustering is not practical, a visual link between separate buildings should be established. This link can be accomplished through the use of an arcade, trellis, landscaping or other open structure and textured walkways.
3. Sites should be designed so as to link individual designed structures into a single unified project. Juxtaposition of contrasting architectural designs is not encouraged.
4. Locate buildings and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link buildings to the public sidewalk with textured paving, landscaping, and trellises. Create landscaped walkways from the business to the street to encourage pedestrian traffic.



5. Freestanding, singular commercial buildings should be oriented with their major entry toward the street where access is provided, as well as having their major facade parallel to the street. Structures facing more than one street shall be designed in such a manner as to be equally attractive from each street.

B. OPEN SPACE

1. Recognize the important potential of spaces between buildings as "outdoor rooms" on a shopping center site. Outdoor spaces should have a clear, recognizable shape that reflects careful planning and not simply left over area between buildings. Such spaces should provide pedestrian amenities such as shade, benches, fountains, etc.
2. Open space areas should be clustered into larger, predominant landscape areas rather than equally distributed into areas of low impact such as at building peripheries, behind a structure or areas of little impact.

[Return to 19.10]

5. PARKING AND CIRCULATION

Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer should analyze the following factors:



- I) ingress and egress with consideration to possible conflicts with street traffic; 2) pedestrian and vehicular conflicts; 3) on-site circulation and service vehicle zones; and 4) the overall configuration and appearance of the parking area.

A. SEPARATION

1. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from and through parking areas in large commercial developments, such as shopping centers.
2. Parking should be separated from pedestrian circulation routes whenever possible.

[Return to 19.10]

B. ACCESS

1. Common driveways that provide vehicular access to more than one site are encouraged, particularly where development occurs on narrow lots.
2. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
3. Design the pedestrian site entry with patterned concrete or pavers to differentiate it from the sidewalks. The handicap path of travel (sidewalk) should be designed with landscaping so that it is integrated into parking lot as a landscape feature.
4. Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.

C. PARKING

1. Parking areas should be separated from buildings by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut the buildings should be avoided.
2. The parking area should be designed in a manner that allows the structure to be linked to the street sidewalk with pedestrian walkways. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscape treatment.



[Return to 19.10]

3. Parking areas that accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.

6. LANDSCAPING

Landscaping for commercial businesses should be used to define entrances to businesses, parking lots. Landscaping can also define the edges of various land uses, and provide buffering and screening between neighboring properties.



A. DESIGN PRINCIPLES

1. Landscaping should be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended goals.
2. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs.
3. Landscaping around the entire base of a building is recommended to soften the edge between the parking lot and the structure. This should be accented at building entries to identify and enhance the entrances.
4. Vines and climbing plants integrated upon buildings, trellises, and perimeter garden walls are strongly encouraged.

[Return to 19.10]

5. To accent business entries, use boxed and tubbed plants in clay or wood containers, especially for enhancement of sidewalk shops, plazas, and courtyards.

B. TREES

1. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. A minimum of one, 24" box shade tree is required for every 4 parking spaces per the Development Code.



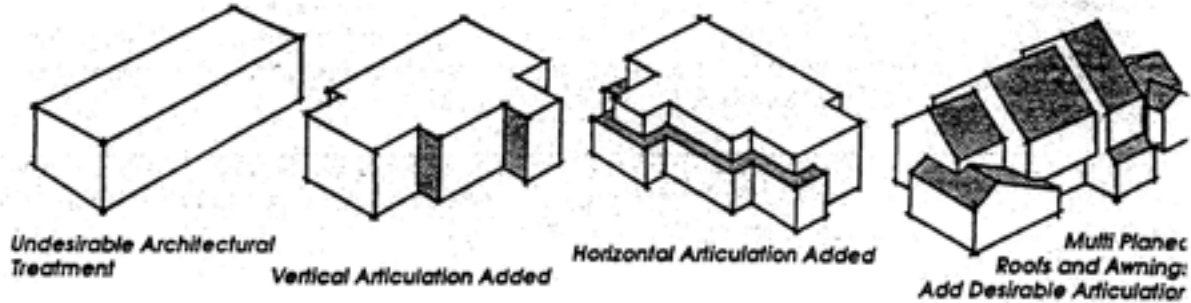
7. ARCHITECTURAL DESIGN GUIDELINES

A. HEIGHT AND MASS

1. Height and scale of new development should be compatible with that of surrounding development. New development is encouraged, where practical, to "transition" from the height of adjacent development to the maximum height of the proposed building.
2. Large buildings that give the appearance of "box-like" structures are generally unattractive and distort the overall scale of an area. There are several ways to reduce the appearance of excessive mass in large buildings.

[Return to 19.10]

- a. Vary the planes of the exterior walls in depth and/or direction. Wall planes should not run in 1 continuous direction for more than 50 feet without an offset.



- b. Vary the height of the building so that it appears to be divided into distinct massing elements.



- c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.
- d. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.
- e. Avoid blank walls at the ground floor levels. Use windows, trellises, wall articulation, arcades, change in materials, or other such features.

[Return to 19.10]

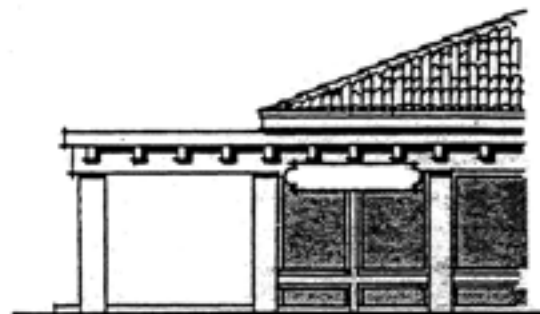
B. SCALE

Scale, for purposes here, is the relationship between building size and the size of adjoining permanent buildings. It is also how the proposed building's size relates to the size of a human being, particularly at ground level. Large-scale building elements will appear imposing if they are situated in a visual environment of a smaller scale.

1. Buildings can be designed for pedestrians through the use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.



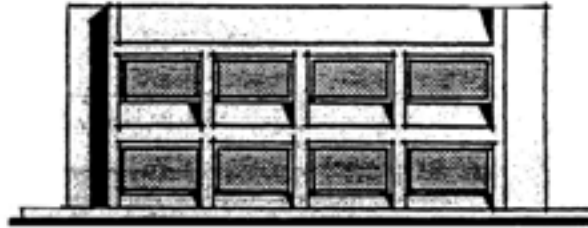
2. The scale of buildings should be carefully related to adjacent pedestrian areas (i.e. plazas, courtyards) and buildings.
3. Large dominating buildings should be broken up by:
 - a. Creating horizontal emphasis through the use of trim, cornices or belt courses;



Storefront elements and pedestrian level details provide an intimate scale

[Return to 19.10]

- b. Adding awnings, eaves, windows, or other architectural ornamentation;
- c. Use of combinations of complementary colors; and
- d. Landscape materials.



Form and texture shall be repeated in a manner to provide a sense of unity within a large mass



C. COLOR

Much of the existing color in the 40th Street Area does not contribute to a cohesive commercial area. At times, color has been used inappropriately to attract attention to buildings and the business therein without regard to the negative impact such use of color has on the visual quality and character of the area as a whole. The following guidelines are intended to provide for a cohesive, identifiable area.

1. Large areas of intense white color should be avoided. While subdued colors usually work best as a dominant overall color, a bright trim color can be appropriate.
2. Primary colors (red, blue, orange) should only be used to accent elements, such as door and window frames and architectural details.
3. The color palette chosen for new buildings should be compatible with the colors of adjacent buildings. An exception is where the colors of adjacent buildings strongly diverge from these design guidelines.
4. Wherever possible, minimize the number of colors appearing on the structure's exterior. Small commercial buildings should use no more than 3 colors.
5. Architectural detailing should be painted to complement the facade and tie in with adjacent buildings. An exception is where the colors of adjacent buildings strongly diverge from these design guidelines.
6. The use of standardized "corporate" architectural styles is permitted provided they are consistent with the design standards of the area.

D. ROOFS

1. The roofline at the top of the structure should not run in continuous plane for more than 50 feet without offsetting or jogging the roof plane.
2. All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building.

[Return to 19.10]

3. The following roof materials should not be used:
 - a. Corrugated metal (standing rib metal roofs are permitted)
 - b. Highly reflective surfaces
 - c. Illuminated roofing

E. AWNINGS

The use of awnings along a row of contiguous buildings should be restricted to awnings of the same form and location. Color of the awnings should be consistent and a minimum eight-foot vertical clearance is required.

1. The awning should be well maintained, washed regularly, and replaced when frayed or torn.
2. Signs on awnings should be painted on and be limited to the awning's flap (valance) or to the end panels of angled, curved, or box awnings. In shopping centers with more than two tenants, awning signs are allowed only as a coordinated program.
3. Plexiglas, metal, and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas, matte finish vinyl, and fabric awnings are encouraged.
4. Internally lit awnings should not be used.
5. Care should be taken so that awnings do not obstruct the view to adjacent businesses.

F. LIGHTING

Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, pathways and working areas. Higher light levels are expected in heavily used pedestrian areas.

1. The design of light fixtures and their structural support should be architecturally compatible with the main buildings on-site.
2. As a security device, lighting should be adequate but not excessively bright. All building entrances should be well lighted.

[Return to 19.10]

8. WALLS AND FENCING

- A. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.



- B. Where walls are used at property peripheries, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.
- C. When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grillwork.

[Return to 19.10]

9. SCREENING

- A. The location of utilities and equipment should be considered early in the design process so they are integrated into the layout of the site and visibility is minimized. Screen should be consistent with the design, colors and materials of the main structure.



- B. Wherever possible, building screening should be accomplished by primary building elements (i.e. parapet wall or Mansard roof) instead of after-the-fact add-on screening.
- C. Loading facilities should not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.

[Return to 19.10]

CHAPTER 19.10-E EMERGENCY SHELTER OVERLAY ZONE

Sections

- 19.10-E.010 Purpose**
- 19.10-E.020 Applicability**
- 19.10-E.030 General Provisions**
- 10.10-E.040 Development Standards**

19.10-E.010 Purpose

The purpose of this chapter is to provide for areas within the CH, Commercial Heavy, IL, Industrial Light and OIP, Office Industrial Park zones as referenced in Table 06.01 of Chapter 19.06 and Table 08.01 of Chapter 19.08, where emergency shelters, in accordance with Government Code Section 65583, are allowed without a conditional use permit or other discretionary permit. Recognizing the need for available and affordable sites for establishment of emergency shelters outside the traditional locations in commercial zones, the Emergency Shelter Overlay zone provides several areas within the CH, IL and OIP zones for new emergency shelters to be integrated with commercial and light industrial uses and existing social services throughout the City. The purpose of the designated boundaries (area of applicability) is to maximize the potential for provision of emergency shelter and support services throughout the City of San Bernardino.

19.10-E.020 Applicability

The Emergency Shelter Overlay zone shall apply to CH, Commercial Heavy, IL, Industrial Light and OIP, Office Industrial Park zones as specified in reference maps adopted with the Emergency Shelter Overlay zone and available in the Community Development Department. All land use regulations and development standards for commercial and industrial uses as specified in Chapters 19.06 and 19.08 shall remain in effect. The effect of the Emergency Shelter Overlay zone shall be to define the area of applicability where emergency shelters shall also be permitted with Director approval, and to add general and specific development standards for emergency shelters within the CH, IL and OIP zones.

19.10-E.030 General Provisions

1. Emergency shelters located in the Emergency Shelter Overlay zone shall be developed and operated according to the land use regulations, development standards and design guidelines for the CH, IL and OIP zones, as applicable, as well as Chapter 19.10-E.

[\[Return to Municipal Code Contents\]](#)

2. Emergency shelters shall be permitted with the approval of an Administrative Permit within the Emergency Shelter Overlay zone as specified in Table 06.01 of Chapter 19.06 and Table 08.01 of Chapter 19.08.

19.10-E.040 Development Standards

1. The following standards shall apply to development of emergency shelters within the Emergency Shelter Overlay zone:

A EMERGENCY SHELTERS

Emergency shelters, providing temporary housing and support services to homeless persons, shall be permitted in the Emergency Shelter Overlay zone of the CH, Commercial Heavy, IL, Industrial Light and OIP, Office Industrial Park zones, subject to the standards in this Section. As social services with residential components, emergency shelters are also conditionally permitted in several commercial zones and throughout the IL, Industrial Light zone. The following standards shall be required for development or establishment of emergency shelters in the Emergency Shelter Overlay zone:

- (1) The maximum resident density shall be one resident per 150 sq. ft., up to a maximum of 60 residents;
- (2) The maximum length of stay shall be six months;
- (3) The site shall be located no more than ½ mile from a public transit line;
- (4) Any new or existing structure proposed for use as an emergency shelter shall meet current California Building Code requirements.
- (5) Off-street parking shall be provided at a ratio of one space per 1,000 square feet of gross floor area, or one space for each employee on the largest shift plus one space for each agency vehicle plus three visitor spaces, whichever is greater;
- (6) Fencing and exterior lighting conforming to the development standards of Chapter 19.20 shall be required to ensure the security of site residents;

- (7) A security and management plan shall be required to demonstrate adequate plans and capability to operate the emergency shelter in a safe and effective manner, including complete descriptions of the following:
- (a) Fencing, lighting, video cameras, and any other physical improvements intended to provide or enhance security for residents and staff;
 - (b) Staffing plans, including the qualifications and responsibilities of all staff members and the number and positions of employees on each shift;
 - (c) Procedures and policies for screening of potential residents to identify individuals who should be referred to medical facilities, residential care facilities, other service agencies or law enforcement;
 - (d) Plans and policies for daily operations and supervision of residents;
 - (e) Support services to be offered to residents, including life skills training, counseling, referral to other service agencies and job placement assistance;
 - (f) Plans to coordinate services of the facility with other homeless service providers in San Bernardino County, to improve the effectiveness of the network of agencies serving the homeless, countywide.

CHAPTER 19.11

TCC (TRICITY CORPORATE CENTRE OVERLAY) ZONE

Sections:

19.11.010 Purpose

19.11.010 Purpose

The purpose of this chapter is to promote and encourage that development in the TriCity Corporate Centre Project area is consistent and compatible and in accordance with the TriCity Corporate Centre Land Use Plan and Design Guidelines which is incorporated into this Development Code by reference. The TriCity Corporate Centre Land Use Plan and Design Guidelines establishes planning areas, permitted uses and standards and design guidelines which shall be used in the TriCity Corporate Centre Project area as shown on the Zoning Map.

(Ord. MC-1393, 12-02-13; Ord. MC-881, 7-08-93)

CHAPTER 19.12 A (AIRPORT OVERLAY) DISTRICTS

Sections:

- 19.12.010 Purpose
- 19.12.020 Definitions
- 19.12.030 Airport Districts
- 19.12.040 Airport Provisions
- 19.12.050 Airport District One (AD I)
- 19.12.060 Airport District Two (AD II)
- 19.12.070 Airport District Three (AD III)
- 19.12.080 Airport District Four (AD IV)
- 19.12.090 Airport District Five (AD V)

19.12.010 Purpose

The purpose of this chapter is to promote the public health, safety and general welfare in the vicinity of airports by minimizing exposure to crash hazards and high noise levels generated by airport operations and to encourage future development that is compatible with the continued operation of airports.

19.12.020 Definitions

For the purpose of this chapter, certain words are defined as follows:

1. **Air Installation Compatible Use Zone Report.**

A report prepared by the Department of the Air Force examining, evaluating, and summarizing the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards.

2. **Airport District One (AD I).**

The area within a 3,000 by 5,000 foot rectangle having 2 of its sides parallel with, and 1,500 feet from either side of, an extension of the centerline of a runway running from 3,000 to 8,000 feet from the midpoint of the end of the runway.

3. **Airport District Two (AD II).**

The area within a 3,000 by 7,000 foot rectangle having 2 of its sides parallel with, and 1,500 feet from either side of, an extension of the centerline of a runway running from 8,000 to 15,000 feet from the midpoint at the end of the runway.

[\[Return to Municipal Code Contents\]](#)

4. **Airport District Three (AD III).**

The area between the 75 Ldn and 80 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn) but not within any other airport District as defined herein.

5. **Airport District Four (AD IV).**

The area between the 70 Ldn and 75 Ldn noise contour lines developed by the application and the day-night average sound level methodology of sound measurement (Ldn), but not within any other Airport District as defined herein.

6. **Airport District Five (AD V).**

The area between the 65 Ldn and 70 Ldn noise contour lines developed by the application of the day-night average sound level methodology of the sound measurement (Ldn), but not within any other Airport District as defined herein.

7. **Clear Zone.**

The area within a 3,000 by 3,000 foot square having 2 of its sides parallel with and 1,500 feet from either side of, an extension of the centerline of a runway running 3,000 feet from the midpoint of the end of the runway.

8. **Day-night Sound Level (Ldn).**

The sound level during a 24 hour time period with a 10 decibel penalty applied to the equivalent sound level during nighttime hours of 10:00 P.M. to 7:00 A.M.

9. **Decibel.**

The physical unit commonly used to describe noise level.

10. **High Noise Levels.**

Sound levels which equal or exceed that within the 65 Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).

11. **Human Occupancy.**

Any structure having overnight or longer living accommodations or that is intended for such use.

[\[Return to Municipal Code Contents\]](#)

12. **Ldn.**

The day-night sound level.

13. **Runway.**

An artificially surfaced strip of ground designed and actively used at an airport for the landing and taking off of aircraft.

14. **Severe Accident Potential.**

The level of crash hazard risk associated with the Clear Zone. Said risk shall be identified in the same manner as crash hazard risk is identified in United States Air Force Air Installation Compatible Use Zone Reports for military airports.

15. **Significant Accident Potential.**

The level of crash hazard risk associated with Airport District II. Said risk shall be identified in the same manner as crash hazard risk is identified in United States Air Force Air Installation Compatible Use Zone Reports for military airports.

16. **Substantial Accident Potential.**

The level of crash hazard risk associated with Airport District I. Said risk shall be identified in the same manner as crash hazard risk is identified in United States Air Force Air Installation Compatible Use Zone Reports for military airports.

19.12.030 Airport Districts

For the purpose of this chapter, 5 Airport Districts are hereby created. The boundaries of these districts shall be delineated on official land use district maps as overlay districts. These districts are as follows:

1. Airport District One (AD I);
2. Airport District Two (AD II);
3. Airport District Three (AD III);
4. Airport District Four (AD IV); and
5. Airport District Five (AD V).

19.12.040 Airport Provisions

1. Nothing contained herein shall require any change or alteration in a lawfully constructed or established structure, or use in existence at the time of the adoption or amendment of these regulations. These regulations are intended to regulate only the following actions:
 - A. The erection or establishment of any new structure or use;
 - B. The moving or relocation of any structure, or use to a new site or new location;
 - C. The operation or continuance, at any time following the effective date of these regulations, of any structure or use which has been unlawfully established, erected, remodeled, or rehabilitated; and
 - D. The change from 1 use to another of any structure, or land, or the re-establishment of a use after its discontinuance for a period of 180 consecutive days or more.
2. Except for agricultural uses, including structures not more than 20 feet in height and not intended for human occupancy, a Development Permit shall be required for all development in AD I and AD II.

A. DEVELOPMENT PERMIT FINDINGS

A Development Permit shall be approved only when specific findings are made which indicate that the proposed use complies with the following regulations in addition to those outlined elsewhere in this Development Code:

- 1) All uses shall be compatible with the continued operation of the airport. No uses shall be allowed which:
 - a. release into the air any substances which would impair visibility or otherwise interfere with the operation of aircraft;
 - b. produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision;
 - c. produce emissions which would interfere with aircraft communication systems or navigational equipment; and
 - d. attract birds or water fowl in such numbers as would create a hazard to aircraft operations.

[Return to Municipal Code Contents]

- 2) No development intended for human occupancy, whether on a temporary or permanent basis, shall be allowed in AD I and AD II.
- 3) No uses shall cause or produce objectionable effects which would impose a hazard or nuisance to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other conditions that would affect adversely the public health, safety and general welfare.
- 4) No uses which require the use or storage of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall be permitted.
- 5) No uses which are labor intensive or promote the concentration of people for extended periods of time shall be permitted, except as expressly authorized in this section.
- 6) No structure or any portion thereof on the premises of a permitted use shall be used for a residential dwelling by the owner, operator, or caretaker, their family members or others.
- 7) A Noise Level Reduction (NLR) of not less than 30 decibels from exterior to interior shall be incorporated into the design and construction of those portions of structures where the public is regularly received and into office areas.

B. PROCEDURES

The provisions of Section 19.44 (Development Permit) shall apply.

C. DECISION OF DEPARTMENT

- 1) The decision of the Department shall be based on findings of fact that the purpose of this section has been preserved.
- 2) The decision of the Department may include reasonable requirements deemed necessary to promote the purpose of this section. Said requirements may include, but are not limited to, the following:
 - a. yards and open spaces;
 - b. fences and walls, or other screening;
 - c. surfacing of parking spaces and specifications thereof;

[Return to Municipal Code Contents]

- d. street improvements, including provision of service roads or alleys when practical and necessary;
- e. regulation of points of vehicular ingress and egress;
- f. regulation of signs;
- g. landscaping and maintenance thereof;
- h. maintenance of grounds;
- i. control of noise, vibration, odor, and other potentially dangerous or objectionable elements;
- j. lot size;
- k. height restrictions;
- l. restrictions in accessory structures;
- m. time limits which may be imposed for the commencement of construction, and/or review and further action by the Department and/or a time limit within which the Development Permit shall cease to exist.

19.12.050 Airport District One (AD I)

This overlay district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a substantial accident potential resulting from aircraft operations. Only those types of activities authorized by this section may be permitted, and any other uses shall be subject to the requirements for a Conditional Use Permit pursuant to Chapter 19.36 except for agricultural uses, including structures not more than 20 feet in height and not intended for human occupancy.

1. INDUSTRIAL/MANUFACTURING USE REGULATIONS

Permitted industrial/manufacturing uses within AD I include, but are not limited to, the following types of labor nonintensive activities provided they comply with the standards prescribed by this chapter:

- A. warehousing and storage;
- B. manufacture of stone, clays, leather, glass and similar products;

[Return to Municipal Code Contents]

- C. manufacture of lumber and wood products;
- D. printing and publishing;
- E. paper and allied products;
- F. furniture and fixtures;
- G. chemicals and allied products;
- H. outside storage activities;
- I. rubber and miscellaneous plastic;
- J. primary metal industries; and
- K. fabricated metal products.

The following regulations shall apply to all industrial uses permitted in AD I in addition to those regulations contained in other portions of this chapter:

- A. Lot size: The minimum net lot area shall be 35,000 square feet.
- B. Height restrictions: The maximum height of structures shall be 30 feet.
- C. Parking regulations: The parking restrictions and regulations outlined in Chapter 19.24 shall apply.
- D. Yard regulations: Yards are required as follows:
 - 1. Front yard: There shall be a front yard having a depth of not less than 50 feet from the planned public right-of-way line.
 - 2. Side yard: There shall be a side yard having a width of not less than 20 feet on each side of any structure.
 - 3. Rear yard: There shall be a rear yard having width of not less than 20 feet on each side of any structure.
- E. Signs are permitted in this district subject to the requirements prescribed in Chapter 19.22.

2. COMMERCIAL USE REGULATIONS

Permitted commercial uses within AD I include, but are not limited to, the following types of labor intensive activities, provided they comply with the standards prescribed in this Section.

- A. groceries and related wholesale;
- B. machinery, equipment, supplies, wholesale;
- C. hardware and metals, wholesale;
- D. other wholesale trade activities;
- E. building and lumber materials; retail; and
- F. furniture, home furnishings, retail.

Within AD I, no structure or premise shall be used for:

- A. food, retail;
- B. apparel and accessories, retail;
- C. eating and drinking places; and
- D. general merchandise, retail.

The following regulations shall apply to all commercial activities permitted in AD I in addition to those regulations contained in other portions of this chapter:

- A. Lot size: The minimum net lot area shall be 35,000 square feet.
- B. Height restrictions: The maximum height of structures shall be 30 feet.
- C. Parking regulations: The parking restriction and regulations outlined in Chapter 19.24 shall apply.
- D. Yard regulations: Yards are required as follows:
 - 1. Front yard: There shall be a front yard having a depth of not less than 30 feet from the planned public right-of-way.

2. Side yard: There shall be a side yard having width of not less than 20 feet on each side of any structure.
 3. Rear yard: There shall be a rear yard having a depth of not less than 20 feet on each side of any structure.
- E. Signs are permitted in this district subject to the requirements prescribed in Chapter 19.22.

3. ADMINISTRATIVE AND PROFESSIONAL SERVICE REGULATIONS

No administrative and professional service uses shall be permitted in AD I, except repair services.

4. PUBLIC AND QUASI-PUBLIC ADMINISTRATIVE USE REGULATIONS

No public and quasi-public administrative uses shall be permitted in AD I.

5. OUTDOOR RECREATION USE REGULATIONS

Permitted uses shall be limited to the following:

- A. golf courses; and
- B. horseback riding stables and trails (except that no public shows and public events shall be permitted).

6. RESOURCE PRODUCTION USE REGULATIONS

All resource production uses may be permitted in AD I including, but not limited to, the following activities:

- A. agricultural uses;
- B. commercial dairies; and
- C. mining.

19.12.060 Airport District Two (AD II)

This overlay district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a significant accident potential resulting from aircraft operations. Only those types of activities authorized by this chapter may be permitted, and any other uses shall be subject to the requirements of a Conditional Use Permit contained in Chapter 19.36 except for agricultural uses, including structures not more than 20 feet in height and not intended for human occupancy, as well as the applicable standards established herein.

1. INDUSTRIAL/MANUFACTURING USE REGULATION

Permitted industrial/manufacturing uses within AD II include, but are not limited to, the uses approved for Airport District I, and provided they comply with the standards prescribed by this chapter.

The following regulations shall apply to all industrial uses permitted AD II in addition to those regulations contained in other portions of this section:

- A. Lot size: The minimum net lot area shall be 35,000 square feet.
- B. Height restrictions: The maximum height of structures shall be 30 feet except where otherwise specified.
- C. Parking regulations: The parking restrictions and regulations outlined in Chapter 19.24 shall apply.
- D. Yard regulations: Yards are required as follows:
 - 1) Front yard: There shall be a front yard having a depth of not less than 50 feet from the planned public right-of-way line.
 - 2) Side yard: There shall be a side yard having a width of not less than 15 feet on each side of any structure.
 - 3) Rear yard: There shall be a rear yard having a depth of not less than 15 feet.
- E. Signs are permitted in this district subject to the requirements as prescribed in Chapter 19.22.

2. COMMERCIAL USE REGULATIONS

All commercial uses permitted in Section 19.06.020 (Table 06.01) may be allowed in AD II.

Within AD II, no structure or premises shall be used for the following:

- A. funeral chapels;
- B. auditoriums;
- C. sports arenas;
- D. gymnasiums;
- E. stadiums;
- F. churches;
- G. theaters; and
- H. restaurants, except that coffee shops not serving alcoholic beverages and fast food restaurants are permitted.

The following regulations shall apply to all commercial activities permitted in AD II in addition to those regulations contained in other portions of this chapter;

- A. Lot size: The minimum net lot area shall be 35,000 square feet.
- B. Height reductions: The maximum height of structures shall be 30 feet.
- C. Parking regulation: The parking restrictions and regulations outlined in Chapter 19.24 shall apply.
- D. Yard regulations: Yards are required as follows:
 - 1) Front yard: There shall be a front yard having a depth of not less than 30 feet from the planned public right-of-way line.
 - 2) Side yard: There shall be a side yard having a width of not less than 15 feet.

3) Rear yard: There shall be a rear yard having depth of not less than 15 feet.

E. Signs are permitted in this district subject to the requirements in Chapter 19.22

3. ADMINISTRATIVE AND PROFESSIONAL USE REGULATIONS

The type of administrative and professional service uses that may be allowed in AD II include, but are not limited to:

A. professional offices;

B. banks and other financial institutions;

C. electrical repair shops;

D. dry cleaning establishments; and

E. similar uses not involving high occupancy activities.

The following regulations shall apply to all administrative and professional service activities in addition to those appearing elsewhere in this chapter:

A. Lot size: The minimum net lot area shall be 35,000 square feet.

B. Height restrictions: The maximum height of structures shall be 30 feet.

C. Parking regulations: The parking restrictions and regulations outlined in Chapter 19.24 shall apply.

D. Yard regulations: Yards are required as follows:

1. Front yard: There shall be a front yard having a depth of not less than 25 feet from the planned public right-of-way line.

2. Side yard: There shall be a side yard having a depth of not less than 15 feet on each side of any structure.

3. Rear yard: There shall be a rear yard having a depth of not less than 15 feet.

E. Signs are permitted in this district subject to the requirements in Chapter 19.22.

[Return to Municipal Code Contents]

4. OUTDOOR RECREATION USE REGULATIONS

Permitted uses shall be limited to the following:

- A. Golf courses; and
- B. Horseback riding stables and trails (except that no public shows and public events shall be permitted).

5. RESOURCE PRODUCTION USE REGULATIONS

The following resource production uses may be permitted in AD II:

- A. Agricultural uses;
- B. Commercial dairies; and
- C. Mining.

19.12.070 Airport District Three (AD III)

This district is designed to regulate land use in an area characterized as having high noise levels. All new development located in this district shall incorporate a noise level reduction of 30 decibels. Where the contemplated use to be made of any structure makes noise reduction unnecessary or useless, the noise reduction requirements specified herein shall not apply, but approval may be subject to such conditions as to changes of use or subsequent uses as the Commission may impose.

19.12.080 Airport District Four (AD IV)

This district is designed to regulate land use in an area characterized as having high noise levels. All new development located in this district shall incorporate a noise level reduction of 25 decibels. Where the contemplated use to be made of any structure makes noise reduction unnecessary or useless, the noise reduction requirements specified herein shall not apply, but approval may be subject to such conditions as to changes of use or subsequent uses as the Commission may impose.

19.12.090 Airport District Five (AD V)

This district is designed to regulate land use in an area characterized as having high noise levels. All new development located in this district shall incorporate a noise level reduction of 20 decibels. Where the contemplated use to be made of any structure makes noise reduction unnecessary or useless, the noise reduction requirements specified herein shall not apply, but approval may be subject to such conditions as to changes of use or subsequent uses as the Commission may impose.

CHAPTER 19.12A A (AIRPORT) ZONE

Sections:

19.12A.010	Purpose
19.12A.020	Permitted, Development and Conditionally Permitted Uses
19.12A.030	Development Standards.
19.12A.040	General Provisions

Tables

19.12A.01	Airport Zone List of Permitted Uses
19.12A.02	Airport Zone Development Standardss

Guidelines

G19.12A.050	Airport Development Design Guidelines
--------------------	--

19.12A.010 Purpose

1. The purpose of this chapter is to achieve the following:
 - (A) To define specific uses and development standards related to the unique needs and requirements of an international airport.
 - (B) Ensure compatibility with adjacent land uses.
 - (C) Provide an appropriate area for airport-related activities and uses.

2. The purpose of the (A) Airport Zone is as follows:
 - (A) Provide for the conversion, reuse and expansion of the existing airfield and related facilities into an air carrier airport.
 - (B) Provide for a regionally important land use which will offer employment opportunities for existing and future residents of the City and surrounding communities.
 - (C) Provide for a land use that will meet the needs of and attract users from throughout the region.

19.12A.020 Permitted, Development and Conditionally Permitted Uses

The following list represents those primary uses in the Airport Zone which are Permitted (P), subject to a Development Permit (D) or a Conditional Use Permit (C).

TABLE 19.12A.01. AIRPORT ZONE LIST OF PERMITTED USES¹

Land Use Activity "A" Zone

1.	Accessory structures and uses typically appurtenant to a principally permitted land use activity.	D
2.	Air cargo and air freight terminals.	D
3.	Aircraft associated activities.	D
	(a) Aerial firefighting enterprises.	D
	(b) Aerial photo and surveying enterprises.	D
	(c) Air carrier, commuter, scheduled air taxi and air taxi operations.	D
	(d) Aircraft wash and wax operations.	D
	(e) Car rental.	D
	(f) Flying school or flying club administrative and classroom facilities.	D
	(g) Rental of hangar and tie-down space for aircraft storage.	D
	(h) Sale of aviation petroleum products.	D
	(i) Sale, rental or charter of aircraft.	D
	(j) Sale, rental or service of aircraft parts, avionics, instruments or other aircraft equipment.	D
	(k) Taxicabs, buses, limousines, rail and other ground transportation.	D

¹ Permits or development applications shall be accepted for processing only with the written authorization from the Executive Director of the Airport Authority.

- | | |
|---|---|
| (l) Training Facility. | D |
| 4. Aircraft manufacturing and assembly, including manufacture of aircraft component parts. | D |
| 5. Air freight warehousing with outside storage. | D |
| 6. Air Museum. | D |
| 7. Airport, airfield, helicopter field or port, landing and take-off runways and taxiways | D |
| 8. Buildings, improvements and activities primarily related to the operation of the airport facility, such as hangars, passenger terminal, operation towers, parking lots, fuel storage and refueling facilities, maintenance, security and public safety facilities. | D |
| 9. Cellular and microwave communication facilities. | D |
| 10. Fire training facility. | D |
| 11. Field crops, truck gardening, berry and bush crops, flower gardening, wholesale nurseries and similar open agricultural uses. | P |
| 12. Hotel/Motel. | C |
| 13. Interim Uses ² | D |
| 14. Intermodal Cargo Transfer Facility. | D |
| 15. Offices. | C |
| 16. Packaging and packing of perishable products for air transport. | D |
| 17. Preparation of chemical fire retardants as required for aerial fire fighting. | D |

² Interim Uses which are not airport or aviation related may be permitted on airport property for periods not to exceed 5 years. Interim uses shall be compatible with the airport operations and adjacent uses including those which may be located or planned off-site of the airport itself. Interim uses must be located within a fully enclosed structure.

- 18. Recreation uses such as park, golf course, golf driving range and similar recreational uses involving the open use of land without structures or improvements. D
- 19. Repair, maintenance, rebuilding, alteration or exchange of aircraft and aircraft engine components or other parts. D
- 20. Restaurant food service establishments including sale of alcoholic beverages, and retail sales as an accessory use within the terminal facilities. D
- 21. Temporary uses pursuant to Chapter 19.70, Temporary Use Permits, subject to approval by the Airport Authority Executive Director and the Director of Planning and Building Services. T
- 22. Truck Terminal including on-site maintenance. C

Other similar uses which the Director finds to fit within the purpose/intent of the Airport Zone in compliance with Section 19.02.070(3).

(Ord. MC-1393, 12-02-13)

19.12A.030 Development Standards

1. GENERAL STANDARDS

A. The following standards are minimum unless stated as maximum.

TABLE 19.12A.02 AIRPORT ZONE DEVELOPMENT STANDARDS ³

Minimum Parcel Site	1 acre
Building Separation	10 feet
Front Setback (external streets)	50 feet
Front Setback (internal streets)	10 feet
Side Street Setback	10 feet
Rear Setback	10 feet ⁴
Side Setback	10 feet ⁴

B. Airport Zone Standards

1. For purposes of this section, the following definitions shall apply:

- (a) **Airside:** Those land uses, activities and portions of building structures that fall on the airport operations side of a fenced boundary around the airport separating those operations from direct public access.
- (b) **Landside:** Those land uses, activities and portions of buildings and/or structures that face an adjacent public street or frontage road and are outside of a fence boundary separating the airport operations area from public access.

³ The maximum lot coverage and structure height shall be governed by Federal Aviation Administration (FAA) requirements and regulations.

⁴ These setbacks are only applicable to new construction on the landside area.

2. The line which separates the airside area from the landside area shall, for the purposes of this section, be referred to as the airside boundary. This boundary is shown on a map on file with the Department. This boundary may be adjusted administratively by the Director over time as development occurs on airport-owned property fronting on adjacent public streets
3. The following development standards shall be applicable to all development that occurs on the landside portion of the airside boundary.
 - (a) The provisions of Chapter 19.20 Property Development Standards shall apply.
 - (b) Setback - all structures shall be set back from Third Street and Del Rosa Avenue a minimum of 50 feet. A minimum of the first 25 feet adjacent to the street shall be landscaped. The remaining area may be used for automobile parking. The setback can be reduced to 25 feet where a frontage road is constructed on airport property adjacent to Third Street.
4. The regulations provided herein do not supersede or replace any regulations or limitations governing airport or airfields which have been enacted by State or Federal agencies, but are in addition to any such regulations or limitation. Where these regulations are in conflict, State and Federal regulations shall supersede the provisions of this chapter.
5. Security fencing to be installed on the airside boundary shall consist of eight (8) foot chain link with three (3) strands of barbed wire as approved by the FAA.

19.12A.040 General Provisions

1. Non-Conforming Structures - The existing structures within the boundaries of this district shall be exempt from the provisions of Section 19.62.020(7) of this Development Code for a period of 10 years, commencing on the effective date of this Chapter 19.12A.
2. Off-Site or Shared Parking - Development on the airport shall have the ability for off-site or shared parking. Parking improvements shall be consistent with the provisions of this section.
3. All tenant identification and public information shall meet the provisions of Chapter 19.22, Sign Regulations, of this Development Code.

(Ord. MC-932, 1-24-95)

[\[Return to Municipal Code Contents\]](#)

G19.12A.050 AIRPORT DEVELOPMENT DESIGN GUIDELINES

1. GENERAL

Design Guidelines for airport development shall be the same as the applicable to the Industrial zones (Sec G 19.08.050) except as modified herein.

Ord. MC-1393, 12-02-13

2. APPLICABILITY

The provisions of this section shall apply to all development located in the landside portion of the San Bernardino International Airport, as defined in Section 19.11.030(B)(1)(b) of this chapter and shown on a map on file in the Department. Any addition, remodeling, relocation, or construction requiring a building permit shall adhere to these guidelines where applicable.

[Return to 19.12A]

CHAPTER 19.13 CCS (CENTRAL CITY SOUTH) ZONE

Sections:

- 19.13.010 Purpose**
- 19.13.020 Applicability**
- 19.13.030 Establishment of Zones**
- 19.13.040 Development Standards**
- 19.13.050 Uses Permitted**

19.13.010 Purpose

The purpose of this zone is to provide the basis for a cohesive, functional, and economically productive environment.

19.13.020 Applicability

The CCS (Central City South) Zones include an area bounded by the centerline of Rialto Avenue on the north, the centerline of Inland Center Drive on the south, the centerline of "E" Street on the east, and the east right-of-way of the I-215 freeway on the west.

19.13.030 Establishment of Zones

The following zones and their general description and location are as follows:

(Ord. MC-1393, 12-02-13)

1. CCS-1:

General retail-type uses are permitted. The zone is generally between "E" Street and the I-215 Freeway, and between Inland Center Drive and Rialto Avenue.

2. CCS-2:

Limited manufacturing, warehousing, research and development, and service commercial (including auto repair) uses are permitted. The zone is located on the north side of the intersection of Mill and "G" Streets.

3. CCS-3:

The flood control channel which flows through Central City South.

19.13.040 Development Standards

The following development standards shall apply:

1. LANDSCAPING

All development in the CCS zones is subject to Chapter 19.28 (Landscaping Standards) of this Development Code. The Parks Department shall refer to the "Landscape Palette" contained in the Central City South Design Guidelines for appropriate plant materials when reviewing for approval of any landscape plans.

2. PARKING AND LOADING

All development in the CCS zones is subject to Chapter 19.24 (Off-Street Parking Standards) and Chapter 19.26 (Off-Street Loading Standards) of this Development Code.

3. SIGNS

All development in the CCS zones shall be subject to Chapter 19.22 (Sign Standards) of this Development Code. Table 22.01(C) is applicable.

4. STANDARDS

A. CCS-1 ZONE

- 1) Maximum non-retail building frontage along "E" Street shall be 25% of each parcel.
- 2) Building height - maximum 2 stories (30 feet).
- 3) "E" Street front setback - 30 feet from curb face.
- 4) Minimum lot size for new subdivisions - 10,000 square feet.
- 5) In addition to these standards, the standards and guidelines contained in Chapter 19.06 (Commercial Zones) of this Development Code are applicable to all development and uses in the CCS-1 subzone.

6) Parcels located on the west boundary of the CCS zone which are also in the FC (Freeway Corridor Overlay) zones shall be subject to Chapter 19.14.

7) Should any standards conflict, the more restrictive shall apply.

B. CCS-2 ZONE

Uses and development in the CCS-2 zone are subject to the standards and guidelines contained in Chapters 19.06 and 19.08 (Commercial and Industrial Zones) of this Development Code, with a minimum lot size for new subdivisions of 1 acre and a height limitation of a maximum of 2 stories or 50 feet.

C. CCS-3 ZONE

This subzone is governed by Chapter 19.10 (Public Flood Control Zone) of this Development Code.

19.13.050 Uses Permitted

Uses listed under each zone shown in Table 06.01, Commercial and Industrial Zones, List of Permitted Uses, are permitted with a Conditional Use or Development Permit.

Chapter 19.14

FC (Freeway Corridor Overlay) Zone

Sections:

- 19.14.010 Purpose**
- 19.14.020 Applicability**
- 19.14.030 Development Standards**

19.14.010 Purpose

The purpose of this overlay zone is to provide special design guidelines-standards which address the siting and design of non-residential structures within the immediate viewshed of motorists traveling the I-10 and I-215 freeway corridors and State Highway 30 and its connecting segment to the I-215.

(Ord. MC-1393, 12-02-13)

19.14.020 Applicability

The FC (Freeway Corridor Overlay) zone shall be in effect in all non-residential zones for a distance of 500 feet from the edge of the freeway right-of-way. Any parcel wholly or partially within this area is subject to these requirements.

(Ord. MC-1057, 9-09-99)

As an overlay, this zone is applied in addition to those standards of the underlying zone. Any developments within the geographic limits of this zone shall conform to the requirements of both zones or the more restrictive of the two.

19.14.030 Development Standards

The following development standards shall apply:

(Ord. MC-1362, 8-02-11)

1. SERVICE, LOADING, AND EQUIPMENT STORAGE AREA SCREENING

Service areas including storage, special equipment, maintenance, and loading areas shall be screened with landscaping and architectural elements. The purpose is to hide those areas from the freeways. Loading docks and service areas shall be located on interior side yards and concealed from public freeway view (side yard opposite the direction of traffic).

Utility equipment and communication devices located on the grounds shall be screened so that the site will appear free of all such devices. Utility lines for water, gas, sewage, electrical, and communication shall be installed underground.

Refuse collection areas are to be visually screened with a solid perimeter wall using materials and colors compatible with those of the adjacent structures. Refuse collection areas are to be located on an interior building side yard and shall be roofed if the contents of the area are visible from any freeway.

Service, storage, and maintenance areas shall be constructed and maintained according to the following standards:

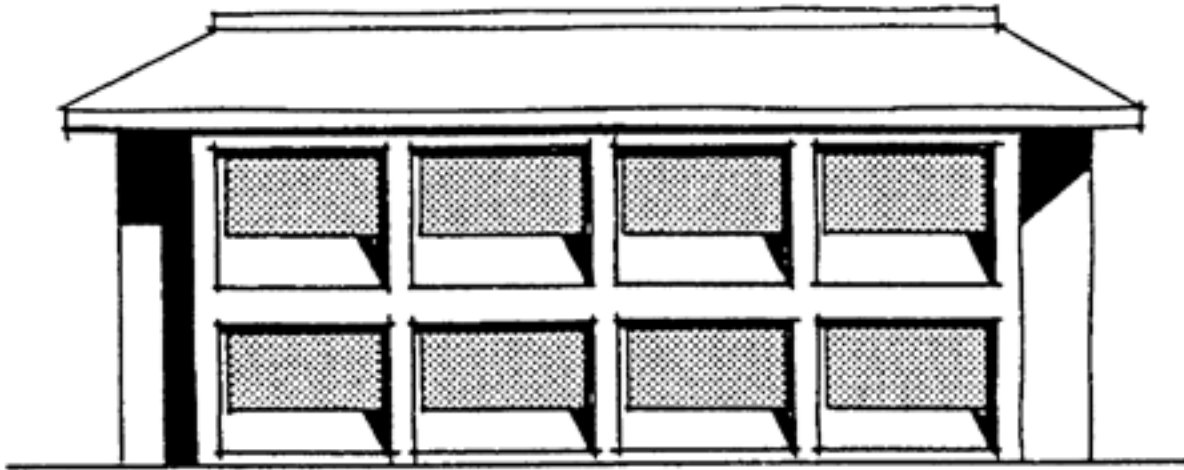
- A. No materials, supplies or equipment, including trucks or other motor vehicles, are to be stored on-site except inside an enclosed structure or behind architectural screening, to prevent visibility from the freeway. The storage of vehicles for sale is exempt from this requirement.
- B. All storage areas shall be screened by walls and shall be located on the side or rear portions of structures.
- C. Architectural screening shall be constructed of the same materials and finishes compatible with the adjacent structure, and shall be designed and placed to complement the building design.
- D. No service, storage, maintenance, or loading area may extend into a landscape setback buffer area.

2. BUILDING FACADE

Desirable:

- A. Facades should be designed to convey a sense of order through the interplay of light, shadow and texture. Facade articulation should reinforce a sense of quality and integrity.
- B. A sophisticated refinement of the building proportions and fenestration details should be carefully conceived to achieve desired goals.

- C. Facades shall reflect the quality and the sense of order of the underlying structure in a clear and consistent manner. Window panels (if used) and spandrels shall be differentiated and the percentage of window glass to non-glass area should be a minimum of 25% (window) and 25% (wall) in retail uses.
- D. Recessed or articulated wall surfaces, columns and beams will help to visually segment an otherwise massive exterior wall surface.



Undesirable:

- A. No boxy and monotonous facades which lack a sense of scale shall be permitted.
- B. No weak or token expressions of structure or an inconsistent statement of structure shall be permitted.
- C. No arbitrary, decorative, or stylized architectural treatments shall be permitted.
- D. No large amounts (more than 70% of wall surface) of reflective glass shall be permitted.

3. MECHANICAL EQUIPMENT

Roof-mounted mechanical equipment shall be screened on all sides. Any devices located on the structure shall be properly screened to minimize visual impact. The color of these devices shall match the building color.

Structures shall appear free of all utility and communication devices. Satellite dishes and antennas shall be ground mounted unless technically infeasible, and shall be located and treated in a manner that reduces visibility from freeways. All installation locations shall be noted on the site plans.

4. FREEWAY SIGNS

- A. Freeway signs are limited to identifying the complex, major anchor tenant, structure, or company occupying the site, or a qualifying offsite business, pursuant to Section 19.22.080(4) of this Development Code.

(Ord. MC-929, 12-20-94)

- B. Freeway signs are permitted on parcels with more than 100 feet of freeway or street frontage in addition to other signs allowed.
- C. Freeway signs shall be perpendicular to the freeway. Location shall be approximately midway between side property lines.
- D. Projects over five acres in size with more than 1,000 feet of freeway frontage may be permitted two freeway adjacent signs at the discretion of the Commission. These signs shall not be placed closer than 600 feet to each other. All other regulations shall apply.
- E. Buildings, such as hotels and restaurants, fronting the freeway are entitled to have a freeway sign and a building sign visible from the freeway.
- F. Any tree that is removed to accommodate the installation of any sign shall be replaced with a minimum 48-inch box tree.

(Ord. MC-1057, 9-09-99)

5. PROHIBITED STRUCTURES

Structures with open, exposed cranes are prohibited.

CHAPTER 19.15 FF (FOOTHILL FIRE ZONES OVERLAY) ZONE

Sections:

- 19.15.010 Purpose
- 19.15.020 Applicability
- 19.15.030 Definitions
- 19.15.040 Standards

19.15.010 Purpose

The purpose of the Foothill Fire Zones Overlay zone is to mitigate the spread of fire, to help minimize property damage and to reduce the risk to the public health and safety.

(Ord. MC-1393, 12-02-13)

19.15.020 Applicability

This overlay zone identifies three foothill fire zones that have different degrees of hazard based on slope, type of fuel present and natural barriers. The foothill fire zones are: A-Extreme Hazard, B-High Hazard, and C-Moderate Hazard. Fire Zones A and B shall be determined by the slope analysis, submitted with the project application. A reference map specifying identified fire zones within the City is on file with the Department.

19.15.030 Definitions

Fire Model. A computer generated model done by an independent contractor, company or firm to demonstrate the effects of an urban - wildland interface fire. This model is designed to demonstrate the minimum required fuel modification necessary to protect existing or proposed structures in the high fire hazard areas. All factors are taken into account including, but not limited to structure(s), amount and arrangement of surrounding vegetation, topography and annual climatic conditions.

Fire Zone A. Fire Zone A is determined based on slope. Fire Zone A includes areas with slopes of 30% or greater.

Fire Zone B. Fire Zone B is also determined based on slope. Fire Zone B includes area with slopes between 15-30%.

Fire Zone C. Fire Zone C includes those areas with slopes of 0 to 15%.

Fire Zone C, Abutting Wildlands. Fire Zone C, Abutting Wildlands is defined as those lots on the perimeter of a tract that are adjacent to wildlands.

[\[Return to Municipal Code Contents\]](#)

Fuel Modification. Fuel modification is a wide strip of land where flammable native vegetation has been removed or modified, and partially or totally replaced with drought tolerant fire-resistive plants. Fuel modification provides a more acceptable level of risk from wildland fires and provides a more acceptable level or risk from wildland fires and provides a safer area in which to take fire suppression action.

Wildlands. Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

19.15.040 Standards

The following standards shall apply to all, or some, of the foothill fire zones as noted by the letter(s) in parenthesis following the standard.

1. ACCESS AND CIRCULATION

- A. Local hillside street standards shall be used to minimize grading and erosion potential while providing adequate access for vehicles, including emergency vehicles. The right-of-way shall be 48.5 feet with 40 feet of paved width and parking on both sides and a sidewalk on one side. (A + B)
- B. Streets shall have a paved width of 32 feet with parking and sidewalk on 1 side of the street only and right-of-way of 40.5 feet, subject to review and recommendation by the Fire Chief and the City Engineer, with approval by the Commission. (A + B)
- C. Subdivisions shall be designed to allow emergency vehicle access to wildland areas behind structures. This is to be accomplished in either of two ways:
 - 1. Provide a perimeter street along the entire wildland side of a development; or
 - 2. Provide a fuel-modified area, a minimum of 150 feet in depth from the rear of the structure, adjacent to the subdivision and connected to the interior street by flat 12-foot minimum access ways placed no more than 350 feet apart. If designed as a gated easement, access ways may be part of a side yard. (A + B, and C where abuts wildlands.)
- D. No dead-end streets are permitted. Temporary cul-de-sacs are required. (A+B+C)

- E. All permanent cul-de-sac turnarounds and curves shall be designed with a minimum radius of 40 feet to the curb face. No parking shall be allowed on the bulb of a cul-de-sac. (A+B+C)
- F. Cul-de-sacs to a maximum of 750 feet in length may be permitted with a maximum of 30 dwelling units, and to a maximum of 1,000 feet in length with a maximum of 20 dwelling units. (A+B)
- G. Driveways to residential garages of more than 30 feet in length shall extend for a minimum distance of 20 feet from the garage, on a maximum grade of 5%. Driveways less than 30 feet in length shall have a maximum grade of 8% for a minimum distance of 20 feet from the garage. No portion of a driveway shall exceed a grade of 15%, unless approved by the Fire Chief and City Engineer. Driveways shall be designed so that the algebraic difference in grades will not cause a vehicle to drag or hang-up. (A+B+C)
- H. Hillside collector and arterial streets shall not exceed 8% grade. Hillside residential streets shall not exceed 15% grade. Grades of streets shall be as provided in this subsection, unless otherwise approved in writing by the Public Services, Fire, and Public Works Departments. (A+B+C)
- I. A tentative tract or parcel map shall provide for at least two different standard means of ingress and egress which provide safe, alternate traffic routes subject to approval by the Fire Department. The two separate means of access shall be provided pursuant to Section 19.30.200 of this Development Code. (A+B+C)

2. SITE AND STREET IDENTIFICATION

- A. Non-combustible and reflective street markers shall be visible for 100 feet pursuant to City standards. (A+B+C)
- B. Non-combustible building addresses of contrasting colors shall be placed on the structure fronting the street. Four-inch high (residential) and 5-inch high (commercial) lettering and numbers visible at least 100 feet are required. (A+B+C)

3. ROADSIDE VEGETATION

All vegetation shall be maintained and all dead plant material shall be removed for a distance of 10 feet from curblines. (A+B+C)

4. WATER SUPPLY

- A. Static water sources such as fire hydrants and wells shall have clear access on each side of at least 15 feet. (A+B+C)
- B. A minimum of two private spigots facing the foothills/wildlands shall be required for each structure. (A+B+C)
- C. Fire hydrants shall be identified with approved blue reflecting street markers. (A+B+C)
- D. Each cul-de-sac greater than 300 feet in length shall have a minimum of 1 hydrant. (A+B+C)
- E. Minimum fire flow shall be 1,000 gallons per minute. (A+B+C)

5. EROSION CONTROL

- A. All fills shall be compacted. (A+B+C)
- B. For all new projects, erosion and drainage control plans must be prepared by a licensed civil engineer, and be approved prior to permit issuance. (A+B+C)
- C. The faces at all cut and fill slopes shall be planted with a ground cover approved by the City Engineer. This planting shall be done as soon as practicable and prior to final inspection. Planting of any slope less than five feet in vertical height, or a cut slope not subject to erosion due to the erosion-resistant character of the materials, may be waived by the City Engineer. An automatic irrigation system shall be installed for planted slopes in excess of 15 feet in vertical height, unless recommended otherwise in the preliminary soils report or waived by the City Engineer. If required by the City Engineer, a recommendation for types of planting materials shall be obtained from a Landscape Architect. The Landscape Architect shall, prior to final inspection, provide the City Engineer with a statement that the planting has been done in compliance with recommendations approved by the City Engineer. (A+B+C)
- D. Erosion landscaping plans shall incorporate the use of fire resistant vegetation. (A+B+C)

- E. All parties performing grading operations, under a grading permit issued by the City Engineer, shall take reasonable preventive measures, such as sprinkling by water truck, hydroseeding with temporary irrigation, dust palliative, and/or wind fences as directed by the City Engineer, to avoid earth or other materials from the premises being deposited on adjacent streets or properties, by the action of storm waters or wind, by spillage from conveyance vehicles or by other causes. Earth or other materials which are deposited on adjacent streets or properties shall be completely removed by the permittee as soon as practical, but in any event within 24 hours after receipt of written notice from the City Engineer to remove the earth or materials, or within such additional time as may be allowed by written notice from the City Engineer. In the event that any party performing grading shall fail to comply with these requirements, the City Engineer shall have the authority to engage the services of a contractor to remove the earth or other materials. All charges incurred for the services of the contractor shall be paid to the City by the permittee prior to acceptance of the grading. (A+B+C)

6. CONSTRUCTION AND DEVELOPMENT DESIGN

- A. Building standards governing the use of materials and construction methods for structures contained within the Foothill Fire Zones shall be in accordance with the San Bernardino Municipal Code Section 15.10.
- B. A slope analysis shall be filed with all discretionary applications for all projects in Fire Zones A & B consistent with the Hillside Management section of the General Plan and Section 19.17.080(2) of this Development Code. (A+B)
- C. Structures shall be located only where the upgraded slope is 50% or less. If the building pad is adjacent to a slope which is greater than 50% and is greater than 30 feet in height, a minimum pad setback of 30 feet from the edge of the slope is required. The setback may be less than 30 feet only when the entire slope, or 100 feet adjacent to the building pad, whichever is less, is landscaped with fire resistant vegetation and maintained by an automatic irrigation system. (A+B)
- D. All proposed property lines shall be placed at the top of slopes, except where the original parcel's exterior boundary line does not extend to the top of the slope. (A+B+C)
- E. Development on existing slopes exceeding 30% or greater may occur if in conformance with all applicable ordinances, statutes and California Environmental Quality Act review. (A)

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- F. Structures shall be permitted in narrow canyon mouths or ridge saddles, only if approved by the City Engineer and Fire Department. (A+B)
- G. All new structures requiring permits, including accessory structures, guest housing or second units shall conform to all applicable fire zone standards. (A+B+C)
- H. Excluding openings, all exterior elements, including walls, garage doors, fences, etc., shall be free of exposed wood (as defined in Chapter 15.10). (A+B, and C where abuts wildlands.)
- I. The minimum distance between structures shall be 60 feet in Zone A and 30 feet in Zone B, unless otherwise approved by the Fire Chief with concurrence by the Development Review Committee. (A+B)
- J. A fuel-modification plan, or a reasonable equivalent alternative as approved by the Fire Chief is required. The plan, shall include a "wet zone" of a minimum depth of 50 feet of irrigated landscaping behind any required setback and "thinning zones" of a minimum depth of 100 feet of drought tolerant, low volume vegetation, adjacent to any natural area behind structures and provisions for maintenance. A fire model shall be prepared pursuant to Section 19.30.200(6) (D)(3). (A+B, and C where abuts wildlands.)
- K. Retrofitting of any element is required when more than 25% replacement of that element occurs; i.e., roofing, fencing. (A+B+C)

7. MISCELLANEOUS

- A. All future transfers of property shall disclose to the purchaser at the time of purchase agreement and the close of escrow the high fire hazard designation applicable to the property. (A+B+C)
- B. Firebreak fuel modification zones shall be maintained, when required, through homeowner associations, assessment districts or other means. (A+B+C)

CHAPTER 19.16 FP (FLOOD PLAIN OVERLAY) ZONE

Sections

19.16.010	Purpose
19.16.020	Definitions
19.16.030	General Provisions
19.16.040	Administration
19.16.050	Provisions for Flood Hazard Reduction
19.16.060	Floodways
19.16.070	Mud Slide (i.e., Mud Flow) – Prone Areas
19.16.080	Flood-Related Erosion-Prone Areas
19.16.090	Appeals and Variances

19.16.010 Purpose

The purpose of the Flood Plain Overlay zone is to protect public health, safety, and general welfare, and to minimize hazards due to flooding in specific areas as identified by the latest adopted Flood Insurance Rate Maps, in addition to the following:

(Ord. MC-1393, 12-02-13)

1. To minimize expenditure of public money for costly flood control projects;
2. To minimize the need for the rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. To minimize prolonged business interruption;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
5. To help maintain a stable tax base by providing for the second use and development of area of special flood hazard so as to minimize future flood blight areas;
6. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion of flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

19.16.020 Definitions

In addition to those terms defined in Section 19.02.050, the following definitions shall apply:

Appeal. A request for a review of the City Engineer's interpretation of any provision of this Chapter.

Area of shallow flooding. A designated AO, AH, or CP Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

Area of special flood-related erosion hazard. The area of subject to severe flood-related erosion losses. The area is design is designated as Zone E on the Flood Insurance Rate Map (FIRM).

Area of special flood hazard. See "Special flood hazard area."

Area of special mud slide (i.e., mud flow hazard). The area subject to severe mud slides (i.e. mud flows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood").

[\[Return to Municipal Code Contents\]](#)

Basement. Any area of the building having its floor subgrade - i.e., below ground level – on all sides.

(Ord. MC-1062, 11-16-99)

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

(Ord. MC-1062, 11-16-99)

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation or run-off of surface water from any source, and/or the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Boundary and Floodway Map. The official map on which at the General Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency of Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source (see "Flooding").

Floodplain management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

[Return to Municipal Code Contents]

Floodplain management regulations. Development Code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. Also referred to as "Regulatory floodway."

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Hardship. The exceptional hardship that would result from a failure to grant a requested variance. The variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(Ord. MC-1062, 11-16-99)

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for sale or rent.

[\[Return to Municipal Code Contents\]](#)

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this Development Code.

One hundred year flood. A flood which has a 1% annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this Chapter.

Remedy a violation. To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Development Code or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area (SFHA). An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, CO, C1-V30, VE, or V.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(Ord. MC-1062, 11-16-99)

[\[Return to Municipal Code Contents\]](#)

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. MC-1062, 11-16-99)

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. MC-1062, 11-16-99)

Watercourse. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. MC-1062, 11-16-99)

[Return to Municipal Code Contents]

19.16.030 General Provisions

1. This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mud slide (i.e. mud flow) hazards within the jurisdiction of the City.
2. The areas of special flood hazard, areas of flood-related erosion hazards and areas of mud slide (i.e. mud flow) hazards identified by the Federal Insurance Administration of the Federal Emergency Management Agency in the Flood Insurance Study dated March, 1996, and accompanying Flood Insurance Rate Maps, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. This Flood Insurance Study is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Council by the City Engineer.
3. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.
4. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other code, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more restrictive restrictions shall prevail.
5. In the interpretation and application of this chapter, all provisions shall be:
 - A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and
 - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
6. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mud slide (i.e. mud flow) hazards or uses permitted within

[\[Return to Municipal Code Contents\]](#)

such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

19.16.040 Administration

1. A Flood Control Development Permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mud slide (i.e., mud flow) established in Section 19.16.030(2). An application for a Flood Control Development Permit shall be made on forms furnished by the City Engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of same. Specifically, the following information is required:
 - A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in zone AP or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
 - B. Proposed elevation in relation to mean sea level to which any structure will be flood-proofed;
 - C. All appropriate certifications listed in Section 19.16.050(3) of this Chapter; and
 - D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
2. The City Engineer is hereby appointed to administer and implement this chapter by granting or denying Flood Control Development Permits in compliance with its provisions.
3. The duties and responsibilities of the City Engineer, as related to this Chapter, shall include, but not be limited to:
 - A. PERMIT REVIEW
 1. Review all Flood Control Development Permits to determine that the permit requirements of this Chapter have been satisfied;
 2. All other required state and federal permits have been obtained;

[Return to Municipal Code Contents]

3. The site is reasonably safe from flooding;
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but the floodway has not been designated. For the purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point.
- B. When base flood elevation data has been provided in compliance with Section 19.16.030(2), the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 19.16.050. Any such information shall be submitted to the Council for adoption.
- C. Whenever a watercourse is to be altered or relocated, the City Engineer shall:
1. Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration;
 2. Require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.
- D. Secure and maintain for public inspection and availability the certifications, appeals and variances identified in Section 19.16.050(3) and Section 19.16.090.
- E. Make interpretation where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mud slide (i.e., mud flow) (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.16.090.
- F. Take action to remedy violations of this Chapter as specified in Section 19.72.

19.16.050 Provisions for Flood Hazard Reduction

In all areas of special flood hazards the following standards shall apply:

1. ANCHORING
 - A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. All manufactured homes shall meet the anchoring standards of Section 19.16.050(6).
2. CONSTRUCTION MATERIALS AND METHODS
 - A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. Require within Zones AH, AO, or VO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
3. ELEVATION AND FLOOD-PROOFING
 - A. New construction and substantial improvement of structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures shall meet the standards in Section 19.16.050(3)(C). Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer to be properly elevated. The certification or verification shall be provided to the City Engineer.

- B. New construction and substantial improvement of any structure in Zone AH, AO, or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least 2 feet if no depth number is specified. Nonresidential structures shall meet the standards in Section 19.16.050(3)(C). Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer, or verified by the building inspector to be properly elevated. The certification or verification shall be provided to the City Engineer.
- C. Nonresidential construction shall either be elevated in conformance with Section 19.16.050(3)(A)(B) or (D) or together with attendant utility and sanitary facilities:
1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. The certifications shall be provided to the City Engineer.
- D. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters; or
 2. Be certified to comply with a local flood-proofing standards approved by the Federal Insurance Administration.
- E. Manufactured homes shall also meet the standards in Section 19.16.050(6).

4. STANDARDS FOR UTILITIES

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. STANDARDS FOR SUBDIVISIONS

Applications for Tentative Tract and Parcel Maps shall contain the requirements identified in Section 19.48 and 19.50 (content and form) in addition to the following:

- A. Identify the flood hazards area and the elevation of the base flood.
- B. All Final Maps shall provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be verified by a registered professional engineer or surveyor and provided to the City Engineer.
- C. All proposals shall be consistent with the need to minimize flood damage.
- D. All proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- E. All proposals shall provide adequate drainage to reduce exposure to flood hazards.

6. STANDARDS FOR MANUFACTURED HOMES

All new and replacement manufactured homes and additions to manufactured homes shall be constructed in the following manner:

- A. Be elevated so that the lowest floor is at or above the base flood elevation;
and

- B. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements include:
1. Over-the-top ties be provided at each of the four corners of the manufactured homes, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 4. Any additions to the manufactured homes be similarly anchored.

19.16.060 Floodways

1. Located within areas of special flood hazard established in Section 19.16.030(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If Section 19.16.060(1) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 19.16.050.

19.16.070 Mud Slide (i.e., Mud Flow) - Prone Areas

1. The City Engineer shall review permits for proposed construction or other development to determine if it is proposed within a mud slide area.
2. Permits shall be reviewed to determine that the proposed development is reasonably safe from mud slide hazards. Factors to be considered in making this determination shall include but are not limited to:
 - A. The type and quality of soils;
 - B. Evidence of ground water or surface water problems;
 - C. The depth and quality of any fill;
 - D. The overall slope of the site; and
 - E. The weight that any proposed development will impose on the slope.
3. Within areas which have mud slide hazards, the following requirements shall apply:
 - A. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
 - B. The proposed grading, excavation, new construction and substantial improvements shall not aggravate the existing hazard by creating either on-site or off-site disturbances; and
 - C. The proposed grading, excavations, new construction and substantial improvements shall not aggravate the existing hazard by creating either on-site or off-site disturbances; and
 - D. Drainage, planting, watering, and maintenance shall not endanger slope stability.
4. Within Zone M on the Flood Insurance Rate Map, excavation, grading and drainage shall be constructed in compliance with Chapter 70 of the Uniform Building Code as modified by Municipal Code Sections 15.04.120 through 15.04.220. The following information shall be provided:
 - A. The location of foundation and utility systems of new construction and substantial improvements;

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- B. The location, drainage, and maintenance of all excavations, cuts and fills, and planted slopes;
- C. Protective measures including but not limited to retaining walls, fills, subdrains, diverter terraces, benchings, etc.; and
- D. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.

19.16.080 Flood-Related Erosion-Prone Areas

1. The City Engineer shall require permits for proposed construction and other development within all flood-related erosion-prone areas identified within the City.
2. The permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonable safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
3. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, the improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

19.16.090 Appeals and Variances

1. The Commission shall hear and decide appeals and requests for flood control variances from the requirements of this Chapter.
 - A. The Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this Chapter.
 - B. In passing upon such applications, the Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and;
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger of life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood and the effect of such damage on the individual owner;

[Return to Municipal Code Contents]

4. The importance of the services provided by the proposed facility to the City;
 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 6. The compatibility of the proposed use with existing and anticipated development;
 7. The relationship of the proposed use to the General Plan and flood plain management program for that area;
 8. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- C. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this Section.
- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 19.16.050 through 19.16.080 have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.
- E. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- F. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- G. Flood control variances shall only be issued if:
1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with the Municipal Code.
- H. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 19.16.050 through 19.16.080 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- I. Upon consideration of the factors in this Section and the purposes of this Chapter, the Commission may impose conditions to the granting of flood control variances as it deems necessary to further the purposes of this Chapter.
- J. Any applicant to whom a variance is granted shall be given written notice that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 2. Such construction below base flood level increases risks to life and property. A copy of the notice shall be recorded by the City Engineer in the office of the San Bernardino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. MC-1062, 11-16-99)

- K. The City Engineer shall maintain the records of variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

(Ord. MC-1062, 11-16-99)

[Return to Municipal Code Contents]

CHAPTER 19.17 HM (HILLSIDE MANAGEMENT OVERLAY) ZONE

Sections:

- 19.17.010 Purpose**
- 19.17.020 Policies**
- 19.17.030 Applicability**
- 19.17.040 Permitted and Conditionally Permitted Uses**
- 19.17.050 Conditional Use Permit Required**
- 19.17.060 Development Standards**
- 19.17.070 Development Performance Standards**
- 19.17.080 Conditional Use Permit Processing**
- 19.17.090 Applicable Regulations**

19.17.010 Purpose

The purpose of this overlay zone is to provide for low-density residential development in the City's hillside areas and to assure that this development occurs in a manner which protects the hillside's natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and the public health, safety, and general welfare.

(Ord. MC-1393, 12-02-13)

This protection is obtained by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring.

It is the intent to encourage a sensitive form of development while still allowing for residential uses which complement the natural and visual character of the City and its hillsides.

19.17.020 Policies

The regulations, development standards, and design guidelines set forth in this section are based on the following policies:

1. To minimize the effects of grading and ensure that the natural character of hillside areas is retained;
2. To preserve the most visually significant slope banks and ridgelines in their natural state by providing for low density development;
3. To encourage variety in housing types, padding techniques, grading techniques, lot sizes, site design, density, arrangement, and spacing of homes and developments;

[\[Return to Municipal Code Contents\]](#)

4. To encourage innovative architectural, landscaping, circulation, and site design;
5. To discourage mass grading of large pads and excessive terracing;
6. To provide for safe circulation of vehicular and pedestrian traffic to and within hillside areas, and to provide adequate access for emergency vehicles necessary to serve hillside areas;
7. To take into account unstable slopes, or slopes subject to erosion and deterioration, in order to protect human lives and property;
8. To encourage design and building practices to assure maximum safety from wild fire hazard; and
9. To preserve visually significant rock outcroppings, native plant materials, and natural hydrology.

19.17.030 Applicability

This zone is intended to be the approximate location of the hillside areas along the foothills in the northern area of the City. The foothill area is defined as that area of 15% or greater slope as shown on the General Plan Land Use Plan map on file in the Department.

Areas of 15% natural slope or less along the external border of the zone at the base of the hillsides, as determined by the preparation of a slope map by a licensed civil engineer, may be excluded from the density and development provisions of this Section. Those areas excluded shall revert to the underlying zone density and development standard provisions.

The standards contained in this section apply to all subdivisions, uses, and structures within the District and are in addition to those of the zone.

(Ord. MC-1393, 12-02-13)

19.17.040 Permitted and Conditionally Permitted Uses

Uses permitted or conditionally permitted within the HM Overlay Zone shall be the same as those for the underlying district.

A Conditional Use Permit shall be required for all tentative tract and parcel maps and non-residential uses.

19.17.050 Conditional Use Permit Required

A Conditional Use Permit, in accordance with the requirements of Chapter 19.36 of this Development Code, shall be required for all applicable uses and structures permitted in this overlay zone except in-fill single family homes on existing lots of record which will require a Development Permit.

19.17.060 Development Standards

1. DENSITY

Notwithstanding the density allowed by the underlying land use district or the amenities or Senior Citizen and Senior Congregate Care density bonus provisions, the maximum density on any parcel to which this section applies shall not exceed the units per acre for each of the average percent slope ranges indicated below.

Average Slope (%)	Units Per Acre
0 to 15	2.0
15+ to 25	1.0
25+ to 30	0.5
30+ and above	0.1

(Note: For areas with an average slope above 40%, density transfer is encouraged.)

The computation of the maximum number of lots is intended solely to set up an absolute maximum. A lesser number of units may prove to be the maximum permitted based upon compliance with other hillside development and grading requirements.

2. DENSITY TRANSFER

Within a project, in the Hillside Management Overlay zone, a density transfer may be granted when permitted development is transferred from one slope category to a lower slope category. In consideration for such a transfer of development, the allowable density of the lower slope category may be increased by 50%. For example, if density/ development is transferred from the 25% to 30% slope category (from the above table) to the next lower category (15% to 25%), the allowable density of the lower category, 1.0 dwelling units per

acre, may be increased to 1.5 units per acre. Similarly, if development is limited from the 30% and above slope category and transferred to the 0% to 15% slope category, the allowable density may be increased by 50%, or from two units per acre to three units per acre.

In no situation shall the total number of units permitted for any project exceed the number of units that would have been permitted without any transfer of density.

A project may transfer density outside the Hillside Management Overlay zone, if the project area is included in a Specific Plan. A General Plan Amendment may also be necessary.

Areas from which density is transferred shall be restricted from future development in an appropriate manner.

3. MINIMUM PARCEL SIZE

No absolute minimum parcel size, widths and depths are specified.

4. SETBACKS

Front, side, and rear setbacks shall be determined based upon the precise development plan and environmental studies and in conformance with FF (Foothill Fire Zones) Overlay requirements.

5. BUILDING HEIGHT

Applicable only to in-fill single family residential construction of more than one story on existing lots of record, if there is a grade separation of more than eight feet and less than 20 feet between the average level of the lot proposed for construction and the immediately uphill lot.

- A. The maximum height of a proposed structure shall not exceed the midpoint of the structure on the immediately uphill lot.
- B. Where there is no structure on the immediately uphill lot, the maximum height shall not exceed a point eight feet above the average ground level of the uphill lot.
- C. "Immediately uphill lot" shall mean an adjacent lot, whether or not separated by streets, easements, or the like, which has an average ground level higher than the average ground level of the subject lot. If more than one lot meets the definition of "immediately uphill lot" then the measurements required by this section shall be made against the lower lot.

[\[Return to Municipal Code Contents\]](#)

- D. "Midpoint" shall be that point equidistant from the foundation at ground level to the apex of the roof, but not including roof structures, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls skylights, towers, flagpoles, chimneys, smokestacks, wireless and television masts, or similar structures.
- E. Nothing in this Section shall be construed to allow the height of a structure, including a single family residence, to exceed that allowed in the underlying land use district, or to prohibit a single story residence.

6. INGRESS AND EGRESS

A tentative tract or parcel map shall provide for at least two different standard routes for ingress and egress. Standard ingress/egress road is a route which is dedicated to the City and has a minimum paved width of 24 feet.

7. STREET STANDARDS

Streets in this overlay zone shall conform to the following standards:

- A. Local hillside street standards shall be used to minimize grading and erosion potential while providing adequate access for vehicles, including emergency vehicles. The right-of-way shall be 48.5 feet with 40 feet of paved width and parking on both sides and a sidewalk on one side.
- B. Streets shall have a paved width of 32 feet with parking and sidewalk on one side of the street only and right-of-way of 40.5 feet, subject to review and recommendation by the Fire Chief and the City Engineer, with approval by the Commission.
- C. Grades of streets in the hillside management areas shall be as provided in this subsection, unless otherwise approved in writing by the Public Services, Fire, and Public Works Departments. Hillside collector and arterial street shall not exceed 8%. Hillside residential local streets shall not exceed 15%.
- D. Minimum horizontal curve of streets shall be in accordance with Caltrans computational methods using design speed estimated by the Public Works Department.
- E. One way streets may be permitted where it can be shown that they reduce the overall amount of cut and fill required.

- F. Cul-de-sacs to a maximum of 750 feet in length may be permitted with a maximum of 30 dwelling units, and to a maximum of 1,000 feet in length with a maximum of 20 dwelling units and shall terminate with a turn around area not less than 40 feet in radius to curb face.
- G. Sidewalks on only one side of a street may be permitted in hillside areas subject to the approval of the City Engineer.
- H. All other street improvement standards shall conform to the standard plans and specifications of the City Engineer.

19.17.070 Development Performance Standards

The following minimum performance standards are required for any development within this Overlay zone. Necessary information shall be provided with the Conditional Use Permit application as prescribed in Chapter 19.36 to determine compliance with these standards.

1. SOILS/GRADING

- A. Grading of any site shall conform to the following grading standards, based upon the percent of the natural slope. The City Engineer shall review and make recommendation to the Planning Commission on the proposed grading.

- 1. 0 - 15%.

Redistribution of earth over large areas may be permitted.

- 2. 15+ - 25%.

Some grading may occur, but landforms must retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering is expected to mitigate the need for large padded building areas.

- 3. 25+ - 30%.

Limited grading may occur, however, major topographic features shall retain their natural landforms. Special hillside architectural and design techniques are expected in order to conform to the natural land form, by using techniques such as split level foundations of greater than 18 inches, stem walls, stacking and clustering.

[\[Return to Municipal Code Contents\]](#)

4. Greater than 30%.

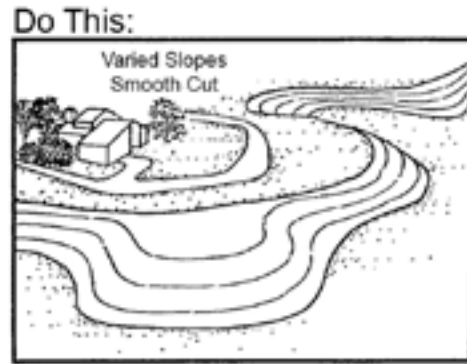
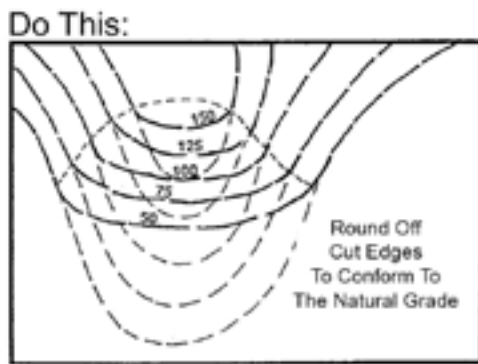
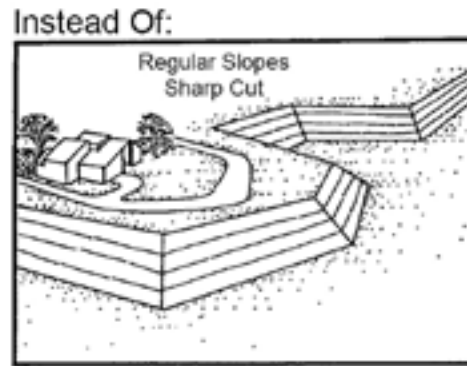
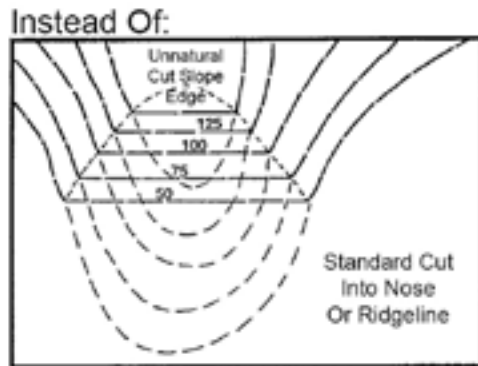
Development and limited grading can only occur in this category if it can be clearly demonstrated that safety, environmental, and aesthetic impacts will be avoided. Use of larger lots, variable setbacks and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.

B. Grading shall be designed to:

1. Conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.
2. Retain major natural topographic features such as canyons and prominent landmarks.

C. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls, or netting. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the Public Works Department.

D. Slopes created by grading of the site shall not exceed 50 percent or 2:1, without a soils report and stabilization study indicating a greater permissible slope; or shall not exceed 30 feet in height between terraces or benches; except that the Planning Commission may permit slopes exceeding these dimensions where the slopes will result in a natural appearance and will not create geological or erosion hazards.



2. PUBLIC SAFETY

A. FIRE SAFETY

All developments in this overlay zone shall comply with the standards of the FF (Foothill Fire Zones) Overlay. In the course of the review for a project in this overlay zone, the City will be reviewing each project to determine compliance with fire safety standards. The standards cover such items as, but not limited to:

1. Number of access points and street designs for each development;
2. Driveway lengths and widths;
3. Distances between dwellings;
4. Fuel modification plan;
5. Water flow and fire hydrant requirements;
6. Fire retardant building materials;

[Return to Municipal Code Contents]

7. Residential sprinkler requirements as provided in the Foothill Fire Zone Overlay standards.

B. GEOTECHNICAL

1. Any subdivision within the Alquist-Priolo "Special Studies Zone" shall conduct a geologic study in conformance with the requirements of the Zone. This study shall be prepared by a certified engineering geologist.
2. No structure for human occupancy shall be permitted within 50 feet of an active or potentially active fault trace. Sensitive and high occupancy structures as defined in the General Plan shall maintain a minimum 100 foot setback.
3. No emergency facilities, community facilities, or places of general public assembly (not including open space areas) shall be permitted within the Alquist-Priolo Zone.
4. All structures within the trace shall require the seismic features of the structure to be reviewed and approved by a professional engineer specializing in seismic/structural design.
5. The Building Official may require special construction methods of structures where it has been determined to have potential geologic hazards.
6. A statement shall be included at the time of purchase agreement and at the close of escrow to the purchaser of each lot within the development, which informs the prospective owner of the potential for seismic activity, and the potential hazards.

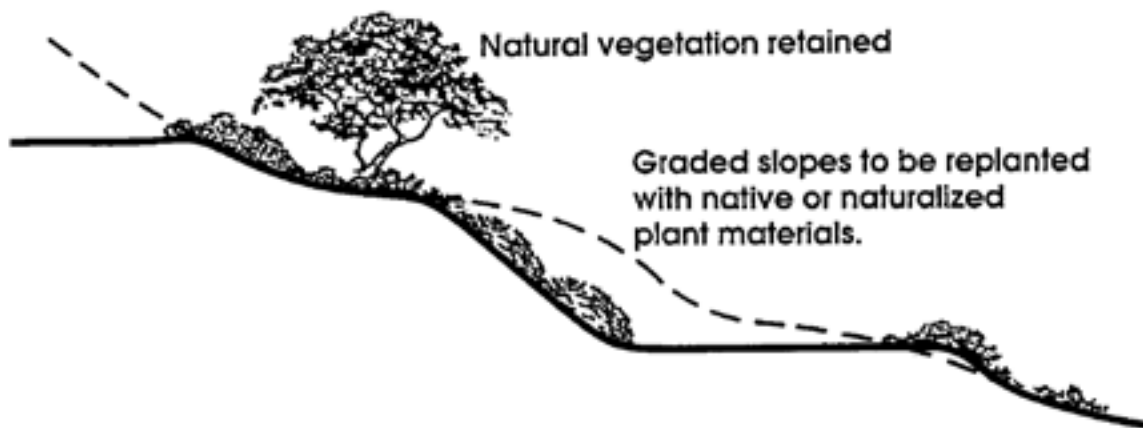
3. WATER/DRAINAGE

- A. On-site catch basins or siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for ground water recharge.
- B. Natural drainage courses should be protected from grading activity.
- C. Where brow ditches are required, naturalize with plant materials and native rocks.
- D. Maximum coverage of a parcel by impervious surfaces shall not exceed 40% of the gross land area, and such maximum may be reduced by the Director in areas where the slope exceeds 15%.

[Return to Municipal Code Contents]

4. ANIMAL AND PLANT LIFE

- A. Areas of a site which are identified in the environmental study as having biological significance shall be preserved, unless exempted by the Planning Commission through the Conditional Use Permit process.
- B. Natural vegetation shall be maintained wherever possible. If removal is required, reestablishment of a compatible plant material will be required at a ratio of at least 2:1.
- C. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees.
- D. Existing mature trees shall be incorporated into the project where feasible.



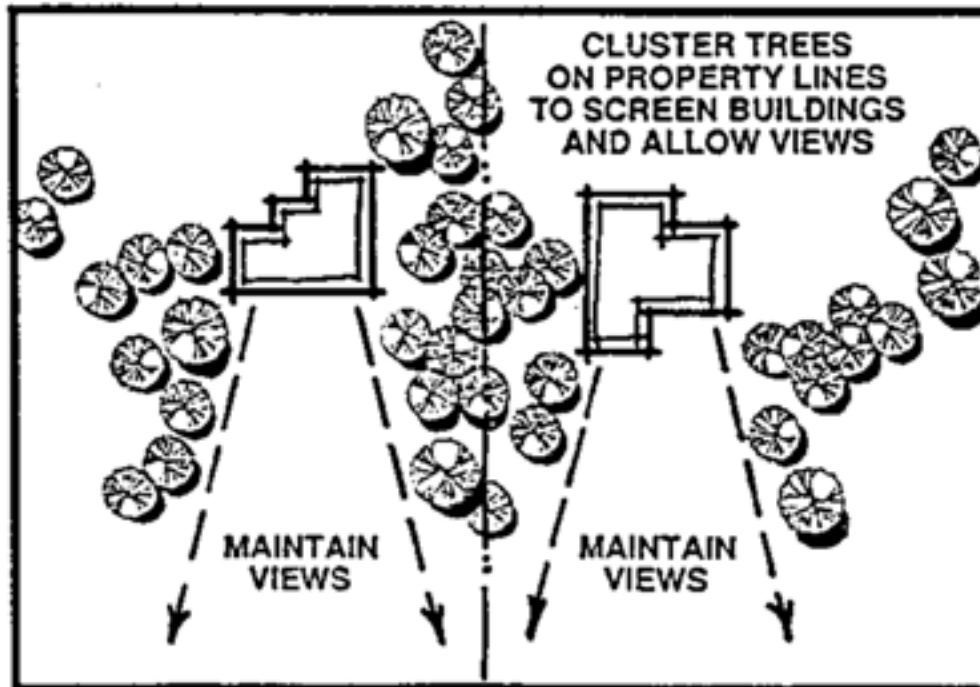
- E. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.
- F. Wherever possible, fire resistant native vegetation shall be preserved and planted.
- G. Introduction of landscaping within the hillside areas should make maximum use of texture, color, and be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, and grading.
- H. Screening along roadways should make maximum use of berming and landscaping but shall not interfere with sight distance.

[Return to Municipal Code Contents]

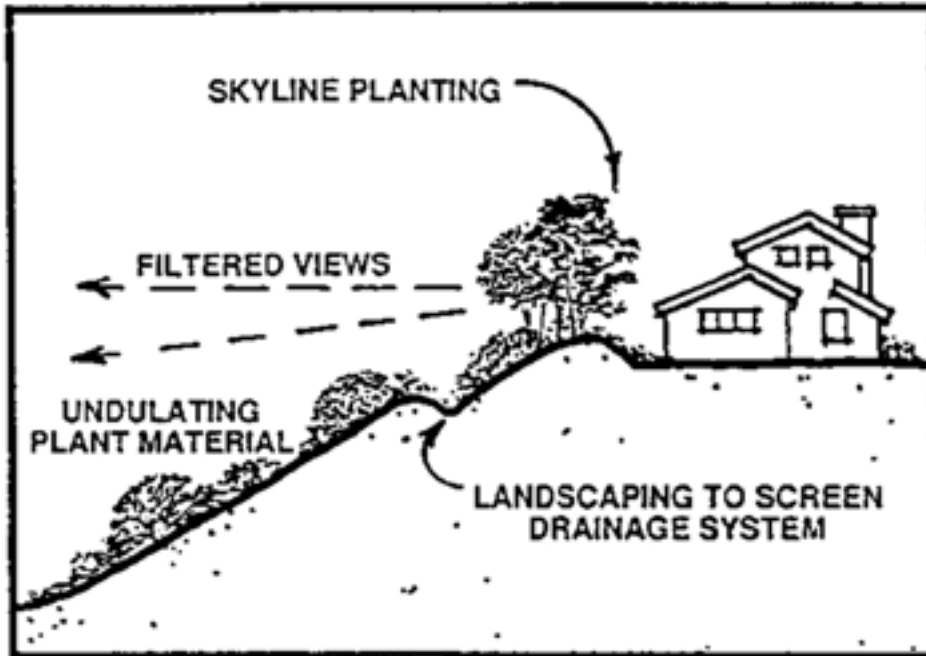
5. DESIGN

- A. Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment.
- B. Exterior finishes of dwelling units and structures should blend in with the natural surroundings by using earth tone colors and avoiding reflective materials or finishes.
- C. Site design should utilize varying setbacks, building heights, innovative building techniques, and building and wall forms which serve to blend buildings into the terrain.

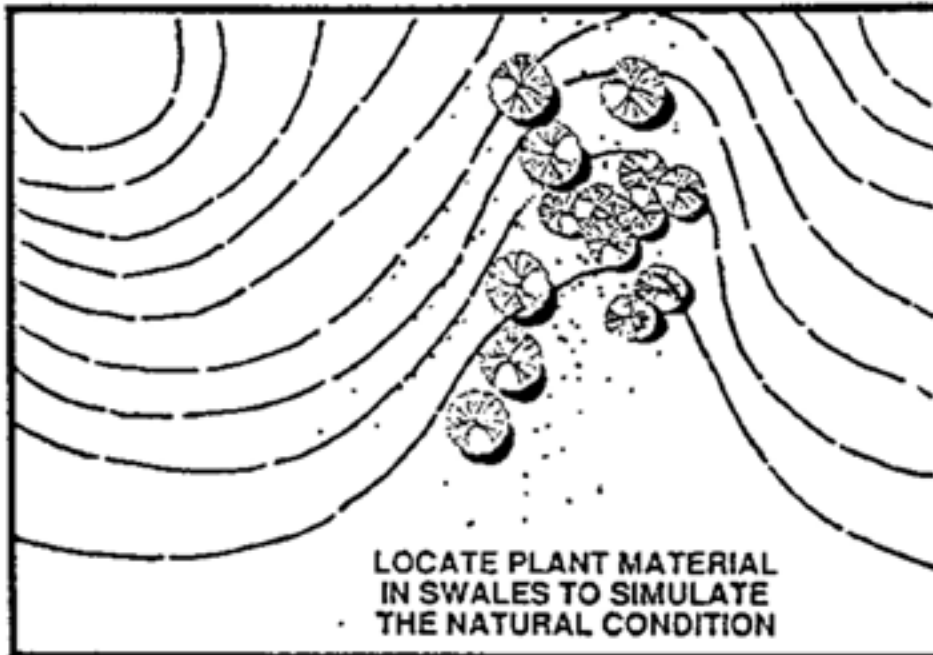
DO THIS



DO THIS

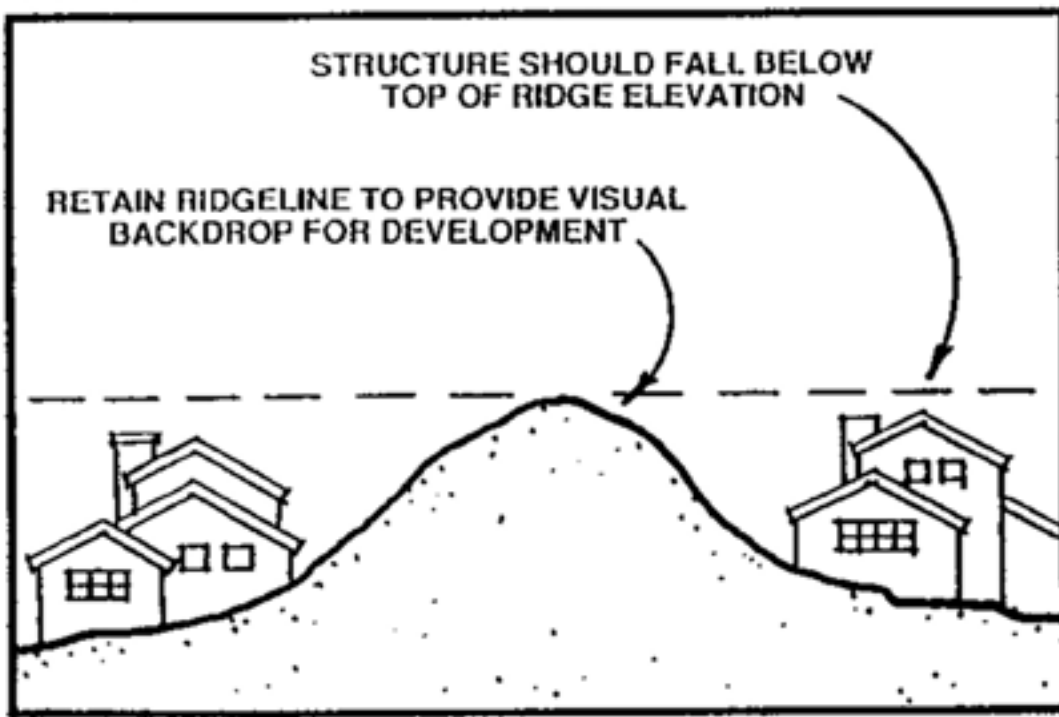


DO THIS

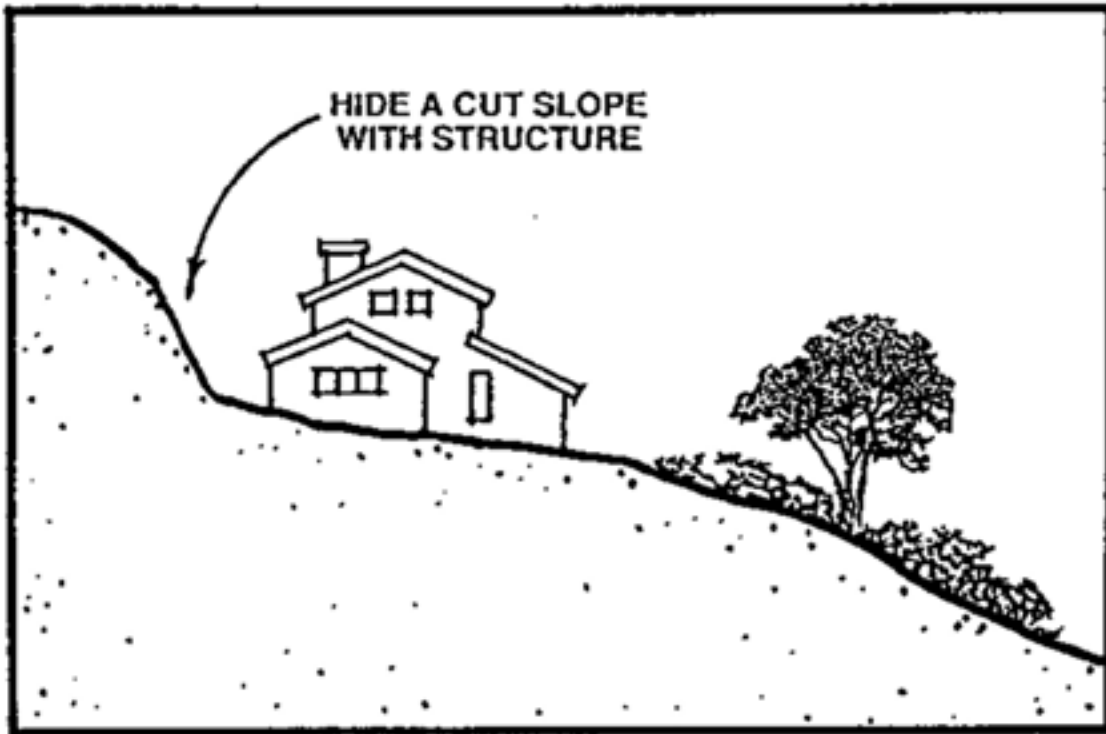


- D. Dwelling units and structures shall be sited in a manner that will:
1. Retain outward views from each unit;
 2. Preserve or enhance vistas, particularly those seen from public places;
 3. Preserve visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual or historical significance.
- E. The highest point of any structure shall not be located above the ridgeline. A ridgeline is a long, narrow, conspicuous elevation which is visible north of Highland Avenue, from a freeway, major arterial, secondary arterial, or collector street, which forms part of the skyline or is seen as a distant edge against a backdrop of land at least 300 feet horizontally behind it. (See graphic.)
1. Use the natural ridgeline as a backdrop for structures;
 2. Use landscape plant materials as a backdrop; and
 3. Use the structure to maximize concealment of cut slopes.

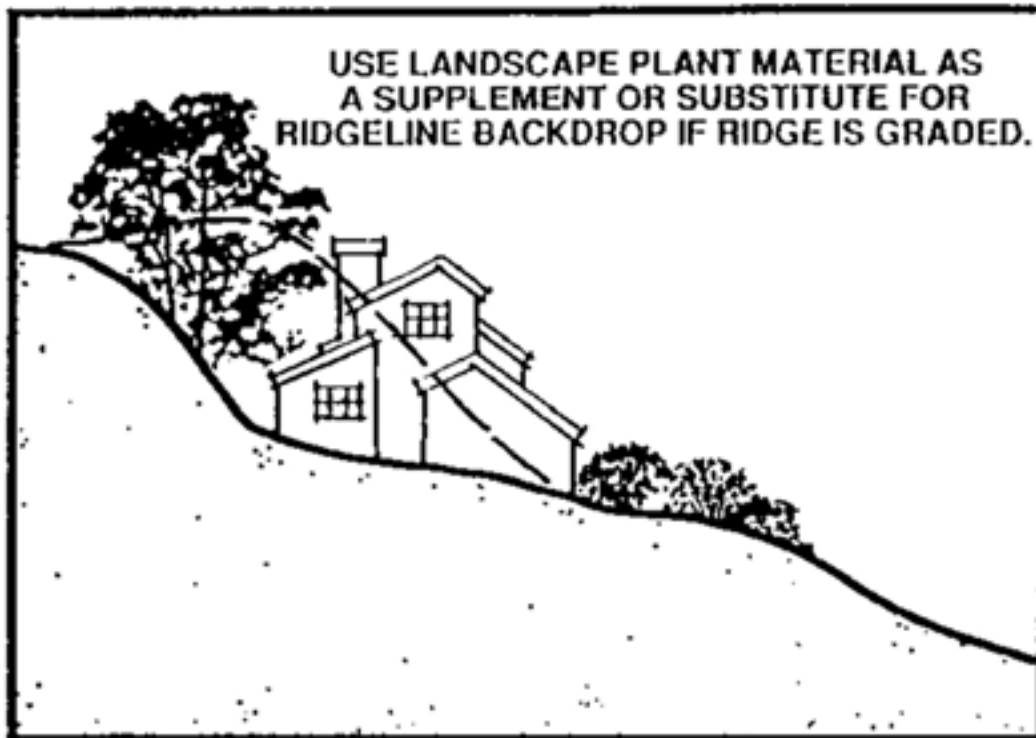
DO THIS

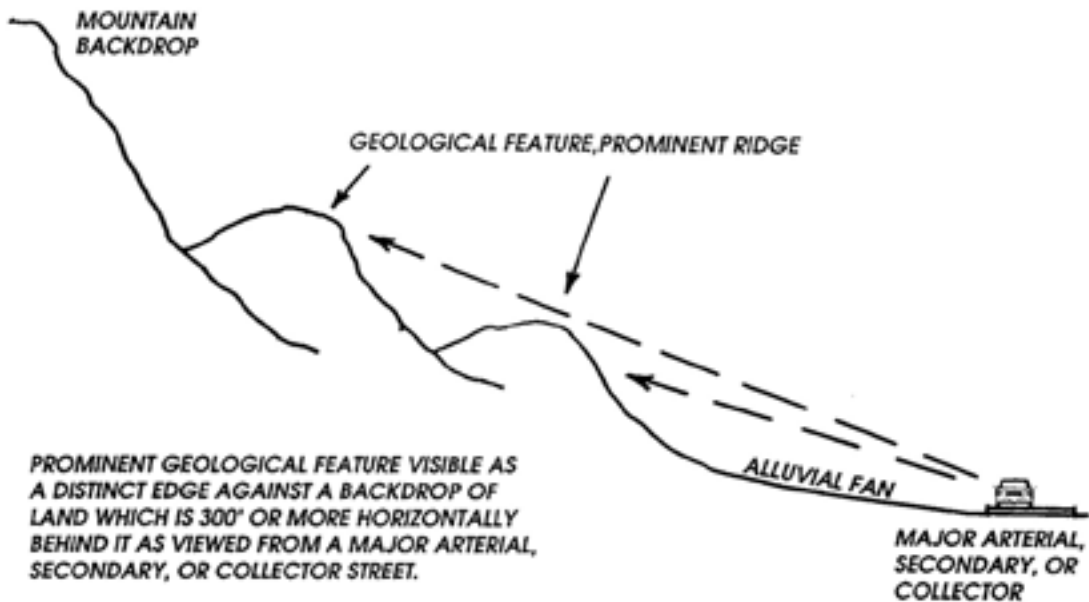


DO THIS



DO THIS





F. Retaining Walls/Fences

1. Retaining walls shall be used in the following manner:

Upslope - One wall per lot not exceeding eight feet in height.

Downslope - One wall per lot not exceeding 42 inches in height may be used.

Lots sloping with the street of access or other conditions - One retaining wall on each side of the lot may be used not exceeding 42 inches in height.

Retaining walls adjacent to driveways - Walls being an integral part of the structure may exceed 8 feet in height if necessary.

2. Exposed retaining walls facing roadways shall be no greater than 5 feet in height.
3. Where retaining walls face roadways, they shall be faced with aesthetically pleasing materials (e.g., rock facing).

19.17.080 Conditional Use Permit Processing

1. PROJECT INITIATION

To initiate a project on any parcel within the HM Overlay Zone, the property owner(s) or assignee(s) shall submit a Conditional Use Permit Application to the Department in accordance with the provisions of Chapter 19.36.

The Commission shall have the responsibility for review and approval of said applications, except that the Director shall review and act upon all Development Permits for single family residences on existing lots.

2. CONTENTS OF THE APPLICATION

An application for a Conditional Use Permit within the HM Overlay Zone shall include the following:

- A. A topographic map of the project site and land and structures within 100 feet of the project boundaries. The map shall be drawn to a scale of not less than one inch equals 100 feet with a maximum contour interval of 10 feet. The maximum contour interval shall be five feet where terrain has a slope of less than 25%.
- B. A tree map, drawn to the scale prescribed above, locating existing trees on the project site with a trunk diameter of six inches or greater or having a vertical height from ground level to tree-top level of 25 feet or greater. This map shall define the species of such trees and identify their approximate trunk diameter, base elevation, height, and condition. No such trees shall be removed without prior written approval of the Commission.
- C. A site or plot plan of the proposed project, including representations of property lines and recorded and proposed easements and public rights-of-way. Existing structures within 100 feet of the site shall also be shown on the site or plot plan.
- D. A preliminary grading plan for the project, drawn to the same scale as required above.
- E. Colored maps of existing and final slope, based on the following slope categories: 0-15%; 15+-25%, 25+-30%; 30+% shall be shown using contrasting colors.
- F. Sections or elevations of the proposed project. Plans shall indicate those residences which may be affected in terms of view obstruction.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- G. A soils engineering report including data regarding the nature, distribution and strengths of existing soils, conclusions, and recommendations for grading procedures, design criteria for and identified corrective measures, and opinions and recommendations regarding existing conditions and proposed grading. This investigation and report shall be performed by a professional soils engineer experienced in the practice of soil mechanics and registered with the State of California.
- H. Any subdivision in Alquist-Priolo shall provide a geology report including the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommended design criteria to mitigate any identified geologic hazards. This investigation and report shall be performed by a professional geologist experienced in the practice of engineering geology and registered with the State of California.
- I. A hydrology report which shall include areas of possible inundation, downstream effects, natural drainage courses, conclusions, and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations regarding the adequacy of facilities proposed for the site, and design criteria to mitigate identified hydrologic hazards. This report shall account for runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a development. Runoff and debris volumes shall be computed using San Bernardino County Flood Control District criteria. This investigation and report shall be prepared by a registered civil engineer experienced in hydrology and hydrologic investigation.
- J. A preliminary landscaping plan showing disposition of existing trees, and the type and extent of proposed vegetation.
- K. The applicant may be requested to submit a scaled profile model or an isometric drawing depicting any or all of the site proposed for development. The developer may be required to submit photographs of the site showing the proposed development and its effect.
- L. Covenants, conditions, and restrictions (CC&Rs), including but not limited to development plans, common area and slope maintenance, private area landscaping and maintenance shall be submitted and approved prior to the recordation of a final tract map.
- M. Other information or application materials as may be deemed necessary or desirable by the Director.

[\[Return to Municipal Code Contents\]](#)

3. MODIFICATION OF SUBMITTAL REQUIREMENTS

The requirement to submit any or all of the materials enumerated above may be varied by the Director under the following conditions:

- A. Recently completed and satisfactory reports covering the same subject matter of the same site already in existence; or
- B. Some or all of the above reports are included as part of an approved Environmental Impact Report or Negative Declaration; or
- C. The reports described in 1. and 2. above were previously prepared for a site in close proximity to the project and such other site possesses similar characteristics to the subject project lot or parcel.

4. EVALUATION OF CONDITIONAL USE PERMIT APPLICATION

The Commission shall evaluate the Conditional Use Permit Application based on the following criteria:

- A. In general, the project shall be designed to fit the existing topography; the site shall not be graded to accommodate the project.
- B. The proposed density does not exceed the maximum allowed density.
- C. Final contours and slopes shall generally reflect existing landforms; in particular, building pads and terraces interspersed with slopes shall not be created and ridgelines, knolls, and significant tree masses shall be maintained.
- D. The proposed development seeks to avoid significant intrusion(s) into the view from adjoining up-slope residences.
- E. Views from public open space areas, rights-of-way, and other public places and of major public open space areas are not significantly affected.
- F. Wide pads or level areas are not created to accommodate roads. Roads should be fit into the existing topography; one-way roads may be preferred over two-way roads to reduce grading, and on-street parking should be parallel to the road, not perpendicular.
- G. Buildings, parking, carports, and landscaping shall be arranged so that view corridors from downslope lots are created.

[Return to Municipal Code Contents]

19.17.090 Applicable Regulations

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to Article IV, Administration provisions.

CHAPTER 19.18
HP (HISTORIC PRESERVATION OVERLAY) ZONE

This section reserved for future ordinance.

CHAPTER 19.19 MS (MAIN STREET OVERLAY) ZONE

Sections:

- 19.19.010 Purpose**
- 19.19.020 Applicability**
- 19.19.030 Permitted and Conditionally Permitted Uses**
- 19.19.040 Development Standards**

Guidelines

- G19.19.050 Design Guidelines for Rehabilitation and Infill Development**

19.19.010 Purpose

The purpose of this overlay zone is to provide a comprehensive set of development standards to be applied within the City's downtown area. These standards are provided for the continuance and enhancement of the historic downtown area as the functional and symbolic center of the City.

This Overlay Zone is established in order to achieve the following objectives for the City's downtown:

1. General pride and confidence in the downtown area.
2. Create an attractive environment which is active throughout the day and evening.
3. Maintain a consistently high level of design quality.
4. Encourage pedestrian activity by creating a positive pedestrian experience.
5. Protect property values through quality control.

19.19.020 Applicability

This Zone is an area bounded by the north property line of the parcels on the north side of 8th Street on the north, the centerline of Rialto Avenue on the south, east right-of-way of I-215 on the west, and the east property line of parcels fronting on the east side of Sierra Way on the east.

The standards contained in this Section apply to all uses and structures within this zone and are in addition to those of the underlying zone. In addition, the commercial design guidelines (Section G19.06) also apply as design guidelines to projects within this Zone where applicable. Further, the "Main Street Design Guidelines Manual" provides additional guidance for developers of projects within this Zone. The manual must be consulted by project proponents prior to submitting development plans for review. If there is inconsistency between the requirements of this Development Code and the Main Street Design Guidelines Manual, these Development Code requirements shall prevail.

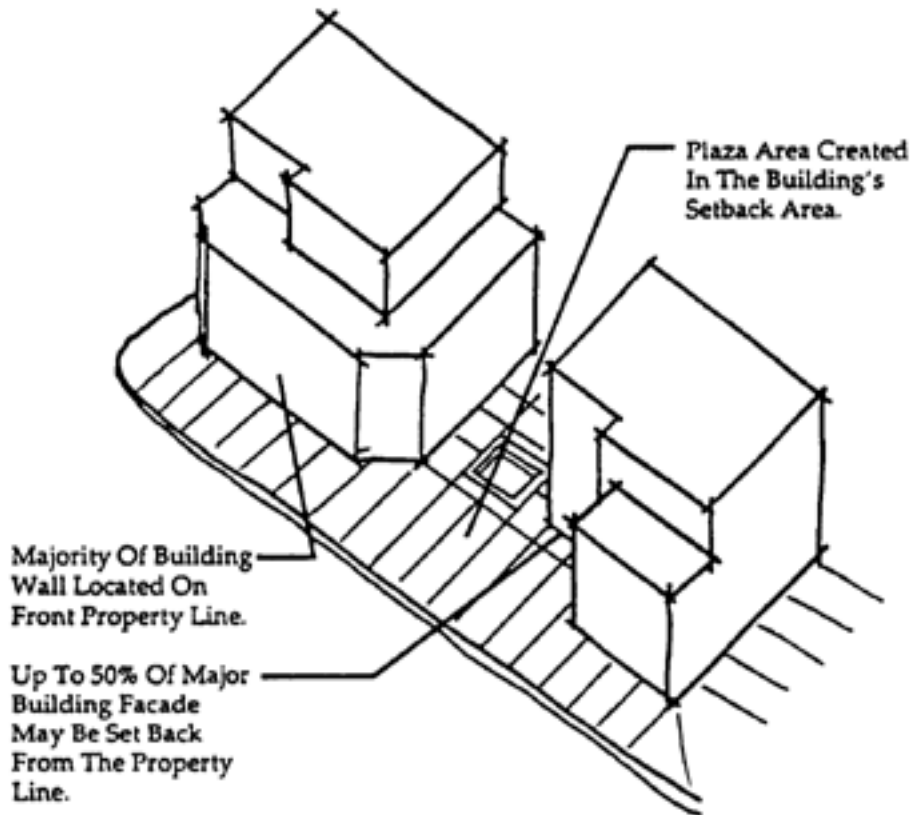
19.19.030 Permitted and Conditionally Permitted Uses

Uses permitted or conditionally permitted within this District shall be the same as those for the underlying zone.

19.19.040 Development Standards

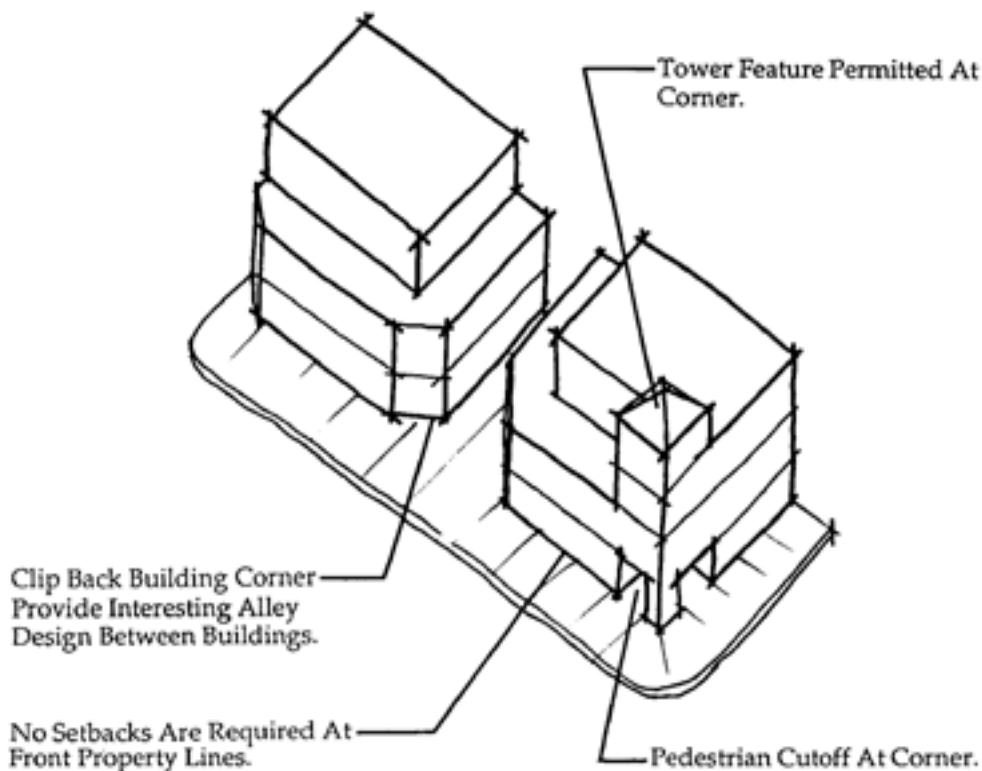
1. SETBACKS

- A. The first two floors of any building in the Main Street Area must be built at the property line or provide a hardscaped plaza (for up to 50% of building face) between the building face and the front property line. If it can be demonstrated by the project proponent that the above configuration causes undue hardship due to "special circumstances", the City may require that only 50% of the building face be located on the front property line.
- B. Pedestal buildings (buildings with the first floor set back from the front property line while upper floors project out to the front property line) are prohibited.
- C. Awnings, trellises and other accessory building structures which are relatively open and do not restrict pedestrian or vehicular movement may project into the front right-of-way. Permanent building canopies are not included in this category.



- D. Any building located at a corner intersection shall incorporate architectural features at the ground floor which emphasize the importance of pedestrian movement. These features may include building cut-offs, walk-through covered arcades, trellis structures, and other elements which focus visual interest on the corners.

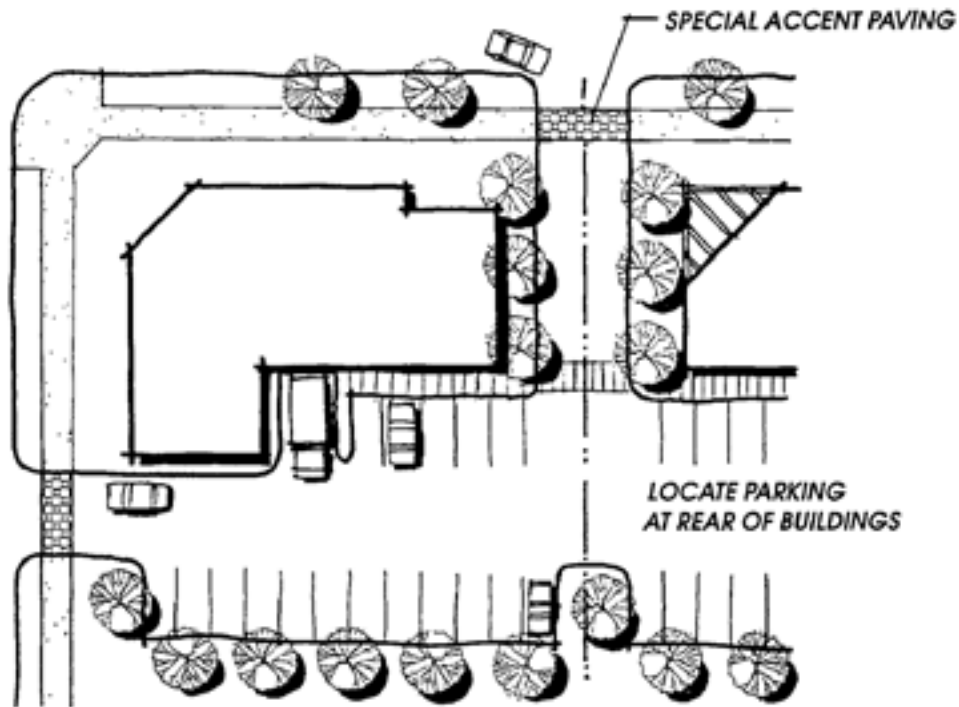
- E. Where appropriate, new buildings must set back their corners at intersections to create pedestrian plazas as well as improve visual sight lines for vehicles. The corner setback minimum dimension shall be 10 feet from the corner. (See graphic)



BUILDING CORNER TREATMENTS

2. PARKING ORIENTATION

- A. Parking lots and structures shall be located as much as possible to the rear of buildings.
- B. Locating parking lots between the front property line and the primary building storefront/entry is specifically prohibited.
- C. Vehicular entry points to parking lots shall receive special paving accents where the drive crosses the public sidewalk.
- D. Off-street parking facilities shall be designed so that a car within a facility will not have to enter a street to move from one location to any other location within the same parking facility.



3. PLAZA PROVISIONS

Front setbacks are allowed at the ground level if the area is designed as a pedestrian plaza. To qualify as a pedestrian plaza, the following minimums shall be incorporated into its design.

- A. Minimum size: 10 feet deep and the width of the entire building storefront or 650 square feet.
- B. Paving: A minimum of 80% of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt paving is prohibited as a plaza paving material.
- C. Landscaping: Landscaping is required pursuant to Chapter 19.28.
- D. Walls: An optional low wall (max. 30 inches high) which allows people to sit on it, may be located on the property line for restaurants or other uses utilizing the plaza for active retailing or other entertainment use. The wall may not extend for more than 80% of the building frontage.

4. STREETSCAPE IMPROVEMENTS

Developers of new projects or rehabilitation projects with a value above 50% of the current assessed value of the property are required to reimburse the City for streetscape improvements made within the public right-of-way adjacent to their property. Said projects shall be assessed a fee based on the number of lineal feet of street frontage of the project.

The fee shall be assessed in accordance with the fee schedule established by resolution of the Mayor and Council and filed in the office of the City Clerk.

5. ARCHITECTURAL DESIGN (GENERAL)

- A. Storefront construction shall be minimum of 60% transparent with a maximum of 85% transparency.
- B. Upper story street wall construction shall be a minimum of 35% transparent.
- C. Blank, solid end walls or side walls visible from public view shall be avoided. If such walls are necessary for interior reasons, the structure wall shall receive some form of articulation or add-on elements such as awnings, cornice bands, etc.
- D. The facades of adjacent structures shall be considered in the design of new projects to avoid clashes in architectural style and materials.

E. Acceptable Materials:

Building Walls:

clear glass, glass block, concrete or plaster (lightly troweled or sand finish)
cast iron, new or used face-brick, terra-cotta, cut or carved stone, baked enamel, metal panels, clapboard where appropriate (limited), ceramic tile

Roofs (where visible):

flat concrete or clay tiles, slate or slate appearing substitutes, standing seam metal roofs (not batten), class a composition shingles

Fences/Walls/Gates:

concrete or plaster with smooth or lightly textured surface, wrought iron, split face block, new or used face brick, cut or carved stone

[Return to Municipal Code Contents]

F. Prohibited materials:

Building Walls:

highly reflective glass, imitation stone, or flagstone, parquet, imitation masonry of any kind, corrugated fiberglass, imitation wood siding, coarsely finished, rough-sawn, or rustic materials, such as wood shakes, shingles, barnwood, board and batten, and rough-sawn poorly-crafted or rustic wood-working and finishing techniques, antiqued or imitation old brick, mottled or light-colored variegated brick, oversize brick and white brick mortar, astro-turf, materials with a glossy or reflective finish such as glass or polished marble should not be used as the dominant facade material.

Roofs:

(where visible) crushed stone, exposed corrugated metal or plastic, cedar shake, brightly colored tile (orange, blue, etc.)

Fences/Walls/Gates:

concrete block, whether colored or unfinished, chain link, or cyclone fences, rough sawn or natural wood, split rail

6. CANOPIES AND AWNINGS

- A. Canopies and awnings must respect the style and character of the structure on which they are located, particularly in the material and color.
- B. The highest point of a canopy or its superstructure shall not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window, awning, canopy, or transom. The purpose of this requirement is to leave a comfortable space between the top of the canopy and the windows, trim, and other architectural elements.
- C. Canopies are encouraged to shelter all openings of each building from sun and rain at the bottom floor. Awnings are allowed on upper floors.
- D. The minimum height of a canopy or a sign hung from a canopy shall be 8 feet from the lowest point to the sidewalk.

[\[Return to Municipal Code Contents\]](#)

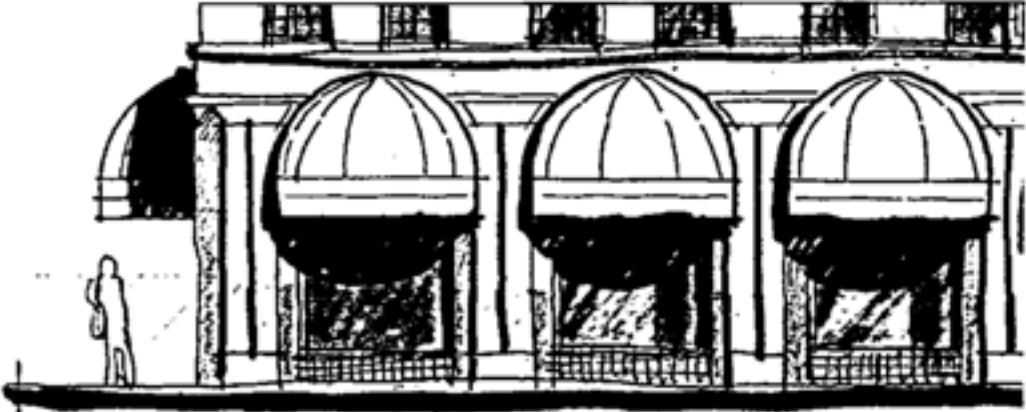
[\[Return to Title 19 Contents\]](#)

Encouraged



Shed Awning At Lower Level
Is Consistent With Rectilinear
Building Form.

Discouraged:



Round Awning At Lower
Level Is Not Consistent
With Rectilinear
Building Form.

Encouraged:



Awning In Scale With Facade.

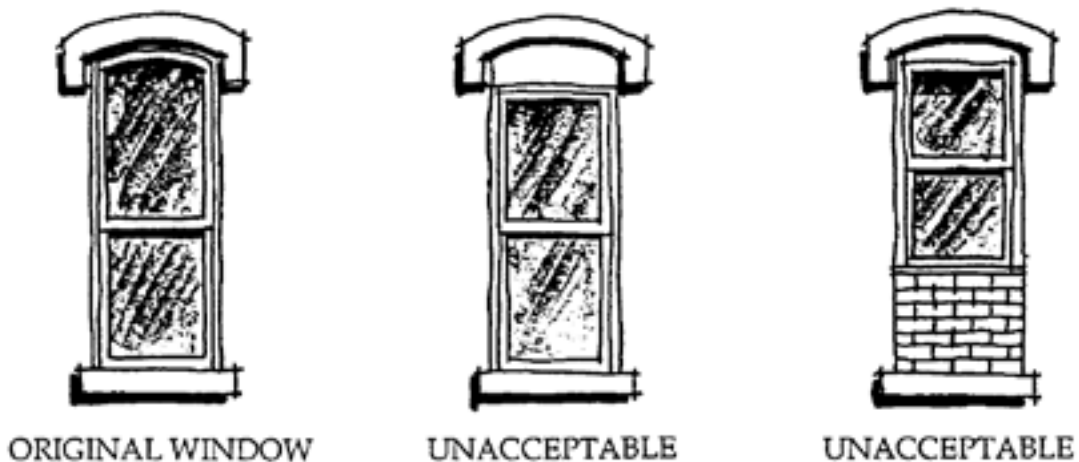
Discouraged:



Awning Dominates Facade.

7. DOORS AND WINDOWS

- A. The design and location of doors and windows must consider the architectural tradition of the historic downtown area. Use simple wood and glass doors and windows of traditional design. If aluminum is used, it shall be simple in design with a dark anodized or baked enamel finish.
- B. Only clear glass (88% light transmission) may be used on the first floor. Tinted glass allowing a minimum of 50% light transmission will be considered only for use in second floor windows and above and on an individual case basis. The use of reflective glass is prohibited on the first three floors (or equivalent).
- C. Storefront windows must be as large as possible while maintaining height standards for bulkheads. Maximum bulkhead heights for new construction shall be 42 inches. Minimum bulkhead heights shall be 24 inches. Existing buildings are encouraged to retrofit within height range.
- D. Replacement windows must always fill the entire opening and duplicate the original patterns.

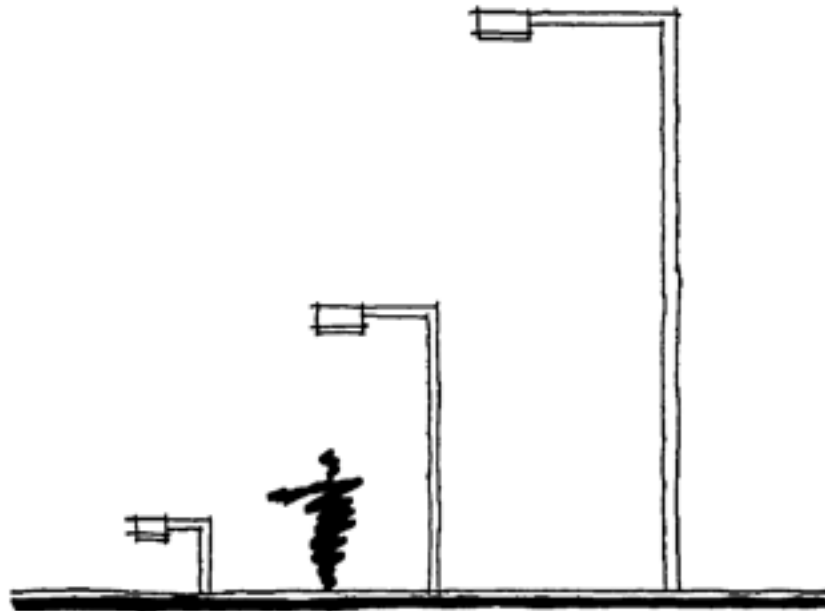


- E. Security grilles, either fixed or sliding, are prohibited on the exterior of doors and windows on the fronts or sides of structures adjacent to streets. If such security systems are justified, they must be placed on the interior of the building, a minimum of 24 inches behind windows and doors. Security grilles are prohibited by the California Code of Regulations for Title 19 occupancies, such as: mental hospitals, hospitals, homes for the aged, children's homes or institutions, schools; and any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where 50 or more persons may gather together.

[\[Return to Municipal Code Contents\]](#)

8. LIGHTING

- A. Lighting is an integral part of the downtown design concept and a major element in creating a unique, safe, and exciting night-time ambiance. All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the downtown. Obtrusive appearance of their setting should be avoided.
- B. Night lighting of buildings shall be selective and focused; overall ambient lighting of buildings is not desirable. Rather, lighting should highlight entrances, dramatize special architectural features, keynote repeated features, and use the play of light and shadow to articulate the facade. The creative use of lighting to accomplish these ends is strongly encouraged. The lighting of signs themselves will play a significant role in the nighttime visual environment.
- C. For safety, identification and convenience, entrances of buildings and parking areas shall be well illuminated.
- D. Vestibules created by recessed entries shall be illuminated by downlights.
- E. All show window areas shall be adequately lighted employing concealed or baffled sources which will not create glare or uncomfortable visual conditions for pedestrians.



G19.19.050
DESIGN GUIDELINES FOR REHABILITATION
AND INFILL DEVELOPMENT

1. GENERAL

The following design guidelines are intended as a reference framework to assist property owners, developers and designers in understanding the City's goals and objectives for high quality development and rehabilitation within the MS (Main Street Overlay) zone. The guidelines are intended to complement the mandatory site development regulations contained in this section by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of the project designers.

Ord. MC-1393, 12-02-13

2. APPLICABILITY

The provisions of this section shall apply to all development within the MS zone. Any addition, remodeling, relocation, or construction requiring a building permit within the MS zone subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

Unless there is compelling reason, these guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

[Return to 19.19]

3. PRESERVATION OF TRADITIONAL DECORATION

Existing historic decoration should be preserved whenever possible. It reinforces the traditional character of the downtown and adds a richness of detail which is often irreplaceable at today's costs. At the same time, the details of the decoration lend a unique character to individual buildings and to the downtown as a whole.

Many times in the remodeling of storefronts, original decorative details are left partially intact as visual "leftovers" or simply covered with new construction. In future improvements, these forgotten details should not be wasted. If enough details remain, they should be restored as part of the original design. If only a few remain, they can be incorporated as design features in a new storefront. In either case, the design of any improvements should grow out of the remaining details and create a harmonious background which emphasizes them.

Storefront with Traditional Materials

A Cornice can be constructed with wood framing, plywood and moldings with a sloping sheet metal cap to shed water. The Cornice spans the top of the storefront, often covering a structural beam or unfinished brick.

Transoms are optional design elements that help to break up the massive effect of very large sheets of glass. Transom windows can be clear, tinted or stained glass.

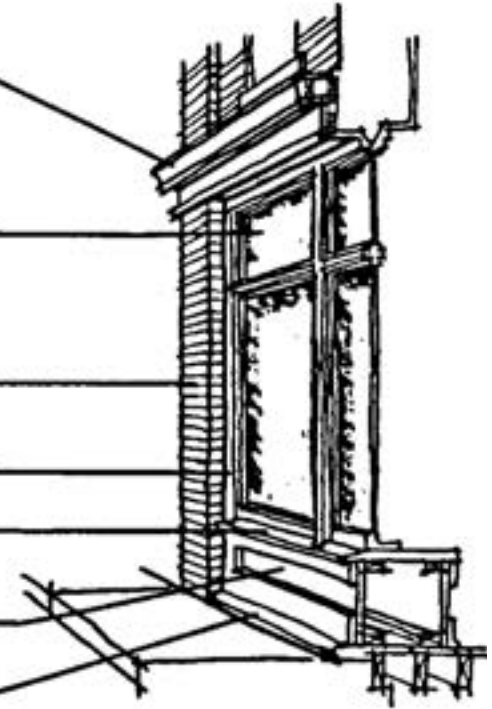
Masonry piers are uncovered and match the upper facade.

The storefront is recessed 6 inches into the opening.

The storefront and windows are framed in wood. The sill slopes forward for drainage.

The bulkheads are constructed with wood framing and a plywood back with trim applied to it.

The storefront rests on a masonry or concrete base to prevent water damage.



Storefront with Contemporary Materials

A Cornice is made with sheet metal over a wooden frame.

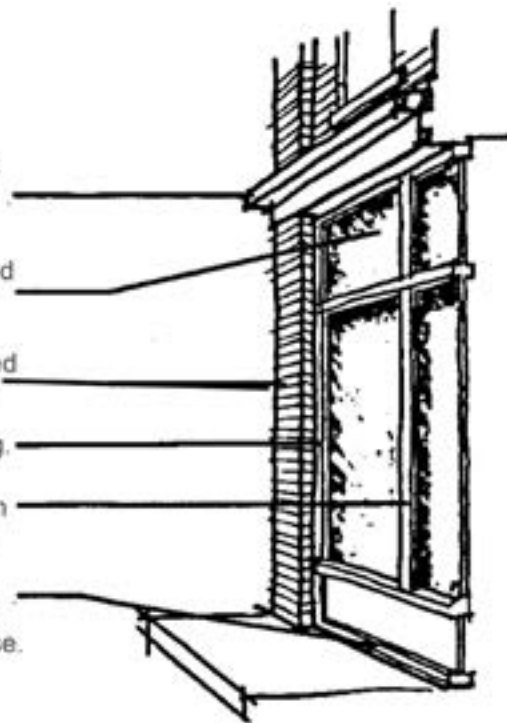
Optional transoms can be stained glass, clear glass or opaque.

Masonry piers are uncovered and match the upper facade.

The storefront is recessed 6 inches into the opening.

The storefront and windows are framed with dark anodized aluminum or painted aluminum.

The storefront rests on a masonry or concrete base.



[Return to 19.19]

Existing building elements incompatible with the original facade design of the building should be removed. These include: overdone exterior embellishments and "modernized" facades, using such elements as metal grilles or rusticated materials. The facade will then be remodeled or restored to reflect its original appearance. The remodeling/ restoration will stress the conservation of the unique stylistic features of the original building.

4. SELECTION OF BUILDING MATERIALS

Contemporary materials which have characteristics similar to traditional materials can be appropriately used in facade rehabilitation. In general, they should have a smooth texture with a satin or flat finish and a color which enhances the traditional character of the facade. Their profile should be similar to the profile of the traditional material they replace. High gloss materials such as opaque glass and porcelain enamel should be used only within the storefront opening.

Materials such as cedar shakes, textured plywood, stone veneer, log paneling, stucco and plastic are not appropriate for use on traditional facades for three reasons. First, these materials often attempt to create a theme which conflicts with the traditional character of the downtown. Second, these materials are usually not of a quality - in terms of durability, finish and appearance - that is necessary to establish an image of quality and stability. Third, these materials often detract from the character of the storefront and the facade. They create a confused and cluttered appearance instead of reinforcing the traditional character of the facade.

5. WINDOW REPLACEMENT

If a window has deteriorated beyond repair or is missing, the replacement should match the original window. Replacement windows should always fill the entire window opening and duplicate the original patterns. For example, a double hung sash window should not be replaced by a single fixed pane of glass. Avoid the use of windows and shutters that are not in keeping with the style of the building.

6. DOOR REPLACEMENT

Traditionally, the entrance door was made of wood with a large glass panel. Every effort should be made to maintain and repair an original door, if possible.

[Return to 19.19]

Many original doors have been replaced by standard aluminum and glass commercial doors. Although lacking in historical character, they are generally unobtrusive. Aluminum doors and storefronts can be made more compatible by painting them a dark color. An exposed aluminum surface must be cleaned and prepared for a zinc chromate primer or metal primer, followed by appropriate finish coats as recommended by the primer manufacturer. New aluminum should be exposed to weather for at least two months before painting.

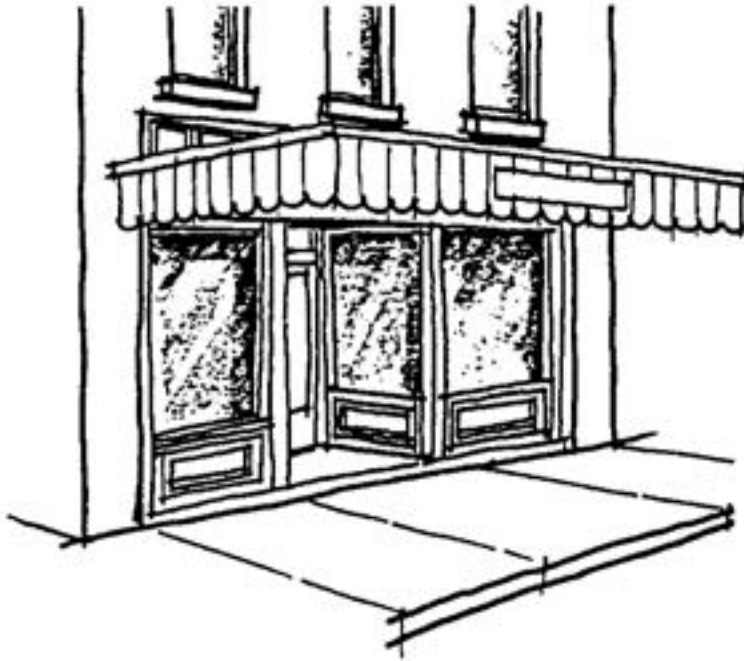
If a door is to be replaced, there are three basic options:

- Have a new door built with the same design and proportions of the original.
- Find a manufactured wooden or steel door that resembles the traditional store door.
- Use a standard aluminum commercial door with wide stiles and a dark anodized or baked enamel finish.

Do not use doors decorated with molding, cross bucks or window grills. These doors are more residential in character and can look out of place on commercial buildings.

7. REMOVAL OF EXISTING CANOPIES AND METAL AWNINGS

Canopies have a thin, insubstantial and "tacked on" appearance which is inconsistent with the concept for downtown San Bernardino. All canopies should be removed and, if appropriate, replaced with fabric awnings. Existing metal awnings should be removed and replaced with fabric awnings.



Aluminum awnings or canopies generally detract from the historic character of a building and should not be erected.

Existing canopies on historic storefronts (added during the 50's and not original) should be removed and replaced with canvas or vinyl awnings.

If a flat canopy exists and was part of the original architecture, it can be dressed up with a 12 to 24-inch canvas awning valance.

Various awning materials offer different colors and patterns. There are several to choose from: Canvas, Vinyl-coated, and Acrilan, a synthetic material.

Try to avoid shiny vinyl awnings on historic facades.

8. MODIFICATIONS OF INCONSISTENT SETBACKS

To strengthen the pedestrian environment in the downtown, buildings which are not "sidewalk adjacent" are encouraged to create pedestrian courtyards, plazas or seating areas with the space between the sidewalk and building wall.

9. DESIGN CONSIDERATION OF REAR ENTRANCE

In developing a rear entrance to a downtown structure, a number of opportunities must be considered. In general, the rear entrance must respond to the same needs as the storefront only at a reduced scale. These include identification signage, display, and a pleasant entry. In addition, it must also meet the service needs of the business as it has in the past. Since these two functions are often in conflict, the design of the rear entrance must be carefully planned. A particular concern is the storage and disposal of refuse. Trash cans, dumpsters, and other containers should be hidden from view whenever possible. Regular maintenance is of paramount importance.

The design of a rear entrance should be appropriate to its surroundings. The visual character of the rear facades, alleys, and parking lots is a relatively casual and utilitarian one, especially when compared to the more formal street facades. In this type of context, a refined or grand design can look out of place. The design should be pleasantly inviting, but simple in detail.

Any exterior plumbing, electrical lines, or other utilities on any facade in public view should be relocated or enclosed.

Unsightly electrical services entries should be relocated or rehabilitated.

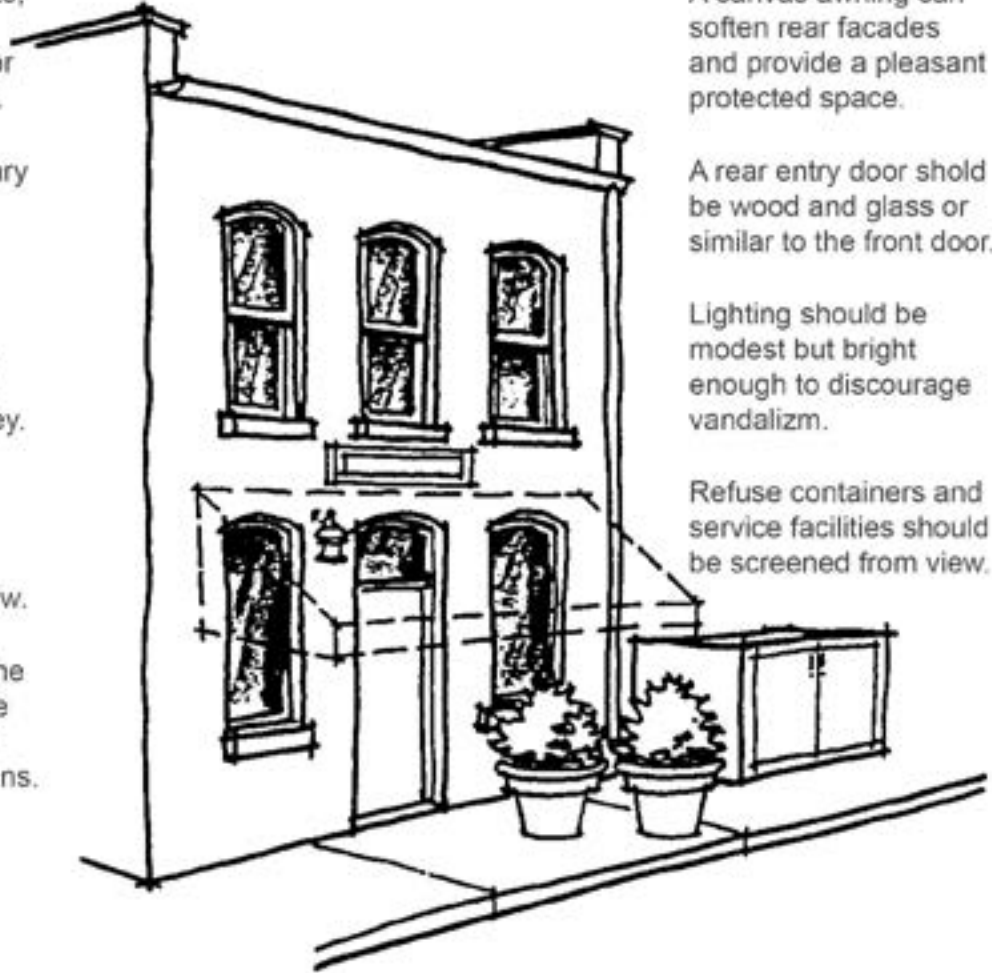
Gutters, downspouts, and windows may require repair and/or cosmetic treatment.

Rear facade masonry may require repair and/or re-pointing.

Signs should be modestly scaled to fit the casual visual character of the alley.

Existing windows can be easily converted into a small display window.

Surface paving at the rear entry should be repaired to appear inviting to pedestrians.



A canvas awning can soften rear facades and provide a pleasant protected space.

A rear entry door should be wood and glass or similar to the front door.

Lighting should be modest but bright enough to discourage vandalism.

Refuse containers and service facilities should be screened from view.

10. INFILL CONSTRUCTION

The construction of new buildings along the traditional commercial street is a valid tool for downtown revitalization. It is extremely important, however, that these new buildings relate harmoniously with the older buildings which surround them. Since these buildings are often constructed on vacant lots, thus filling a "hole" in the street, they are called infill construction.

Visually, the design of an infill building, particularly its front facade, should be designed by repeating rhythms, cornice lines, window and door arrangement with the other facades on the street. It should "grow" out of them.

The new design should not, however, duplicate the design of neighboring facades. Rather, it should be a contemporary design influenced by its surroundings ... a blend of new and old. The infill facade should not pretend to be historic by using fake "historical" detail. Pseudo-Classical or Quasi-Mission elements are often used to blend a new building with older surroundings. This approach generally ends up only compromising what is authentically historic in the environment.

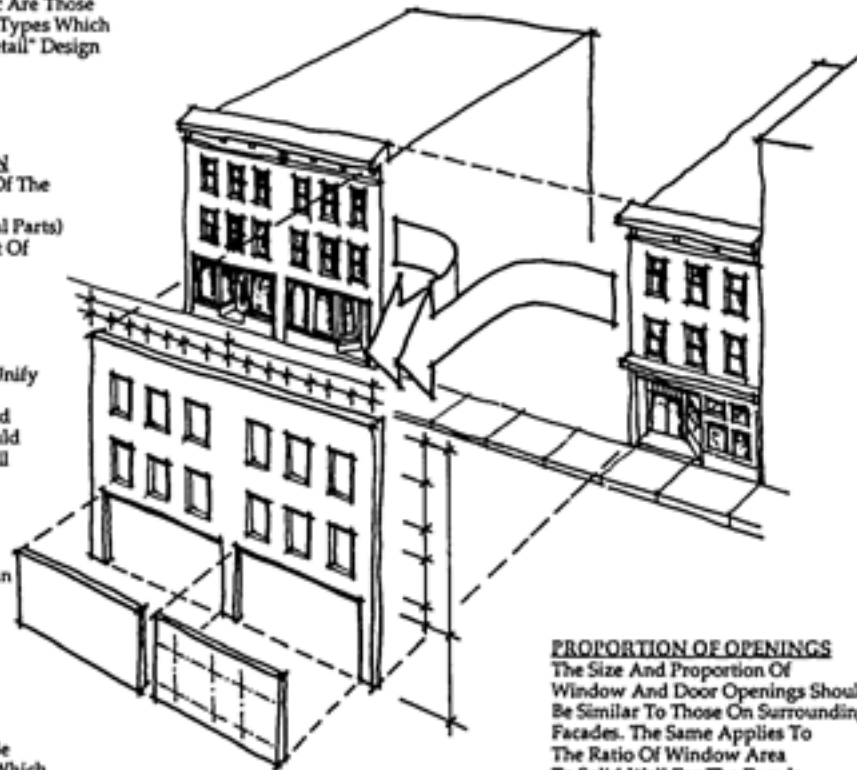
The Concepts And Characteristics Presented In This Graphic Are Those Of Existing Architectural Types Which Would Determine the "Detail" Design Of The Infill Facade.

VISUAL COMPOSITION
The Visual Composition Of The Infill Facade (That is, The Organization Of It's Visual Parts) Should Be Similar To That Of Surrounding Facades.

FACADE RHYTHMS
Visual Rhythms Which Unify The Blockscape In Their Consistency (window and storefront rhythms) Should Be Incorporated Into Infill Facades.

USE OF COLOR
The Colors Chosen For An Infill Facade Should Tie It To It's Neighbors.

USE OF MATERIALS
An Infill Facade Should Be Composed Of Materials Which Relate To Adjacent Facades.



PROPORTION OF OPENINGS
The Size And Proportion Of Window And Door Openings Should Be Similar To Those On Surrounding Facades. The Same Applies To The Ratio Of Window Area To Solid Wall For The Facade As A Whole.

[Return to 19.19]

11. MOTOR STRUCTURE/DRIVE-UP BUILDING

A significant number of commercial structures built in the 1950s, 60s and 70s along auto oriented boulevards and commercial strips have found their way into the traditional pattern of San Bernardino's downtown development particularly along 5th and 6th Streets. In most cases, these buildings are either fast food restaurants, automobile service stations or the small strip commercial development.

These types of uses are usually set back from the street and neighboring buildings to allow for a visible parking area directly in front of the building. Large, freestanding pole signs often are placed near or at the front property line, so that identity of the business establishment can be recognized from great distances up and down the street. The shape of the entire building, as well as the applied architectural details, the type of building materials and the bold colors of the signage, are designed to attract the attention of people in fast-moving motor vehicles. Often the building possesses stylized roof and wall treatments in an effort to give the establishment a strong identity, and to stand it apart from surrounding uses.

The construction of additional motor structures and/or drive-up buildings in this zone is prohibited.

CHAPTER 19.19A TD (TRANSIT DISTRICT OVERLAY) ZONE

Sections:

19.19A.010	Purpose
19.19A.020	Applicability
19.19A.030	Transit Station Area Types
19.19A.040	General Provisions
19.19A.050	Building Form and Placement Standards
19.19A.060	Permitted and Conditionally Permitted Uses
19.19A.070	Residential Transition Standards
19.19A.080	Parking Standards
19.19A.090	Subdivision Standards

Tables:

Table 19A.01	Building Form and Placement Standards
Table 19A.02	Required On-Site Parking
Table 19A.03	Driveway Dimension Standards

Guidelines

G19.19A.100	Design Guidelines
G19.19A.110	District Image
G19.19A.120	Transit Oriented Design
G19.19A.130	Site Planning and Architectural Design
G19.19A.140	Parking Design
G19.19A.150	Landscape Design

19.19A.010 Purpose

The Transit Overlay District (TD) Zone and its regulations are established in order to implement the City's General Plan policies promoting transit-oriented development within San Bernardino.

The intent of the TD is to allow and encourage an appropriate mix and intensity of land uses in a compact pattern around transit stations that will foster transit usage, create new opportunities for economic growth, encourage infill and redevelopment, reduce dependency on the automobile, improve air quality, and promote high quality, interactive neighborhoods. The regulations and guidelines of this chapter are based upon the following transit-oriented development area principles, consistent with the California Transit Village Development Planning Act of 1994:

- An attractive transit station with surrounding pedestrian amenities as the focus of the transit-oriented development area.

[\[Return to Municipal Code Contents\]](#)

- An appropriate mix and intensity of uses such as office, retail, entertainment, residential, and recreational facilities that support transit use and are designed for convenient access by transit riders, pedestrians, and bicyclists.
- Inviting and pedestrian-focused open spaces on both public and private properties, such as smaller public pocket parks, civic plazas, outdoor dining areas, common greens, and other types of urban spaces.
- A walkable and bikeable area with pleasant connections linking transit stations with businesses and neighborhoods.
- An interconnected street and non-vehicular network where walkways, bikeways, landscaping, and other streetscape amenities receive priority.

19.19A.020 Applicability

The Transit Overlay District (TD) Zone applies to transit station areas within San Bernardino. The TD establishes standards and regulations beyond those required by the underlying base zones. Whenever the requirement of the TD conflicts with the underlying base zone, the requirement of the TD shall govern.

(Ord. MC-1393, 12-02-13)

As transit service is expanded within San Bernardino, additional areas may be designated as TD within the City. TD boundaries may also be expanded over time as development becomes more transit oriented. Boundary adjustments within a half mile of a transit station may be proposed by an applicant and approved at the discretion of the Community Development Director. The boundaries for each station area are established below, as shown in Figures 1 to 13.

The TD standards apply to the establishment of all new structures and uses within the boundaries of the TD. Existing structures and uses those are inconsistent with the TD standards may be maintained, repaired, altered, and expanded only as allowed by Chapter 19.62 (Nonconforming Structures and Uses).



Figure 1. Kendall Drive and Palm Avenue Transit Station Area



Figure 2. Kendall Drive and Little Mountain Drive Transit Station Area



Figure 3. Kendall Drive and Shandin Hills Drive Transit Station Area



Figure 4. E Street and Marshall Boulevard Transit Station Area



Figure 5. E Street and Highland Avenue Transit Station Area

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

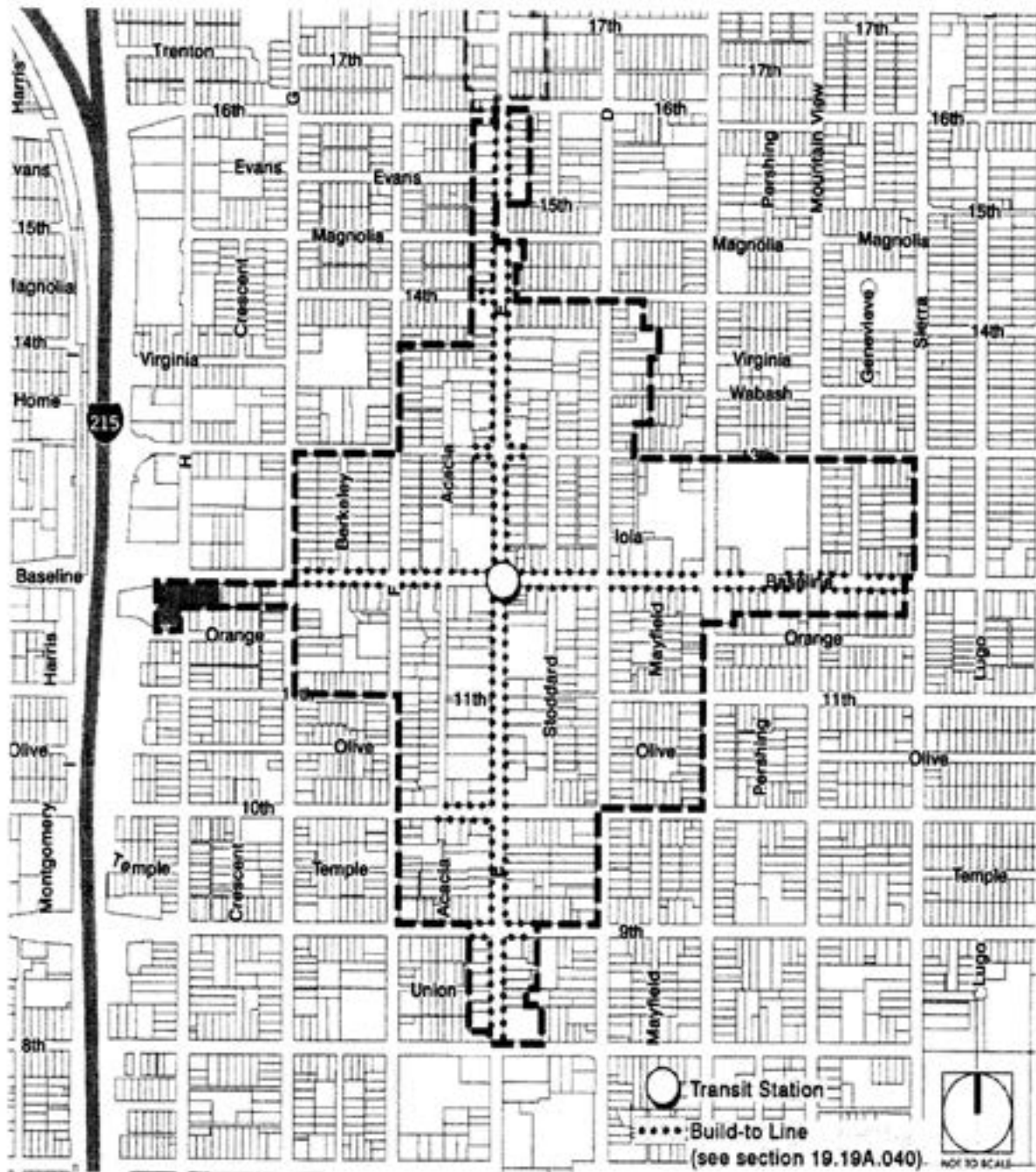


Figure 6. E Street and Baseline Avenue Transit Station Area (Approved Figure)

Shaded area — Parcels to be removed from TD Overlay.

APNs: 0140-011-24, 15, 14, 13, 12, 11, 0140-013-26, 04, and 05.)

(Ord. MC-1399, 5-05-14)

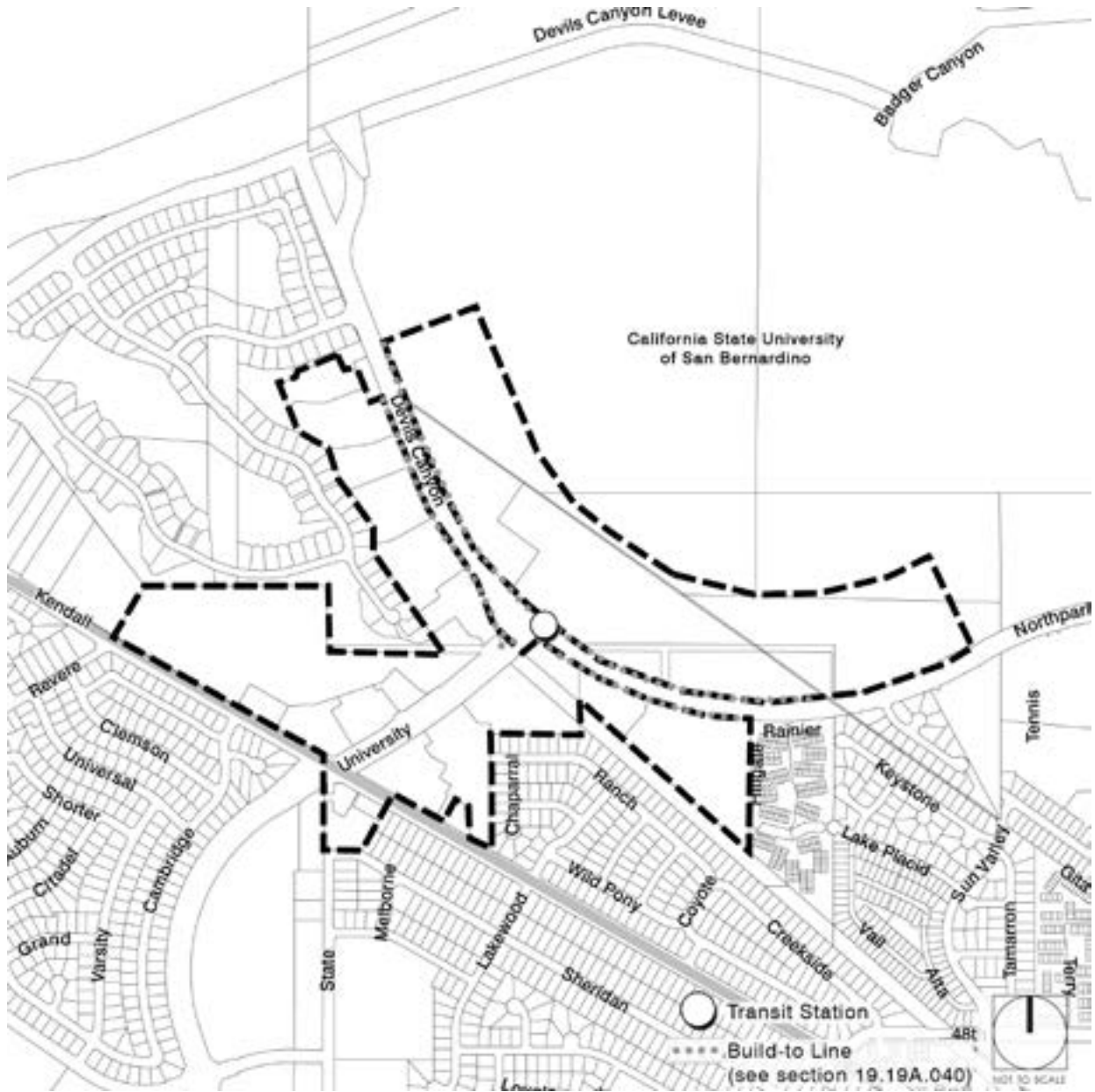


Figure 7. University Avenue and North Parkway Transit Station Area

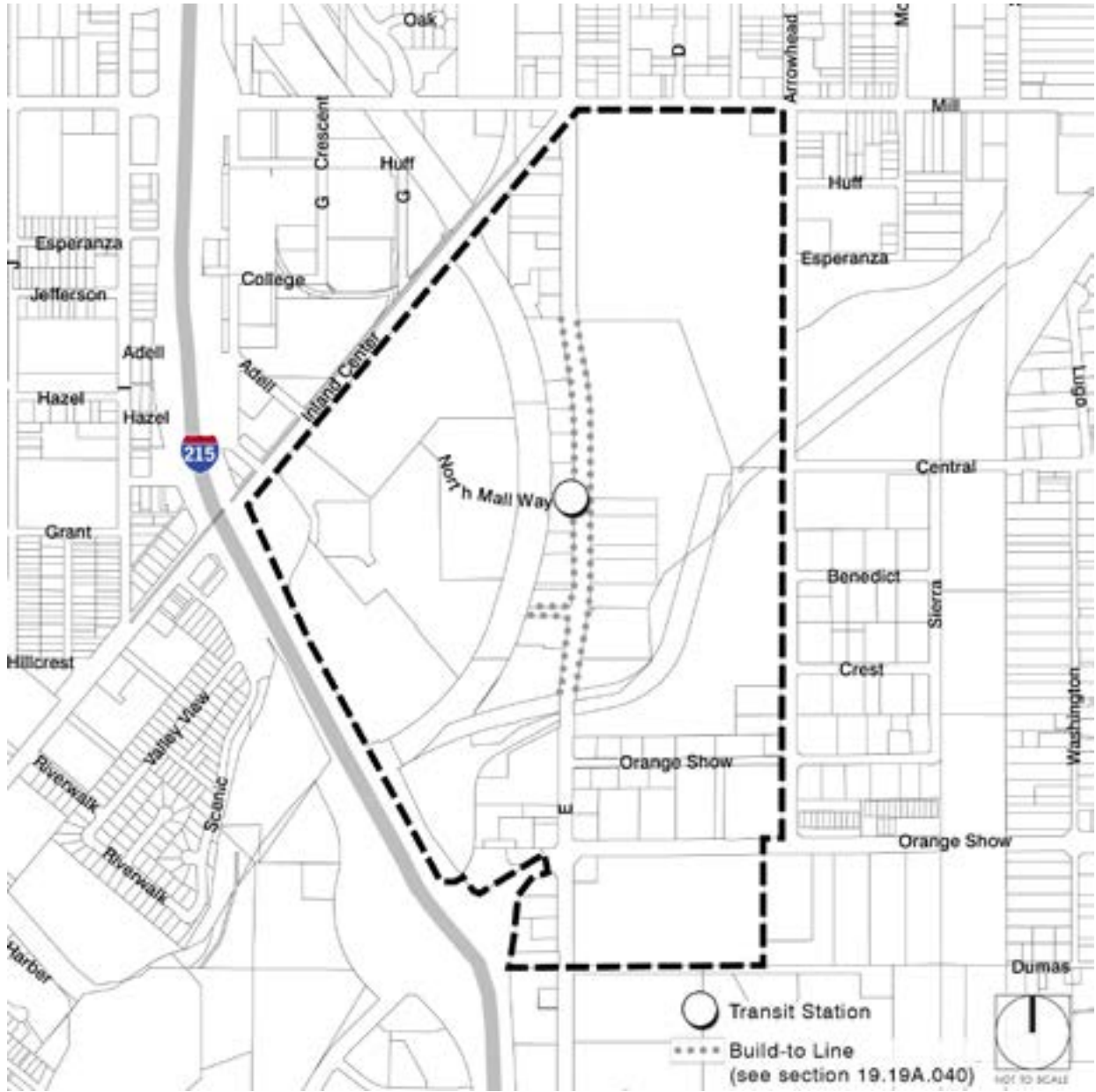


Figure 8. E Street and North Mall Way Transit Station Area

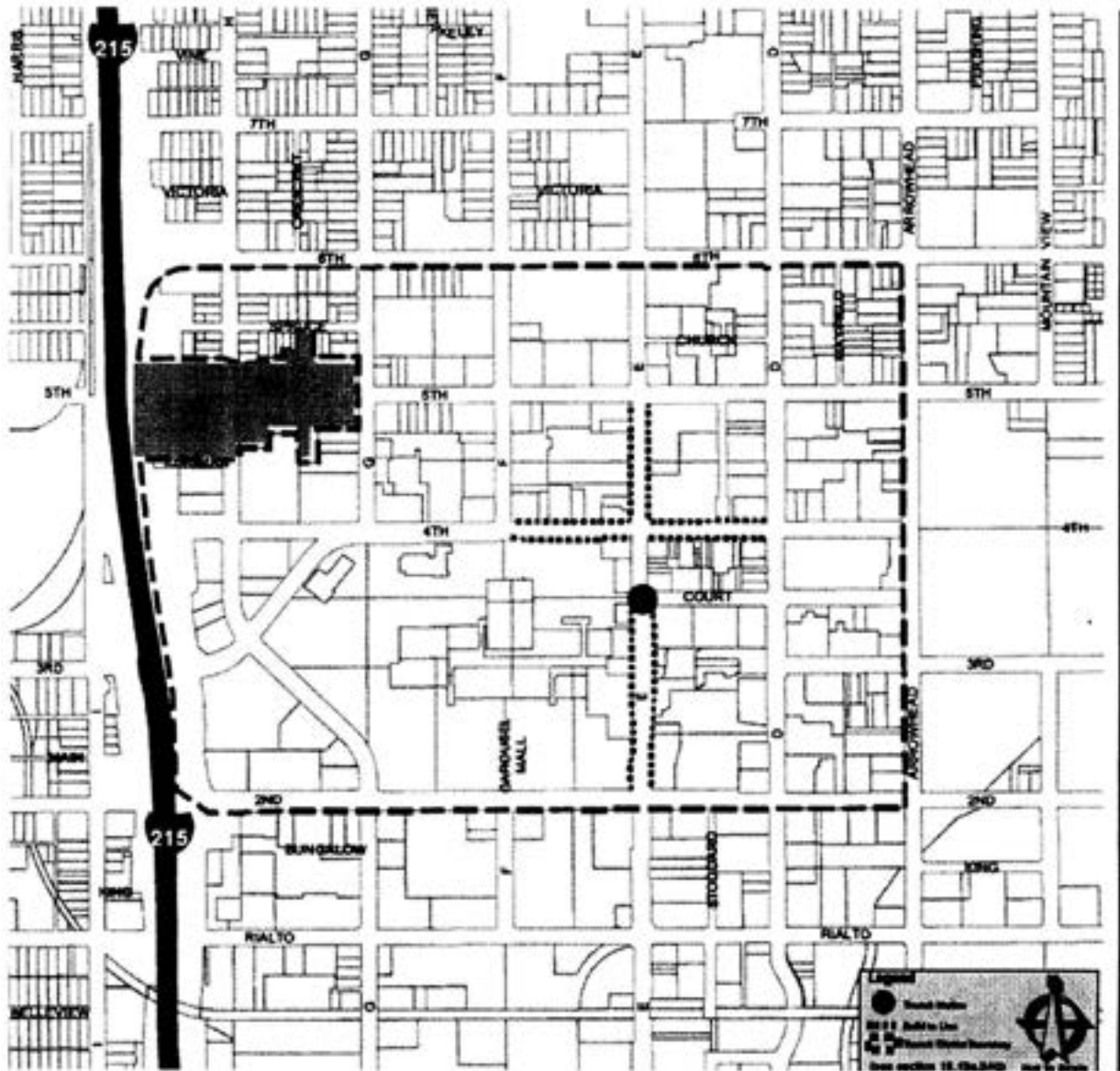


Figure 9. E Street and Court Street Transit Station Area (revised with parcels deleted)
 Shaded Area – Parcels to be removed from TD Overlay.
 APNs: 0134-054-07, 24, 25, 26, and 0134-093-05, 06, 07, 08, 09, and 48
 (Ord. MC-1399, 5-05-14)



Figure 10. E Street and Rialto Avenue Transit Station Area
(Ord. MC-1403, 7-07-14)



Figure 10b. E Street and Rialto Avenue Transit Station Area
 (Ord. MC-1403, 7-07-14)



Figure 11. Hospitality Lane and Hunts Lane Transit Station Area



Figure 12. Hospitality Lane and Carnegie Drive Transit Station Area



Figure 13. Hospitality Lane and Tippecanoe Avenue Transit Station Area

19.19A.030 Transit Station Area Types

This Chapter establishes five transit station area types, each with its own unique character and neighborhood scale. The transit station area types are based on the design and function of the stations and the predominant development patterns surrounding the station. The station area types are a framework for tailoring the development regulations for each of the station areas. The station area types also provide a guide for applying the TD to additional areas within the City.

- A. Kendall Drive Neighborhood Stations. This type of station area provides transit access to serve neighborhoods and businesses in the Kendall Drive area, within an approximately 10-minute walk or up to a half-mile radius. The station area is typically a predominantly residential area with supporting neighborhood or community level retail and services. The transit stations are designed as pull-up stations along an arterial and may include transfers between bus rapid transit (BRT) and local bus service. The following transit station areas are identified as Neighborhood Walk-up Station areas:
 - 1. Kendall Drive and Palm Avenue
 - 2. Kendall Drive and Little Mountain Drive
 - 3. Kendall Drive and Shandin Hills Drive

- B. E Street Neighborhood Stations. This type of station area provides transit access to serve surrounding neighborhoods and businesses in the E Street area north of 8th Street, within an approximately 10-minute walk or up to a half-mile radius. The station area is typically a predominantly residential area with supporting neighborhood or community level retail and services. The transit stations are designed as pull-up stations along an arterial and may include transfers between BRT and local bus service. The following transit station areas are identified as Neighborhood Walk-up Station areas:
 - 1. E Street and Marshall Boulevard
 - 2. E Street and Highland Avenue
 - 3. E Street and Baseline Avenue

C. Village/Urban Center Station Areas. This type of station area serves as a high-activity center and village center for nearby residential neighborhoods, up to a half mile radius. The area contains a variety of neighborhood and community level retail uses and services, along with the integration of higher intensity housing including student housing, and offices uses in a mixed-use configuration. The transit stations within this station area type are designed as either a pull-up station along an arterial, or as an in-line station. The following transit station areas are identified as Village/Urban Center Station areas:

1. University Avenue and North Parkway
2. E Street and North Mall Way

D. Downtown Station Area. This type of station area is intended for the highest intensity of development within in the city. The downtown station areas contain a planned mix of employment-intensive office, civic uses, regional-level retail and service uses, entertainment, hospitality, education, hospital or medical facilities, and high density residential uses in a compact urban form. Uses are to be served by an interconnected multi-modal transportation center and public spaces network that will accommodate the highest levels of pedestrian activity. The following transit station areas are identified as Downtown Station Areas:

1. E Street and Court Street
2. E Street and Rialto Avenue

E. Employment Center Station Areas. This type of station area serves as concentrated employment areas within the City. They contain a mix of office or high employment industrial uses, educational or technical training institutions, hospital or medical facilities, supporting retail, restaurant, entertainment, and other similar services. Higher density residential development, in mixed-use configurations, may also be located in Employment Center Station Areas. The transit stations within this station area type are designed as either a pull-up station along an arterial, or as an in-line station. The following transit station areas are identified as Employment Center Station:

1. Hospitality Lane and Hunts Lane
2. Hospitality Lane and Carnegie Drive
3. Hospitality Lane and Tippecanoe Avenue

19.19A.040 General Provisions

A. Precedence.

The requirements of this Chapter take precedence over the Citywide regulations found elsewhere in the City of San Bernardino Development Code. In the event of a conflict between this Chapter and other portions of the Development Code, the provisions of this chapter shall govern.

B. Build-to Line.

This chapter establishes standards for a Build-to Line(s) that apply to the TDs. Build-to Line is a line(s) established at a certain distance from the corresponding lot line along which the building, or a portion thereof, must be built. The purpose of the build-to line is to ensure that redevelopment within the TD is well integrated with adjacent development and enhances the design character of existing streets, where appropriate. Build-to Lines also help to create consistent and strong pedestrian and public spaces that advance commercial development and activity. The location of applicable Build-to Lines is shown on Figures 1 through 13 of this chapter. Standards that apply to properties adjacent to a Build-to Line are located in Section 19.19A.050 below.

C. Modifications to Existing Development.

All legally established structures and uses within the TD which do not conform with the standards contained within this chapter shall be deemed legal nonconforming uses and/or structures. The repair, renovation, and minor expansion to these uses and structures shall be allowed as permitted by Chapter 19.62 (Nonconforming Structures and Uses).

D. Public Facilities.

Public facilities such as parks, public schools, and transit centers and stations, and other public facilities due to their unique use and special function may deviate from the provisions of this chapter upon approval of a Design Review Development Permit.

19.19A.050 Building Form and Placement Standards

A. Purpose and Intent.

This section establishes standards for building form and placement within the TD. Customized standards are provided for each station area type. The intent of these standards is to ensure excellence in community and building design in order to create a vibrant and well-defined public realm that is pedestrian-friendly and supports transit use.

B. Standards Established.

Building form and placement standards in the TD are the same as in the base zoning district, except as follows;

- 1. Minimum and maximum requirements for Build-to Line setback, building height, and upper floor step-back shall follow the standards specified in Table 19A.01.
- 2. New development within TD station areas shall have no minimum lot size and no maximum lot coverage requirements.
- 3. New development along existing railroad right-of-way shall provide a minimum 10-foot setback for landscaping and/or a multiuse pathway to accommodate pedestrians and bicyclists.

C. Residential Density.

1. Commercial Base Zones.

When the TD applies to property within a commercial base zone that already allows for residential uses, the maximum permitted density of the underlying zone shall apply.

2. Residential Base Zones.

When the TD applies to property within a residential base zone, maximum permitted residential density shall be the same as the base zone.

D. Commercial Intensity. When the TD applies to property within a commercial base zone, the maximum permitted intensity of the underlying zone shall apply.

Table 19A.01 Building Form and Placement Standards

TD Station Areas		Build-to Line Setback	Building Height ^[1]	Upper Floor Step-back ^[2]
Kendall Neighborhood Station Areas	Minimum	None ^[3]	None	None
	Maximum	25 ft. ^[4]	30 ft. / 2 stories	None
E Street Neighborhood Station Areas	Minimum	None ^[3]	None	None
	Maximum	15 ft ^[4]	42 ft. / 3 stories	None
Village/ Urban Station Areas	Minimum	None	None	None
	Maximum	15 ft ^[4]	56 ft. / 4 stories	None
Downtown Station Areas	Minimum	None ^[3]	None	None
	Maximum	15 ft ^[4]	100 ft. / 7 stories ^[5]	None
Employment Center Station Areas	Minimum	None ^[3]	None	None
	Maximum	25 ft. ^[4]	75 ft. / 6 stories	None

^[1] Building height of new development adjacent to existing single-family residential zones may not exceed 30ft/2 stories applicable to all TD station areas.

^[2] Upper floor step-back shall be measured from the building wall at the street level.

^[3] Building must be set back to provide for a minimum 10-foot sidewalk including street trees. Build-to line setback along Tippecanoe Avenue shall provide for landscaping and a multiuse pathway to accommodate pedestrians and bicyclists.

^[4] Setback areas from the build-to line not occupied by a structure or driveway shall be landscaped and/or contain semi-public amenities such courtyards or outdoor seating areas.

^[5] Additional height bonus may be allowed per section 19.06.030(2) (E).

E. Building Presence along Build-to Lines.

The primary building(s) located on a parcel shall occupy the following minimum linear percentage of the parcel width fronting a build-to line:

1. Kendall Neighborhood Station Area: 50%
2. E Street Neighborhood Station Area: 60%
3. Village/Urban Center Station Area: 70%
4. Downtown Station Area: 80%
5. Employment Center Station Area: 50%

F. Ground Floor Transparency.

The ground floor building façade facing a street frontage line shall consist of the following minimum area percentage glass doors, windows, or other transparent materials.

1. Kendall Neighborhood Station Area: 50%
2. E Street Neighborhood Station Area: 50%
3. Village/Urban Center Station Area: 75%
4. Downtown Station Area: 75%
5. Employment Center Station Area: 50%

G. Entrance Orientation.

1. Within the Kendall Neighborhood station area type, all ground-floor building facades fronting a primary street shall feature a main building entrance.
2. Within the E Street Neighborhood, Village/Urban Center, Downtown, and Employment Center station area types, all ground-floor building facades fronting a primary street shall feature the building's main entrance.

H. Minimum First Floor Ceiling Height.

[Return to Municipal Code Contents]

For buildings with ground floor commercial uses, the minimum required floor to ceiling height at the ground floor level for buildings facing public frontage lines should be 15 feet.

I. Building and Site Design.

Refer to Sections 19.19A.140 to 19.19A.160 for design guidelines applicable to building form and placement within the Transit Overlay District.

19.19A.060 Permitted and Conditionally Permitted Uses

A. Purpose and Intent.

This section identifies permitted, conditionally permitted, and prohibited land uses within the TD. The intent of these regulations is to permit and encourage land uses that create a pedestrian-friendly environment that supports transit use and thriving commercial districts and residential neighborhoods.

B. Land Use Regulations – Commercial Base Zones.

When the TD applies to property within a commercial base zone, permitted and conditionally permitted shall be the same as the base commercial zone, except as specified below.

1. Permitted Uses.

The following uses are permitted with the approval of a Development Permit: Convenience stores pursuant to Section 19.06.025.

- Dry cleaners
- Educational services
- Medical/care facilities/social services (within CCS-1 only)
- Mixed-use (with residential where allowed in commercial base zones)
- Mobile vendors
- Neighborhood

- grocery stores
- Parking structures

2. Prohibited Uses.

The following uses are prohibited:

- Auto parts sales
- Auto repair
- Car, RV, and truck sales
- Car Washes
- Service Stations
- Service Commercial uses pursuant to Table 06.01 J., excluding veterinary services
- Impound vehicle storage yard
- Vehicle leasing/rental
- RV parks
- Blood banks
- Drive-thru commercial uses
- Restaurants with drive-thru
- Nurseries

3. Exceptions to Prohibited Uses.

Exceptions are permitted to Section 19.19A.060(B)(2) for projects that stimulate economic development activity subject to a Conditional Use Permit in accordance with Section 19.06.030, Project Review.

Ord. MC-1404, 7-07-14

19.19A.070 Residential Transition Standards

A. Purpose.

This section establishes standards to ensure that new development in the TD is compatible with adjacent single-family residential uses.

B. Applicability.

The following standards apply to buildings located on a parcel that either:

1. Shares a property line with an existing single-family residential zone; or
2. Faces an existing single-family residential zone across a street.

C. Building Setbacks.

1. **Front Setbacks.** For a parcel located across a street from an existing single-family residential zone, the front setback shall be no less than the average front setback requirement of the facing homes block face but not more than 20 feet.
2. **Interior Side Setbacks.** For a parcel sharing an interior side property line with an existing single-family residential zone, the interior side setback shall be no less than the interior side setback requirement of the adjacent property but not more than 20 feet.
3. **Rear Setbacks.** For a parcel sharing a rear property line with an existing single-family residential zone, the rear setback requirement shall be no less than 10 feet.

D. Upper Floor Step-backs.

1. **Front Building Walls.** For a parcel located across a street from an existing single-family residential zone, the height of the front building wall shall not exceed 2 stories and 30 feet.
2. **Side and Rear Building Walls.** For a parcel sharing an interior side or rear property line with an existing single-family residential zone, the height of the side or rear building wall, as applicable, shall not exceed 2 stories and 30 feet.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

3. Upper Floors. When permitted by the applicable zone, any portion of a building taller than 2 stories or 30 feet should step back a minimum of 8 feet from the first- and second-story building walls.

E. Commercial Service Location and Screening.

1. Outdoor storage, trash collection and loading areas associated with commercial uses shall be set back a minimum of 15 feet from any property line abutting a parcel occupied by a detached single-family home.
2. Outdoor storage, trash collection, and loading areas shall be located and screened from view such that they are not visible from any parcel occupied by a detached single-family home.

F. Parking and Driveways. See Section 19.20.100, Subsection G (Parking Buffers).

G. Noise Generating Activities.

Outdoor dining, amplified music, and other noise-generating activities shall be set back a minimum of 150 feet from the property line of any parcel occupied by a detached single-family home.

19.19A.080 Parking Standards

A. Purpose.

1. This Section establishes parking standards that apply to new and expanded land uses in the TD. The intent of the standards is to ensure the success of the transit corridor by providing efficient parking in the corridor. This includes design standards for parking area design and parking supply standards.
2. The parking requirements reflect the immaturity of the transit system along the corridor. As the system matures, there will be increased potential to refine the parking requirements, applying techniques such as parking maximums (e.g., no minimum parking requirements). These requirements should be updated as the system matures to reflect the change in required parking along the corridor.

B. Required On-Site Parking.

All land uses within the TD shall provide on-site parking as shown in Table 19A.3 (Required On-Site Parking) unless further reductions can be justified as part of project approval by utilizing shared parking, unbundled parking, in-lieu parking fees, or other parking reduction techniques, as described below:

[Return to Municipal Code Contents]

1. Shared parking assessment shall be completed using the latest information from ULI's (Urban Land Institute's) Shared Parking.
2. Unbundled parking occurs when development does not include parking in the standard cost of the facilities (e.g., residents/employees must pay additional cost for the right to park on-site).
3. In-lieu parking fees are effective if a parking district or other management agency owns and maintains parking facilities. With in-lieu fees, a developer can pay the identified fee for the right to use that parking and reduce their own on-site parking facilities.

Table 19A.02 Required On-Site Parking

Base Zoning District	Parking Requirement (per sq. ft. of leasable area, unless otherwise noted)
Commercial General (CG-1)	1 space per 300 sq. ft.
Commercial General – Baseline/Mt. Vernon (CG-2)	1 space per 500 sq. ft.
Commercial General – University Village (CG-3)	1 space per 250 sq. ft.
Commercial Office (CO)	1 space per 370 sq. ft.
Commercial Regional – Malls (CR-1)	1 space per 250 sq. ft.
Commercial Regional – Downtown (CR-2)	1 space per 500 sq. ft.
Commercial Regional – Tri-City/Club (CR-3)	1 space per 250 sq. ft.
Central City South (CCS-1)	1 space per 500 sq. ft.
Commercial Heavy (CH)	1 space per 300 sq. ft.
Industrial Heavy (IH)	1 space per 1,230 sq. ft. of gross floor area
Office Industrial Park (OIP)	1 space per 350 sq. ft.
Public/Commercial Recreation (PCR)	Special study required

[Return to Municipal Code Contents]

Public Facilities (PF)	Special study required
Public Flood Control (PFC)	1 space per access point
Residential High (RH)	1 space per unit
Residential Low (RL)	1 space per unit
Residential Medium (RM)	1 space per unit
Residential Medium High (RMH)	1 space per unit
Residential Suburban (RS)	2 spaces per unit
Residential Urban (RU)	1 space per unit
Industrial Light (IL)	1 space per 625 sq. ft.

C. Residential Guest Parking.

Current visitor and guest parking standards of the underlying zone shall apply. On-street parking may be considered for visitors to residential uses along public and private streets adjacent to the residential use.

D. Handicapped Parking Requirements.

Handicapped parking space design shall be consistent with approved designs in the off-street parking standards Section 19.24.050

E. Bicycle Parking Requirements.

One bicycle parking space shall be provided for each ten automobile parking spaces provided. For office and multifamily uses, bicycle parking should be provided in sheltered and secure facilities.

F. Location of Surface Parking.

New surface parking lots should not be located between the front wall of a building and a public street. Surface parking should be located to the rear or side of buildings. If surface parking is not feasible, all other parking should be located in structures, underground, and/or off-site.

[\[Return to Municipal Code Contents\]](#)

G. Parking Structures.

All multistory parking structures shall be lined with commercial, retail, or residential uses on the ground floor along primary build-to lines, except for pedestrian and vehicular entries into the parking structure.

H. Surface Parking Lot Screening.

1. Surface parking lots abutting a public sidewalk or street shall provide a landscaped buffer and/or decorative or “greenwall” screening along the perimeter of the parking lot abutting the sidewalk or street.
2. Surface parking abutting a residential zone shall provide a six foot high decorative wall and a landscaped buffer at least eight feet in width.

I. Alley Access.

For new structures adjacent to a rear alley, service access to the property shall be provided only through the rear alley.

J. Driveways.

All new driveways within a TD shall comply with the following standards.

1. Driveways shall comply with the dimension standards shown in Table 19A.03 (Driveway Dimension Standards).
2. All new curb cuts providing access to a driveway from a public street shall be separated a minimum distance of 50 feet from another existing or new curb cut, unless the parcel size requires shorter spacing. In that case, a minimum spacing of 35 feet shall be provided.
3. Parking spaces shall not be located along the sides of a driveway.

Table 19A.03 Driveway Dimension Standards

Driveway Type	Driveway Width	
	Minimum	Maximum
1-way	8 ft.	12 ft.
2-way	20 ft.	25 ft.

19.19A.090 Subdivision Standards

A. Purpose.

This section establishes standards for the subdivision of parcels within the TD to ensure that large parcels are subdivided in a manner that supports a walkable, transit-oriented environment.

B. Applicability.

The following standards apply to subdivisions of parcels 10 acres or greater.

C. Block Lengths.

1. Except as permitted by Subsection 2 below, the maximum length of a block created by the establishment of one or more new streets shall not exceed 400 feet.
2. The City may approve a block length in excess of 400 feet when necessary to achieve project compliance with connectivity standards in Subsection D below, or if there are physical limitations, such as the size of the project area, that do not allow for compliance with this standard.
3. Block lengths shall be measured as the length of property abutting one side of a street between either the two nearest intersecting streets or the nearest such street and any other physical barrier to the continuity of development. Block lengths shall be measured from property lines that intersect at an angle of 45 degrees or more.

D. Connectivity Standards.

1. New streets established within the TD shall align and connect with any existing adjacent street.
2. Block lengths shall increase connectivity to surrounding existing and planned pedestrian and bicycle facilities.
3. New development of large sites (in excess of one acre) shall maintain and enhance connectivity with a hierarchy of public streets, private streets, walks and bike paths.
4. Bicycle/pedestrian connections shall be provided at each cul-de-sac end, where feasible.

G19.19A

TRANSIT OVERLAY DISTRICT (TD) ZONE DESIGN GUIDELINES

Sections:

G19.19A.100 Transit Overlay District (TD) Zone Design Guideliines

G19.19A.110 District Image

G19.19A.120 Transit Oriented Design

G19.19A.130 Site Planniing and Architectural Design

G19.19A.140 Parking Design

G19.19A.150 Landscape Design

G19.19A.100 Transit Overlay District (TD) Zone Design Guidelines

The guidelines are intended to promote quality design, consistent with City General Plan goals and objectives, while providing a level of flexibility to encourage creative design. These design guidelines implement various policies in the Land Use, Housing, Economic Development, Community Design, Circulation, and Natural Resources and Conservation Elements pertaining to transit oriented development.

- A. Purpose and Intent. The following design guidelines are intended to direct the physical design of building sites, architecture, and landscape elements located within the City's Transit Overlay District (TD) Zone. This comprehensive approach represents a more understandable and predictable role in shaping each TD's physical future by emphasizing community form, architectural typologies, and landscape design that reinforce traditional and modern development patterns. In the Downtown, Village/Urban Center, and Employment Center station areas, contemporary architecture that has a strong pedestrian orientation, visual interest on the ground floor, quality long lasting materials, human scale, and articulated facades are also encouraged. The guidelines are intended to complement the mandatory TD development regulations contained in this chapter by providing design solutions and interpretations of the mandatory regulations.

(Ord. MC-1393, 12-02-13)

- B. Applicability. The guidelines shall apply to all development within the TD districts. Any addition, remodeling, relocation, or construction requiring a building permit within the TD districts that is subject to review by the Development Review Committee shall adhere to these guidelines where applicable. Unless there is a compelling reason, these guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor and Common Council person within 15 days of the waiver approval.

[Return to section 19.19A]

- C. Interpretation. Compliance with a design guideline written as a —shouldll is discretionary. A design guideline written with an action verb (e.g., provide, use, locate, create, establish, employ) is highly recommended. Using these terms are important, but may be waived or modified by the Development Review Committee based upon an alternative deemed acceptable through the design review process.
- D. Architectural Typology. The design guidelines for architectural typologies contained in this section (i.e., Courtyard Housing, Row houses, Live/Work Units, Stacked Flats, Mixed Use, and Office) are not all inclusive. Other architectural typologies may also be appropriate for other permitted uses as listed in the Development Code.

G19.19A.110 District Image

The intent of this section is to establish a design framework for the development, enhancement, and preservation of San Bernardino Transit Overlay Districts, based upon traditional planning and urban design patterns, historical precedents, and sustainability principles that ultimately drive the physical form of each district.

The overarching community vision for Transit Overlay Districts originates from a desire to create compact pedestrian-oriented environments consistent with traditional transit oriented development principles which advocate:

- 1. Compact Transit Districts. Characterized by easy access to multi-modal transit systems, a wide variety of housing types and services, and job sites located very close at hand.
- 2. Connectivity. Characterized by a fine-grained and interconnected street network ensuring that all trips are as short as possible, disperse congestion, and are compatible with walking, biking, and transit.
- 3. Walkability. Characterized by commercial business, service establishments, employment, and transit facilities that are located within a five-minute walk.
- 4. Placemaking. Characterized by urban patterns, blockscapes, architecture, and landscaping that reinforces and complements the design heritage of the region.
- 5. Employment Accessibility. Characterized by good jobs located in higher-intensity —vertical campusesll located close to a variety of housing opportunities.



[Return to section 19.19A]

6. Diversity of Housing Types. Characterized by a fine grain of housing typologies, designed to complement a wide variety of income levels and associated lifestyles.

G19.19A.120 Transit Oriented Design

A **transit district** is a defined, higher-intensity, multimodal quarter designed to accommodate a variety of coordinated movement systems, including commuter rail, light rail, streetcar, BRT, bus, shuttle, pedestrian, and automobiles.

Transit oriented development is intended to maximize access to mass transit amenities with centrally located transit stations commonly surrounded by relatively high-intensity commercial, office, and residential development. In general, successful transit oriented districts are well-used and well-loved people places, enriched by a dynamic mix of land uses, defined street-adjacent architecture, and comfortable urban spaces. Transit oriented districts are highly permeable, composed of an extensive network of transit modes that physically and visually link to the greater community, encouraging enhanced connectivity that ultimately embraces transit ridership.

The essence of a sustainable transit district is found in an integrated system of commercial, residential, employment, and recreation uses coupled with a diversity of alternative circulation/transportation features that knit the district together in an integrated and holistic fashion. The goal is a low-carbon district with a sense of place, concentration of activities coupled with urban spaces, and efficient architecture where daily life can unfold.



- Create a density gradient, locating the highest intensity/density land uses closest to transit stations, transitioning outward to lower intensity/density uses.
- Locate pedestrian and transit-friendly commercial activities at the ground level, office and residential above where supported by the market. Use ground-floor storefront windows to enliven the street by providing visual interest that encourages people to walk and take transit.
- Provide civic amenities and urban open space uses within transit districts designed to serve transit users and residents.

[Return to section 19.19A]

- Develop a hierarchy of street designs that vary in modal emphasis, providing a balanced transportation system that accommodates transit, automobiles, bicyclists, and pedestrians.
- Intensify building masses at corners to accommodate pedestrian generating uses that enhance ridership



- Locate primary building entrances facing the public street, with clear connections to the adjacent sidewalk, ensuring pleasant and simple access for pedestrians.
- Provide a pedestrian-scaled street network composed of a dense grid of streets with short, direct connections between land uses and transit amenities. Provide connections to local and regional multiuse paths and trails that encourage longer walking and bicycle trips improving accessibility for transit users.
- Configure parking to be unobtrusive by orienting parking away from the pedestrian realm, behind buildings, in structures, or underground. Utilize on-street parking, where feasible, to reduce off-street parking requirements, providing parking opportunities to adjacent retail and service uses.
- Combine traditional ground-floor storefront commercial facilities at corner transit stop locations, enhancing "trip chaining"—performing one or more errands on the same trip.
- Promote an interconnected street network and the use of short blocks (two to five net acres) to increase vehicular and pedestrian route choice, thus enhancing connectivity, reducing trip length and vehicular greenhouse gas (GHG) emissions.
- Promote tight urban blocks that are not dominated by large surface parking areas, reducing convection losses and heat gains as adjacent buildings protect one another from the wind and sun.

[Return to section 19.19A]

- Use street trees to modify the climate in a passive way (absorbing rather than reflecting heat energy, leaving opposed to the use of tacked-on architectural "green-bling.")
- Create high-performance, energy-efficient buildings and infrastructure.

G19.19A.130 Site Planning and Architectural Design

- A. Site Planning. Site planning within the TD should promote traditional time honored building placements while accommodating pedestrian plazas, courtyards, and parking located internal to the site. The goal is to place buildings adjacent to the public streetscape in order to enhance the pedestrian experience by creating an enclosed and defined environment, while sensitively accommodating the automobile.



This traditional setting fosters a people-oriented environment in which the needs of everyday life are easily accessible. These guidelines are also intended to accommodate a wide variety of building typologies, in an effort to create a dynamic environment that promotes connectivity, walkability, commerce, jobs/housing balance, and transit ridership.

1. Residential Site Planning. The residential site planning guidelines address a wide range of architectural typologies designed to create a fine-grained district image. The intent is to sensitively orchestrate the location, placement, and orientation of various multifamily attached dwelling types consistent with the nature of transit oriented development districts.



What is envisioned is a small-scale "smattering" of traditional housing types—courtyard housing, row houses, stacked flats—seamlessly integrated into the fabric of the district. Ultimately, the goal is to disperse a wide variety of traditional multi-family attached dwelling types throughout the transit district, oriented toward the public realm, as opposed to internal oriented gated mega-complexes. By sensitively siting multifamily dwelling types, it is envisioned that higher-density dwellings will successfully blend into the TD, welcoming a variety of living arrangements and associated lifestyles.

[Return to section 19.19A]

2. Commercial and Office Site Planning. The commercial and office site planning guidelines are intended to promote time-honored building placements to concentrate live-work, mixed-use, and office structures to frame and enclose the public streetscape. Buildings are to be placed near to the public streetscape in order to create an enclosed and defined environment that promotes commerce, social interaction, and transit ridership.



The purpose is to create a fine-grained environment whereby modest live-work housing coexists with higher-intensity mixed use and office nodes and adjacent residential neighborhoods. This traditional setting fosters a people-oriented environment in which the needs of everyday life are easily accessible—an atmosphere that places automobiles behind buildings, concentrates activities, defines urban space, and promotes building placements that celebrate people

- B. Architectural Design and Image. The San Bernardino Transit Overlay District (TD) Zone’s architectural image is born out of a desire to create enduring and human-scaled expressions rooted in the traditional architectural heritage of the region.



This traditional architectural image typically fosters a people-oriented environment characterized by a variety of building designs that frame and define the public streetscape. All elements of architecture were traditionally constructed of highly durable materials, defined by a discernible base, middle, and top that add architectural rhythm to the streetscape. Composed of both modern interpretations and traditional architectural precedents, architecture should be defined by cultural influences, graced by indigenous materials, and constructed with the time-honored design principles of mass, scale, and rhythm. The following most common architectural typologies are defined for the TD: courtyard housing, row houses, stacked flats, live-work units, mixed-use, and office buildings. The guidelines do not preclude variations in these types of development or other residential and non-residential products to be built. Ultimately, the purpose is to avoid superficial —franchise stylell architecture in favor of a more traditional architectural image that embraces enjoyable life on the street.

[Return to section 19.19A]

1. **Courtyard Housing.** Courtyard housing is defined by multi-story building masses containing individual dwelling units that commonly enclose a centralized outdoor private courtyard space oftentimes containing formal gardens and decorative pavers.



Courtyard housing consists of: Two to four story building masses that frame and define the public streetscape. Building masses enclose internally oriented courtyard space. Building frontages orient toward the public streetscape and internal courtyard. Modest building insets accommodate front yard gardens and forecourts. Individual unit frontages should be accessed directly from the street and internal courtyard. Rear-oriented enclosed garages are accessed from a rear alley.

Traditionally within mild Mediterranean climates, such as Southern California, courtyard housing was employed to capitalize on the positive indoor/outdoor relationship characterized by multi-story building masses that frame and enclose positive garden space. The attraction of courtyard housing is its ability to function as a collection of individual units with private entries, yet having access to common space amenities.



[Return to section 19.19A]

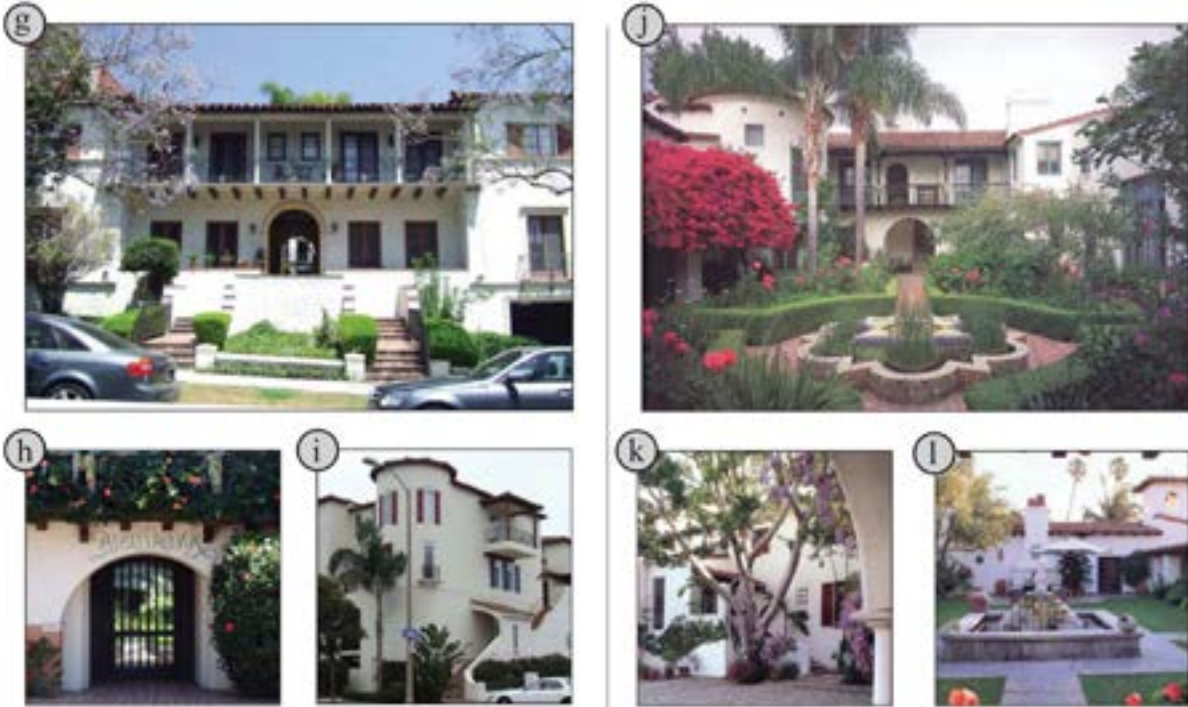
The design guidelines for courtyard housing include the following:



- a. Orchestrate multi-story courtyard housing building masses to frame and enclose semi-private open space in the form of internalized courtyards and patios (a, b, c, d, g, j, k, l).
- b. Provide individual unit entrances oriented toward semi-private interior courtyards (k, l) and semi-public street-oriented external forecourts (a, d).
- c. Craft traditional courtyard housing with a distinctive base (anchoring the dwelling to the ground plane); shaft (transitional element which provides window transparency), and capital (roof cap which terminates the top of the dwelling) (a, d, g, j).
- d. Avoid the use of continuous common exterior corridors. Instead, access upper-story dwelling units via attractive external staircases which are fully integrated into the fabric of the building (c, i).
- e. Provide simple changes in wall plane to reduce the apparent mass and scale of the dwelling, consistent with the architectural style of the home (a, g, i, j).

[Return to section 19.19A]

- f. Create building relief through the use of tower elements and building projections designed to enhance facade variety and visual interest (i).



- g. Define the public and private realms by providing a distinguishable and ornamented transitional portal (h).
- h. Support covered porches, upper-story loggias, and balconies with substantial columns, piers, and posts (b, d, e, f, g).
- i. Provide ample "punched" window and door recesses designed to express building mass. Minimum window and door recess should measure four inches deep (b).
- j. Provide traditional vertical orientated windows (a, b, g).
- k. Provide simple changes in wall plane to reduce the apparent mass and scale of the dwelling, consistent with the architectural style of the home (a, g, l, j).
- l. Provide protruding wing walls as a natural extension of the building, designed to enclose and define private outdoor patio spaces.
- m. Use arcades and colonnades as semi-private transitional elements designed to frame courtyard spaces (c).

[Return to section 19.19A]

- n. Provide upper-story projecting balconies supported by protruding dimensional timber corbels (d, e, g).
- o. Configure courtyards in a usable fashion, designed to accommodate outdoor entertaining, recreation, and leisure amenities (j, k, l).
- p. Orient on-site garages toward the rear of the site accessed from an alley. On-grade and tuck-under parking facilities should be provided, characterized by enclosed garages designed to accommodate residents.

2. **Row Houses.** A row house is a multi-story single-family dwelling that shares a common wall with adjacent units of the same type, occupying the full width of the frontage line, designed to frame and enclose the streetscape in a regimented fashion.



Row house design consists of:

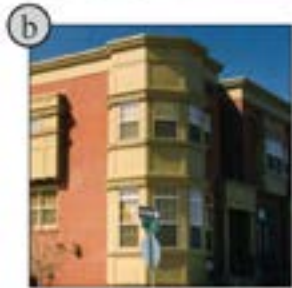
- Two-to-three story building masses that frame and define the public streetscape.
- Front dooryards accommodate raised stoops or garden. Individual units are directly accessible by pedestrians from the public street.
- Outdoor terrace space sometimes occurs between the street-facing dwelling and rear garage.
- Rear-oriented enclosed garages are accessed from a rear alley.

This traditional tall and slender attached building typology exhibits all the trappings of the classic urban oriented dwelling form, commonly defined by multi-story building masses with raised stoops, projecting window bays, and defined entrance features that greet the public realm. Row houses typically form regimented street walls that promote streetscape continuity, framing and enclosing the public streetscape.

[Return to section 19.19A]



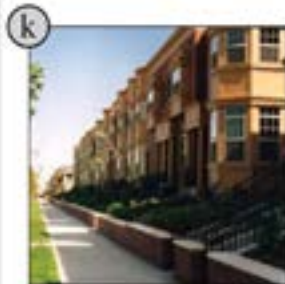
The design guidelines include the following:



- a. Provide two-to-three story building masses designed to frame and define the public streetscape (a, d, g, j).
- b. Create consistent row house unit bay rhythms designed to form a consistent and disciplined street wall (a, d, g, j).
- c. Anchor row house corners with higher intensity tower features (a, b).
- d. Craft traditional row houses with a distinctive base (anchoring the dwelling to the ground plane), shaft (transitional element that provides window transparency), and capital (roof cap that terminates the top of the dwelling) (c, j).

[Return to section 19.19A]

- e. Shelter residents by providing ample entrance indentations (e, i). Row house building entrances should be designed with a minimum square footage of 20 square feet and minimum depth of 4 feet
- f. Define individual unit entrances oriented toward the public street (e, i).
- g. Enhance interior viewing opportunities with bay window projections to optimize viewing angle (a, b, c, g, h, j).



- h. Provide traditional windows that are vertical in orientation (a, b, c, f, g, h, j).
- i. Recess window and door openings into the row house facades to express the mass of the building (j).
- j. Elevate row house units to ensure resident privacy while enhancing surveillance of the public streetscape (a, g, i, j, k).
- k. Avoid locating entrances directly on-grade. Instead, entries should be elevated 24 inches, minimum (a, g, i, j, k).

[Return to section 19.19A]

- l. Integrate exterior staircases and stoops into the fabric of the building (i). Design exterior staircases and stoops, including balusters, handrails, and treads, using similar materials as the row house dwelling. Prefabricated metal staircases shall not be permitted.
- m. Provide private outdoor open space in the form of stoops (i), balconies (f, l), and dooryard gardens (k). Private open space should be a minimum of 200 square feet
- n. Orient on-site parking garages toward the rear of the site accessed from an alley.

3. **Stacked Flats.** A flat is a self-contained housing unit that occupies only part of a building. In a stacked-flat building, several units, above and beside each other share a common entry and are accessed through common, semiprivate spaces.



The design of stacked flats consists of:

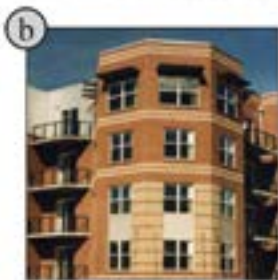
- Three to four-story building masses that frame and define the public streetscape.
- Modest setback may accommodate front patio space.
- Buildings are accessed from a common street-adjacent entrance portal.
- Individual units are directly accessed from interior double-loaded hallways.
- Internally oriented underground or podium parking is accessed from limited street portals.
- Internally oriented courtyards are located above parking areas.

[Return to section 19.19A]

In addition to their classic scale and eye-catching proportions, the beauty of stacked-flat structures is their ability to frame and enclose broad boulevards and avenues, creating a pedestrian-friendly environment. It is this traditional relationship of the public street to the private building that is critically important in establishing a sheltering and safe pedestrian setting that enhances social interaction and commerce.



The design guidelines for stacked flats include the following:



- a. Create traditional, formal, proportional, and rhythmic multilevel building masses to unify the public blockscape (a, d, g, j).
- b. Provide traditional, formal building masses designed to frame and enclose the public streetscape (a, d, g, j).

[Return to section 19.19A]

- c. Celebrate the street corner by increasing or articulating building mass, using tower elements as "gatepost" architectural features (b).
- d. Distinguish buildings with a discernible base (c) and cap (a, d, e, f,) that to define the top and bottom of the structure. Use continuous building elements, such as roof eaves (a, d, e, g), cornice elements (f, h), window bands (b, d, f, g, h), and masonry foundation bases (c) to assure building unity and blockscape continuity.
- e. Rest the building on a wide discernible foundation base to anchor the building to the ground plane (c).
- f. Create visual rhythms with building masses that divide facades into individual repetitive components. Segment buildings into individual elements using the following techniques:
 - Vertical tower masses (b, e)
 - Horizontal repeating spandrels
 - Consistent repetitive roof forms (a, d, e)



[Return to section 19.19A]

- g. Distinguish individual floors using the following techniques:
 - Projecting horizontal cornice elements (f)
 - Decorative masonry belt courses (f)
 - Change in material pattern between floors (f)
- h. Define individual units with subtle facade articulations. Use repetitive elements such as structural bays (j), recessed loggias (g, j, l), and projecting balconies (k) to distinguish individual units.
- i. Provide distinguishable recessed building entrances, oriented toward the public street, as common building access points to internal-oriented lobbies and vertical circulation elements (i).
- j. Generally center windows on the building mass, and align both horizontally and vertically (a, b, d, e, f, g, h).
- k. Express building mass by recessing window openings in building facades a minimum of four inches (a, b, d, f, g, h).
- l. Provide windows that are vertical in orientation (a, b, c, d, e, f, g, h, k).
- m. Integrate projecting balconies (k) and recessed loggias (g, l) seamlessly with the design of the building. Projecting balconies should be minimum five feet deep and recessed loggias should be a minimum of 60 square feet.

4. **Live-Work Units.** A live-work building is designed to accommodate both commercial and residential uses within a single unit, commonly with retail and office uses on the first floor and upper floors dedicated to residential use.



Live-work units consist of:

Two to three-story building masses that frame and define the public streetscape.

Building frontages orient toward the public streetscape.

[Return to section 19.19A]

Sidewalk-adjacent building masses accommodate ground-floor businesses.

Ground floor businesses are accessed directly from the public street.

Private residences are accessed from internal lock-outs or separate street-oriented entrances.

Rear-oriented enclosed garages are accessed from a rear alley.



Traditionally, live-work establishments were occupied by merchants or employees who lived directly above their place of business, enabling entrepreneurs to establish business in an economical fashion. With the economic realities of today, this lifestyle concept is again gaining acceptance as a small business approach designed to provide goods and services while promoting enhanced housing diversity.

[\[Return to section 19.19A\]](#)

The design guidelines include the following:



- a. Provide multistory live-work building masses designed to frame and define the public realm (a, d, g, j).
- b. Provide dual-unit entrance designed to accommodate both residents and merchants. Provide direct storefront workspace access oriented toward the public streetscape. Provide secondary upper-story access designed to accommodate residents (i).
- c. Design ground-floor live-work storefronts using traditional storefront heights to allow natural light to penetrate street-oriented display windows, illuminating storefront interiors (c, e, f).
- d. Express the underlying structure of the building. Use a sequence of storefront structural bays designed to convey how the building stands up (c, e, f).
- e. Provide a series of storefront structural bays, composed of repetitive vertical columns/piers and horizontal spandrels designed to create a consistent facade rhythm (c, e, f).

[Return to section 19.19A]



- f. Distinguish higher-intensity building corners with tower elements designed to resolve two converging street walls (h).
- g. Provide upper-story private resident outdoor open space in the form of decks (i) and balconies (k). Private open space should be a minimum of 100 square feet. Balconies should be a minimum 5 feet in depth.
- h. Recess doors and windows into masonry and exterior plaster walls to express building mass. Minimum door and window recess should measure four inches (k).
- i. Accommodate vehicles parking onsite by providing rear-oriented enclosed garages (l).
- j. Live/work configurations include: Live above work
Live within work
Live behind work (attached)
Live behind work (detached)

[Return to section 19.19A]

5. **Mixed-Use.** Mixed use is defined by higher-intensity developments that include two or more physically integrated uses on one site or within one structure, including combinations of retail, office, institutional, residential, or other land uses.



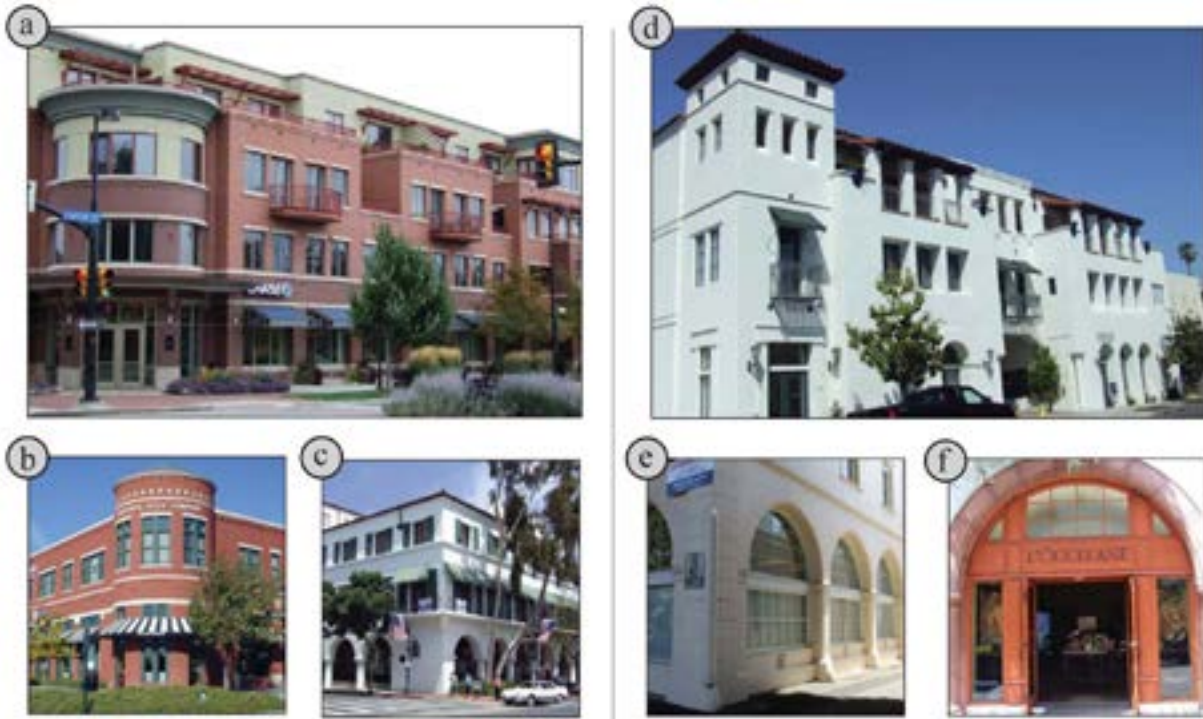
Mixed-use buildings consist of: Three- to four-story building masses frame and define the public streetscape. Building frontages orient toward the public streetscape. Sidewalk-adjacent building masses accommodate ground-floor businesses. Ground-floor businesses are accessed directly from the public street. Offices and private residences are accessed from internal lobbies and hallways. Internally oriented underground, podium, or parking court are accessed from limited street portals.

Traditionally, mixed-use districts are designed as pedestrian-friendly environments characterized by a variety of building typologies designed to frame, enclose, and embrace the public realm. Because commercial, residential, and employment land uses are placed in such close proximity, the needs of everyday life are easily accessible, while enhancing alternative transportation modes such as walking and transit ridership.



[Return to section 19.19A]

Design guidelines for mixed-use buildings include the following:



- a. Create traditional street walls composed of a storefront base, upper-story facade, and roof cap designed to frame and enclose the streetscape, creating a pedestrian-friendly "Main Street" atmosphere (a, d, g, j).
- b. Differentiate individual building masses along the street wall with slight indentations to enhance blockscape variety and visual interest (a, d, g).
- c. Use similar structural bay and window rhythms to promote blockscape continuity (j).
- d. Express the underlying structure of the building. Use a sequence of structural bays designed to convey how the building stands up (a, d, g, j).
- e. Provide tower elements to accentuate and highlight building corners, emphasizing higher intensity land uses (a, d, b).

[Return to section 19.19A]



- f. Use tower elements at corners as a transitional element that resolves two converging street walls (a, b, d, j).
- g. Create visual rhythms with structural bays that divide buildings into individual repetitive components (e).
- h. Provide a series of structural bays, composed of repetitive vertical columns/piers and horizontal spandrels/arches designed to create a consistent facade rhythm (f, h).
- i. Create visually distinct and substantial three-dimensional columns (i) and piers (h).
- j. Promote human scale by creating a series of proportional structural bays that segment the building into individual components. Structural bay width typically ranges between 24–30 feet (h).
- k. Use traditional storefront heights to allow natural light to highlight display windows, illuminating storefront interiors (e, f, h, l).
- l. Design storefronts that are balanced, with symmetrical proportions defined by structural bays, and characterized by storefront display windows, transom windows, recessed doorways, bulkheads, sign bands, and awnings/canopies (e, f, h, l).

[Return to section 19.19A]

- m. Create substantial covered arcades capable of accommodating pedestrian movements while sheltering patrons from the elements (i).
- n. Provide substantial three-dimensional arches designed to express the mass of the building (e, f, i, l).
- o. Use columns to continue the plane of upper-story facades (i).
- p. Design awnings to complement the structural framework of the building. Awnings should express the shape and proportion of structural bays and window openings (l).
- q. Locate transom windows above storefront display windows to increase interior daylighting (e, f, k).

6. **Office.** An office building is a place available for the transaction of general business, administration, and research and development functions typically not involving labor, manufacturing, fabrication or retail sales. Office buildings should generally be characterized by: Three- to four-story building masses that frame and define the public streetscape. Building frontages are oriented toward the public,



streetscape sometimes accommodating covered arcades and colonnades. Buildings are accessed from a street-adjacent common entrance portal. Individual office units are accessed from internal lobbies and hallways. Internally oriented courtyards are located above underground or podium parking. Internally oriented underground, podium, or parking courts are accessed from limited street portals.

Within traditional urban settings, office buildings become an integral element within the district mosaic, integrating seamlessly with other uses to form a rich and diverse mixture. Traditionally, office buildings and primarily building entrances, are located contiguous to the street, designed to frame and enclose the public realm while accommodating parking within internal-oriented courtyards or parking structures.

[Return to section 19.19A]



Design guidelines for office buildings include the following:



- a. Create building masses reflecting a distinguishable base, shaft, and capital (a, b, c, d, g, j).
- b. Rest the building on a distinguishable ground floor base or pedestal designed to anchor the building to the ground plane (g).
- c. Provide ground floor arcades and recessed entries that shelter pedestrians from the elements (f, k).
- d. Create a definable building shaft, designed as a transitional facade element which links the building base and capital (h, i).

[Return to section 19.19A]

- e. Crown the building with a discernible building capital, designed to terminate the top of the structure (a, d, g, j).
- f. Distinguish building corners by providing tower elements as landmark structures, designed to resolve two converging street walls (b).
- g. Create structural bays that visibly display the underlying structure of the building (e, f, h).
- h. Segment buildings into repetitive scale-giving elements composed of columns/piers and spandrels/arches (e, f, h, i).
- i. Create distinct and recognizable horizontal floor divisions. Use such techniques as horizontal window bands, continuous cornice elements, masonry belt courses, and repetitive window lintels designed to distinguish individual floors (a, c, d, e, g, h, i, j).

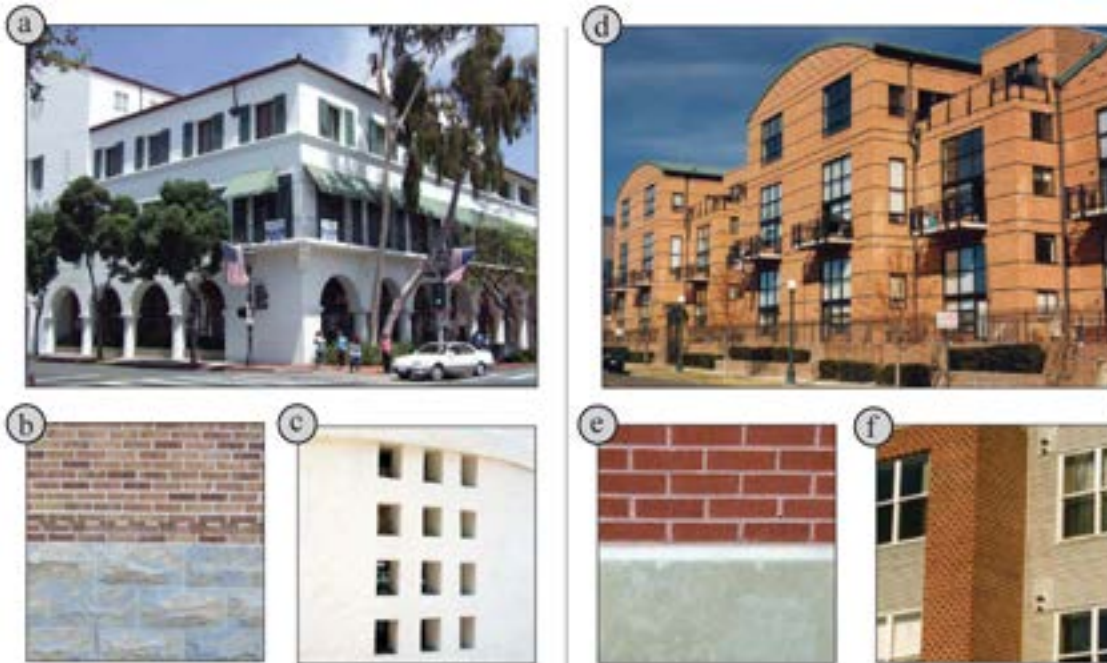


- j. Create visual rhythms with structural elements that divide facades into individual repetitive components. Building structures should be segmented into simple symmetrical components based upon the following facade rhythm standards:

Vertically repeating columns and piers (e, f, h, i). Horizontally repeating spandrels (h, j). Vertically-oriented windows repeated in horizontal bands recessed a minimum of four inches from the solid wall plane designed to express building mass (e, g, h, i, j).

[Return to section 19.19A]

- k. Segment horizontal window openings with mullions into a series of vertical oriented windows (e, h).
 - l. Provide traditional windows divided by muntins into a series of individual window panes (h).
 - m. Define window opening with lintels, masonry belt courses, sills, and awnings (l).
 - n. Use traditional, small, and durable human-scaled masonry building materials (c, d, j).
 - o. Provide a definable and prominent building entrance designed to signal egress (k).
7. **Building Materials.** Traditional indigenous building materials promote community identity by promoting an identifiable architectural vision, firmly rooted in the vernacular of the region. Traditionally, building materials such as brick and stone masonry are measured in human-scaled units. Because these materials are so commonplace, literally the building blocks of a civilized society, they are easily discernible and readily understood. Traditional building materials help us understand and scale larger buildings, ultimately connecting us to the built environment.



[Return to section 19.19A]

- a. Use durable and refined wall materials to project a traditional architectural image (a).
- b. Design buildings that use heavy, visually solid foundation materials (b, e) that transition upward to lighter wall cladding and roof materials.
- c. Use durable and substantial foundation materials such as rusticated stone (b), polished granite, and sandblasted concrete (c).
- d. Provide human-scaled wall materials that are familiar in their dimensions and can be repeated in understandable units (b, c).
- e. Provide wall materials such as brick and stone masonry that help people interpret the size of a building (b, e).
- f. Use traditional brick masonry dimensions (b, e).
- g. Use real, smooth, three-coat exterior plaster applications (a, c). Exterior plaster finishes should appear hand troweled, with slight surface variations (a, c).



- h. Provide exterior plaster finishes that are not overly exaggerated or irregular such as Spanish Lace.
- i. Use metal cladding (such as corrugated metal) with discretion, primarily for architectural accents and structural members (f, g, j).

[Return to section 19.19A]

- j. Use traditional gloss-glazed transparent tile with deep, rich colors for architectural accents.
- k. Avoid large featureless wall surfaces, such as metal screens, unrelieved stucco facades, and all-metal spandrel panels.
- l. Provide material changes at a change in wall plane on an inside corner (f).
- m. Use durable metal roof materials that enhance the longevity of buildings, including copper, Corten steel, standing seam (i), and —VII seam.
- n. Provide traditional straight-barrel mission tile roofs composed of clay or concrete if tile is to be used (h).
- o. Use rubber membrane materials for flat roofs only.
- p. Define flat roofs with a substantial parapet wall capped with ornamental coping designed to screen vents and mechanical equipment (k).
- q. Support roof eaves and rake overhangs with substantial dimensional timber beams, rafter tails, brackets, and corbels (l).
- r. Avoid nondurable roofing materials such as wood shingles (real or cementitious) and composition roofing.

[Return to section 19.19A]

G19.19A.140 Parking Design

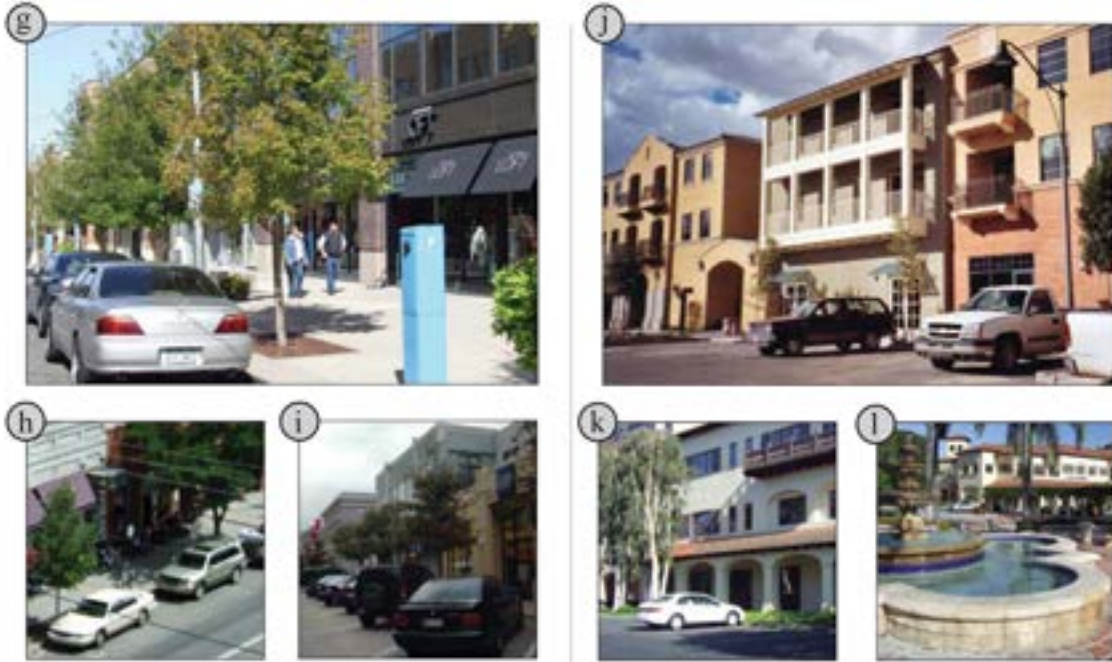
On-street parking lanes, parking structures, and rear parking courtyards are dedicated to the temporary storage of vehicles. The intent is to reduce the physical and visual impact of vehicles, fostering a pedestrian atmosphere.

Traditionally, parking garages were beautifully ornamented structures seamlessly integrated into the fabric of the business district, having their own special typology designed to harmonize with their surroundings. Today, new innovative solutions have been developed to soften the impact of vehicular storage, including screening garages with commercial storefronts, underground parking, and internal parking courts.



- A. Locate parking structures internal to the site and screened from public view. Use street-oriented building masses and commercial storefronts to screen parking structures from the streetscape (a, b, c, d, e, f).
- B. Provide ample parking structure identification signage designed to distinguish and highlight public parking garages (b, c).
- C. Design the facade of parking structures to mimic a traditional building composed of window openings and accretions intended to project a consistent streetscape image (c, e).
- D. Use continuous horizontal elements, such as projecting cornice elements, window bands, and brick courses consistent with adjacent building facades (c).

[Return to section 19.19A]



- E. Align parking structure facade walls with adjacent buildings to create a continuous street wall (e).
- F. Promote on-street parking opportunities to slow traffic in district cores. Motorists must be alert and aware to navigate the traditional intimate streetscape (g, h, i).
- G. Provide on-street parallel parking lanes designed to promote a traditional "Main Street" image and physical buffer. Parallel parking lanes are symbolic of traditional downtowns and provide a physical and psychological buffer between the street and pedestrian sidewalk (g).
- H. Provide on-street parallel parking lanes to accommodate short term convenience parking (g, h, i).
- I. Provide diagonal parking stalls to encourage short-term convenience parking opportunities, enhancing commerce (i).
- J. Eliminate pedestrian/vehicular conflicts. Curb cuts should not occur along storefront street walls. Curb cuts should only occur on side-alley-loaded blocks, providing alley access to internally oriented parking courts and service areas.
- K. Locate long-term on-site parking behind buildings, screened from public view (j, k).
- L. Design onsite parking areas as dual-usage courtyards to accommodate vehicles as well as pedestrians. Provide amenities such as raised fountain pedestals, tree bosques, and textured pavement treatments designed to accommodate pedestrians (l).

[Return to section 19.19A]

- M. Segment large parking areas into a series of small parking courts enclosed by buildings and framed by canopy trees designed to minimize the scale of the total parking area (j, k, l).
- N. Create internalized parking courts designed to accommodate long-term parking opportunities. Design parking courts as dual-usage plazas intended to accommodate both vehicular and pedestrian activities.
- O. Surface parking lots adjacent to public streets should incorporate a minimum 4 feet deep landscape buffer with trees and other plant material. Where a landscape buffer is not feasible, a screen wall with decorative detailing and/or landscaping should be provided. Screen walls should be visually permeable and provide openings for pedestrian access.

G19.19A.150 Landscape Design

- A. **Landscape Image.** The San Bernardino Transit Overlay District (TD) Zone's landscape pattern is intended to project a formal impression designed to reinforce the transit village image, rooted in the landscape heritage of the region. This formal landscape pattern justifies itself through the use of consistent street tree plantings which form tree-lined rows that frame and define the streetscape while shading and sheltering pedestrians from the elements. Public urban open spaces, such as plazas and courtyards, formal tree plantings create a framework outlining these public oriented amenities. Within TDs, the landscape image is designed to reinforce a pedestrian dominated environment that celebrates human culture rather than the automobile to create a sense of place while reinforcing the higher intensity nature of these transit nodes as commercial, residential and employment hubs of the community.
- B. **Landscape.** Landscape design is intended to improve or ornament the physical environment through the use of such elements as plant materials, water features, and land forms, designed to modify the physical setting for aesthetic purposes.
- C. Street trees are an important asset to the streetscape, due to their functional ability to modify the micro climate by providing summer shade, winter transparency (solar gain), while purifying the air. From a design standpoint, trees can positively frame and enclose the streetscape, creating an enhanced pedestrian environment that defines the public realm; while formal orchard-style tree grids soften parking fields.

[Return to section 19.19A]



- D. Provide a consistent streetscape image through the use of formal canopy-style street tree plantings that provide summer shade and winter transparency (a, d).
- E. Plant formal rows of street trees designed to frame and enclose the streetscape (a, d).
- F. Provide raised planters adjacent to light rail transit lines designed as a physical shield to guard pedestrians (b).
- G. Use raised planters contiguous to higher capacity arterials, buffering pedestrians from vehicles (c).
- H. Provide individual groupings of plant containers (b) or raised planters along sidewalks with colorful flowering annuals and perennials (e, f).
- I. Use tree grates and guards to protect street tree root systems, reducing soil compaction.
- J. Design landscape buffers adjacent to rear building elevations to soften building architecture while providing a landscaped transition between the rear parking area and building.
- K. Use trees in grids designed to mimic orchard-style plants designed to provide a shady grove designed to shelter vehicles and motorists from elements (g, h).

[Return to section 19.19A]



- L. Use tall columnar trees to frame and enclose parking fields creating a solid backdrop that protects interior canopy-style orchard trees.
- M. Use tall columnar trees to segment large parking fields into a series of "outdoor rooms" breaking-up large expanses of pavement.
- N. Use medians and islands to segment large parking fields creating variety and visual interest while mimicking traditional orchard grids (h).
- O. Provide landscape amenities including raised fountain pedestals, tree bosques, and enhanced paving designed to screen vehicles from public view (f, g).
- P. Provide decorative and ornamental low parking field walls to screen vehicles from public view (k, l).
- Q. Build seating into low screen walls designed to accommodate waiting transit riders (k).
- R. Use native and drought tolerant plant materials to promote an indigenous landscape image.
- S. Segment landscape areas into individual hydro zones designed to conserve water by grouping similar plant materials with like water requirements.

[Return to section 19.19A]

ARTICLE III - GENERAL REGULATIONS

CHAPTER 19.20 PROPERTY DEVELOPMENT STANDARDS

Sections:

- 19.20.010 Purpose
- 19.20.020 Applicability
- 19.20.030 General Standards

Tables:

- 20.01 Fences and Walls Height and Type Limits

19.20.010 Purpose

These standards shall ensure that new or modified uses and development will produce an urban environment of stable, desirable character which is harmonious with the existing and future development, consistent with the General Plan.

19.20.020 Applicability

Any permit which authorizes new construction or modifications to an existing structure in excess of 25% of the structure floor area shall be subject to the standards set forth in this Chapter.

19.20.030 General Standards

No permit shall be approved unless it conforms to all of the following standards set forth in this Chapter:

1. Access
2. Additional Height Restrictions
3. Antennae, Satellite Dishes and Telecommunications Facilities
4. Design Considerations
5. Dust and Dirt
6. Environmental Resources/Constraints
7. Exterior Building/Structure Walls

[\[Return to Municipal Code Contents\]](#)

8. Fences and Walls
9. Fire Protection
10. Fumes, Vapor, Gases
11. Glare
12. Hazardous Materials
13. Height Determination (Buildings and Structures)
14. Lighting
15. Noise
16. Odor
17. Projections into Setbacks
18. Public Street Improvements
19. Radioactivity or Electric Disturbance
20. Refuse Storage/Disposal
21. Screening
22. Signs, Off-Street Parking, Off-Street Loading and Landscaping
23. Solar Energy Design Standards
24. Storage
25. Toxic Substances and Wastes
26. Traffic Safety Sight Area
- 27.. Transportation Control Measures (TCM)
28. Undergrounding of Utilities
29. Vibration

(Ord. MC-1531, 6-03-20; Ord. MC-1056, 9-09-99; Ord. MC-890, 12-22-93)

These standards apply to more than one zone, and therefore, are combined in this Chapter. Also, these standards are to be considered in conjunction with those standards and design guidelines located in the specific land use district chapters.

1. ACCESS

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement, or recorded reciprocal access agreement.

2. ADDITIONAL HEIGHT RESTRICTIONS

Where the maximum permitted height of a new structure exceeds 35 feet, the following provisions shall apply:

- A. Enhanced buffering to surround properties and the appropriateness of understructure parking shall be evaluated.
- B. A visual analysis relating structure proportions, massing, height and setback shall be conducted to preserve and enhance the scenic viewshed.
- C. The need and appropriateness of the additional height shall be demonstrated.
- D. Compatibility and harmony with surrounding development, and land use designations shall be demonstrated.
- E. Above 35 feet, additional structural setbacks (step back) may be required.

3. ANTENNAS, SATELLITE DISHES AND TELECOMMUNICATIONS FACILITIES

All antennas, telecommunications facilities, (monopoles) and satellite dishes shall be installed in the following manner, subject to the appropriate entitlement:

(Ord. MC-1237, 1-11-07; Ord. MC-1090, 11-20-00)

A. EXEMPTIONS

The following installations in residential districts are exempt from the provisions of this section:

- 1. The installation of one (1) ground mounted satellite dish antenna in the rear yard which is less than 10.5 feet in diameter and less than 12 feet in height;

2. One (1) satellite dish antenna which is less than 24 inches in diameter may be installed on a building provided that such antenna does not extend above the eaveline of said building;
3. Residential single-pole or tower roof or ground mounted television, or amateur radio antennas where the boom of any active element of the array is 30 feet or less and the height does not exceed 75 feet.

The following installations in all areas of the City are exempt from the provisions of this section:

1. Wireless facilities in public rights-of-way, which are defined in and regulated by Chapter 12.05

(Ord. MC-1650, 6-16-21)

B. DIRECTOR REVIEW

The following shall be reviewed by the Director, subject to a Development Permit:

1. Antennas up to a maximum of 15 feet in height that are mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way.
2. Antennas that are architecturally integrated with a building or structure so as not to be recognized as an antenna, such as clock towers, carillon towers and signs.
3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, ball field lighting where antenna height does not exceed structure height.
4. Co-location of existing equipment on an existing City-approved support structure.
5. Modification of existing telecommunications facilities where the physical area of the reconfigured or altered antenna shall not exceed 15 percent of the original approval:
 - a. Three (3) or more additional whip antenna (15 feet maximum height);
 - b. The reconfiguration or alteration of existing antenna on a single support structure;

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- c. Additional dishes up to 4 feet in diameter;
 - d. Increased height of an existing antenna up to 75 feet.
6. Stand-alone monopoles camouflaged as palm trees, pine trees or other natural objects, within a grouping of similar natural objects.

C. PLANNING COMMISSION REVIEW

The following shall be reviewed by the Planning Commission, subject to a Conditional Use Permit:

- 1. Increased height of an existing, approved antenna that exceeds 75 feet in height.
- 2. New stand-alone monopoles that exceed 75 feet in height.
- 3. New ground mounted, uncamouflaged monopoles up to 75 feet in height.
- 4. All other wireless communication facilities, including lattice towers.
- 5. Placement of an antenna on any building not screened from public view.
- 6. On residentially designated property that is developed with a legal non-residential use (e.g., school, church, etc.).
- 7. Placement of a monopole or antenna (except as provided above) located within 75 feet from a property designated residential, or within 75 feet from an existing residence.

(Ord. MC-1237, 1-08-07)

D. DEVELOPMENT AND DESIGN STANDARDS

- 1. The antenna, support structure and associated equipment shall not be located within any residential land use district except as provided by Section 19.20.030(3)(A) and 19.20.030(3)(C)(6).
- 2. A maximum of one (1) satellite dish antenna shall be permitted per lot except retail locations selling and displaying satellite dish antennas and/or televisions may have more than one (1) such antenna.
- 3. No part of any satellite dish antenna shall be located within a required front yard, side yard, or on the street side of a corner lot.

[Return to Municipal Code Contents]

4. No part of any satellite dish antenna shall be located within three (3) feet of any property line.
5. No part of any monopole shall be located within ten (10) feet of any property line.

(Ord. MC-1237, 1-08-07)

6. Associated equipment shall be located within a completely enclosed structure or otherwise screened from view. Equipment shelter buildings shall be architecturally compatible with existing buildings on the site, as well as the surrounding properties, and shall be subject to the architectural Design Guidelines of the Development Code. Design features include, but are not limited to, split-face concrete block, slump stone, faux roof with pitch, etc.

(Ord. MC-1237, 1-08-07)

7. Fencing shall be wrought iron or similar decorative material and shall be consistent with the provisions of Section 19.20.030(8). Prohibited fencing includes chain link, razor wire and barbed wire.

(Ord. MC-1237, 1-08-07)

8. The antennae shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.

9. Antennas and support equipment shall be sited to minimize views from the public rights-of-way. Landscaping may be required to screen the tower, equipment buildings or support structures from view.

(Ord. MC-1237, 1-08-07)

10. If an antenna is attached or integrated into a building, it shall be painted to match the color of the building and/or covered with similar materials, subject to approval of the Director.

11. If not camouflaged, antenna and monopoles shall be a single, non-glossy color (e.g., off-white, cream, beige, green, black, or gray).

12. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights and/or strobes.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

13. The operation of the antennae shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer, inclusive of the City's trunked 800MHz public safety radio system, etc.) unless exempted by Federal regulation.
14. A support structure may be required to be adequately designed for a co-location on another company's equipment, of no more than two companies. If co-location is proposed, the application shall be reviewed by the Director, subject to a Development Permit.
15. Camouflaged monopoles shall have heavy-density branch coverage per the manufacturer's specifications (e.g., a minimum of 60 palm fronds or a minimum of 100 pine branches). Antennae shall be painted to match the structure or camouflaged with an approved concealment. A minimum of one-half of the length of the monopole shall be covered with a simulated bark cladding.

(Ord. MC-1237, 1-08-07)

4. DESIGN CONSIDERATIONS

The following standards are in addition to the specific design guidelines contained in the individual zones:

- A. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- B. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- C. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
- D. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- E. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- F. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.

[Return to Municipal Code Contents]

- G. Parking structures shall be architecturally compatible with the primary and surrounding structures.
- H. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.

5. DUST AND DIRT

In addition to the provisions of Section 19.30.040 (Grading), all land use activities (e.g. construction, grading, and agriculture) shall be conducted so as not to create any measurable amount of dust or dirt emission beyond any boundary line of the parcel. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

- A. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g. planting, paving or construction) will occur as soon as possible after grading.
- B. Disturb as little native vegetation as possible.
- C. Water graded areas as often as necessary to prevent blowing dust or dirt, hydroseeding with temporary irrigation, adding a dust palliative, and/or building wind fences.
- D. Revegetate graded areas as soon as possible.
- E. Construct appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the City Engineer.

6. ENVIRONMENTAL RESOURCES/CONSTRAINTS

All development proposals shall be evaluated in compliance with the California Environmental Quality Act (CEQA) and all General Plan environmental policies including, but not limited to, biological resource management areas, riparian corridors; rare, threatened and/or endangered species; air quality; mineral resources; archaeological resources; high wind areas; and, geologic hazards. Development within 50 feet of a riparian corridor may be prohibited or restricted, and structures within 50 feet of an active or potentially active fault shall be prohibited. Development within these areas shall be subject to the submittal of appropriate report(s) prepared by qualified professionals which address the impacts of the proposed project; the identification of mitigation measures necessary to eliminate the significant adverse impacts; and, the provision of a program for monitoring, evaluating the effectiveness of, and insuring the adequacy of the specified mitigation measures.

[Return to Municipal Code Contents]

7. EXTERIOR BUILDING/STRUCTURE WALLS

The following standards shall apply to all exterior building/structure wall construction:

- A. Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project.
- B. The following designs are deemed unacceptable in any development and therefore shall be prohibited:
 - 1. Nonanodized and unpainted aluminum finished window frames.
 - 2. Metal grills and facades. However, grills and facades of unique design and in keeping with the general decor of the development and neighborhood may be permitted subject to prior approval by the Director.
 - 3. Aluminum or other metal panels are not permitted on the street elevation, unless it can be demonstrated that they are consistent with a structure's overall design character, and do not adversely effect the pedestrian environment.

8. FENCES AND WALLS

The following standards shall apply to the installation of all fences and walls:

A. HEIGHT AND TYPE LIMITS

Fences and walls shall conform to the limitations outlined in *Table 20.01*.

(Ord. MC-1056, 9-09-99)

B. PROHIBITED FENCE MATERIALS/CHAIN LINK FENCING

- 1. The use of barbed wire, razor wire, or concertina wire fencing in conjunction with any other fence, wall, roof, or by itself within any land use district, is prohibited except as shown in Table 20.01, or unless required by any law or regulation of the City, the State of California, Federal Government, or agency thereof.

(Ord. MC-1531, 6-03-20; Ord. MC-1056, 9-09-99)

**TABLE 20.01
FENCES AND WALLS
HEIGHT AND TYPE LIMITS**

Zones	Maximum Permitted Height ¹	
1. Residential		
Front yard or side of street yard (not including the rear yard) ^{2&3}	3'	Solid Structures
	4'	Open work structures (must permit the passage of a minimum of 90% of light)
Other yard area	6'	
Outside of required yard area	8'	
Abutting a non-residential district	6'	Solid, decorative masonry wall
2. Commercial, Industrial and Institutional		
Front yard or side of street yard	2' 6"	Solid structures
	6'	Open work structures
Abutting residential zone	8'	Solid, decorative masonry wall
Other yard area	8'	
Outdoor storage areas visible from public rights-of-way (located behind required yards)	10'	Commercial
	16'	Industrial

¹The limitations shall not apply in the following instances:

- Where a greater height is required by any other provision of the Municipal Code;
- or
- Where a greater height or type of fence or wall is required by a condition of approval.

²Rear yard defined for the purposes of this section shall be from the rear property line to the rear plane(s) of the structure.

Ord. MC-888, 12-07-93

³Except for school uses (including pre-schools) which were legally established prior to November 1, 2004, which may have a 6' decorative security fence (wrought iron) in the front yard area and street-side side yard areas.

Ord. MC-1212, 8-17-05

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

Zones	Maximum Permitted Height ¹
Electric fences (located behind a primary fence)	
Within a setback area	10' Commercial/Industrial
Outside the setback area	16' Industrial
3. <u>All Zones-Traffic Safety Site Area</u>	2' 6"
4. <u>Public Right-of-Way</u>	8'
5. <u>Hillside Management Overlay - Retaining Walls</u>	
Uphill slope	8'
Down slope	3' 6"
Lots sloping with the street	3' 6"
Adjacent to driveways	8'
Facings streets	5' Constructed with natural, indigenous materials
6. <u>Foothill Fire Zone Overlay - Fences and Walls</u>	Constructed with non-combustible materials only

¹The limitations shall not apply in the following instances:

- Where a greater height is required by any other provision of the Municipal Code;
- or
- Where a greater height or type of fence or wall is required by a condition of approval.

B. PROHIBITED FENCE MATERIALS/CHAIN LINK FENCING - cont'd)

1. Six-foot high chain link fencing is permitted at all property lines for vacant commercial/industrial lots or buildings. The chain link fence shall be removed from the front yard and any other location adjacent to a public street by the owner/applicant at the time of development or occupancy.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

2. Chain link fencing with neutral colored slats may be used for outdoor storage areas located in the CH, IL, IH, and IE zones within required yards, if the fence would not be adjacent to a public street. Landscaped planting of sufficient density and height may be used to screen the fence from public view. Additionally, chain link fencing may be used with tennis courts, private and commercial, temporarily at construction sites, and where it is required by any law or regulation of the City, the State of California, Federal Government, or agency thereof.
3. The above limitations shall not apply where the prohibited fence material is required as a condition of approval.

(Ord. MC-1384, 1-16-13; Ord. MC-889, 12-07-93)

C. WALL DESIGN STANDARDS *

Perimeter tract or commercial/industrial development walls which are adjacent to a public street shall have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18-inch deep by eight-foot long landscaped recession.

(Ord. MC-888, 12-07-93)

Walls shall be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every 25 feet of continuous wall.

D. RESIDENTIAL FENCING/WALL REQUIREMENT

Fencing or walls are required between individual residential units, and residential developments if adjacent to parks, open spaces, and/or major rights-of-way. All fencing and walls are to be provided by each developer at the time of construction.

E. ELECTRIC FENCES

1. Permit Required. No electric fences shall be installed or used unless a Fence Permit has been applied for and obtained from the Community Development Department.

* Ord. MC-1531, 6-03-20 caused the renumbering of items in this subsection, but contained a typo that created two different items to be numbered "B." The items after the first "B" have all been adjusted to correct that, and no other changes have been made.

2. Type of Electric Fences Allowed. The construction and use of electric fences shall be allowed in the City only as provided in this section and subject to the following standards:

a. IEC Standards 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.

b. Electrification:

(1) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC.

(2) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

3. Conditions for Installation.

a. Perimeter Fence or Wall: No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet high.

b. Location: Electric fences shall be permitted only in non-residential zones and only in locations approved by the Community Development Department.

c. Height: Electric fences shall not have a height in excess of 10 feet in commercial and industrial setback areas and shall not have a height in excess of 16 feet outside of the setback areas on industrial properties.

d. Warning Signs: Electric fences shall be clearly identified with warning signs prepared in English and Spanish that read: "Warning-Electric Fence" at intervals of not less than 60 feet.

e. "Knox Box": A "Knox Box Electrical Shunt Switch" and a "Knox Box" or other similar approved device shall be installed for emergency access of Police and Fire Departments.

[Return to Municipal Code Contents]

4. Indemnification. All applicants issued permits to install or use an electric fence as provided in this Chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of San Bernardino and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings arising out of any personal injury, including death, or property damage caused by the electric fence.
5. Emergency Access. In the event that access by the City of San Bernardino Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Chapter is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this Chapter will agree to waive any and all claims for damages to the electric fence against the City of San Bernardino and/or its personnel under such circumstances.
6. Violation; Misdemeanor. It shall be unlawful, and a misdemeanor, for any person to install, maintain or operate an electric fence in violation of this section.

F. BARBED WIRE, RAZOR WIRE AND CONCERTINA WIRE FENCES

1. Permit Required. No barbed wire, razor wire, or concertina wire fences shall be installed or used unless a Fence Permit has been applied for and obtained from the Community Development Department.
2. Conditions for Installation.
 - a. Location: Barbed wire, razor wire, or concertina wire fences shall be permitted only in non-residential zones and only in locations approved by the Community Development Department.
 - b. Height: Barbed wire, razor wire, or concertina wire fences shall not have a height in excess of 10 feet in commercial and industrial setback areas and shall not have a height in excess of 16 feet outside of the setback areas on industrial properties.

(Ord. MC-1531, 6-03-20)

[\[Return to Municipal Code Contents\]](#)

9. FIRE PROTECTION

All structures shall meet the requirements of the City Fire Department.

10. FUMES, VAPOR, GASES

No emission which can cause damage to human health, animals, vegetation or other forms of property shall be discharged into the atmosphere. No other forms of emission shall be measurable at any point beyond the boundary line of the parcel. Emissions shall be in compliance with Air Quality Management District and Regional Water Quality Control Board permits.

(Ord. MC-1531, 6-03-20)

11. GLARE

No glare incidental to any use shall be visible beyond any boundary line of the parcel.

12. HAZARDOUS MATERIALS

The following standards are intended to ensure that the use, handling, storage and transportation of hazardous materials comply with all applicable requirements of Government Code 65850.2 and Health and Safety Code 25505, Article 80-Uniform Fire Code, et. al. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes, which would be contrary to State Law, but only to require reporting of information to the City that must be provided to other public agencies.

For the purposes of this Section, hazardous materials shall include all substances on the comprehensive master list of hazardous materials compiled and maintained by the California Department of Health Services.

- A. A Conditional Use Permit shall be required for any new commercial, industrial, or institutional or accessory use, or major addition to an existing use, that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous chemicals under the Uniform Fire Code, with the following exceptions:
 - 1. Underground storage of bulk flammable and combustible liquids; and
 - 2. Hazardous materials in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales.

[Return to Municipal Code Contents]

- B. All businesses required by Chapter 6.95 of the California Health and Safety Code to prepare hazardous materials release response plans shall submit copies of these plans, including revisions to the Director at the same time these plans are submitted to the administrating agency which is responsible for administering these provisions.
- C. Underground storage of hazardous materials shall comply with all applicable requirements of Chapter 6.7 of the California Health and Safety Code, and Article 79 of the Uniform Fire Code. Any business that uses underground storage tanks shall comply with the following:
 - 1. Notify the City Fire Department of any unauthorized release of hazardous materials immediately, after the release has been detected and the steps taken to control the release; and
 - 2. Notify the City Fire Department and the Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
- D. Above-ground storage tanks for any flammable liquids shall meet all standards of the City Fire Department.
- E. All structures subject to the provisions of this Development Code and all newly created lots shall be designed to accommodate a setback of at least 100 feet from a pipeline. This setback may be reduced, where the Director finds that:
 - 1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
 - 2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, lot lines, or easements; and,
 - 3. There shall be construction of hazardous liquid containment system or other mitigating facility where the City Engineer finds that a leak would accumulate within the reduced setback area. The design shall be approved by the City Engineer and a surety instrument shall be approved by the City Attorney to ensure the construction of the system.

A proposed structure (including a residence) on an undeveloped existing lot of record that cannot be constructed only because of this restriction, shall be allowed to be constructed if the structure is located so as to comply with the setback regulation as closely as possible. The Director may require a hazardous liquid containment system, to be approved by the City Engineer.

A pipeline is defined as follows:

1. A pipe with a nominal diameter of 6 inches or more, that is used to transport hazardous liquids, but does not include a pipe used to transport a hazardous liquid by gravity and a pipe used to transport or store a hazardous liquid within a refinery, storage, or manufacturing facility; or,
2. A pipe with a nominal diameter of six inches or more operated at a pressure of more than 275 pounds per square inch that carries gas.

A subdivider of a development within 500 feet of a pipeline shall notify a new owner at the time of purchase agreement and at the close of escrow of the location, size, and type of pipeline.

13. HEIGHT DETERMINATION (BUILDINGS AND STRUCTURES)

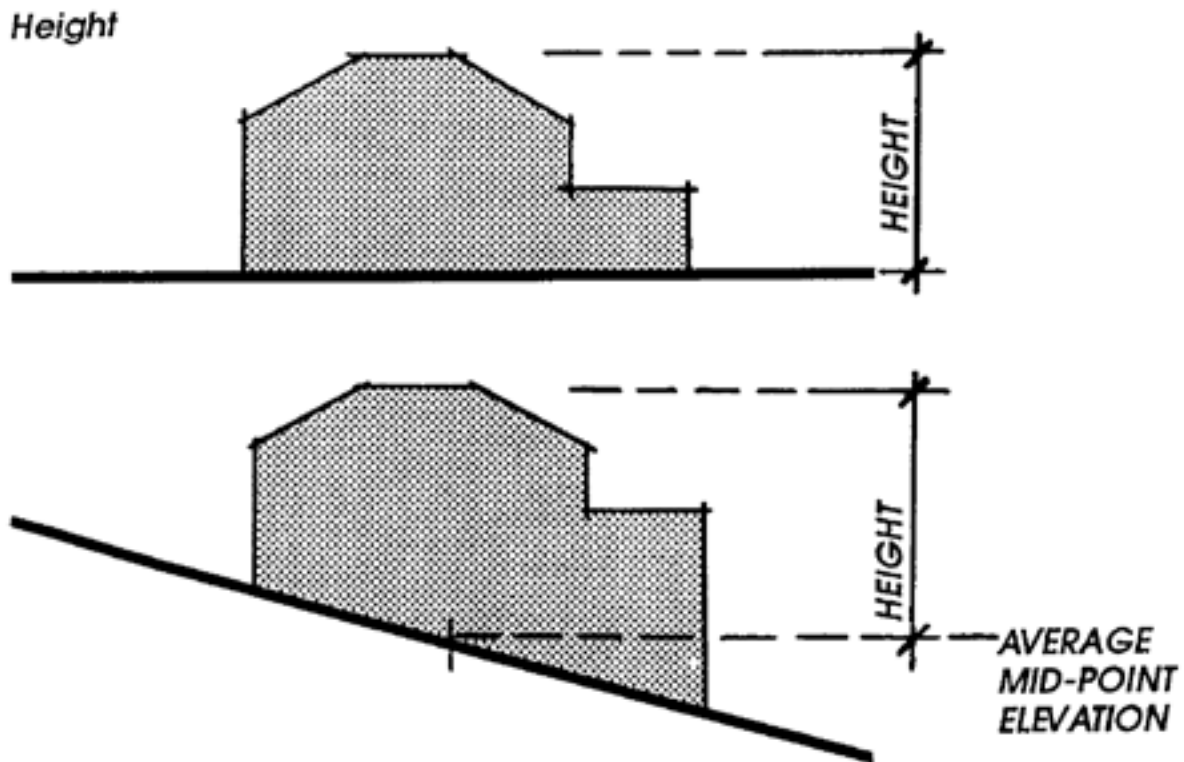
(Ord. MC-1531, 6-03-20)

All structures shall meet the following standards relating to height:

- A. The structure's height shall not exceed the standard for the land use district in which it is located. The structure height shall be determined from the finished grade to the highest point of the structure, excluding chimneys and vents.
- B. Pad elevations shall be determined by the Director and the City Engineer based on the following criteria.
 1. Flood control;
 2. Site drainage;
 3. Viewshed protection from both public and private property;
 4. Protection of privacy of surrounding properties including consideration of the location of windows, doors, balconies, and decks;
 5. Structure setback in relationship to structure height and property lines;
 6. Sightline and structure envelope analysis;

[Return to Municipal Code Contents]

7. Sewer line grade and location; and
8. Necessary slopes and retaining walls.



- C. Perimeter fences, or walls, shall not exceed six feet in height, unless as otherwise provided in this Development Code. The height shall be measured from the finished grade of the property.
- D. Architectural walls integral to the structure design, attached to the structure may exceed 6 feet in height, subject to review by the Director.
- E. To protect safety sight-distance for vehicular movement, sight obscuring fences, or walls, or other obstructions shall not exceed 36 inches in height when located in a front setback.

(Ord. MC-888, 12-07-93)

- F. Free-standing flagpoles and radio and television antennas may not exceed the structure height restrictions of the land use district in which they are located, except as otherwise provided in this Development Code.

14. LIGHTING

Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits.

15. NOISE

No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention-attracting, or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms and church bells. The following provisions shall apply:

- A. In residential areas, no exterior noise level shall exceed 65dBA and no interior noise level shall exceed 45dBA.
- B. All residential developments shall incorporate the following standards to mitigate noise levels:
 - 1. Increase the distance between the noise source and receiver.
 - 2. Locate land uses not sensitive to noise (i.e., parking lots, garages, maintenance facilities, utility areas, etc.) between the noise source and the receiver.
 - 3. Bedrooms should be located on the side of the structure away from major rights-of-way.
 - 4. Quiet outdoor spaces may be provided next to a noisy right-of-way by creating a U-shaped development which faces away from the right-of-way.
- C. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to $\frac{3}{4}$ -inch plywood). The barrier shall be of a continuous material which is resistant to sound including:
 - 1. Masonry block
 - 2. Precast concrete
 - 3. Earth berm or a combination of earth berm with block concrete.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- D. Noise barriers shall interrupt the line-of-sight between noise source and receiver.

16. ODOR

No use shall emit any obnoxious odor or fumes.

17. PROJECTIONS INTO SETBACKS

(Ord. MC-1531, 6-03-20)

The following list represents the only projections, construction, or equipment that shall be permitted within the required setbacks:

- A. Front Setback: Roof overhangs, fireplace chimney, awnings & canopies
- B. Rear Setback: Roof overhangs, pools, patio covers, tennis courts, gazebos, and awnings & canopies, provided there is no projection within 10 feet of the property line. Accessory structures may be built to the interior side or rear property lines provided that such structures are not closer than 10 feet to any other structures.

(Ord. MC-876, 6-09-93)

- C. Side Setback: Roof overhangs, fireplace chimney, awnings & canopies

Building Code requirements may further restrict the distance required to be maintained from the property lines and other structures.

18. PUBLIC STREET IMPROVEMENTS

- A. Any new construction or construction of 2,500 square feet or more of the structure floor area of the primary structure shall require the dedication of public right-of-way for public street purposes. In addition, the property owner shall be required to irrevocably agree to participate in any future assessment district that may be formed to construct public street improvements in accordance with the policies, procedures and standards of the Director of Public Works/City Engineer.
- B. Whenever street improvements are required along a parcel as a condition of approval, and the off-site drainage pattern requires it, the entire street section may be required to be improved in accordance with the policies, procedures and standards of the Director of Public Works/City Engineer.

[Return to Municipal Code Contents]

- C. Special Fee areas may be designated by the Mayor and Common Council to provide funding for required improvements or to refund monies advanced by the City for designated improvements. Whenever such fee areas are established by Resolution of the Mayor and Common Council, all new construction or construction of 2,500 square feet or more of structure floor area of the primary structures shall pay such fees.

(Ord. MC-1373, 5-24-12; Ord. MC-816, 1-07-92)

19. RADIOACTIVITY OR ELECTRIC DISTURBANCE

No activity shall be permitted which emits radioactivity or electrical disturbance.

20. REFUSE STORAGE/DISPOSAL

Every parcel with a multi-family, commercial or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height, in compliance with adopted Public Works Department Standards. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Trash receptacles for single family homes should be stored within the enclosed garage or behind a fence.

21. SCREENING

Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

22. SIGNS, OFF-STREET PARKING, OFF-STREET LOADING AND LANDSCAPING

All development shall comply with the provisions of Chapter 19.22 (Sign Standards); Chapter 19.24 (Off-Street Parking Standards); Chapter 19.26 (Off-Street Loading Standards) and Chapter 19.28 (Landscaping).

23. SOLAR ENERGY DESIGN STANDARDS

(Ord. MC-1381, 12-19-12)

Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

- A. Future structures should be oriented to maximize solar access opportunities.
- B. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 of due south.
- C. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.
- D. Any pool or spa facilities owned and maintained by a homeowners association shall be equipped with a solar cover and solar water heating system.
- E. No structure (building, wall or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.

24. STORAGE

There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; or building or manufacturing materials in any portion of a lot, except as allowed under the provisions of this Development Code. No storage shall occur on any vacant parcel.

No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.

Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

25. TOXIC SUBSTANCES AND WASTES

No use may operate that utilizes toxic substances or produces toxic waste without the approval of a Conditional Use Permit pursuant to the provisions of Chapter 19.36 (Conditional Use Permits). Prior to consideration of a Conditional Use Permit, the operator must prepare a toxic substance and waste management plan which will provide for the safe use and disposal of these substances.

[Return to Municipal Code Contents]

26. TRAFFIC SAFETY SIGHT AREA

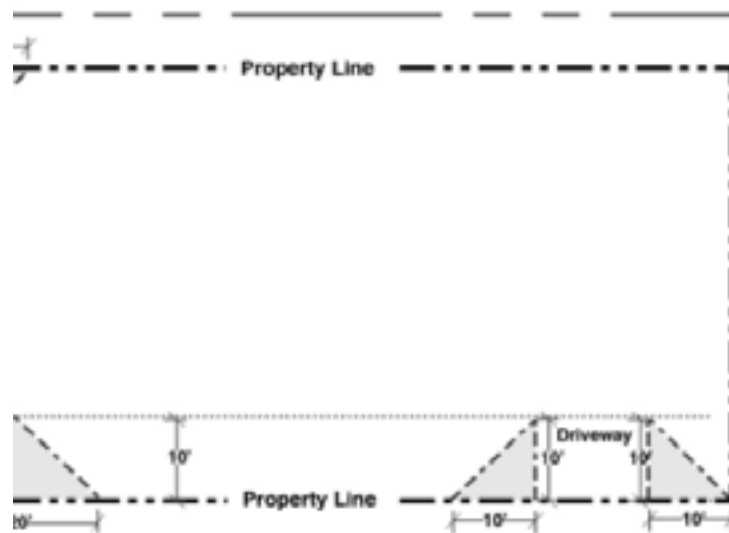
(Ord. MC-1531, 6-03-20)

No fence, wall, hedge, sign or other structure, shrubbery, mounds of earth or other visual obstruction over 36 inches in height above the nearest street curb elevation shall be erected or placed within a Traffic Safety Sight Area. A Traffic Safety Sight Area is a triangular portion of a lot formed by three distances measured along and/or perpendicular to property lines at the intersection of two street rights-of-way or at intersections of driveways, parking entrances, and alleys with a street right-of-way.

A. Distances Used to Measure Traffic Safety Sight Areas

The following distances, as seen in Figure 19.20 (29)-A (Traffic Safety Sight Area Distances) shall be used to measure Traffic Safety Sight Areas. Upon review by the City Traffic Engineer, the distances specified in this Section may be increased if he/she determines that a greater distance is required to maintain public health and safety or reduced if he/she determines that the reduced distance would not create a public health and safety/hazard.

1. For Traffic Safety Sight Areas at the intersection of two street rights-of-way, two sides of the triangle extend along the intersecting property lines for 20 feet and the third side is a diagonal line that connects the two other sides.
2. For Traffic Safety Sight Areas at the intersection of a street right-of-way and alley, two sides of the triangle extend along the intersecting property lines for 10 feet and the third side is a diagonal line that connects the two other sides.
3. For Traffic Safety Sight Areas at the intersection of a street right-of-way and driveway or parking entrance, one side of the triangle extends from the intersection of the street right-of-way and the driveway or parking entrance for 10 feet along the property line. The second side extends from the intersection of the street right-of-way and driveway or parking entrance for 1- feet perpendicular to the property line. The third side of the triangle connects the two other sides.



B. Exemptions

Traffic Safety Sight Areas shall not apply to the following:

1. Public utility poles:
2. Trees trimmed (to the trunk) to a line at least six feet above the level of the intersection
3. Supporting members of appurtenances to permanent structures existing on the date this Development Code becomes effective; or
4. Official warning signs or signals.

27. TRANSPORTATION CONTROL MEASURES (TCM)

(Ord. MC-1531, 6-03-20)

The purpose of this section is to reduce vehicle trips thereby reducing air pollutants and improving air quality, to comply with State Law, and to promote an improved quality of life. All new development is subject to the following Transportation Control Measures:

- A. Bicycle parking facilities or secured bicycle lockers shall be provided for all new non-residential developments and multi-family (of 10 or more units) developments when discretionary review is required. Parking racks or secured lockers shall be provided at a rate of 1 per 30 parking spaces with a minimum of a three-bike rack.

[Return to Municipal Code Contents]

- B. All new non-residential developments, meeting CMP thresholds of 250 or more peak hour trips, shall provide a minimum of one shower for persons bicycling or walking to work. The shower shall be made so as to be accessible to both men and women.
- C. On-site pedestrian walkways and bicycle facilities shall be provided connecting each building in a development to public streets for all new non-residential and multi-family (of 10 or more units).
- D. Passenger loading areas, suitable to the proposed land use shall be provided for all new non-residential and multi-family (of 10 or more units) developments (of 100 or more parking spaces). The loading areas shall be placed in locations close to building entrances but so as not to interfere with vehicle circulation.
- E. Preferred parking facilities shall be provided for vanpools at a rate of 1 van parking space per 100 standard parking spaces for all new non-residential development. A minimum of one such space shall be required. A vertical clearance of no less than 9 feet shall be provided.
- F. Transit improvements such as bus pullouts, bus pads, and bus shelters shall be provided for new residential and non-residential development along existing or planned transit routes. The need for and nature of those improvements shall be defined in cooperation with Omnitrans.
- G. New non-residential developments exceeding the following thresholds may be required to designate on-site parking areas to be used by commuters as park-and-ride lots or contribute exaction fees to develop off-site park-and-ride lots:

Retail	250,000 Square Feet GFA
Industrial	325,000 Square Feet GFA
Office	125,000 Square Feet GFA

The determination of whether an on-site park-and-ride facility or contribution of exaction fees is required will be based upon a Traffic Impact Analysis Report (TIA Report), prepared by a qualified traffic engineer in a manner consistent with the Congestion Management Program (CMP) for San Bernardino County.

- H. Parking space requirements for new non-residential development shall be reduced when linked to other actions that reduce trips to account for increased ridesharing and other modes of transportation. Analysis shall be provided estimating the trip reductions. The City Traffic Engineer shall review the analysis and make a recommendation to the Planning Division on the number of parking spaces that may be eliminated.
- I. A telecommuting center or contributions toward such a center shall be required for all new residential developments of 500 units or more.
- J. On-site video conferencing facilities shall be provided for all office park developments with 1,000 or more employees.

(Ord. MC-890, 12-22-93)

27. UNDERGROUNDING OF UTILITIES

Utilities shall be placed underground pursuant to Section 19.30.110. In the event an above ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area. If it cannot be screened, it shall be located in an underground vault. Exceptions to the undergrounding of utilities requirements are as follows:

- A. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground, if they are used solely in connection with the underground transmission or distribution lines;
- B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;
- C. The Council may waive any requirement of this section if topographical, soil or similar physical conditions make such underground installation unreasonable or impractical;
- D. Any Parcel Map with a maximum of four residential parcels, no parcel of which has previously been exempted from this section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities;
- E. That portion of a previously developed non-residential Parcel Map;

- F. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where one line is exempt, all parcel lines on that same pole shall be exempt;
- G. Any single lot development on a Residential Estate, Low, Suburban, or Urban (RE, RL, RS, and RU) designated parcel; or any single lot development of one net acre or less in any land use district, shall be exempt from this requirement. This exemption shall not apply where the requirement to underground utilities is imposed as a condition of approval of a subdivision map; and
- H. The remodeling of existing structures where the cost of remodeling is less than 50% of the replacement cost of the existing structure as determined for building permit fees shall be exempt.

28. VIBRATION

No vibration associated with any use shall be permitted which is discernible beyond the boundary line of the property.

CHAPTER 19.22 SIGN REGULATIONS

Sections:

19.22.010	Purpose
19.22.020	Applicability
19.22.030	General Requirements for All Signs
19.22.040	Prohibited Signs
19.22.050	Design Principles
19.22.060	Sign Permit and Sign Program Requirements
19.22.070	Permanent Signs
19.22.080	Temporary Signs
19.22.090	General Advertising Signs (Billboards)
19.22.100	Nonconforming Signs
19.22.110	Enforcement
19.22.120	Signs on Public Property
19.22.130	Definitions

Tables

22.01	Exempt Signs with Limitations (Do Not Require Permit)
22.02	Responsible Review Authority
22.03	Residential Zones
22.04	Commercial Zones
22.05	Industrial Zones
22.06	Public and Quasi-Public Zones
22.07	Temporary Sign Standards for Non-Residential Zones

19.22.010 Purpose

This Chapter provides a comprehensive system of reasonable, effective, consistent, and content-neutral sign standards and requirements to:

- A. Protect the general public health, safety, welfare, and aesthetics of the community.
- B. Promote and accomplish the goals, policies, and measures of the General Plan, including, but not limited to, addressing issues of scale, type, design, materials, placement, compatibility, and maintenance of signs (Community Design Policy 5.2.6) and the relationship of signs to both the scale of the buildings and to the street (Community Design Policy 5.7.4).
- C. Allow businesses, institutions, and individuals to exercise their right to free speech by displaying a message or image on a sign, and to allow audiences to receive such information.

[\[Return to Municipal Code Contents\]](#)

- D. Preserve and improve the appearance of and property values in the City of San Bernardino, and protect the City from the visual clutter and blight, and promote attractive and harmonious structures and environments by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs.
- E. Encourage the use of signs that provide direction and aid orientation for businesses and activities to enhance their economic value to the community and local businesses.
- F. Require that signs are designed, constructed, installed, and maintained in a manner that promotes public safety and traffic safety.
- G. Comply with the requirements of the Americans with Disabilities Act (ADA) and keep public rights-of-way clear and open to all.
- H. Comply with the requirements of the Federal Highway Beautification Act (Section 23 of USC Title 131 [Highways Code]) and the Outdoor Advertising Act (Chapter 2 in the California Business and Professions Code).
- I. Encourage signs that are well designed and pleasing in appearance, and provide incentive and latitude for variety, good design relationship, spacing, and location.
- J. Promote signs that identify businesses and premises without confusion through clear and unambiguous sign standards that enable fair and consistent enforcement.

Ord. MC-1531, 6-03, 2020

19.22.020 Applicability

- A. Applicability.
 - 1. This Chapter 19.22 applies to all signs within the City of San Bernardino unless specifically exempted herein.
 - 2. The number and area of signs set forth in this Chapter are intended to be the base standards. In addition to the enumerated standards, consideration shall be given to a sign's relationship to the overall appearance of the subject property, as well as the surrounding community.
 - 3. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on City of San Bernardino property that is open to the public, as long as the person holding the sign does not block ingress and egress from buildings; create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails; or violate any other reasonable time, place, and manner restrictions adopted by the City of San Bernardino.

[Return to Municipal Code Contents]

- B. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Chapter is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Chapter.
- C. Exemptions. The following sign types are expressly exempted from the Sign Permit requirements of this Chapter and shall not count toward cumulative allowable sign area, but must satisfy all other permit requirements when applicable (e.g., Building, Electrical, Plumbing, Grading, Encroachment, etc.):
1. Exempt Signs without Limitations. The following signs are exempt from the provisions of this Chapter so long as they do not constitute a General Advertising Sign:
 - a. Non-signs. All devices that are excluded from the definition of a "Sign."
 - b. Message Substitution. Conforming signs on which the message is changed, but such message substitution does not alter the sign size, height, location, or illumination. This provision does not authorize the conversion of an existing legal sign to a General Advertising Sign (Billboard) or to a digital display.
 - c. Interior Graphics or Signage. Signs or displays within a structure and not visible (meaning capable of being seen, regardless of actually being read) by the public from any public right-of-way or publicly accessible area.
 - d. Plaques. Tablets and plaques installed by the City of San Bernardino, or by a State, Federal, or County recognized historical organization exempt from Federal taxation under Section 501 of USC Title 26 (IRS Code) that are no larger than six square feet, or signs authorized and installed by City, County, State, or Federal agencies on public owned lands.
 - e. Equipment Signs. Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), vending machines, and gasoline pumps.
 - f. Official Notices. Any sign, posting, notice, or similar sign issued, installed, placed, or required by law by the City of San Bernardino, County of San Bernardino, or a Federal or State governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including but not limited to the following:

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- (1) Emergency and warning signs necessary for public safety or civil defense;
- (2) Legal notices posted pursuant to law or court order;
- (3) Traffic, railroad, utility, and parking signs erected and maintained by an authorized public agency or approved by an authorized public agency;
- (4) Direction, warning, or information signs required or authorized to be displayed by law;
- (5) Numerals and lettering identifying the address from the street to facilitate emergency response and compliant with City of San Bernardino requirements;
- (6) Signs erected by a government agency directing the public to points of interest;
- (7) Signs and advertising for the California State Lottery as authorized by California Government Code, Section 8880 et seq.; and
- (8) Motor vehicle fuel pricing signs, as required by State law, which identify the brand, types, octane rating, etc., of motor vehicle fuel for sale (Sections 13470 and 13530 of the Business and Professional Code). While exempt, the City of San Bernardino may review and approve motor vehicle fuel pricing signs to confirm design requirements for permanent or temporary placement and approval provisions listed herein.

- g. Flags. Flags, as defined herein, located on poles up to 75 feet in height and not subject to the Temporary Signs standards. Pennants, Banner Signs, Feather Signs, strings of ornamental fringes and streamers are not included in this exemption and are regulated under Section 19.22.080.

2. Exempt Signs with Limitations. The following Signs are exempt from Sign Permit requirements if they meet the size, height, duration, maximum number limitations, and any additional requirements set forth in Table 22.01, so long as they do not constitute a General Advertising Sign:

Ord. MC-1351, 6-03, 2020

Table 22.01 Exempt Signs with Limitations (do not require permit)

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Additional Requirements
a. Window Signs	N/A	25% of the total window glass area of the building frontage	N/A	<ul style="list-style-type: none"> • See Section 19.22.070(B)(9).
b. Yard Signs on property undergoing construction or remodeling (on sites less than 5 acres in size)	1 sign per street frontage	32 sf	8 ft	<ul style="list-style-type: none"> • Such signs shall be removed prior to issuance of a Certificate of Occupancy or within 7 days after the sale/rental of the last unit in the project/subdivision, as applicable.
c. Yard Signs on property undergoing construction or remodeling (on sites 5 acres or more in size)	1 sign per street frontage	76 sf	12 ft	<ul style="list-style-type: none"> • See Section 19.22.080(B) and (D).

Table Continued on next page

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Additional Requirements
d. Yard Signs on residential property that is offered for sale, lease, or rental	1 sign per street frontage	8 sf	5 ft	<ul style="list-style-type: none"> Such on-site signs shall be removed within 7 days after the close of escrow, rental, or lease of the property. Each dwelling may place up to 6 off-site Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g., real estate open house). Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event. See Section 19.22.080(B) and (D).
e. Signs on non-residential property that is offered for sale, lease, or rental	1 per street frontage	32 sf	8 ft	<ul style="list-style-type: none"> Such signs may be freestanding (located in a yard) or mounted in a window or on a wall. Such signs shall be removed within 7 days after the close of escrow, rental, or lease of the property. See Section 19.22.080(B) and (D).

Table Continued on next page

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Additional Requirements
f. Yard Signs on private property where there is a garage, yard, estate sale, or community garden/ agricultural produce sale taking place	1 per street frontage	6 sf	5 ft	<ul style="list-style-type: none"> Such on-site signs shall be removed within 7 days after the close of the sale. Each dwelling may place up to 6 off-site Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. garage/yard sale, estate sale). Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event. See Section 19.22.080(B) and (D).
g. Wall Signs at Entrances to Non-Residential Businesses	N/A	4 sf (total aggregate)	N/A	<ul style="list-style-type: none"> Such signs shall not be illuminated unless located within the Main Street Overlay Zone and shall be placed on a window or wall near the primary and/or secondary business entrance. See Section 19.22.070(B)(8).

Table Continued on next page

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Additional Requirements
h. Commercial Mascots	N/A	N/A	N/A	<ul style="list-style-type: none"> Commercial Mascots shall not impede pedestrian or vehicular access. Commercial Mascots shall be located on the property for which the service or product that is being advertised is located
i. Suspended Signs	One per entrance	6 sf	N/A	<ul style="list-style-type: none"> See Section 19.22.070(B)(7).
j. Temporary signs displaying noncommercial messages	N/A	24 sf	Such signs shall not project above the roofline of any structure.	<ul style="list-style-type: none"> Signs erected for and associated with particular events shall be removed within 7 days following the event. Up to 6 off-site Temporary Signs may be placed on private property for the purpose of directing the public to a noncommercial activity. Said signs may be posted for no more than 48 hours and shall be removed within 6 hours of the end of the event. See Section 19.22.080(B) and (D).

(Ord. MC-1531, 6-03-20)

19.22.030 General Requirements for all Signs

Except as otherwise indicated, the following requirements shall apply to all signs in the City of San Bernardino:

- A. Sign Message and Substitution. Any sign may contain commercial and/or noncommercial message. Subject to the property owner's consent, a constitutionally protected noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized in compliance with this Chapter, as determined by the Community and Economic Development Director, without consideration of message content.

This provision does not create a right to increase the total number of signs on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device or location; and does not authorize the conversion of an existing sign to a General Advertising Sign.

- B. Interpretations by Community and Economic Development Director.
 1. Authority of Director to Interpret; Referral to Commission. Whenever the Community and Economic Development Director determines that the meaning or applicability of any of the requirements of this Chapter is subject to interpretation generally, or as applied to a specific case, the Community and Economic Development Director may issue an official interpretation or refer the question to the Planning Commission for determination.
 2. Request for Interpretation. Any party may file a request for an interpretation or determination of this Chapter with the Community and Economic Development Director and shall include with such request the specific provisions in question and any other information necessary to assist the Community and Economic Development Director in the review.

3. Record of Interpretation. All interpretations and determinations by the Community and Economic Development Director and Planning Commission shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
 4. Appeals. Any interpretation of this Chapter by the Community and Economic Development Director or Planning Commission may be appealed in compliance with Chapter 9.94.
 5. Content Neutrality. Interpretations of the requirements of this Chapter shall be exercised in light of the City of San Bernardino's content neutrality policy.
 6. Sign Type. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the Community and Economic Development Director shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Chapter.
- C. Content Neutrality. It is the City of San Bernardino's policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages. For the purposes of this Chapter, a content-neutral regulation is a so-called "time, place, or manner" regulation, which, as the name suggests, does no more than place limits on when, where, and how a message may be displayed or conveyed.
- D. Vehicle Visibility Triangle: No sign, permanent or temporary, flag, flagpole, etc. shall be erected within the Traffic Safety Sight Area, as indicated in Section 19.20.030.29.
- E. Sign Removal or Replacement. When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be removed, and any electrical components shall be removed and/or capped and any resulting holes filled. Affected building surfaces shall be restored to match the adjacent portion of the building.
- F. Materials and Mounting Required.
1. Materials. Signs shall be made of sturdy, durable materials capable of withstanding weathering over the life of the sign with reasonable maintenance. Paper, fabric, plywood, and other materials subject to rapid deterioration may only be used for Temporary Signs or as permitted Awning Signs.

2. Mounting Required. All Permanent Signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.
3. Quality Design. All Permanent Signs shall be designed by professionals (e.g., architects, building designers, landscape architects, interior designers, or those whose principal business is the design, manufacture, or sale of signs) or others who are capable of producing professional results.
4. Quality Construction. All Permanent Signs shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation businesses, or others capable of producing professional results. The intent is to ensure public safety, achieve signs with neat and readable copy, and provide for sign durability so as to reduce maintenance costs and to prevent dilapidation.
5. Hand-Painted Signs. All hand-painted signs shall be professionally applied by a sign manufacturer, artist, or similarly qualified entity or person.

G. Sign Illumination: The following standards shall apply to all illuminated signs:

1. Shielding. Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.
2. Illumination. Signs may be internally or externally illuminated.
3. Residential Properties in Direct Line of Sight. The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will negatively impact residential properties in direct line of sight to the sign.
4. Colored Lights. Colored lights shall not be used at a location or in a manner to be confused or construed as traffic control devices.
5. Bulb Face Exposure. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property. This provision does not apply to light-emitting diodes associated with Digital Signs.

6. Energy Efficiency. Light sources shall utilize energy-efficient fixtures to the greatest extent possible.
 7. No Flashing. Lights illuminating signs shall not flash, blink, flutter, include intermittent or chasing lights, or provide any illumination that is in motion or appears to be in motion. See Section 19.22.070(B)(3) for standards pertaining to that sign type.
 8. Digital Signs. Digital Signs shall comply with Section 19.22.070(B)(3).
- H. Sign Maintenance. All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure, shall be maintained in a good and safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, rips, tears, loosening, and similar damage so that they do not create a hazard to persons or property or constitute a nuisance.
 - I. Deteriorated Signs. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, has missing or inoperative lights, or is in an otherwise dilapidated condition shall be promptly repaired, to the satisfaction of the Community and Economic Development Director, or removed.
 - J. Graffiti. Graffiti on a sign shall be removed within 48 hours of notice of its placement on such sign.
 - K. Repairs. An unmaintained sign shall be repaired or replaced within 30 calendar days following notification via a Notice of Violation from the Code Enforcement Division. Noncompliance with such a request shall constitute a nuisance, and penalties may be assessed in compliance with the provisions of Chapter 19.46. Within the 15 days after a Notice of Violation is mailed, the property owner may request a hearing before the Hearing Officer on the unmaintained sign determination in compliance with the provisions of Chapter 9.94.
 - L. Rules for Sign Measurement.
 1. Measuring Sign Height. The height of a sign shall be measured from the highest part of the sign, including any decorative features, to the height of the adjoining finished grade directly beneath the sign.
 2. Measuring Sign Clearance. Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

3. Measuring Building Frontage. Building frontage is the building façade width that directly abuts a public street, private street, parking lot driveway, or parking spaces.
4. Calculating Sign Area: General. Supporting structures such as sign bases and columns are not included in the sign area, provided that they contain no lettering or graphics except for addresses or required tags. See Figure 22.01.

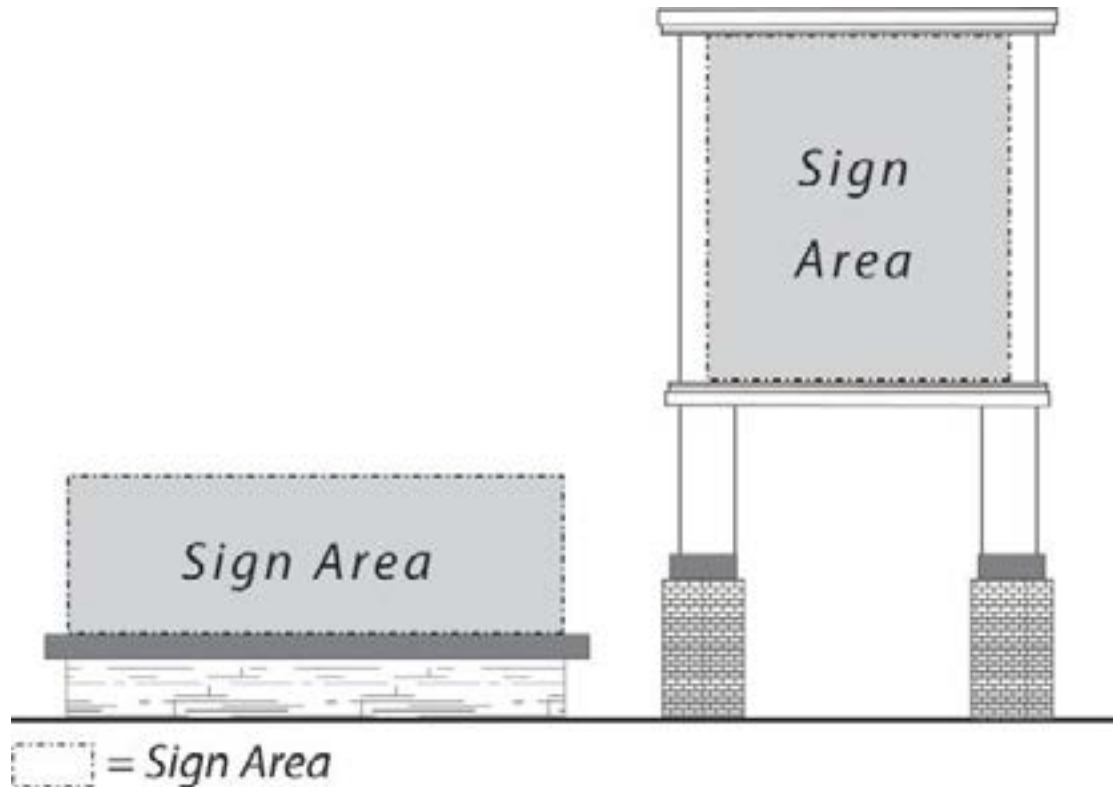


Figure 22.01: Calculation of Freestanding Sign Area

5. Calculating Sign Area: Single-Faced Signs (Four Sides or Fewer). For sign faces with four or fewer sides, sign area shall include the entire area within a single continuous perimeter composed of one triangle, square, or rectangle (consisting of no more than four corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 22.02.

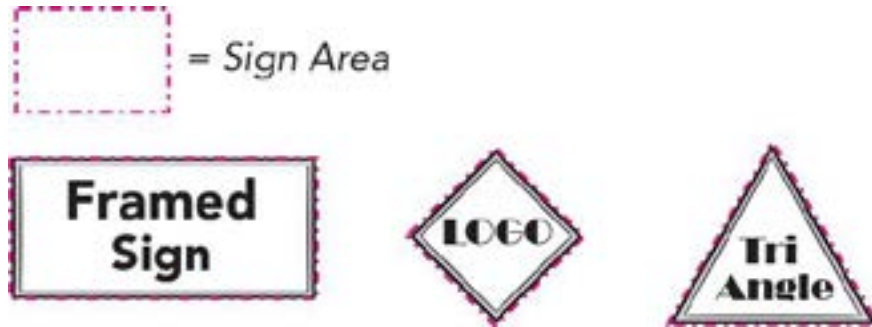


Figure 22.02: Calculation of Sign Area on Single-Faced Signs (Four Sides or Fewer)

6. Calculating Sign Area: Single-Faced Signs (Five Sides or More). For sign faces with five or more sides, sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. See Figure 22.03.



Figure 22.03: Calculation of Sign Area on Single-Faced Signs (Five Sides or More)

7. Calculating Sign Area: Double-Faced Signs. Only one face of a double-faced sign shall be counted in computing the permitted area of the sign. Double-faced (back-to-back) signs shall be regarded as a single sign when the sign is mounted on a single structure. Where the two faces are not equal in size, the larger sign face shall be used.
8. Calculating Sign Area: Multi-Faced Signs. On a three-faced sign, the combined sum of the area of two faces (the largest and smallest face) shall be counted in computing the permitted area of the sign.

9. Calculating Sign Area: Three-Dimensional Signs. On spherical, free-form, sculptural, or other non-planar signs, sign area equivalent to 50 percent of the sum of the areas using only the four vertical sides of the smallest cube that will encompass the sign structure, as shown in Figure 22.04, shall be counted in computing the permitted area of the sign.

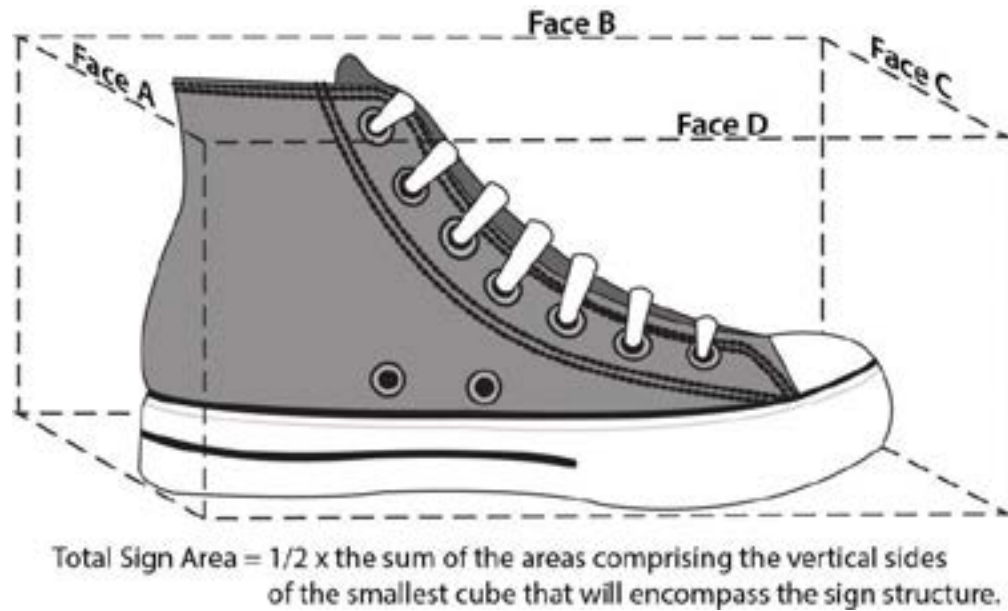


Figure 22.04: Calculation of Sign Area on Three-Dimensional Signs
(Ord. MC-1531, 6-03-20; Ord. MC-1316, 10-06-09)

19.22.040 Prohibited Signs

The following signs are inconsistent with the sign standards set forth in this Chapter and are therefore prohibited.

- A. Prohibited Signs. The following signs are prohibited except where specifically authorized:
1. Abandoned Signs.
 2. Banner Signs, Flags, Pennants, Feather Signs, and other paraphernalia composed of paper, cardboard, cloth, or other flexible material, except as permitted by Section 19.22.080.
 3. General Advertising Signs (Billboards), except as permitted by Section 19.22.090.
 4. Chalkboards or blackboards.

5. Illegal Signs.
 6. Pole Signs.
 7. Portable Signs or A-Frame Signs, except as permitted per Table 22.01(D) or in the Main Street Overlay Zone per Table 22.07(D) and Section 19.22.080(D) (5).
 8. Signs on fences.
 9. Roof Signs, with the exception of signs on mansard roofs where, in the opinion of the Community and Economic Development Director, no other useable sign area is available,
 10. Iconic Signs and as otherwise allowed by an approved Creative Sign Permit.
 11. Any Mobile General Advertising Sign as defined in this Chapter.
 12. Signs deemed to be a public nuisance as defined in Section 19.22.130 and regulated by Chapter 8.30.
- B. Location Restrictions. Signs may not be placed in the following locations except where specifically authorized:
1. Signs on public property, except as required or authorized by a governmental agency, and except as permitted by Section 19.22.090 and Section 19.22.120.
 2. Signs painted on fences or roofs.
 3. Bench Signs, except as permitted by Design Review or on approved transit amenities.
- C. Display Restrictions. Signs with the following display features are prohibited:
1. Animated, moving, flashing, blinking, reflecting, revolving, scrolling, digital or video screen signs where the message is displayed for fewer than eight seconds (dwell time) before changing to another message, or any other similar sign, except as otherwise allowed by Section 19.22.070(B)(3) and Section 19.22.060(D).
 2. Inflatable Signs, except as allowed per Section 19.22.080.

3. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
4. Signs which emit sound, odor, or smoke.
5. Digital Signs that are located in windows (digital Window Sign), but not including neon signs.

(Ord. MC-1531, 6-03-20)

19.22.050 Design Principles

Signage shall be used as a positive means of identifying a business, create an image, and also to brand an identity. The following sign design principles shall be used as criteria for review and approval of Sign Permits and Sign Programs in the City of San Bernardino.

- A. Architectural Compatibility. The sign shall be compatible with the building and the site upon which it is located. A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and shall be architecturally compatible, including in terms of color and scale, with any building to which the sign is to be attached and with surrounding structures. Where more than one sign is provided, all signs shall be complementary to each other.
- B. Context Character. A sign shall be sensitive in context to nearby uses. Where a sign is located in a district with historic buildings and landmark signs, new signs shall contribute to an integrated appearance to such district. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.
- C. Legibility. Signage shall be designed to provide clear, legible information that indicates the proposed sign's purpose. The size and proportion of the elements of the sign's message— including logos, letters, icons and other graphic images— shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented toward pedestrians may be smaller than those oriented toward vehicle drivers.
- D. Readability. A sign message shall be easily recognized and designed in a clear, unambiguous, and concise manner so that a viewer can understand or make sense of what appears on the sign. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background to be easily read during both day and night.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- E. Visibility. A sign shall be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.
- F. Graphic Interest. Sign colors and materials shall be selected to contribute to legibility and design integrity. Signage that is creative and visually interesting is encouraged.

(Ord. MC-1531, 6-03-20)

19.22.060 Sign Permit and Sign Program Requirements

- A. Review Authority. Table 22.02 identifies the responsible review authority for sign permit and sign program approvals. At the Community and Economic Development Director’s discretion, any sign permit or sign program submitted for review by the Community and Economic Development Director may be referred to the Planning Commission for Design Review. Procedures for review, appeal and notification shall be conducted as indicated in Chapter 19.52.

Table 22.02 Responsible Review Authority			
Permit Type	Community and Economic Development Director	Planning Commission	Mayor and City Council
Sign Permit			
Temporary Sign	Decision	Appeal	Appeal
Permanent Sign (General)	Decision	Appeal	Appeal
Creative Sign	Recommend	Decision	Appeal
Digital Sign	Decision	Appeal	Appeal
Iconic Sign	Recommend	Decision	Appeal
Nonconforming Sign Modification	Decision	Appeal	Appeal
Minor Sign Area Modification	Decision	Appeal	Appeal
Sign Program	Decision	Appeal	Appeal
Billboard Modification/ Replacement	Recommend	Decision	Appeal

- B. Sign Permits.
 - 1. Permit Required. To ensure compliance with the regulations contained in this Chapter, a Sign Permit is required to erect, move, alter, replace, or reconstruct a sign, whether permanent or temporary. Each sign requires a separate Sign Permit, except those specifically exempted under Section 19.22.020(C). The

[Return to Municipal Code Contents]

following sign maintenance activities are permitted without issuance of a Sign Permit, so long as any other required building permit is obtained prior to the modification of a sign:

- a. Painting, repainting, or cleaning of a sign; and
 - b. Changes to the face or copy of a sign with changeable copy.
2. Identification Decal. Every sign for which a permit is issued shall be plainly marked with the corresponding permit number issued for the sign. Tags may be displayed on sign faces or at the base of a sign structure in a visible location. Tags for Freestanding Signs or Monument Signs shall be located on the structure no higher than six feet above grade.
 3. Findings and Decision. The following findings are required to be made by the responsible review authority for approval of a specifically called-out Sign Permit application, with or without conditions:
 - a. The sign complies with the standards of this Chapter, any applicable specific plan or precise development plan, and any applicable Comprehensive Sign Program;
 - b. The sign is in substantial compliance with any applicable design guidelines and the design principles listed in Section 19.22.050;
 - c. The sign will not impair pedestrian and vehicular safety;
 - d. The sign's design or proposed construction will not threaten the public health, safety, or welfare; and
 - e. Where a commercial sign is affiliated with a business, that business shall have a valid Business License prior to issuance of Sign Permit.
 4. Expiration and Extension of Sign Permit. An approved Sign Permit shall expire 12 months from the date of approval unless the sign has been installed in accordance with the approved Sign Permit and all applicable building codes or unless a different expiration date is stipulated at the time of approval. Notwithstanding these dates, the expiration date of the Sign Permit shall be automatically extended to concur with the expiration date of the companion Building Permit or other applicable permits.

Prior to the expiration of a Sign Permit, the applicant may apply to the Community and Economic Development Director for one extension of up to an additional 12 months from the original date of expiration. In response to an extension request, the Community and Economic Development Director may make minor modifications to the original approval or deny further extensions.

5. Revisions to Sign Permit. The Community and Economic Development Director may approve minor changes to an approved Sign Permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new/revised Sign Permit by the responsible review authority.

C. Comprehensive Sign Program.

1. Purpose. The purpose of a Comprehensive Sign Program is to integrate all signs proposed for a single development project with the overall site and structure design to present a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for projects that require multiple signs and/or unique signs and to achieve, not circumvent, the purpose of this Section. A sign program shall not be used to circumvent the City of San Bernardino's prohibition on new billboards or any other prohibited sign.
2. When Required. The approval of a Comprehensive Sign Program shall be required whenever any of the following circumstances exist. A Comprehensive Sign Program may be requested in circumstances other than those outlined in Subsections a. through e., below, but is not required.
 - a. Whenever four or more separate tenant spaces are present on the same parcel or on multiple parcels that are part of a unified shopping center or similar business center, regardless of whether the tenant spaces are occupied;
 - b. Whenever five or more non-exempt signs are proposed for a single-tenant development;
 - c. Wherever two or more Digital Signs are proposed;
 - d. For any off-site temporary signs provided in conjunction with a residential subdivision pursuant to Section 19.22.080(D)(6); and

- e. Whenever the Community and Economic Development Director determines that a Comprehensive Sign Program is needed because of special project characteristics (e.g., the size of site, the size and/or number of proposed signs, limited site visibility, a business within another business, the location of the site relative to major transportation routes, etc.)
3. Standards. A Comprehensive Sign Program shall comply with the following standards:
- a. The proposed Comprehensive Sign Program shall comply with the purpose and intent of this Chapter, any adopted sign design guidelines, and the overall purpose and intent of this Section.
 - b. The proposed signs shall enhance the overall development and relate visually to other signs included in the Comprehensive Sign Program, to the structures and developments they identify, and to surrounding development, when applicable.
 - c. The Comprehensive Sign Program shall include all signs, including permanent, temporary, and exempt signs.
 - d. The Comprehensive Sign Program shall accommodate future revisions that may be required because of changes in use or tenants.
 - e. The Comprehensive Sign Program shall comply with the standards of this Chapter, except:
 - (1) The transfer of sign area limits from underutilized sign areas to areas that are more practical, through the use of a Sign Budget are permitted. The Sign Budget would equal the total allowable sign area of all signs in the development (inclusive of awning/canopy, driveway, monument/pylon, projecting, and wall signs, but excluding exempt and temporary signs). A sign area transfer shall not exceed 50 percent of the total allowable sign area for any particular sign type.
 - (2) Deviations of up to 20 percent are permitted with regard to individual sign area, total number, location, and height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.

- (3) Deviations associated with Sections 19.22.060(B)(3)(e)(1) and (2) shall not be allowed in conjunction with deviations associated with Section 19.22.060(G).
 - f. Approval of a Comprehensive Sign Program shall not authorize the use of signs listed as prohibited by Section 19.22.040.
- 4. Findings and Decision. The following findings are required to be made by the responsible review authority for the approval of a Comprehensive Sign Program application, with or without conditions:
 - a. The Comprehensive Sign Program complies with the purpose and intent of this Chapter 19.22 and with all standards listed in Section 19.22.060(C)(3);
 - b. The Comprehensive Sign Program does not allow any sign that is prohibited by Section 19.22.040;
 - c. The Comprehensive Sign Program is in substantial compliance with any applicable design guidelines and the design principles listed in Section 19.22.050;
 - d. The Comprehensive Sign Program standards will result in signs that are visually related or complementary to each other and to the buildings and/or developments they identify through the integration of predominant architectural materials, elements, or details of such buildings or developments;
 - e. The Comprehensive Sign Program will not result in signs that would impair pedestrian and vehicular safety; and
 - f. Light and glare associated with the signs will not negatively affect nearby residential uses.
- 5. Post-Approval Procedures. After approval of a Comprehensive Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such program, and such program may be enforced in the same way as any provision of this Section.
 - a. Lease Agreements. The Comprehensive Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

- b. Individual Signs. Any sign that conforms to an approved Comprehensive Sign Program may be approved by the Community and Economic Development Director; however, individual signs proposed under an approved Comprehensive Sign Program require a Sign Permit.
- c. Amendments. The Community and Economic Development Director may approve minor amendments to a Comprehensive Sign Program that are in substantial conformance with the original approval. Minor amendments include revisions to sign location, sign type, and sign orientation. All other amendments, including amendments to total sign area and/or conditions of approval, shall be processed as a new application.

D. Creative Sign Permits.

- 1. Purpose. The purposes of the Creative Sign Permit are to:
 - a. Encourage signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - b. Provide a process for the application of sign regulations in ways that will allow creatively designed signs to make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- 2. When Required. An applicant may request approval of Creative Sign Permit to authorize one on-site sign that employs standards that differ from the standards applicable to signs established in this Chapter but comply with the specific provisions of this Section. However, the Creative Sign Permit process shall not be used to allow any prohibited sign type or feature set forth in Section 19.22.040.
- 3. Findings and Decision. The following findings are required to be made by the responsible review authority in the approval of a Creative Sign Permit application, with or without conditions:
 - a. Design quality. The proposed creative sign will:
 - (1) Comply with the design principles set forth in Section 19.22.050;
 - (2) Contribute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area;

- (3) Have a unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness through the use of color, graphics, proportion, quality materials, scale, and/or texture;
 - (4) Utilize or enhance the architectural elements of the building; and
 - (5) Be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.
 - b. Contextual criteria. The sign will also contain at least one of the following elements:
 - (1) Classic historic design style;
 - (2) Creative image reflecting current or historic character of the City of San Bernardino; or
 - (3) Inventive representation of the logo, name, or use of the structure or business.
4. Expiration, Extension, and Amendment of Creative Sign Permit. Procedures for expiration, extension, and amendments of Creative Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

E. Iconic Sign Permits.

1. Purpose. The purpose of the Iconic Sign Permit is to:
 - a. Preserve signs that, through design and artistic expression unrelated to their message, are culturally significant and represent unique character, history, and identity; and
 - b. Protect the community from inappropriate reuse of nonconforming and/or illegal signs.
2. Application. An application for an Iconic Sign Permit may be made by a business owner, property owner, or the City of San Bernardino for consideration by the responsible review authority.
3. Findings and Decision. In granting an Iconic Sign Permit, the responsible review authority shall be required to make the following findings:
 - a. Technical Criteria. Iconic Signs shall meet the following technical criteria:

- (1) The sign uses materials, technology, or sign-making technique representative of its period of construction;
- (2) The sign is structurally safe or can be made safe without substantially altering its original appearance; and
- (3) The sign retains the majority of its character-defining features. If character-defining features have been altered or removed, the majority are potentially restorable to their original function and appearance.

b. Design Criteria. Iconic Signs shall meet two or more of the following cultural or vernacular design features:

- (1) The sign exemplifies the cultural, economic, or period heritage of the City of San Bernardino.
- (2) The sign exhibits extraordinary aesthetic quality, creativity, or innovation;
- (3) The sign represents an entity that is an important part of San Bernardino history; or the sign is obsolete sign copy that is originally associated with a chain or franchise business that is either local or regional chain or franchise only found in the City of San Bernardino or the southwestern United States; or the sign is associated with a significant historical event; or there is scholarly documentation to support its preservation; or it is a rare surviving example of a once common type; or
- (4) The sign is at least 50 years old.

4. Standards and Allowances for Iconic Signs.

- a. Structural Improvements. Iconic Signs may have structural improvements completed to extend the life of the sign, provided such improvements do not affect the integrity of the iconic nature of the sign.
- b. Damage Repairs. If the sign is damaged, it may be repaired and/or replaced with the original sign area and original height, even if the sign does not conform to the standards of this Chapter, provided such repairs do not affect the integrity of the iconic nature of the sign.

- c. Sign Area Bonus. The area of an Iconic Sign shall not be counted toward the maximum sign area for a premise.
 - d. Relocation. Relocation of an Iconic Sign shall be permitted through an approved Sign Permit, provided the following requirements are met:
 - (1) Relocation shall be to a location within the original premises or to a location within the specific neighborhood in which the sign was originally located; and
 - (2) If relocated to another premise, the sign shall display a conspicuous text or a plaque, using a template provided by the City of San Bernardino, that indicates that the sign has been relocated, the date of relocation, and the original location.
 - e. Change in Sign Copy.
 - (1) Changes in sign copy shall be permitted, provided such changes do not result in changes to character-defining text, as determined by the Community and Economic Development Director.
 - (2) Changes in sign copy shall match or be compatible with existing text in material(s), letter size, font/ typography, and color, as determined by the Community and Economic Development Director.
5. Expiration, Extension, and Amendment of Iconic Sign Permit. Procedures for expiration, extension, and amendments of Iconic Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

F. Nonconforming Sign Modifications via a Nonconforming Sign Permit.

- 1. Purpose. The purpose of the Nonconforming Sign Permit is to allow signs that are legally nonconforming only by virtue of the zone in which they are located (meaning that the zone does not permit the sign) to have minor modifications and improvements made to them.
- 2. When Required. A Nonconforming Sign Permit is required whenever the owner of a sign located on a property which has been rezoned and where the rezoning has resulted in the sign becoming nonconforming proposes to modify an existing Nonconforming Sign's pole structure or relocate a sign on the same site.
- 3. Permitted Modifications.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- a. Relocation. Such sign may be relocated on the subject site to a location that reduces impacts on surrounding residential uses, improves onsite circulation, or improves the visibility of the sign without impacting surrounding uses.
 - b. Replacement. A Nonconforming Sign may be replaced with an Awning Sign or Wall Sign, of a size not to exceed the existing sign.
 - c. Improvements to Pole Signs. The structure of a Pole Sign may be modified to improve the physical appearance of the pole structure, as determined by the responsible review authority.
4. Findings and Decision. In granting a Nonconforming Sign Permit, the responsible review authority shall be required to make the following findings:
- a. The Nonconforming Sign Modification is in substantial compliance with any applicable design guidelines and the design principles set forth in Section 19.22.050;
 - b. The Nonconforming Sign Modification will result in a sign or signs that are visually related or complementary to each other and to the buildings and/or developments they identify through the integration of predominant architectural materials, elements, or details of such buildings or developments;
 - c. The size, height, and sign type of the nonconforming sign are permitted in a zone in the City of San Bernardino that allows the type of use the sign identifies;
 - d. The Nonconforming Sign Modification does not include a digital sign; and
 - e. The Nonconforming Sign Modification will not result in signs that would impair pedestrian and vehicular safety nor create light and glare that would negatively affect nearby residential uses.
5. Expiration, Extension, and Amendment of Nonconforming Sign Modification Permit. Procedures for expiration, extension, and amendments of Nonconforming Sign Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

G. Minor Sign Area Modification.

1. Purpose. The purpose of the Minor Sign Area Modification Permit is to encourage Permanent Signs that exhibit extraordinary aesthetic quality, creativity, and/or innovation through a minor increase to the maximum allowed sign area.
2. Application. An application for a Minor Sign Area Modification Permit may be made by a business owner, property owner, or the City of San Bernardino for consideration by the responsible review authority.
3. Permitted Modification. Permanent Signs may deviate no more than 10 percent from the applicable maximum sign area standard established in this Chapter. A modification permitted by this Subsection shall not be additive to any modification allowance permitted by this Chapter, including a Comprehensive Sign Program.
4. Findings and Decision. In granting a Permanent Sign Area Modification Permit, the responsible review authority shall be required to make the following findings:
 - a. The Permanent Sign complies with the design principles set forth in Section 19.22.050;
 - b. The Permanent Sign will contribute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area; and
 - c. The Permanent Sign will provide strong graphic character through the effective use of color, graphics, proportion, quality materials, scale, and texture.
5. Expiration, Extension, and Amendment of Permanent Sign Area Modification Permit. Procedures for expiration, extension, and amendments of Permanent Sign Area Modification Permits shall comply with Section 19.22.060(B)(4) and Section 19.22.060(B)(5).

(Ord. MC-1531, 6-03-20)

19.22.070 Permanent Signs

- A. Permanent Sign Standards by Zone. All Permanent Signs shall comply with the standards set forth in this Section. Additional Permitted Signs are included under Section 19.22.020(C). Tables 22.03, 22.04, 22.05, and 22.06 identify the sign type, number, location, area, and height allowed within each zone, along with any applicable additional regulations. The standards contained in Tables 22.03, 22.04, 22.05, and 22.06 are maximums, unless otherwise stated.

[Return to Municipal Code Contents]

Table 22.03 Residential Zones

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
1. Single-Family Residential Subdivision Development in Residential Zones					
a. Monument	2 per major neighborhood entrance	30 sf per sign	6 ft	<ul style="list-style-type: none"> External illumination only 	<ul style="list-style-type: none"> Permitted only at major entrances to projects or neighborhoods Maintenance responsibility shall be assigned to community association Digital Signs not permitted Section 19.22.070(B)(4)
2. Public/Quasi-Public Use in Residential Zones					
a. Monument	2 per major entrance	30 sf per sign	6 ft	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(4)
b. Wall	1 per street frontage	24 sf per sign	3 Must be below eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(8)
3. Multiple-Unit Residential Zones					
a. Wall	1 per street frontage	24 sf per sign	4 Must be below eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Digital Signs not permitted Section 19.22.070(B)(8)
b. Monument	1 per street frontage with entrance	30 sf per sign	5 6 ft	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(4) This allowed sign area may be substituted for permanent sign area applied to a perimeter wall

Note: Signs not listed in this table, such as awning signs, suspended signs, pylon signs, etc. are not permitted in residential zones.

[Return to Municipal Code Contents]

Table 22.04 Commercial Zones

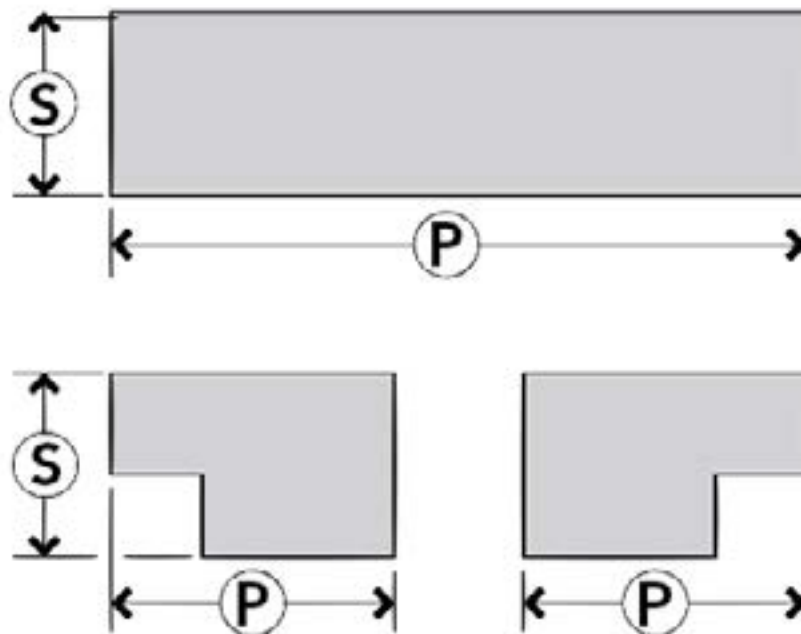
Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
a. Awning	N/A	25% of the surface area of the awning	N/A; awning shall not extend above eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(1)
b. Canopy	Single Tenant: 1 per building façade Multiple Tenant: 1 per tenant space	25% of the surface area of the canopy	24 inches, as measured from the lowest point on the sign	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(2) Section 19.22.070(C)(2)(c)
c. Driveway/ Onsite Traffic Directional	1 per driveway or drive-through lane, plus 1 for every 200 parking spaces on multiple tenant sites and 1 for every 300 parking spaces on single tenant sites, or as otherwise permitted through a Comprehensive Sign Program	8 sf per sign face	8 ft.	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> May be in the form of Monument Sign, Pylon Sign, or Wall Sign
d. Monument	Lots with less than 600 feet of street frontage: 1 per street frontage Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage	Single Tenant: 75 sf per sign face Multiple Tenant: 125 sf per sign face	8 ft in all zones except Main Street Overlay Zone Main Street Overlay Zone: 5 ft.	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(4)

Table Continued on next page

Table 22.04 Commercial Zones (continued)

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
e. Projecting	Single Tenant: 1 per street frontage Multiple Tenant: 1 per tenant space	25 sf per sign face	Must be below eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(5)
f. Pylon	Lots with less than 600 feet of street frontage: 1 per street frontage Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage	Single Tenant: 75 sf per sign face Multiple Tenant: 125 sf per sign face	Single Tenant: 25 ft Multiple Tenant: 35 ft	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(6)
g. Wall	N/A	2 sf of sign area per lineal foot of primary building frontage, and 1.5 sf of sign area per lineal foot of a secondary building frontage	Shall not extend above eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(8)

Note: See Section 19.22.070 (B)(4)(f) and 19.22.70(B)(6)(f) for additional restrictions on pylon and monument signs.
(Ord. MC-1531, 6-03-20)



P = Primary Building Frontage
 S = Secondary Building Frontage

Figure 22.05: Primary and Secondary Building Frontages

(Ord. MC-1531, 6-03-20)

Table 22.05 Industrial Zones

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
a. Awning	N/A	25% of the surface area of the awning	Must be below eave line	<ul style="list-style-type: none"> Internal prohibited 	<ul style="list-style-type: none"> Section 19.22.070(B)(1)
b.. Canopy	1 per street frontage	25% of the surface area of the canopy	2 ft	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(2)
c. Driveway/ Onsite Traffic Directional	1 per driveway or drive-through lane, plus 1 for every 100 parking spaces, or as otherwise permitted through a Comprehensive Sign Program	12 sf per sign face	8 ft	<ul style="list-style-type: none"> Internal prohibited 	<ul style="list-style-type: none"> May be in the form of Monument Sign, Pylon Sign, or Wall Sign
d. Monument	<p>Lots with less than 600 feet of street frontage: 1 per street frontage</p> <p>Lots with more than 600 feet of street frontage: 1 per each 600 feet of street frontage</p>	<p>1 sf of sign area per lineal foot of primary building frontage and 0.75 sf of sign area per 1 lineal foot of secondary building frontage; not to exceed 300 sf</p>	8	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(4)

Table Continued on next page

Table 22.05 Industrial Zones (continued)

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
e. Projecting	1 per street frontage	25 sf per sign face	Must be below eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(5)
f. Pylon	Lots with less than 600 feet of street	1 sf of sign area per 1 lineal foot of	25	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(6)
g. Wall: Street Facing	2 on each occupant building frontage oriented toward a parking lot, street, alley, driveway, or freeway	2 sf of sign area per lineal foot of primary building frontage, and 1 sf of sign area per lineal foot of a secondary building frontage	Must be below eave line	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(8)
h. Wall: Service and Delivery Entrances	1 for each service or delivery entrance	10 sf	6 ft	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Section 19.22.070(B)(8)

Note: See Section 19.22.070 (B)(4)(f) and 19.22.70(B)(6)(f) for additional restrictions on pylon and monument signs.

(Ord. MC-1531, 6-03-20)

Table 22.06 Public and Quasi-Public Zones

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Allowed	Additional Requirements
a. Wall	1 per street or parking lot frontage	30 sf per sign	Must be below eave line	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Section 19.22.070(B)(8)
b. Monument	1 per street or parking lot frontage	30 sf per sign face	7 ft	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Section 19.22.070(B)(4)
					<ul style="list-style-type: none"> Shall be set back at least 1 foot from any property line

(Ord. MC-1531, 6-03-20)

B. Standards by Sign Type. As listed in, and in addition to the standards in Tables 22.03, 22.04, 22.05, and 22.06, signs shall comply with the following standards applicable to the specific sign type. Each sign shall also comply with the requirements of Section 19.22.030 and all other applicable provisions of this Chapter.

1. Awning Signs. Awning Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.
 - a. Location. Awnings that display signage shall be limited to building frontages on the ground floor of buildings.
 - b. Combined Sign Area. Combinations of signs on awnings, canopies, and walls are permitted but shall not exceed the maximum allowable sign area for Wall Signs per building elevation.
 - c. Vertical clearance. A minimum vertical clearance of at least eight feet from bottom of the awning, including valance, to finished grade shall be maintained.

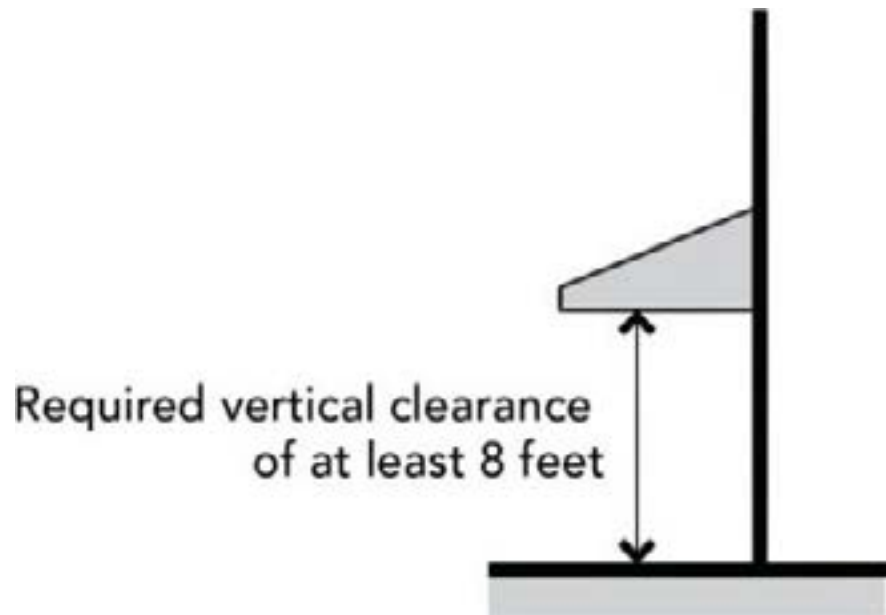


Figure 22.07: Vertical Clearance

- d. Setback and projection into public right-of-way. A minimum of two feet between the edge of the awning and the outer curb face shall be maintained. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.
2. Canopy Signs. Canopy Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05

- a. Location. Canopies that display signage shall be limited to building frontages on the ground floor of buildings.
- b. Height. Canopy Signs shall not project more than 24 inches above the highest point of any canopy, and not above the roofline of the structure for attached canopies.
- c. Combined Sign Area. Combinations of signs on awnings, canopies, and walls are permitted but shall not exceed the maximum allowable sign area for Wall Signs per building elevation.
- d. Setback and Projection into public right-of-way. A minimum of two feet between the edge of the canopy and the outer curb face shall be maintained. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.



Figure 22.08: Canopy Signs

3. Digital Signs.
 - a. No Flashing. Digital Signs shall not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion).
 - b. Display Change. Digital Signs may display changing messages, provided that each message is displayed for no fewer than eight consecutive seconds, unless otherwise permitted by an approved agreement with the City, and in no case shall a message be displayed fewer than four seconds. The transition or blank screen time between one display message and the next shall not exceed one second.

c. Night-time brightness.

- (1) Night-time brightness shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message off, and again with the electronic message displaying a white image for a full color-capable electronic message or a solid message for a single-color electronic message.
- (2) All measurements shall be taken perpendicular to the face of the electronic message at the following distance:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

- (3) The difference between the off and solid message measurements shall not exceed 0.3 foot-candles at night.

- d. Ambient Light Sensor. Digital Signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3 foot-candle requirement.
- e. Turn Off. Digital Signs located within 500 feet and in a direct line of sight of a residentially zoned property shall be turned off daily at the close of business, or at such a time as specified by the Community and Economic Development Director, and in no case shall be permitted to be turned on between the hours of 2:00 A.M. and 6:00 A.M.
- f. Prohibited Digital Signs. Awning Signs, Canopy Signs, Window Signs, and Driveway/Onsite Traffic Directional Signs shall not include digital copy.
- g. Certification of Compliance. The owner of any Digital Sign shall arrange for certification by an independent contractor showing compliance with brightness standards.

4. Monument Signs. Monument Signs are permitted pursuant to Section 19.22.070(A) Tables 22.03, 22.04, 22.05, and 22.06.

- a. Minimum Street Frontage. A minimum street frontage of 100 feet is required for establishment of a monument sign.

[Return to Municipal Code Contents]

- b. Minimum Separation. Monument Signs shall have a minimum separation of 50 feet from any other Monument Sign on an adjacent property.
 - c. Digital Sign Minimum Separation. Where a Monument Sign includes a digital sign, the minimum radial distance to any other Digital Sign shall be 200 feet.
 - d. Digital Sign Copy. Digital sign copy is permitted to occupy up to 75 percent of maximum allowable monument sign area, subject to an approved Sign Permit or Comprehensive Sign Program.
 - e. Setback. Monument Signs shall be set back a minimum of five feet from any property line, unless otherwise specified in this Chapter.
 - f. Either Monument or Pylon as Primary Sign Type. Properties with less than 600 feet of street frontage shall be permitted to have either one Monument Sign or one Pylon Sign as the primary signage, but not both. Properties with more than 600 feet of street frontage shall be permitted to have one Pylon or Monument sign per 600 feet of street frontage.
 - g. Landscaping Required. All Monument Signs shall be located within the required landscaped setback or a landscaped planting bed, unless this requirement is waived through review by the Community and Economic Development Director based on site-specific conditions.
5. Projecting Signs. Projecting Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.
- a. Projection from Wall. Projecting Signs shall project no more than four feet from the face of the building wall upon which the sign is mounted.
 - b. Projection into Public Right-of-way. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.
 - c. Vertical clearance. A minimum vertical clearance of eight feet from the bottom of the Suspended Sign to finished grade shall be maintained.
6. Pylon Signs. Pylon Signs are permitted pursuant to Section 19.22.070(A) Tables 22.04 and 22.05.
- a. Minimum Street Frontage. A minimum street front of 100 feet is required for establishment of a pylon sign.

- b. Minimum Separation. Pylon Signs shall have a minimum separation of 50 feet from any other Pylon Sign on an adjacent property.
- c. Digital Sign Minimum Separation. Where a Pylon Sign includes a Digital Sign, the minimum radial distance to any other Digital Sign shall be 200 feet.
- d. Digital Sign Copy. Digital sign copy is permitted to occupy up to 75 percent of maximum allowable pylon sign area, subject to an approved Sign Permit or Comprehensive Sign Program.
- e. Setback. Pylon Signs shall be set back a minimum of 5 feet from any property line, unless otherwise specified in this Chapter.
- f. Either Monument or Pylon as Primary Sign Type. Properties with less than 600 feet of street frontage shall be permitted to have either one Monument Sign or one Pylon Sign as the primary signage, but not both. Properties with more than 600 feet of street frontage shall be permitted to have one Pylon or Monument sign per 600 feet of street frontage.
- g. Landscaping Required. All Pylon Signs shall be located within the required landscaped setback or a landscaped planting bed, unless this requirement is waived through review by the Community and Economic Development Director based on site-specific conditions.
- h. Vertical Clearance. A minimum vertical clearance of 14 feet is required for Pylon Signs projecting over vehicular passageways. A minimum vertical clearance of eight feet is required for Pylon Signs projecting over pedestrian passageways.

- i. Multiple Tenants. A Pylon Sign for a multiple tenant site shall have no more than eight separate sign areas.

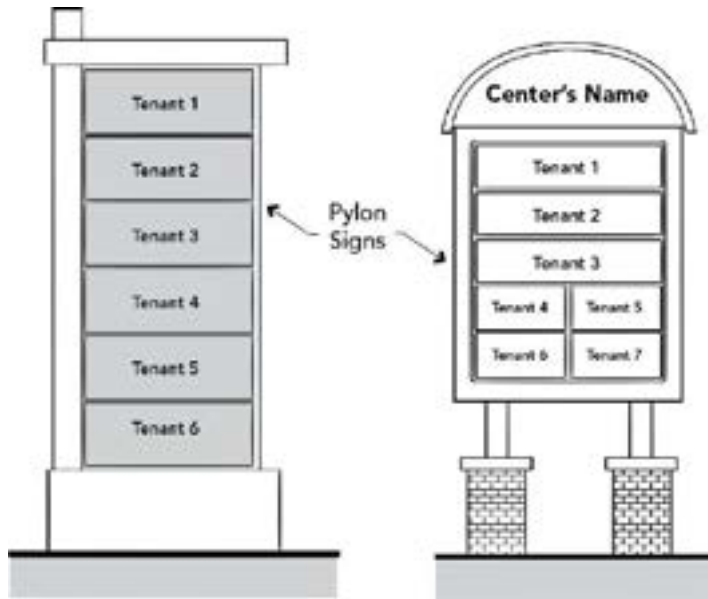


Figure 22.09: Multiple Tenant Pylon Signs

- 7. Suspended Signs. Suspended Signs are permitted pursuant to Section 19.22.020(C)(2) Table 22.01.
 - a. Location. Suspended Signs shall be limited to building frontages on the ground floor of non-residential buildings.
 - b. Illumination. Suspended Signs may be externally or internally illuminated but shall not be Digital Signs.
 - c. Vertical clearance. A minimum vertical clearance of eight feet from the bottom of the Suspended Sign to finished grade shall be maintained.
 - d. Projection into Public Right-of-way. Any encroachment into City right-of-way is subject to City Engineer approval and requires a City Encroachment Permit.
- 8. Wall Signs. Wall Signs are permitted pursuant to Section 19.22.070(A) Tables 22.03, 22.04, 22.05, and 22.06.
 - a. Placement.
 - (1) No Wall Sign shall cover, wholly or partially, any wall opening.

- (2) Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.
 - b. Cumulative Wall Sign Area. In Commercial Zones, there is no limit on the number of Wall Signs. However, the combined area of all Wall Signs shall cumulatively comply with maximum size requirements.
 - c. Roof Signs in Lieu of Wall Signs. Where a Roof Sign is permitted due to a lack of available building mansard for a sign, such Roof Sign's allowable area shall be equivalent to the allowed sign area for Wall Signs.
- 9. Window Signs. Window Signs are permitted pursuant to Section 19.22.020(C) (2) Table 22.01.
 - a. Location. Window Signs shall not be allowed on windows located above the second story.
 - b. Window Sign Location. Signs shall be placed so that law enforcement and public safety personnel have a clear and unobstructed view of the interior of the establishment, including cash registers. Signage inside the building shall not be allowed within three feet of the window.
 - c. Perforated and/or Transparent Window Signs. Perforated and/or transparent Window Signs may be excluded from window sign size calculations subject to review and approval by the Community and Economic Development Director and the determination that such signs are placed so that law enforcement and public safety personnel have a clear and unobstructed view of the interior of the establishment, including cash registers.
 - d. Digital Window Signs Prohibited. Digital Window Signs are not permitted, including any such signs placed within 10 feet of the window.
- C. Signage Allowances for Specific Uses. This Section establishes signage allowances for specific uses.
 - 1. Drive-Through Establishments. In addition to the signs allowed in Section 19.22.070(A), businesses with drive-through(s) shall be allowed the following signs, subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.
 - a. Number and Size. Two additional freestanding Menu Board signs are permitted for each establishment with a drive-through, not exceeding 32 square feet apiece (or not to exceed a combined 64 square feet).

[\[Return to Municipal Code Contents\]](#)

- b. Height. Freestanding menu board signs shall not exceed eight feet in height. The freestanding menu board sign structure may extend above the sign height limit if:
 - (1) The sign structure is separately constructed from the cabinet or face of the sign;
 - (2) The portion above the cabinet or face does not contain any copy; and
 - (3) The extension adds architectural embellishments to the sign.
- 2. Service Stations. In addition to the signs allowed in Section 19.22.070(A), service stations shall be allowed the following sign area and sign types subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.
 - a. Service Island Signs. Additional incidental signs are allowed up to a maximum of two per each service island, with each such sign not exceeding three square feet.
 - b. Service Station Canopy Signs. Signs on service station canopies shall not exceed 50 square feet on each side.

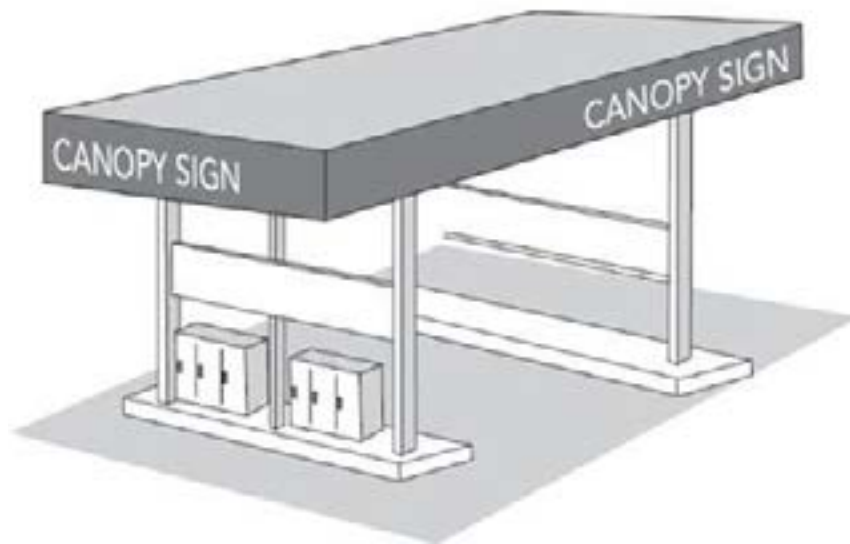


Figure 22.10: Service Station Canopy Signs

- 3. Theaters. In addition to the signs allowed in Section 19.22.070(A), theaters shall be allowed the following additional signs subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.

- a. Sign Type and Number. Developments containing theaters are allowed one additional Pylon Sign or Monument Sign with changeable copy (digital or manual) with a maximum size of 80 square feet. Such sign shall comply with height requirements for Pylon Signs and Monument Signs as listed in Table 22.04.
 - b. Special Advertisements. Glass encasements for special advertisements shall be allowed to be affixed to the primary building. Encasements shall not exceed a width of three feet or a height of four feet, the number of which shall be approved by the Community and Economic Development Director via the Sign Permit or Comprehensive Sign Program process.
4. Non-Residential Uses within Freeway Corridor Overlay Zone. In addition to the signs allowed in Section 19.22.070(A), non-residential uses located within the Freeway Corridor Overlay (FC) zone shall be allowed the following additional sign area or sign types subject to the issuance of a Sign Permit or approval of a Comprehensive Sign Program.
- a. Freeway Frontage of more than 100 feet - Maximum Sign Area.
 - (1) For single tenant sites with at least 100 feet of freeway frontage, one Freeway- Oriented Sign of up to 200 square feet is permitted.
 - (2) For multiple tenant sites with at least 100 feet of freeway frontage, one Freeway-Oriented Sign of up to 100 square feet per anchor tenant is permitted.
 - b. Freeway Frontage of more than 1,000 feet - Maximum Sign Area. For sites over five acres in size with more than 1,000 feet of freeway frontage, two Freeway- Oriented Signs of up to 100 square feet per anchor tenant with up to eight sign areas each are permitted. These signs shall not be placed closer than 600 feet of each other.
 - c. Sign Type. Freeway-Oriented Signs may be Pylon Signs or Wall Signs. Freeway- Oriented Wall Signs are permitted only on buildings fronting the freeway.
 - d. Height. Sign height shall not exceed 50 feet above freeway grade. Sign height may be allowed to exceed this height limit if a flag test approved by the City of San Bernardino determines that a sign of lower height would be partially or wholly obscured but shall in no case shall sign height exceed 75 feet above freeway grade.

- e. Setback. Freeway-Oriented Pylon Signs shall be set back at least five feet from any property line.
- f. Orientation. Freeway-Oriented Signs shall be oriented toward the adjacent freeway. A Freeway-Oriented Sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway.
- g. Tree Replacement. Any tree that is removed to accommodate the installation of any sign shall be replaced with a minimum 48-inch box tree at a location approved by the Community and Economic Development Director.
- h. General Advertising Prohibited. Freeway-Oriented Signs shall not be used for general advertising (billboards).
- i. California Department of Transportation (Caltrans) Compliance. All Freeway-Oriented Signs shall comply with the California Outdoor Advertising Act, Business and Professions Code Section 5200, or as subsequently revised, and shall be referred to Caltrans as appropriate for comment prior to Community and Economic Development Director review of the application for a Sign Permit or Comprehensive Sign Program.

D. General Standards for Permanent Signs in all Zones.

- 1. Properties with Limited or No Street Frontage. In any circumstance where a property has no street frontage or less than 20 feet of street frontage (for example, as a flag lot), signage shall be allowed on an adjacent property with the same zone as the subject property, subject to approval of a Comprehensive Sign Program and with the written permission of the property owner on whose property the sign is to be erected.
- 2. Signage Allowed for Each Establishment. Each establishment in a non-residential zone may have at least one Wall Sign for each frontage, one Window Sign or door sign for each entrance, and one Suspended Sign, subject to compliance with the requirements of this Chapter.

(Ord. MC-1531, 06-03-20)

19.22.080 Temporary Signs

All Temporary Signs shall comply with the standards provided in this Section. A Temporary Sign Permit shall be obtained from the Community and Economic Development Department prior to the display of Temporary Signs, unless specified in Section 19.22.020(C).

- A. Purpose. In addition to Section 19.22.010, the purpose of this Section is to ensure that Temporary Signs do not create a distraction to the traveling public by limiting the proliferation of Temporary Signs and eliminating aesthetic blight and litter that are detrimental to the public's health, safety, and welfare.
- B. General Standards for All Temporary Signs.
 - 1. Temporary Sign Content Neutrality. All regulations and standards in this Section are to be exercised in light of the City's content neutrality policy. These provisions are not intended to limit, censor, or restrict free speech.
 - 2. Number. The maximum number of Temporary Signs that may be displayed at the same time is subject to compliance with the applicable requirements of this Section. The number and area of Temporary Signs shall not be included in the calculation of aggregate permanent sign area.
 - 3. Materials and Maintenance.
 - a. Temporary exterior signs shall be made of durable, weather-resistant material. Only interior window signs may be made of nonrigid (e.g., paper) material.
 - b. Temporary Signs shall be well maintained consistent with Section 19.22.030(H).
 - 4. Illumination Prohibited. Temporary signs shall not be illuminated.
 - 5. Sign Placement.
 - a. Temporary Signs are allowed on private property only subject to permission of the property owner.
 - b. Temporary Signs shall not be placed in any public right-of-way except in compliance with Section 19.22.120.

- c. Temporary Signs shall only be placed where Permanent Signs are allowed.
- 6. Removal of Signs. Temporary Signs and their components shall be promptly removed at the expiration of the Temporary Sign Permit.
- C. Temporary Sign Standards for Non-Residential Zones. Temporary Signs in non-residential zones (including Commercial, Downtown, Industrial, Public, and Quasi-Public Zones) are allowed as provided in Table 22.07. The signs in Table 22.07 are allowed in any combination unless otherwise noted in this Section; however, businesses shall not display more than three Temporary Signs (excluding window signs) at any one time.

(Table 22.07 on the following page.)

**Table 22.07
Temporary Sign Standards for Non-Residential Zones**

Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Additional Requirements
b. Banner Signs	1 per business frontage	30 sf or 10% of business frontage on which banner is placed, whichever is greater	N/A	<ul style="list-style-type: none"> Section 19.22.080(D)(1) For the purposes of calculating allowed banner sign area, the height of a business frontage shall be eight feet regardless of existing conditions
c. Yard Signs	1 per business frontage	12 sf (lots < 1 acre)	6 ft (lots < 1 acre)	<ul style="list-style-type: none"> Section 19.22.080(D)(2)
	1 sign per street frontage	32 sf (lots ≥ 1 acre)	8 ft (lots ≥ 1 acre)	
d. Inflatable Signs	1 per business frontage	Per temporary event permit	Per temporary event permit	<ul style="list-style-type: none"> Section 19.22.080(D)(3)
e. Feather Signs and Pennants	One flag per 20 linear feet of street frontage	12 sf	10 ft	<ul style="list-style-type: none"> Section 19.22.080(D)(4)
f. Portable Temporary Signs	1 per business frontage	6 sf	6 ft	<ul style="list-style-type: none"> Section 19.22.080(D)(5) Permitted only in the Main Street Overlay Zone

(Ord. MC-1531, 06-03-20)

D. Standards by Temporary Sign Type.

1. Banner Signs and Pennants. Businesses and institutions may exhibit Banner Signs and/or Pennants related to an activity or event having a specific duration, or the end of which is related to a specific action.
 - a. Installation. Banner Signs and Pennants shall be affixed to a permanent structure or fence (i.e., cannot be freestanding, such as mounted on temporary posts or affixed to trees).
 - b. Duration. A Banner Sign or Pennant may be displayed for no longer than 90 consecutive days, twice per calendar year. A minimum of 30 days is required between the two 90-day display periods.
 - c. Projection. Banner Signs and Pennants shall not project above the edge of the roof of a structure.
 - d. Materials and Maintenance. Banner Signs and Pennants shall be professionally crafted and well-maintained (not torn, bent, faded, or dirty). Banner Signs shall be securely affixed at all corners.
2. Yard Signs. Businesses and institutions may exhibit Yard Signs related to an activity or event having a specific duration, or the end of which is related to a specific action.
 - a. Setback. Yard Signs shall maintain a minimum one-foot setback from any property line.
 - b. Location. Yard Signs shall be located outside of public rights-of-way, within a landscaped area.
 - c. Installation. Yard Signs shall be installed securely in the ground.
 - d. Duration. A Yard Sign may be displayed for no longer than 90 consecutive days, twice per calendar year. A minimum of 30 days is required between the two 90-day display periods.
3. Inflatable Signs. Businesses and institutions may exhibit Inflatable Signs related to a temporary activity or event only for which a temporary event permit was approved.
 - a. Setback. Inflatable Signs shall maintain a minimum five-foot setback from any property line.

- b. Location. Inflatable Signs shall not be placed in the public right-of-way. Inflatable Signs may be located on within required setbacks or elsewhere on the property.
 - c. Installation. Inflatable Signs shall be installed securely in the ground or affixed to a structure.
 - d. Duration. Inflatable Signs may be displayed for no longer than 30 consecutive days, no more than twice per rolling calendar year, and may not be displayed within 30 days following the prior activity or event for which an Inflatable Sign was displayed.
4. Feather Signs. Businesses and institutions may exhibit Feather Signs related to an activity or event having a specific duration, or the end of which is related to a specific action.
- a. Materials. Acceptable materials for Feather Signs include vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar materials.
 - b. Location. Feather Signs shall not interfere with either pedestrian or vehicular sight distance, any view corridor or obstruct views to any existing business or existing permanent sign.
 - c. Duration. Feather Signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. Feather Signs shall be removed during hours when the establishment is not open to the public.
5. Portable Temporary Signs in Main Street OverlayZone.
- a. Location. A Portable Sign may be located on private property or in the public right- of-way with an approved encroachment permit. Portable Signs are allowed in the City right-of-way in the Main Street Overlay Zone with an Encroachment Permit, provided the sign does not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the parcel on which the sign is located, or create traffic hazards. A minimum access width of four feet shall be maintained along all sidewalks and building entrances accessible to thepublic.
 - b. Duration. Portable Signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. Portable Signs shall be removed during hours when the establishment is not open to the public.

[Return to Municipal Code Contents]

- c. **Materials and Maintenance.** Portable Temporary Signs shall be professionally crafted and constructed of durable, weather-resistant materials (not subject to damage or fading from weather), and be of sufficient weight and durability to withstand wind gusts, storms, etc.
 - d. **Indemnification.** The placement of a Portable Sign in the City right-of-way requires the business, person, or entity responsible for placing the sign to indemnify and hold harmless the City from any action or expense that may occur as a result of a Portable Sign being located on any sidewalk or City right-of-way, satisfactory to the City Attorney. The Encroachment Permit shall not be issued until the City Attorney has determined that this requirement has been complied with. Portable Signs for any business that fails to indemnify the City shall be deemed illegal, nonconforming, and shall be removed.
6. **Temporary Residential Subdivision Signs.** Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit. For the purposes of this Subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.
- a. **Size.** Temporary residential subdivision signs shall not exceed 100 square feet or two square feet of sign area for each lot with a dwelling unit to a maximum of 200 square feet. No single sign may be larger than 100 square feet and eight feet in height and shall be set back at least 10 feet from any property line (or five feet if the sign area is less than 32 square feet).
 - b. **Separation.** No temporary residential subdivision sign structure shall be located less than 300 feet from an existing or previously approved temporary residential subdivision sign structure, except in the case of signs on different corners of an intersection.
 - c. **Location.** All temporary residential subdivision signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit.
 - d. **Location Plan.** A temporary residential subdivision sign location plan shall be prepared, showing the site of each sign, including any secondary signage, and shall be approved by the Community and Economic Development Director prior to the issuance of a Sign Permit. The placement of each temporary residential subdivision sign structure shall be reviewed and approved by the Community and Economic Development Director.

[\[Return to Municipal Code Contents\]](#)

- e. Additions. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the temporary residential subdivision signs as originally approved, and no other non-permitted signs, such as posters or trailer signs, may be used.
 - f. Removal. Temporary residential subdivision signs shall be removed when the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.
7. Temporary Signs during Elections and on Residential Property. See Section 19.22.020(C)(2) for regulations pertaining to Temporary Signs located on residential property during elections and during times when a residential activity is occurring, such as a yard sale or a property is advertised for sale, rent, or lease.

(Ord. MC-1531, 06-03-20)

19.22.090 General Advertising Signs (Billboards)

- A. General Prohibition. General Advertising Signs (billboards) are prohibited in all zones unless authorized by this Section in connection with the relocation of an existing legally established nonconforming billboard or in connection with the conversion of an existing static (non-digital) General Advertising Sign to digital General Advertising Sign.
- B. Applicability. Any legal nonconforming General Advertising Sign may be considered as a candidate for relocation approval. Such General Advertising Signs may be relocated to a new site or relocated on the present site only in accordance with this Section.
- C. Required Permits and Agreements.
 - 1. Billboard Relocation/Conversion Agreement and Conditional Use Permit Required. The relocation or conversion of existing static General Advertising Signs to digital General Advertising Signs, or any modification to an existing General Advertising Sign, shall be subject to an approved Billboard Relocation/Conversion Agreement and Conditional Use Permit.
 - 2. Billboard Relocation/Conversion Agreement Parameters. The Billboard Relocation/Conversion Agreement shall include, but is not limited to, standards to regulate the following: sign size, “air time” for public service announcements, and any relocation or replacement provisions, and may include a revenue-sharing provision.

[\[Return to Municipal Code Contents\]](#)

3. Lease or License Agreement. Construction and installation of General Advertising Signs on property owned by the City of San Bernardino or its related agencies may be accomplished by lease or license in lieu of a Billboard Relocation/Conversion Agreement, and any reference to a development agreement in this Chapter shall include leases or licenses on such properties.
- D. Removal Requirement. In exchange for the right to locate one new replacement General Advertising Sign at a new site, or to modify characteristics of an existing legally established General Advertising Sign, such as sign area, height, and/or type, the following removal requirements apply:
1. Existing Sign Removal Prior to New Sign Installation. Any existing legally established General Advertising Sign shall be removed prior to the installation of an authorized replacement General Advertising Sign.
 2. Number of Signs Required for Removal. Upon agreement between the sign owner and the City, the sign owner shall abandon a minimum of six legally nonconforming static General Advertising Sign faces and replace them with one new digital General Advertising Sign face, subject to the provisions of this Chapter.
- E. Replacement of General Advertising Signs on the Same Site Without Modifications. An existing legally established General Advertising Sign may be replaced on the same site with another General Advertising Sign as a “like-for-like” replacement (i.e., same size, height, number of faces, and type).
- F. Development Standards.
1. Location. A replacement or relocated General Advertising Sign shall be located on either:
 - a. City-owned property; or
 - b. Property in the CG, CR, IL, or IH zones that is within 200 feet of the outer edge of the I-10 freeway, I-215 freeway, and SR-210 freeway rights-of-way.
 2. Size. The replacement sign area shall not exceed the sign area of the existing sign to be replaced, and in no event shall a replacement sign contain greater than 672 square feet of advertising sign area.
 3. Static-Display Spacing Requirements. Spacing between static-display General Advertising Signs shall be:

- a. Up to 100 square feet of sign face: 300 linear feet
 - b. Up to 300 square feet of sign face: 400 linear feet
 - c. Up to 672 square feet of sign face: 600 linear feet
4. Digital Sign Spacing Requirements. Digital General Advertising Signs shall be placed no closer than 1,000 feet from another Digital Sign (either general advertising or on-site) on the same side of the freeway or street.
 5. Height. The height of each digital General Advertising Sign shall be limited to 50 feet above the grade of the adjacent street or freeway grade, as applicable, unless the applicant can demonstrate by a flag test or other means approved by the Community and Economic Development Director that clearly demonstrates greater height is needed for visibility.
 6. Brightness. Digital General Advertising Signs shall comply with Section 19.22.070(B)(3).

(Ord. MC-1531, 06-03-20)

19.22.090 Permanent Flags

Permanent flags may be installed subject to a comprehensive sign program pursuant to Section 19.22.040(2). Permanent flags shall be consistent with programs that relate to a cultural or civic event or goal of the City. Standards of safety and maintenance shall be assured. Such flag programs shall be subject to the following provisions:

1. Permitted uses/buildings include auditoriums, convention halls, performance centers, libraries, museums, public agency facilities, approved urban design plans, and other uses/buildings deemed similar by the Director, pursuant to Section 19.02.070(3).
2. Flags shall be constructed of pliable materials such as canvas, vinyl-coated fabric, acrilan, or similar materials which will withstand exposure to wind and rain without significant deterioration.
3. No sign permits for single flags and banners are permitted.
4. No commercial advertising of products or services is permitted on permanent flags.
5. All permanent flags shall require building permits as necessary for construction or installation.

[Return to Municipal Code Contents]

6. Decorative flags shall be placed so there is no projection above the eaveline of the building.
7. Decorative flags shall be non-illuminated.
8. Flag copy shall be limited to the name and date of publicized event.
9. The number and location of permanent flags shall architecturally enhance the building on which they are placed.

(Ord. MC-979, 8-06-96)

19.22.100 Nonconforming Signs

Any nonconforming sign in the City of San Bernardino is subject to the provisions of Chapter 19.62, and the following:

- A. **Continuance and Maintenance.** Nonconforming Signs that were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided in this Section.
 1. **Nonconformity.** Nonconforming Signs may be continued and shall be maintained in good condition as required by Section 19.22.030(H), including reasonable and routine maintenance and repairs, provided there is no expansion of any nonconformity with the current requirements of this Chapter.
 2. **No Change to Physical Structure.** Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (e.g., painting and rust removal) are allowed so long as there is no alteration to the physical structure or support elements of the sign.
 3. **Illegal Signs.** A sign that did not conform to law existing at the time of its erection shall be deemed an Illegal Sign and shall not be a Nonconforming Sign. The passage of time does not cure illegality from the outset.
- B. **Alterations and Additions to Nonconforming Signs.** No Nonconforming Sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination or substantial reduction of the sign's nonconforming features, unless otherwise allowed by an approved Iconic Sign Permit.
- C. **Abandonment of Nonconforming Sign.** Whenever a Nonconforming Sign has been abandoned or the use of the property on which the sign is located has been discontinued for a continuous period of 24 months, the Nonconforming Sign shall be removed as provided for in State law and Section 19.22.110 of this Chapter.

[Return to Municipal Code Contents]

- D. Restoration of a Damaged Nonconforming Sign. Whenever a Nonconforming Sign that is not an approved Iconic Sign is destroyed by any cause other than intentional vandalism, such sign may be only be restored, reconstructed, altered, or repaired in conformance with the provisions of this Chapter. Whenever a Nonconforming Sign that is an approved Iconic Sign is destroyed by any cause, the Iconic Sign may be restored to display the pre-existing sign area, and the nonconforming use of the sign may be resumed, provided that restoration is started within one year of the date that the damage occurred, restoration is diligently pursued to completion, and the height of the restored sign conforms to the standards of this Chapter.
- E. Building Façade Modification. If a Development Permit is issued for modifications to the exterior of a building façade, any nonconforming building signs on the façade undergoing modification shall be brought into full conformance with the provisions of this Chapter prior to approval for final occupancy.
- F. Building Demolition. All Nonconforming Freestanding Signs shall be demolished or removed when the building on which they are located or associated with is demolished.
- G. Iconic Signs. Signs with an approved Iconic Sign Permit are not subject to the requirements of this Section 19.22.100, but shall comply with Section 19.22.060(E)(4).
- H. Exceptions.
 - 1. Business and Professions Code. Notwithstanding any other provision of this Section, this Section shall not apply to any sign that may not be removed pursuant to the provisions of Business and Professions Code Section 5412.5 but only during the period of time that Business and Professions Code Section 5412.5 remains in force and effect.
 - 2. Nonconforming Sign Modification Permits. Notwithstanding any other provision of this Section, any Nonconforming Sign that has not been abandoned and is nonconforming only because of the zone in which it is located may apply for a Nonconforming Sign Modification Permit.

(Ord. MC-1531, 06-03-20)

19.22.110 Enforcement

- A. General Enforcement Procedures. It shall be unlawful to erect, construct, enlarge, alter, repair, display, or use a sign within the City of San Bernardino that is contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the applicable provisions of Chapter 19.46. In

[\[Return to Municipal Code Contents\]](#)

addition to any administrative, criminal, nuisance, or other enforcement procedure, the City of San Bernardino may withhold the issuance of Business Licenses, Building Permits, Grading Permits, Certificates of Occupancy, and other land use entitlements and may issue stop work orders for a development project failing to comply with the provisions of this Chapter

- B. Removal of Illegal Signs. Any Illegal Sign shall be removed by the property owner within 15 days after notice via a Notice of Violation from the Community and Economic Development Department.
- C. Abandoned Signs.
 - 1. Public Nuisance. Any Abandoned Sign or Illegal Sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of San Bernardino. Any sign which is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the citizens of San Bernardino. Any such sign as set forth herein is hereby deemed to be a public nuisance.
 - 2. Removal. Any Abandoned Sign deemed to be a public nuisance shall be removed by the property owner within 30 days after notice via a Notice of Violation from the Community and Economic Development Department.
- D. Illegal and Abandoned Sign Appeals. Within the 15 days after a Notice of Violation from the Community and Economic Development Department is mailed, the property owner may request a hearing before the Hearing Officer on the illegal sign determination in compliance with the provisions of Chapter 9.94. The appeal shall be granted or the decision modified if facts or circumstances disprove the existence of an Illegal Sign. If no hearing is requested, if the appeal has been denied, and/or there is no correction to the violation, the Community and Economic Development Department will abate the violation. Costs of such abatement may be assessed against the property, using the procedures established in Chapter 8.30.

(Ord. MC-1531, 06-03-20)

19.22.120 Signs On Public Property

- A. Intent as to Public Forum. As it relates to the placing of signage on public property, the City declares its intent that all public property in the City shall not function as a designated public forum, unless some specific portion of public property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any.

[Return to Municipal Code Contents]

- B. Private Party Signs Generally Banned. Except as expressly allowed by a provision of this Chapter, or another provision of law, private parties may not display or post signs on public property or in the public right-of-way.
- C. Signs That Are Exempt from the General Ban. The following signs are exempted from the general ban:
 - 1. Traffic control and traffic directional signs erected by a governmental unit
 - 2. Official notices required by law
 - 3. Signs placed by the City
 - 4. Signs that have received an encroachment permit and are located in the Main Street Overlay Zone
- D. Authorized Signs on Public Properties and Structures. Private advertising signs may be placed on structures in the public right-of-way, such as bus shelters, if there is a licensing agreement approved by the Mayor and City Council authorizing such General Advertising Signs on public property. An application for a Sign Permit must be approved prior to the construction of General Advertising Signs on public property, and the applicant and the owner of the sign shall comply with the provisions of Section 19.22.030(F) and Section 19.22.030(H).
- E. Temporary Political, Religious, Labor Protest and Other Noncommercial Signs in Traditional Public Forum Areas. In areas qualifying as traditional public forums, such as streets, parks and sidewalks, persons may display noncommercial message signs thereon, provided that their sign displayed on public property conforms to all of the following:
 - 1. Personally Attended. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within 15 feet of the sign at all times.
 - 2. Size.
 - a. The maximum aggregate size of all signs held by a single person is 12 square feet.
 - b. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.
 - 3. Balloons. The displayed signs may not be inflatable or air activated.

[\[Return to Municipal Code Contents\]](#)

4. Pedestrian and Vehicle Clearance. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance for pedestrians to pass by.
- F. Enforcement. Any sign posted on public property or the public right-of-way in violation of the provisions of this Chapter is declared to be a trespass and a public nuisance, may be summarily removed by the City of San Bernardino without notice, and the persons or parties responsible for such unauthorized posting may be charged with the City of San Bernardino's actual costs of removal. In addition, any violation of this Chapter may be enforced or punished in any manner prescribed by law, including the applicable provisions of Chapter 19.46.
- G. Encroachment. Any sign proposed to project into the public right-of-way, or into public property, shall require an encroachment permit.
- H. Street Banner Permit. Refer to Chapter 16.16.

(Ord. MC-1531, 06-03-20)

19.22.130 Definitions

For purposes of this Chapter, the following definitions shall apply:

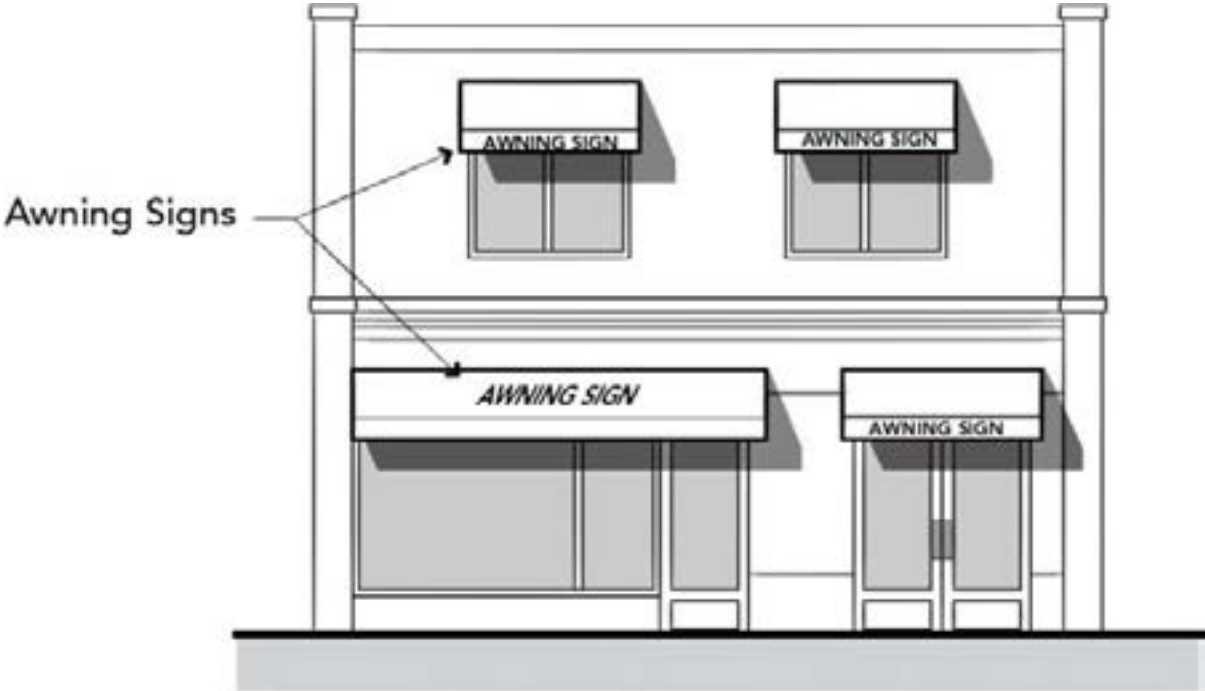
A-Frame Sign: A Freestanding Portable Sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A", and which is readily movable and not permanently attached to the ground or any structure. May also be referred to as a sandwich board sign. Other variations of such signage may also be in the shape of the letter T (inverted) or the letter H.

Abandoned Sign: Any lawfully erected sign, sign structure, advertising structure, or display that is not operated or maintained for a period of two years or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product of service that is no longer available; (2) the sign displays advertising for a business that is no longer licensed; (3) the sign advertises a business that is no longer doing business on the parcel where the sign is located; (4) the sign has a purpose for which the purpose has lapsed; or (3) the sign is blank. An Abandoned Sign is deemed to be a public nuisance.

Alter; Alteration: Any change in the weight, depth, height, area, thickness, materials, location, or type of display of an existing sign but shall not be construed to prevent normal or periodic maintenance, upkeep, or repair of a sign or change of copy (e.g., repainting).

[Return to Municipal Code Contents]

Awning Sign: Any sign that is painted or applied to the face, valance, or side panel of a projecting structure consisting of a frame and a material covering, attached to and wholly supported by a building wall and installed over and partially in front of doors, windows, or other openings in a building.



Balloon: See “Inflatable Sign.”

Banner Sign or Banner: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. This sign type does not include flags (see “Flags”).



Bench Sign: A temporary sign message located on the seat or backrest of a bench or seat placed on or adjacent to a public right-of-way.

Billboard: See “General Advertising Sign.”

Blade Sign: See “Projecting Sign.”

Building Façade: An exterior side of a building, generally set facing a street. Refers to the side of a building to which a sign is attached.

Building-Mounted Sign: A sign that is applied or attached to a building. See “Wall Sign.”

Business Frontage: See “Frontage, Business.”

Cabinet Sign: A type of sign that contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. Such sign structures typically use slide-in panels to display the message to the public.

Canopy: A permanent roof-like structure of rigid materials extending from the main entrance of a structure and is typically supported by posts at the corners farthest from where the canopy attaches to the structure. See also “Awning.”

Canopy, Service Station: A roof-like structure, typically consisting of supporting columns, at a service station that covers the service islands and surrounding fueling area.

Canopy Sign: A sign that meets any one or more of these criteria: (1) a sign mounted on a permanent canopy; (2) a traditional industry term for the variable message portion of a Canopy Sign; and/or (3) an integral sign and permanent canopy. See Figure 22.08.

Change of Copy: Changing of the face or letters on a sign.

Changeable Copy: Sign copy designed to be used with removable graphics which will allow changing of copy.

Channel Letters. Three-dimensional individual letters or figures, with an open back or front, illuminated or non-illuminated, that are affixed to a building or to a Freestanding Sign structure.

Commercial Message: Message concerning primarily a proposed economic transaction or the economic interests of the sign sponsor or audience.

[\[Return to Municipal Code Contents\]](#)

Commercial Mascot: A person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when the principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes “sign twirlers,” “sign clowns,” “sign spinners,” “sign twirlers” and “human sandwich board” signs. Also known as “living signs” and “human signs.” “Scarecrow” like devices, which simulate living persons or animals, are also included in this definition.

Conforming Sign: A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

Content Neutral Time, Place, and Manner Regulations: Consistently applicable, non-discriminatory sign regulations that specify—without reference to the content of the message—when, how, and where a sign can be displayed, with physical standards such as but not limited to height, size, and location, that allow the sign to be readable.

Contrast: The difference or degree of difference between things having similar or comparable natures, such as light and dark areas, colors, or typefaces.

Copy: The message or content of a sign, which may include letters, numbers, figures, and/or images.

Digital Sign: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs generally include displays using LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers.”

Display Area: See “Sign Area.”

Display, Digital: The sign area portion of a Digital Sign, as defined in this Chapter.

Display, Static: The sign area portion of a non-digital sign, where there is no electronic means of changing copy.

Double-Sided Sign: A sign constructed to display its message on two parallel opposing (back-to-back) faces.

Driveway/Onsite Traffic Directional Sign: A sign located adjacent to a pedestrian or vehicle travel way that is internal to a site or complex, intended to provide orientation and safety assistance.

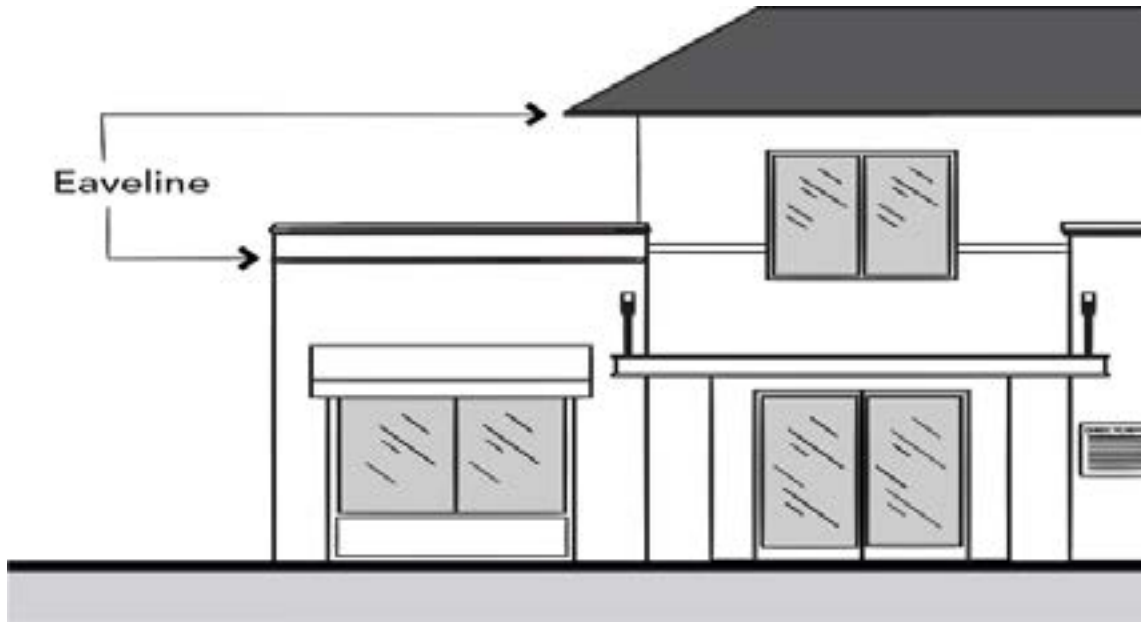
Electronic Message Center: See “Digital Sign.”

[\[Return to Municipal Code Contents\]](#)

Electric Sign: Any sign containing or using electrical wiring.

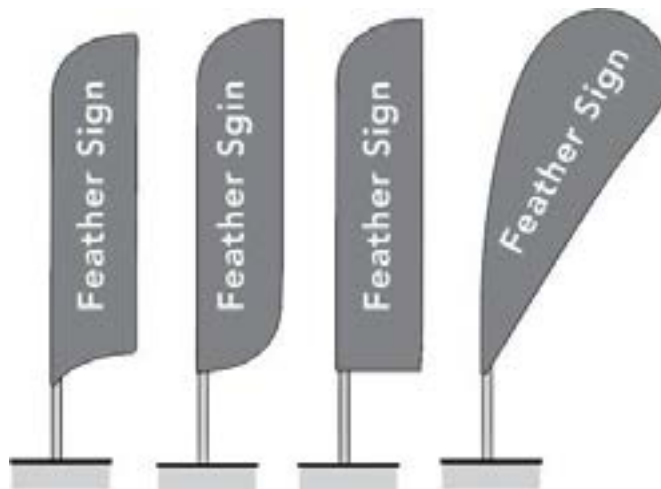
Externally Illuminated Sign: A sign that is illuminated by a light source that is located on the exterior of the sign or nearby and directed toward, and shines on the face of a sign.

Eave Line: The bottom of the roof eave or parapet.



Face: The surface area on a sign where advertising copy is displayed.

Feather Sign: A Temporary Sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material, typically taller than it is longer, and supported by a single vertical pole mounted into the ground or on a portable structure. This sign type does not include flags (see "Flags").



Flag: A fabric sheet of square, rectangular, or triangular shape that is mounted on a pole. This sign type includes official flags of national, state, or local governments. This sign type does not include feather signs (see “Feather Sign”), Banners (see “Banners”), or Pennants (see “Pennants”).

Flashing Sign: A sign that contains an intermittent or sequential flashing light source. Generally, the sign’s message is constantly repeated, and the sign is most often used as a primary attention-getting device.

Freestanding Sign: A sign that is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings.

Freeway: The Interstate 10 (I-10), Interstate 215 (I-215), Interstate 210 (I-210), State Route 330 (SR- 330), and State Route 259 (SR-259) rights-of-way within the boundaries of the City of San Bernardino.

Freeway-Oriented Sign: Any sign either freestanding or mounted to the primary wall(s) or façade of a building facing the freeway with no other building located in the visibility window between the subject building and the freeway.

Frontage, Building. That portion of a face of a building or length of a lot that is parallel to, or is at a near parallel angle to a public street or public parking area. For a building on a corner lot, the combined lengths of the sides of the building abutting or generally parallel to the front and corner side lot lines. See Also “Frontage, Primary” and “Frontage, Secondary.”

Frontage, Primary. That face of a building that is the longest elevation if user is facing the street, and/or the elevation where the principal entrance is located. See Figure 22.05.

Frontage, Secondary. Where a property has two or more street frontages, that face of a building that is not the longest elevation if user is facing the street, and/or the elevation parallel to a public street or parking lot where secondary entrance(s) are located. See Figure 22.05.

Frontage, Business: The width of a building occupied by a single business tenant that fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley, where customer access to the building is available. Width is measured as the widest point on an architectural elevation.

Frontage, Lot. That part of a lot or parcel abutting a street. Frontage, Street. The total length of all lot lines abutting streets. Ft. Abbreviation of feet.

General Advertising: The enterprise of advertising or promoting other businesses or causes, in contrast to self-promotion or on-site advertising; also known as “advertising for hire.” See “General Advertising Sign.”

General Advertising Sign: A Permanent Sign in a fixed position that meets any one or more of these criteria: 1) the sign is routinely used for general advertising for hire; 2) the sign is used to display commercial advertising for a business not located on the same premises as the sign; 3) the sign is a separate economic unit, not an accessory or auxiliary use serving the principal use on the land; and/or 4) the message display area is made available to message sponsors other than the owner. “General Advertising Sign” does not include “Freeway Signs.” “General Advertising Sign” may also be referred to as “Billboard” or “Outdoor Advertising Sign” in other Sections of the Municipal Code. See also “Digital Sign.”

General Advertising Sign, Mobile: Any sign or device placed on, mounted on, or affixed to a motor vehicle, freight, flatbed or storage trailer, or other conveyance. Mobile General Advertising Signs shall not include signs wrapped on a vehicle actively being used to load, transport or unload persons, goods, or services in the normal course of business.

Height, Sign: The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign as described in Section 19.22.030(L)(1), unless otherwise specified in this Chapter.

Iconic Sign: Any sign that has been officially designated as an Iconic Sign pursuant to Section 19.22.060(E), due to its historic or cultural significance.

Illegal Sign: A sign that meets any one or more of these criteria: 1) a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; 2) a sign which is a danger to the public or is unsafe; 3) a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County; and/or 4) a sign that is a public nuisance as defined under Chapter 8.30.

Illuminated: Signs or individual letters in which an artificial source of light is used to make the message readable and includes both internally and externally lit signs.

In: Abbreviation of inches.

Inflatable Sign: A sign that is an air-inflated object such as a balloon, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and either filled with or helium gas or equipped with a portable blower motor that provides a constant flow of air into the device.

[\[Return to Municipal Code Contents\]](#)

Internally Illuminated Sign: A sign that is illuminated by a light source contained inside the sign.

LED: Light Emitting Diode.

Legal Nonconforming Sign: A legally established sign which fails to conform to the regulations of this Chapter.

Legibility: The characteristics of letters, numbers, graphics, or symbols that make it possible to differentiate one from the other.

Lifestyle Graphic: An advertising display applied directly onto the exterior surface or window of a building which does not include words but does advertise the products or services located on premise. Painting directly onto the surface is the most common application method; however, a painted or printed vinyl substrate can also be applied to a wall surface, depending on the location.

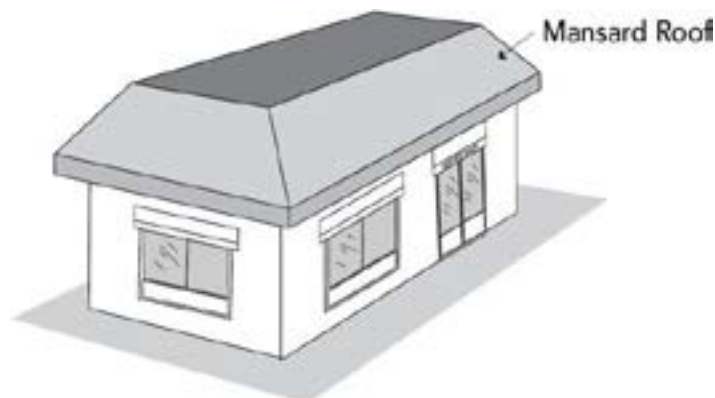
Logo: An established identifying symbol or mark associated with a business or business entity.

Luminance: The perceived brightness of an illuminated sign, measured in foot-candles above the ambient light level.

Major Neighborhood Entrance: An area proximate to the intersection of two streets, which creates the primary entryway(s) into a neighborhood officially recognized by the City of San Bernardino.

Major Tenant: A shopping center key tenant(s), which serves to attract customers to the center through its size, product line, name, and/or reputation as determined by the center property owner/authorized property management. The term anchor tenant is interchangeable with the term major tenant.

Mansard: A decorative fascia used to hide equipment or articles on the roof or to enhance the storefront appearance.



Marquee: See “Canopy.”

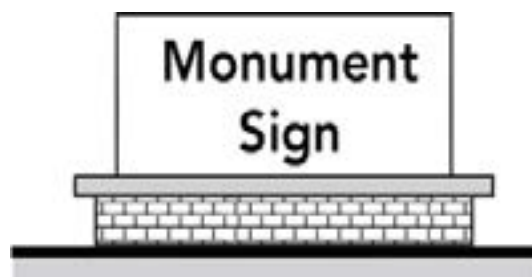
Marquee Sign: See “Canopy Sign.”

Menu Board: A permanently installed sign with changeable copy (digital or manual) for the purpose of providing product and/or service information for drive-through service at a business where customers remain seated in a vehicle occupying a drive-through service lane.

Message: See “Copy.”

Mobile General Advertising Sign: An advertising display that is attached to a vehicle or any other mobile, non-motorized device, conveyance, or bicycle that carries, pulls, or transports a sign or billboard and traverses the public streets or is located in a parking area and is for the primary purpose of advertising or attracting attention.

Monument Sign: A freestanding ground sign with low overall height and the appearance of having a solid base. See “Freestanding Sign.”



Mural: A picture or decoration that is applied directly to a wall, does not contain a commercial message (e.g., business logo or images of items for sale), and does not have any electrical or mechanical components. A mural is distinguishable from graffiti (see Chapter 8.69) based on the property owner’s permission to paint or affix the mural onto the property.

Neon Sign: A sign illuminated by or utilizing neon tubing, and/or related inert gases, or products that produce the same or similar effect as neon, such as flexible light-emitting diode (LED) neon-like tubing which is visible to the viewer.

Non-commercial Message: Debate or commentary on topics of public concern, for example, politics, religion, philosophy, science, art.

Nonconforming Sign: Any Permanent Sign or Temporary Sign, including its physical structure and supporting elements, which was lawfully erected and maintained in compliance with all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of this Chapter 19.22.

[\[Return to Municipal Code Contents\]](#)

Off-Premise Sign: Any sign which advertises or informs in any manner businesses, services, or events at some location other than that upon which the sign is located, including Commercial Mascots.

On-Premise Sign: A communication device whose message and design relates to a business, an event, goods, profession or service being conducted, sold or offered at the location where the sign is erected. All non-commercial signs are considered on-premise signs.

Painted Wall Sign: A sign painted directly on a building surface.

Parapet: A wall-like barrier at the edge of a roof or structure.

Pedestal Sign. See “Pylon Sign.”

Pennant: A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands intended to flap in the wind. This sign type does not include flags (see “Flag”).

People Sign: See “Commercial Mascot.”

Permanent Sign: A sign constructed of durable materials and attached to a building, structure or the ground in a manner that will resist environmental loads such as wind, and precludes ready removal or movement of the sign, and intended to exist for the duration of time that the use or occupant is located on the premises.

Placed: Erected, constructed, posted, painted, printed, tacked, glued, carved, or otherwise fastened, affixed or made visible in any manner.

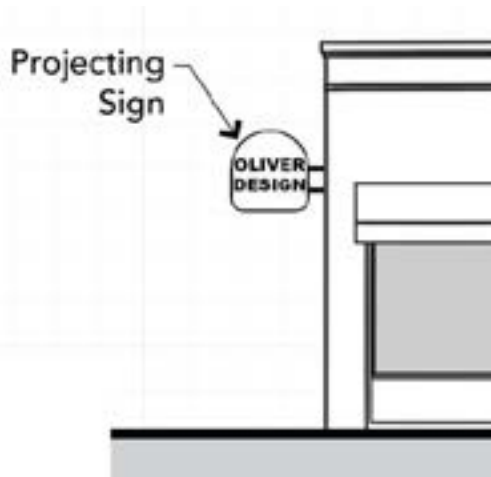
Planning Commission: The Planning Commission of the City of San Bernardino.

Pole Sign: An elevated Freestanding Sign that is supported by one or more exposed poles that are permanently attached directly into or upon the ground.



Portable Sign: A sign that is not permanently affixed to a structure or the ground. Portable Signs generally include A-Frame structures or similar low profile signs. This definition does not include Feather Signs.

Projecting Sign: A building-mounted sign with faces projecting from and perpendicular to the building fascia.



Public Property: An area that is accessible to any member of the public. Includes land or other property in which the City of San Bernardino holds a present right of possession and control, city road easements, and all public rights-of-way, regardless of ownership.

Public Nuisance: A sign, sign structure or advertising structure that meets any one or more of these criteria: 1) an attractive nuisance as defined under Municipal Code Section 8.30.015 or a nuisance declared under Section 8.30.020; 2) an abandoned sign as defined in Section 19.22.130; and/or 3) an illegal sign as defined in Section 19.22.130.

Pylon Sign: A Freestanding Sign that is supported and in direct contact with the ground or one or more solid, monumental structures or pylons and which typically has a sign face with a vertical dimension that is greater than its horizontal dimension. See Figure 22.09.

Regional Shopping Center: A shopping center with a gross site area of 20 acres or more. Commercial areas of a regional nature and auto malls may also be considered a regional shopping center for the purposes of this Chapter, subject to approval of a Sign Program.

Responsible Party. The person liable for placement of a sign. The following is a non-exclusive list of facts which when found to exist, shall constitute prima facie evidence that a person is a responsible party:

[\[Return to Municipal Code Contents\]](#)

- A. Based on information contained on the sign, and information from other sources, the person is identified as the owner or lessee of property used for the activity or event, and/or is the sponsor or promoter of the activity or event described on the sign.
- B. Based on information that appears on the sign, and information from other sources, including but not limited to information establishing the individual or corporate identity of the owner of the sign, it is found that the person placed the sign or caused the sign to be placed.

Review Authority: The individual or official City body (e.g., Economic and Community and Economic Development Director, Planning Commission, City Council) identified by this Chapter as having the responsibility and authority to review, approve, and deny a permit application. May also be referred to as “Responsible Review Authority.”

Roof Sign: A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof, and which is wholly or partly supported by such buildings.

Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, provide information in the nature of advertising, provide historical, cultural, archaeological, or social information, or direct or attract attention to an object, person, institution, business, product, service, event, policy, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. The following do not fall within the definition of a sign for the purposes of this Chapter.

- A. Architectural or decorative features of buildings (not including lettering, trademarks, or moving parts).
- B. Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of- way.
- C. Gravestones and grave markers.
- D. Holiday and cultural observance decorations that are on display for not more than 45 calendar days per year (per parcel or use) and which do not include commercial advertising messages.
- E. Manufacturers' marks on tangible products that identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- F. Murals, painted or otherwise attached or adhered, with images or representation on the exterior of a structure that are visible from a public right-of-way or neighboring property; do not contain commercial advertisement (is noncommercial in nature); and are designed in a manner so as to serve as public art, enhance public space, and provide inspiration.
- G. Colored or illuminated elements that contain no lettering, numbers, trademarks, or logos, and are located on a wall or canopy.
- H. News racks and newsstands.
- I. Merchandise on display and available for immediate purchase.
- J. Shopping carts.
- K. Symbols embedded in architecture such as symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.
- L. Vehicle and vessel insignia as shown on street-legal vehicles and properly licensed watercraft including, but not limited to, license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising for hire), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
- M. Vending machines that do not display off-site commercial messages or general advertising messages.

Sign Area: See Section 19.22.030(L) (Rules for Sign Measurement), for specific rules for measuring the area of different sign types.

Sign Band: A horizontal area above the entrances to a multiple tenant building, architecturally designed to accommodate signage in a sign-centric manner.

Sign Budget: The total allowable sign area of all signs, including awning/canopy, driveway, monument/pylon, projecting, and wall signs, in a development using a Comprehensive Sign Program. Exempt and temporary signs are not included in the calculation of total allowable sign area.

Sign Copy: All portions of a sign displaying a message, including text and symbols, but not including the supporting structure or base of a sign.

[\[Return to Municipal Code Contents\]](#)

Sign Face: The area of a sign on which copy is intended to be placed.

Sign Program: A coordinated design plan of one or more signs for an individual business, a multiple tenant business center, or other site that specifies the number, size, description, and location of all signs located or to be located on the parcel or business site.

Sign Twirler: See “Commercial Mascot.”

Sf: Abbreviation of square feet.

Single Face Sign: A sign with only one face plane.

Statuary Sign: Any sign which is a three-dimensional, sculptured, or molded representation of an animate or inanimate object that identifies, advertises, or otherwise directs attention to a product or business, but not including a three-dimensional sign that is affixed to a building.

Street Banner: A street banner is defined as a banner extended over a public street or other public property, either on an established bridge or independently suspended.

Street Frontage: The portion of the building or property which faces or abuts a street(s).

Support Structure: The structural portion of a sign securing the sign to the ground, a building, or to another structure.

Suspended Sign: A sign that is suspended from the underside of an eave, canopy, awning, arcade, or other covered walkway.



Temporary Sign: A sign that is intended to be displayed for a definite and limited period of time and which is not permanently installed, affixed or maintained on a building or structure.

Trademark: A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Visibility: The quality of a letter, number, graphic, or symbol which enables the observer to distinguish it from its surrounds or background.

Wall Sign: A sign painted on or attached to the exterior wall of a building or structure with the display surface of the sign approximately parallel to the building or structure wall.

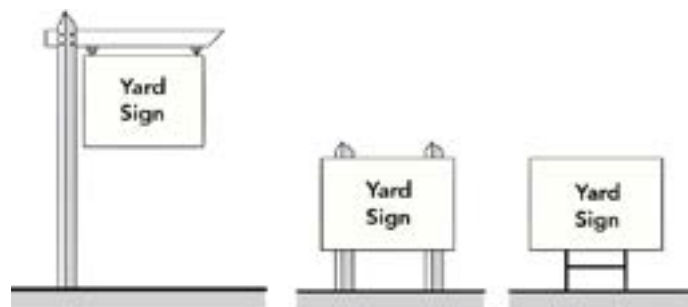
Wayfinding: Signage that enables a person to find his or her way to a given destination through the use of effective signage.

Width, Sign: The measurement of a sign or base of a sign at its full extent from side to side.

Window Area: The area within the perimeter window frames and glass doors located on a business frontage or street frontage.

Window Sign: Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

Yard Sign: Any temporary sign placed in the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, not including banners.



(Ord. MC-1531, 06-03-20)

19.22.140 Inventory and Abatement (repealed by Ord. MC-1531, 06-03-2020)

19.22.150 Sign Regulations (repealed by Ord. MC-1531, 06-03-2020)

CHAPTER 19.24 OFF-STREET PARKING STANDARDS

Sections:

- 19.24.010 Purpose**
- 19.24.020 Applicability**
- 19.24.030 General Regulations**
- 19.24.040 Number of Parking Spaces Required**
- 19.24.050 Handicapped Parking Requirements**
- 19.24.060 Design Standards**

19.24.010 Purpose

These regulations are intended to achieve the following:

1. To provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking facilities.
2. To reduce traffic congestion and hazards.
3. To protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land use districts.
4. To assure the maneuverability of emergency vehicles.
5. To provide appropriately designed parking facilities in proportion to the needs generated by varying types of land use.

19.24.020 Applicability

Every use hereafter inaugurated, and every structure hereafter erected or altered, shall have permanently maintained off-street parking areas pursuant to the following provisions.

19.24.030 General Regulations

1. No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Chapter.
2. The word "**use**" shall mean both the type and intensity of the use, and that a change in use shall be subject to all of the requirements of this Chapter.
3. When a structure is enlarged or increased in excess of 25% of the floor area, or when a change in use creates an increase in the required amount of parking, additional parking spaces shall be provided in accordance with the provisions of this Chapter. The only exception to this requirement may be for structures and uses located in the CR-2 (Downtown) zone. A parking study may be prepared examining the proposed use in light of available public off-street parking facilities which may result in a City approved parking reduction program. If a study is not prepared, the required parking shall be provided. However, tenant improvements for any type of proposed permitted use in the CR-2 zone shall not require additional parking spaces to be provided.

(Ord. MC-1393, 12-02-13)

4. Within the Paseo Las Placitas Specific Plan area, parking required by this Chapter may be provided on-site or off-site within an established parking district lot or structure. Required parking within this area may be reduced by up to 20 percent by the review authority provided that off-site parking districts have been established and developed.

(Ord. MC- 830, 4-24-91)

5. For parcels within the University Business Park Specific Plan, the number of parking spaces required for any use may be reduced by up to 25 percent provided:
 - a. The required 75 percent is fully paved and meets all other Development Code standards for parking areas,
 - b. The remaining 25 percent is set aside as expansion area and is paved with approved concrete landscape pavers, plant with turf, irrigated and properly maintained,
 - c. The expansion area is not used for storage of any type,
 - d. Trees shall not be required to be planted within the expansion area until it is brought up to full development standards.

(Ord. MC-856, 12-23-92)

[\[Return to Municipal Code Contents\]](#)

6. Requirements for uses not specifically listed herein shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the use, pursuant to Section 19.02.070 (3) (Similar Uses Permitted).
7. In any residential zone, a garage with a garage door shall be provided, and permanently maintained. If a required residential garage is proposed to be converted to a different use, then a new, two-car garage (with minimum unobstructed inside dimensions of 20 feet by 20 feet) shall be constructed on the site prior to converting the existing garage. Exceptions to the garage requirement shall be for apartments and affordable housing as determined by the Director.

(Ord. MC-1393, 12-02-13)

8. Fractional space requirements shall be rounded up to the next whole space.
9. Required guest parking in residential zones shall be designated as such and restricted to the use of guests.
10. All parking, including recreational vehicle parking in residential zones, shall occur on paved areas.
11. Senior citizen apartments/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to, medical offices, shopping areas, mass transit, etc.
12. Existing residential lots of record, 10,800 square feet or larger which front on a major or secondary arterial shall provide circular drives or turnarounds.

19.24.040 Number of Parking Spaces Required

The following minimum number of parking spaces shall be provided for each use (where "sf." refers to square foot and "gfa." refers to gross floor area):

USE	NUMBER OF REQUIRED SPACES
Residential Uses	
Mobile home parks	2 covered spaces within an enclosed garage, which may be tandem, and 1 uncovered quest space for each unit.
Multi-family Residential:	
Studio	1 space per unit
	(Ord. MC-1354, 7-06-11)
1 bedroom	1.5 covered and 1 uncovered guest space for every 5 units.
Two bedrooms	2 covered and 1 uncovered guest space for every 5 units.
Three or more bedrooms	2.5 covered and 1 uncovered guest space for 5 units.
Planned residential developments, including single-family dwellings and condominiums	2 covered spaces within an enclosed garage and 1 uncovered off-street guest parking space for every 5 units.
Residential day care	2 spaces in addition to those required for primary residence.
Senior citizen apartments	1 covered space for each unit, plus 1 uncovered space for each space for 5 units for guest parking.
Senior congregate care	.75 covered space for each unit.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

Single-family dwellings	2 covered spaces within an enclosed garage.
Commercial Uses	
Adult businesses	1 space for each 200 sf. of gfa. plus 1 space for each employee.
Amusement/recreational facilities:	
Bowling alley	3 spaces per lane, plus as required for incidental uses (i.e., pro shop, coffee shop, etc.).
Driving range	3 spaces, plus 1 space per tee.
Golf course	6 spaces per hole, plus as required for incidental uses (i.e., pro shop, bar, banquet room, etc.).
Miniature golf course	3 spaces per hole, plus as required for incidental uses (i.e., game room, food service, etc.).
Tennis/racquetball courts	3 spaces per court, plus as required for incidental uses.
RV Parks	1 space for each recreational vehicle space.
Theme amusement/recreational parks, skating rinks	Determined at project review.
Video arcade/go carts	1 space per 200 square feet of area within enclosed structures, plus 1 space per 3 persons at maximum capacity.
Art/dance studio	1 space per employee, plus 1 space per 2 students at maximum capacity.

Banks, savings and loans, financial	1 space for each 200 sf. of gfa. plus 1 lane for each drive up window and/or automatic teller machine with 6 vehicles per lane.
Barber shop/beauty parlor	2 spaces for each barber chair; 3 spaces for each beautician station.
Business/professional trade schools	1 space per 1.5 students.
Carwash, self-service	2 spaces per stall plus 2 space queuing lanes in front of each stall.
Carwash, full-service	space per every 3 employees on the maximum shift plus reservoir capacity equal to 2 times the capacity of the washing operation (the length of the conveyor divided by 20).
Commercial stables	1 space for each 5 horses boarded on-site.
Furniture/appliance stores	1 space for each 500 sf. of gfa. of sale floor display area, plus 1 space for each 2500 sf. of gfa. of warehouse storage.
Health clubs	1 space for each 200 sf. of gfa.
Hotels/motels	1.1 space for each bedroom, plus requirements for related commercial uses, plus 1 space for each 50 sf. of gfa. of main assembly room, plus 2 spaces for manager's unit. For facilities visible from any freeway, on-site parking for "big rigs" shall be determined at project review.
Indoor retail concession mall	1 space for each 200 sf. gfa. plus 1 space for each vendor.

(Ord. MC-825, 3-17-92)

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

Lube-n-tune	1 space per bay, plus 1 space for each employee, plus 2 space queuing lanes for each bay.
Multi-tenant auto-related facilities	1 space for each 200 sf. Of gfa., plus 1 space for each employee.
Offices, general:	
gfa. up to 2000 sf.	1 space for each 200 sf.
2001 to 7500 sf.	1 space for each 250 sf.
7501 to 40000 sf.	1 space for each 300 sf.
40001 and greater	1 space for each 350 sf.
Office, medical/dental	10 spaces for first 2000 sf., plus 1 space for each additional 175 sf. over 2000 sf.
Office, conversions from single-family	Determined at project review
	(Ord. MC-818, 1-07-92)
Restaurants, cafes, bars and other eating and drinking establishments (gfa. includes outdoor seating/eating area)	1 space for each 100 sf. of gfa., with a minimum of 10 spaces.
	(Ord. MC-1137, 1-09-03)
Restaurants, with drive-up or drive-thru facilities (including outdoor seating areas)	1 space for each 100 sf. of gfa. plus one lane for each drive-up window with stacking space for 6 vehicles before the menu board.
Restaurants, take-out only	1 space for each 250 sf. of gfa.
	(Ord. MC-1381, 12-19-12)
Retail commercial	1 space for each 250 sf. of gfa.
Retail nursery/garden shop	1 space for each 500 sf. of indoor display area, plus 1 space for each 2500 sf. of outdoor display area.

[Return to Municipal Code Contents]

Service stations 1 space for each pump island, plus 1 space for each service bay.

Shopping centers 1 space for each 180 sf. of gfa. for tenants within the main structure and in stand alone buildings. 1 space for each 250 sf. of gfa. for single tenants over 15,000 sf..

(Ord. MC-888, 12-07-93)

Swap meet 1 space for each 200 square feet gfa., plus 1 space for each vendor space.

Vehicle repair/garage 5 spaces plus 1 space for each 200 sf. of gfa.

Vehicle sales 1 space for each 400 sf. of gfa. for showroom and office, plus 1 space for each 2000 sf. of outdoor display area, plus 1 space for each 500 sf. of gfa. for vehicle repair, plus 1 space for each 300 sf. of gfa. for the parts department.

All other commercial uses not listed above 1 space for each 200 sf. of gfa.

Institutional Uses

Churches, conference/meeting facilities, mortuaries, theaters, auditoriums 1 space for each 4 fixed seats, or 1 space for each 35 sf. of non-fixed seating area in the principal sanctuary, conference space or auditorium, whichever is greater.

Hospitals 1 space for each patient bed, plus 1/2 space for each patient bed for employees, or as determined at project review.

Libraries, museums, art galleries 1 space for each 300 sf. of gfa.

[Return to Municipal Code Contents]

Residential clubs, fraternity/sorority houses, rooming houses and similar facilities with guest rooms	1 space for each 2 guest rooms.
Retirement homes	1 space for each 1.5 living units.
Sanitariums/nursing homes	1 space for each 6 beds, plus 1 space for each employee on the largest shift, plus space for each staff doctor.
Schools:	
Nursery/pre-school	1 space for each staff member, plus 1 space for each 10 children.
Elementary/junior high	2 spaces for each classroom.
High school	7 spaces for each classroom.
Community/college/university	10 spaces for each classroom.
Industrial Uses	
Auto dismantling/junk yards/recycling centers	1 space for each 300 sf. of gross building area plus one space for every 10,000 sf. of gross yard area.
Mini-storage	7 spaces.
Industrial/warehousing	For each structure
1-3,000 sf	1 space for each 250 sf. of gfa.
3,001 - 5,000 sf.	1 space for each 500 sf. of gfa.
5,001 - 10,000 sf.	1 space for each 750 sf. of gfa.
10,001 - 50,000 sf.	1 space for each 1,000 sf. of gfa.
50,001+ sf	1 space for each 1,250 sf. of gfa.

19.24.050 Handicapped Parking Requirements

Handicapped parking requirements are established by the State of California. The parking standards contained in this Section are identical to those established by the State at the time of the adoption of this Development Code. Any change in the State's handicapped parking requirements shall preempt the affected requirements in this Section.

1. Handicapped parking for residential uses shall be provided at the rate of 1 space for each dwelling unit that is designed for occupancy by the handicapped.
2. Handicapped parking spaces shall be provided for all uses other than residential at the following rate:

Total Number of Parking Spaces Provided	Number of Handicapped Parking Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	Two percent of total
1,001 and over	+ 1 for each 100, or fraction over 1,001

For outpatient units and facilities, 10 percent of the total number of parking spaces provided shall serve each such outpatient unit or facility.

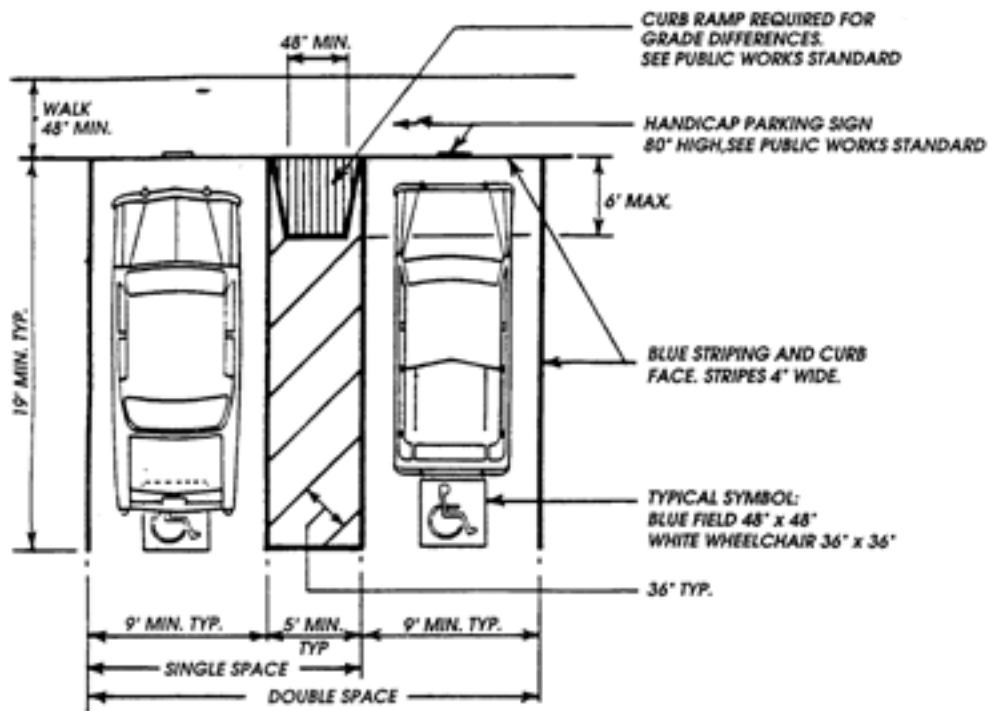
For units and facilities that specialize in treatment or services for persons with mobility impairments, 20 percent of the total number of parking spaces provided shall serve each such unit or facility.

[\[Return to Municipal Code Contents\]](#)

One van space shall be provided in every eight accessible spaces, with a minimum of one space provided.

(Ord. MC-1383, 1-16-13)

3. Handicapped parking spaces shall be designed in a manner consistent with the standard drawings approved by the Director of Public Works/City Engineer, as illustrated by Figure 24-1.
4. When less than five parking spaces are provided, at structures and uses subject to these regulations, one space shall be 14 feet wide and striped to provide a nine-foot parking area and a five-foot loading and unloading area. However, there is no requirement that the space be reserved exclusively or identified for handicapped use only.
5. Handicapped parking spaces required by this Section shall count toward fulfilling off-street parking requirements.



**FIGURE 24-1
HANDICAP PARKING DETAIL**

19.24.060 Design Standards

Off-street parking areas shall be provided in the following manner:

1. ACCESS

- A. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The Director may approve exceptions for single-family homes and other residential projects.
- B. No parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance measured from the face of the curb.

(Ord. MC-888, 12-07-93)

2. COMMERCIAL VEHICLE PARKING

It shall be unlawful for the driver, owner or operator of any commercial vehicle having a manufacturer's Gross Vehicle Weight rating (GVWR) exceeding 10,000 pounds to park, or cause to be parked, except for the immediate loading and unloading of goods, any such vehicle upon any public street, or alley, or on any residentially zoned property, within any residential land use district in the City. This prohibition shall not apply to construction sites during the construction process or to recreational vehicles.

(Ord. MC-1381, 12-19-12)

3. DIMENSIONAL REQUIREMENTS

- A. Parking stalls shall be non-perpendicular whenever possible.
- B. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained, for a private two-car garage or carport. The minimum unobstructed ceiling height shall be 7 feet, 6 inches.
- C. Parking structures may be subject to dimensional adjustments based on utilization (i.e., public or private garage with or without an attendant), but in no case shall the stall width be less than 8 feet, 6 inches. Reductions in design standards shall be subject to approval by the City Engineer.

D. Minimum parking dimensions shall be as indicated in the following table as illustrated by Figure 24-2.

A	B	C	D	E	F
0°	9'0"	9.0	15.0	23.0	-
	9'6"	9.5	15.0	23.0	-
	10'0"	10.0	15.0	23.0	-
20°	9'0"	15.0	15.0	26.3	36.5
	9'6"	15.5	15.0	27.8	37.1
	10'0"	15.9	15.0	29.2	37.4
30°	9'0"	17.3	15.0	18.0	41.8
	9'6"	17.8	15.0	19.0	42.4
	10'0"	18.2	15.0	20.0	42.7
45°	9'0"	19.8	15.0	12.7	48.3
	9'6"	20.1	15.0	13.4	48.5
	10'0"	20.5	15.0	14.1	48.9
60°	9'0"	21.0	18.0	10.4	55.5
	9'6"	21.2	18.0	11.0	55.6
	10'0"	21.5	18.0	11.5	56.0
70°	9'0"	21.0	19.0	9.6	57.9
	9'6"	21.2	19.0	10.1	58.2
	10'0"	21.2	19.0	10.6	58.0
80°	9'0"	20.3	24.0	9.1	63.0
	9'6"	20.4	24.0	9.6	63.2
	10'0"	20.5	24.0	10.2	63.3

[Return to Municipal Code Contents]

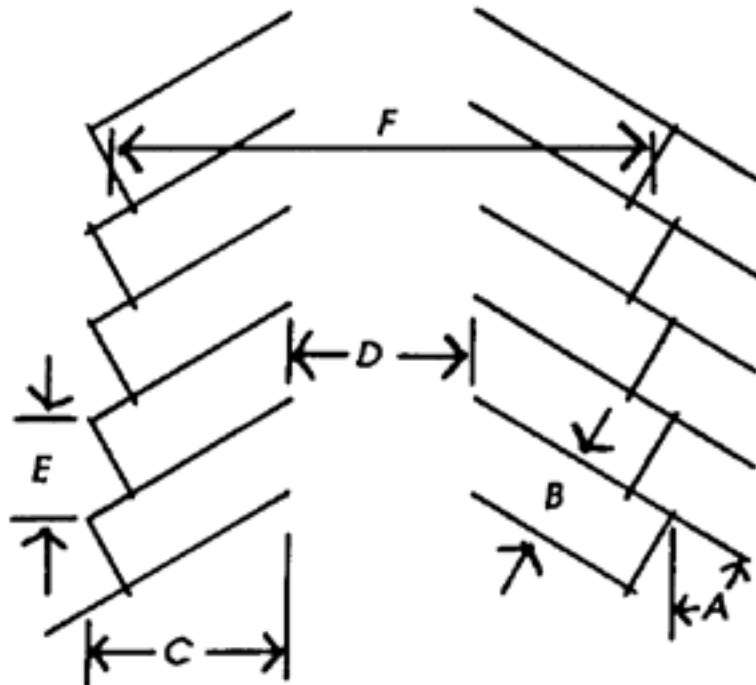
[Return to Title 19 Contents]

90°	9'0"	19.0	24.0	9.0	-
	9'6"	19.0	24.0	9.5	-
	10'0"	19.0	24.0	10.0	-

FIGURE 24-2

PARKING STANDARDS

- A. PARKING ANGLE
- B. STALL WIDTH
- C. STALL DEPTH
- D. AISLE WIDTH
- E. CURB LENGTH PER CAR
- F. CENTER TO CENTER WIDTH OF DOUBLE ROW AND AISLE



4. DRAINAGE

All required off-street parking areas shall be so designed that surface water will not drain over any sidewalk, or adjacent property.

5. DRIVEWAYS

Commercial/Industrial/Multiple Family Residential

Driveways providing ingress and egress to off-street parking spaces shall be a minimum width of 15 feet for a one-way driveway and 24 feet for a two-way driveway.

Single Family Residential

Attached Garage

Driveways for an attached 2-car garage shall have a minimum width of 16 feet and a minimum length of 24 feet measured from the inside sidewalk or apron to the front of the garage.

Driveways for an attached 3-car garage shall have a minimum width of 24 feet and a minimum length of 24 feet measured from inside the sidewalk or apron to the front of the garage.

Detached Garage

Driveways for a detached 2-car garage shall be a minimum width of 10 feet with a minimum 16 feet wide by 24 feet deep back up area immediately adjacent to the garage door.

Driveways for a detached 3-car garage shall be a minimum width of 10 feet with a minimum 24 feet wide by 24 feet deep back up area immediately adjacent to the garage door.

6. LIGHTING

Parking areas shall have lighting capable of providing adequate illumination for security and safety. The minimum requirement is 1 foot candle, maintained across the surface of the parking area. Lighting standards shall be energy-efficient and in scale with the height and use of the structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

7. LOCATION OF REQUIRED PARKING SPACES

All parking spaces shall be located on the same parcel as the structure or use, unless approved otherwise by the review authority.

Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.

No parking space required by this Chapter shall be located in the front, side or rear setback area of any land use district except for a detached garage or carport structure and driveways which may be located in interior (non-street) side or rear setback areas.

8. MAINTENANCE

All required parking facilities shall be permanently maintained, free of litter and debris.

9. PARKING STRUCTURES

All parking structures shall be landscaped as follows:

- A. The parking structure shall have a continuous minimum 10 foot perimeter landscaping with vertical elements at least every 20 feet.
- B. The entries and exits of the parking structure shall include a minimum 6 foot wide landscaped median island and accent paving in the driveway.
- C. Landscaped materials, excluding vertical element openings, shall be provided in planters and/or pots for 5% of the total surface deck area. The planters and/or pots shall be distributed throughout the top deck area, and perimeter of intermediate decks.
- D. All landscaping shall be permanently maintained and automatically irrigated.
- E. Lighting for the above ground deck shall be energy-efficient, low-level and directed so as not to spill beyond the surface deck. Lighting fixtures shall not exceed 4 feet in height.

10. RECREATIONAL VEHICLE PARKING - RESIDENTIAL

- A. A recreational vehicle may only be parked on a lot behind the front line of the house or, in the case of a corner lot, behind the front line facing each street or right-of-way, and shall be screened to a height of 6 feet from view from any public or private right-of-way. A recreational vehicle used as daily transportation may be parked overnight in recognized driveways.
- B. Recreational vehicles may be temporarily parked on public or private rights-of-way in front of residences for not more than 48 continuous hours for the purposes of loading and unloading. Forty-eight hours must elapse before the start of a new 48 hour period, together with movement of the vehicle a distance of at least 500 feet.

11. SCREENING

Commercial/industrial and public parking areas abutting residentially designated property shall have a 6 foot high solid architecturally treated decorative masonry wall approved by the Director. All wall treatments shall occur on both sides.

12. SECURITY

All parking facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users.

13. SHADING

All parking areas shall provide 25% permanent shading for parked vehicles. Any reasonable combination of shading methods can be utilized. If trees are used, they may not thereafter be trimmed so as to reduce the effectiveness of their shading ability.

14. SHARED PARKING

Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or week days only.) The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons the requested parking reduction. Shared parking may only be approved if:

- A. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;
- B. Satisfactory evidence, as deemed so by the Director, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
- C. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the commercial/industrial development.

15. SLOPE

- A. Parking areas shall be designed and improved with grades not to exceed a 5% slope.
- B. Driveways shall not exceed an 8% slope or as approved by the City Engineer.

16. STRIPING

All parking spaces shall be striped in accordance with City requirements. The striping shall be maintained in a clear and visible manner. Each exit from any parking area shall be clearly marked with a "STOP" sign as required by the City Engineer.

17. SURFACING

All driveways and parking areas shall be surfaced with a minimum thickness of 3 inches of asphaltic concrete, concrete, or any City Engineer approved bituminous surfacing over a minimum thickness of 4 inches of an aggregate base material. An appropriate structural section of slag or other material may be approved by the City Engineer and Director for storage areas of industrial uses, provided that toxic or hazardous materials, including but not limited to those enumerated in Section 8.80.010 of the Municipal Code, are not located in such storage areas.

18. TANDEM PARKING

The review authority may approve an off-street parking program utilizing limited tandem parking for commercial and industrial uses provided that the development requires 150 or more parking spaces, with no more than a maximum of 10% of the total number of spaces designated as tandem and an attendant is on duty during the normal hours that the commercial/industrial development is open for business.

19. WHEEL STOPS/CURBING

Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided at least 3 feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points. The space between the curb and wall, fence, property line, walkway or structure shall be landscaped, except as allowed by the Development Review Committee. The clear width of a walkway which is adjacent to overhanging parked cars shall be 4 feet. All parking lots shall have a continuous curbing at least 6 inches high and 6 inches wide around all parking areas and aisle planters. Existing wheel stops may remain. If repaving of the parking lot is necessary, existing wheel stops may be removed and reinstalled following the repaving, provided stall dimensional requirements are met. However, no installation of new or additional wheel stops shall occur.

(Ord. MC-1393, 12-02-13)

CHAPTER 19.26 OFF-STREET LOADING STANDARDS

Sections:

- 19.26.010 Purpose**
- 19.26.020 Applicability**
- 19.26.030 Number of Loading Spaces Required**
- 19.26.040 Design Standards**

19.26.010 Purpose

These provisions establish comprehensive standards to regulate the number, design, and location of off-street loading areas, in a manner which ensures the following:

1. Accessible, attractive, secure, and well-maintained loading and delivery facilities.
2. Reduced potential for traffic congestion and hazards.
3. Protection for adjacent parcels and surrounding neighborhoods from the effects of vehicular noise and traffic generated from the anticipated land use.
4. Loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

19.26.020 Applicability

Every nonresidential land use shall have permanently maintained off-street loading areas pursuant to the following provisions.

19.26.030 Number of Loading Spaces Required

Off-street freight and equipment loading spaces shall be provided for all offices, hospitals, institutions, hotels, senior group housing, schools, day care centers, and other commercial and industrial land uses.

The following minimum number of loading spaces shall be provided for each use:

Commercial, industrial, office, institutional, hospital, hotel, schools:

Gross floor area	Spaces required
Less than 25,000 s.f. of gfa.	1
25,001 + s.f.	1 + additional as required by the Director

Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use, pursuant to Section 19.02.070(3)(Similar Uses Permitted).

19.26.040 Design Standards

Off-street loading spaces shall be provided in the following manner:

1. ACCESS

When the lot upon which the loading space is located abuts an alley, the loading space shall have access from the alley.

2. DIMENSIONS

Required freight and equipment loading spaces shall be not less than 15 feet in width, 19 feet in length, or as determined by the Review Authority, with 14 feet of vertical clearance.

(Ord. MC-888, 12-07-93)

3. LIGHTING

Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

4. LOCATION

Loading spaces shall be located and designed as follows:

- A. Adjacent to, or as close as possible to, the main structure.
- B. Situated to ensure that all loading and unloading takes place on-site and in no case within adjacent public rights-of-way, or other traffic areas on-site.
- C. Situated to ensure that all vehicular maneuvers occur on-site.

5. PASSENGER LOADING

Passenger loading spaces shall be provided in addition to any required freight and equipment loading spaces whenever required by a Development Permit. Passenger loading spaces shall be not less than 10 feet wide and 20 feet long, shall be located in close proximity to the structure entrance, and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the structure entrance. Required spaces shall not count as required parking spaces.

6. SCREENING

All loading areas abutting residentially designated property shall have a 6 foot high solid architecturally treated decorative masonry wall approved by the Director. All wall treatments shall occur on both sides. In addition, adequate area shall be provided adjacent to public rights-of-way to accommodate a required three-foot high permanently maintained and irrigated landscaped berm.

7. SECURITY

All loading facilities shall be designed, constructed, and maintained with security as a priority to protect the safety of the users.

8. STRIPING

Loading areas shall be striped indicating the loading spaces and identifying the spaces for loading only. The striping shall be permanently maintained in a clear and visible manner.

9. SURFACING

Loading areas shall be surfaced with a minimum thickness of 4 inches of asphaltic concrete over a minimum thickness of 6 inches of an aggregate base material or an equivalent structural section to be approved by the City Engineer.

10. WHEEL STOPS/CURBING

Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided for all loading spaces, and shall be set at least 3 feet from any wall, fence, property line, walkway or structure.

CHAPTER 19.28 LANDSCAPING STANDARDS

Sections:

19.28.010	Purpose
19.28.020	Application
19.28.030	General Regulations
19.28.040	Screening Requirements
19.28.050	Standards for Parking Areas
19.28.060	Setback and Parkway Treatment Standards
19.28.070	Corner Treatment Standards
19.28.080	Installation of Landscaping
19.28.090	Maintenance of Landscaping
19.28.100	Removal or Destruction of Trees
19.28.110	Erosion Control Landscaping
19.28.120	Water Efficient Landscaping Standards
19.28.130	Applicable Regulations

Tables:

19.28.01	Screening Requirements
-----------------	-------------------------------

19.28.010 Purpose

The purpose of this Chapter is to establish landscaping regulations that are intended to:

1. Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to quality, quantity and functional aspects of landscaping and landscape screening.
2. Increase compatibility between residential and abutting commercial and industrial land uses.
3. Reduce the heat and glare generated by development.
4. Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

5. Water is an increasingly and costly resource. It is the intent of this chapter to establish a water conservation plan to reduce water consumption in the landscape environment by using drought tolerant principals.

(Ord. MC-871, 5-12-93)

19.28.020 Application

A concept landscaping plan shall be submitted as part of a permit application, pursuant to Chapter 19.32 (Applications and Fees).

The concept plan shall meet the intent of this Chapter by exhibiting a generalized design layout which adequately demonstrates the desired landscaping program in terms of location, size/scale, function, theme and similar attributes. The concept plan shall provide the review authority with a clear understanding of the landscaping program prior to the preparation of a detailed, comprehensive landscaping plan.

19.28.030 General Regulations

The comprehensive landscaping plan shall be prepared following approval of the permit application by the review authority. Submittal of the comprehensive plan shall be concurrent with the grading plan(s) and other documents and reports. This section and those that follow provide the regulations to be followed in the preparation of the comprehensive landscape program.

In addition to the following regulations, the Director of Community Development shall have the discretion to determine the conformance of a landscape and irrigation plan.

1. Landscape designs shall be in harmony with the surrounding environment.
2. Landscape design and construction shall emphasize drought-tolerant landscaping whenever/wherever possible.
3. Processing of landscape plans shall conform to the policies and procedures of the Department of Community Development. A fully dimensioned comprehensive landscape and irrigation plan shall include, but not be limited to:
 - List of Plants (Common & Latin)
 - Size
 - Location

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

- Irrigation Plan
 - Hardscape
 - Water Elements
 - Any other information deemed necessary by the Director
4. The planting of trees and shrubs shall comply with the following installation requirements:

- A. Landscape areas shall have plant material selected and planting methods used which are suitable for the soil and climatic conditions of the site. Sizes of the plant materials shall conform to the following mix:

Trees

20%, 24 inch box;

50%, 15 gallon;

In addition, mature trees shall be provided for variety and emphasis of focal areas as follows:

15% mature specimen trees in 36 inch box

15% mature specimen trees in 48 inch box

Shrubs

80%, 5 gallon; and

20%, 1 gallon

Groundcover

100% coverage within 1 year

- B. Trees shall be long-lived (minimum life expectancy of 60 years), clean, require little maintenance, be structurally strong, insect and disease resistant, and require little pruning.

- C. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines, Traffic Safety Sight Area, basic property rights of adjacent property owners, particularly the right of solar access, pursuant to Section 19.20.030 (23) (Solar Energy Design Standards).
 - D. Trees planted near public curbs shall have a limited root structure and shall be installed in such a manner as to prevent physical damage to sidewalks, curbs, gutters and other public improvements. A deep root system shall be used.
5. Where trees are planted in paved areas, they shall have a protective tree grate. Tree grates shall be cast iron with a natural finish. A deep root system shall be used.
 6. Concrete mow strips are required to separate all turf areas from other landscaped areas for all developments except single family residential.
 7. Buffer planting shall occur along all freeways and major arterials in order to visually screen uses and provide noise reduction. This landscaping shall be in addition to screening requirements set forth in Section 19.28.040 below.
 8. Appropriate shrubbery and creeping vines shall be provided along all walls and fences adjoining public rights-of-way.
 9. When inorganic groundcover is used, it shall be in combination with live plants and shall be limited to an accent feature.
 10. All landscaping shall have an approved automatic irrigation system.
 11. All residential subdivisions shall be provided with trees, shrubs, and ground cover of a type and quality generally consistent or compatible with those characterizing single-family homes in the front yard and that portion of the side yards which are visible from the street. All landscaped areas shall be provided with an automatic irrigation system adequate to ensure their viability. The landscape and irrigation plans shall be approved by the Community Development Department.

19.28.040 Screening Requirements

1. Every development shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of that development or so that the new developing use shields itself from existing potential impacts from uses already in operation.
2. [Table 28.01](#) sets forth the type of screening method required between various uses in order to provide a mechanism to buffer potential negative impacts. To determine the type of screening required (Type A, B, or C), find the use in the "Developing Use" column which is similar to the proposed use to be developed and follow that line across the page to its intersection with the type of use(s) that adjoins the property to be developed. For each intersection square that contains a letter, the developer is required to install the level of screening indicated.

(top of chart)

TABLE 28.01 . SCREENING REQUIREMENTS

DEVELOPING USE	Adjacent Existing or Permitted Use			
	One and Two family residences	Multi-Family residences	Mobile/Modular home parks	Group care facilities
1. RESIDENTIAL				
One & two family residences	A	B	C	C
Multi-Family Residences	C	C	B	C
Mobile/Modular home parks	C	C	B	C
Group care facilities		B	B	A
Adult & Child care facilities		B	B	C
All office uses including medical	A	A	A	A
Schools (public/private) & libraries	A	C	C	B
Churches & associated uses	B	B	B	C
Hospitals & clinics over 10,000 s.f.	A	A	C	A
Fraternal clubs, lodges, union halls	B	C	C	C
Retail Sales	A	B	A	
Auto service & repair			A	A
Equipment rental yard	A	A	A	A
Commercial Recreation	B	B	B	B
Hotels & Motels	B	B	B	B
Restaurant & night clubs	A	A	A	A
Uses conducted totally indoors	C	C	C	C
Uses conducted substantially outdoors	A	A	A	A
Scrap materials, salvage yards	A	A	A	A
Totally enclosed within a structure	C	C	C	C
Not totally enclosed within a structure	A	A	A	A
Veterinarian hosp. with boarding	A	A	A	A
Kennels	A	A	A	A

(top of chart)

DEVELOPING USE	Adjacent Existing or Permitted Use	One and Two family residences	Multi-Family residences	Mobile/Modular home parks	Group care facilities	Adult & Child care facilities	All office uses including medical	Schools (public/private) & libraries	Churches & associated uses	Hospitals & clinics over 10,000 s.f.	Fraternal clubs, lodges, union halls	Retail Sales	Auto service & repair	Equipment rental yard	Commercial Recreation	Hotels & Motels	Restaurant & night clubs	Uses conducted totally indoors	Uses conducted substantially outdoors	Scrap materials, salvage yards	Totally enclosed within a structure	Not totally enclosed within a structure	Veterinarian hosp. with boarding	Kennels
2. OFFICE, FINANCIAL		A	B	B	A	A		A	C	C	C													
3. INSTITUTIONAL, SOCIAL		B	B	B	A	C	A			A	C													
Schools (public/private), and libraries		B	B	B	A	C	A			A	C													
Churches & associated uses		A	A	A	A	A				C														
Hospitals and clinics over 10,000 s.f.		B	B	B	B	B	C	A																
Fraternal clubs, lodges, union halls		A	A	A	A	A	B	A	A	A														

Table 28.01 Screening Requirements, continued

DEVELOPING USE		(top of chart)																									
		Adjacent Existing or Permitted Use	One and Two family residences	Multi-Family residences	Mobile/Modular home parks	Group care facilities	Adult & Child care facilities	All office uses including medical	Schools (public/private) & libraries	Churches & associated uses	Hospitals & clinics over 10,000 s.f.	Fraternal clubs, lodges, union halls	Retail Sales	Auto service & repair	Equipment rental yard	Commercial Recreation	Hotels & Motels	Restaurant & night clubs	Uses conducted totally indoors	Uses conducted substantially outdoors	Scrap materials, salvage yards	Totally enclosed within a structure	Not totally enclosed within a structure	Veterinarian hosp. with boarding	Kennels		
4. COMMERCIAL	Retail Sales	A	A	A	A	A	A	A	B	A		A	A		B	A									C	C	
	Auto service & repair	A	A	A	A	A	A	A	A	A		A	A														
	Equipment rental yard	A	A	A	A	A	A	A	A	A		A	A														
	Commercial recreation	A	A	A	B	B	B																				
	Hotels & motels	A	A	A	A	A	A	C	A		B																
	Restaurants & night clubs	A	A	A	A	A	A		B	C	A																
	5. MFG. & STORAGE	Uses conducted totally indoors	A	A	A	A	A	A	A	A	A																

Table 28.01 Screening Requirements, continued

		(top of chart)																							
		Adjacent Existing or Permitted Use	One and Two family residences	Multi-Family residences	Mobile/Modular home parks	Group care facilities	Adult & Child care facilities	All office uses including medical	Schools (public/private) & libraries	Churches & associated uses	Hospitals & clinics over 10,000 s.f.	Fraternal clubs, lodges, union halls	Retail Sales	Auto service & repair	Equipment rental yard	Commercial Recreation	Hotels & Motels	Restaurant & night clubs	Uses conducted totally indoors	Uses conducted substantially outdoors	Scrap materials, salvage yards	Totally enclosed within a structure	Not totally enclosed within a structure	Veterinarian hosp. with boarding	Kennels
DEVELOPING USE			A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	A	A	A	A	A	A	A	A
	Uses conducted substantially outdoors		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
6. PUBLIC UTILITY INSTALLATIONS	Scrap materials, salvage yards		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Totally enclosed within a structure		A	A	A	A	A	B	A	A	A	A	A	A	A	A	C	A	A	A	A	A	A	A	A
7. OTHER USES	Not totally enclosed within a structure		A	A	A	A	A	A	B	A	A	A	A	A	A	B	A	A	A	A	A	A	A	A	A
	Veterinarian hospitals with boarding		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Kennels		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

Table 28.01 Screening Requirements, continued

3. The three basic types of screens that are required by Table 28.01 "Screening Requirements," are as follows:

A. OPAQUE SCREEN, TYPE A

A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence, or densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. Suggested planting patterns are shown in Figure 28-1.

B. SEMI-OPAQUE SCREEN, TYPE B

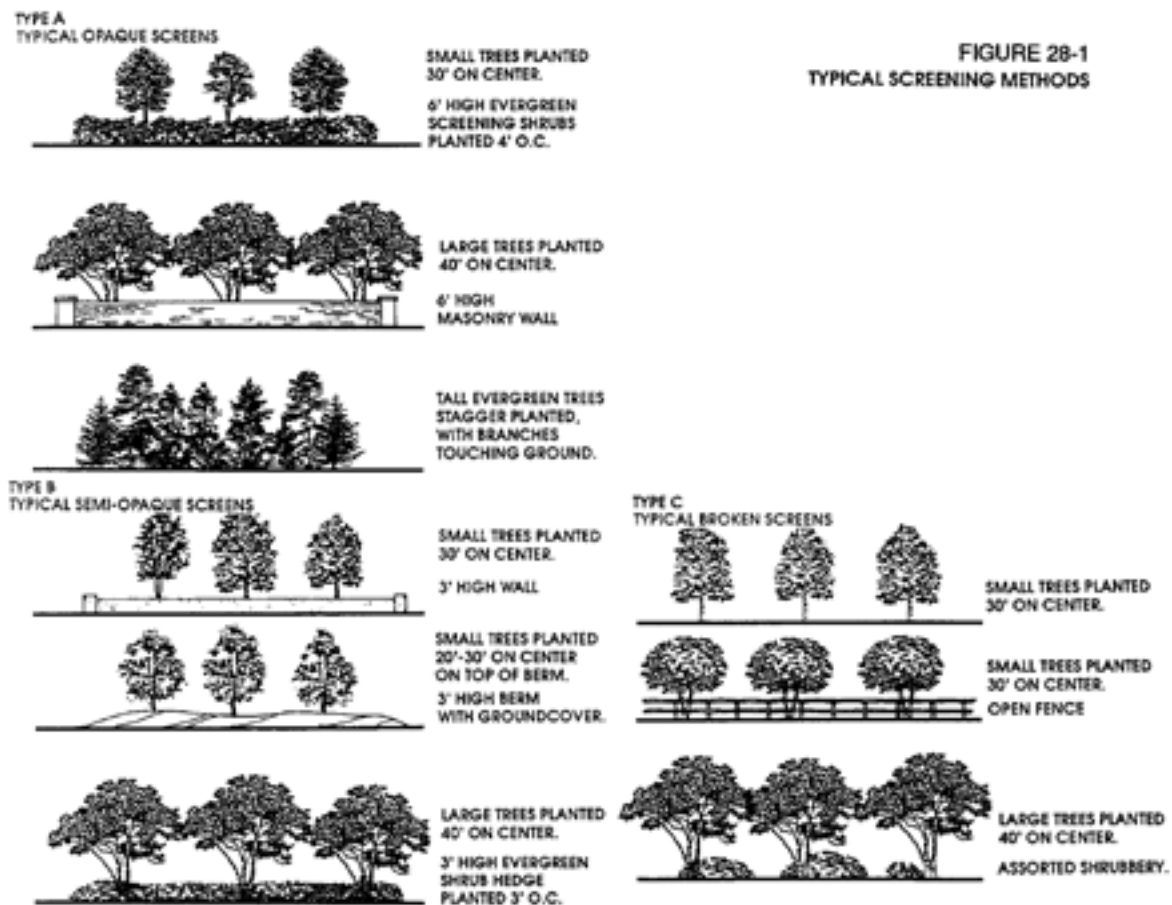
A screen that is opaque from the ground to height of 3 feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, or planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 15 feet wide.

C. BROKEN SCREEN, TYPE C

A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

4. The screening requirements set forth in this section may be interpreted with some flexibility by the Director and Commission in their enforcement of the standards.

It is recognized that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, minor deviations may be granted to allow less intensive screening, or requirements for more intensive screening may be imposed, whenever such deviations are more likely to satisfy the intent of this section.



19.28.050 Standards for Parking Areas

In addition to landscaping of all required setback areas, a minimum of 15% of the net area of all surface parking areas shall be landscaped as follows:

- A. Where parking areas adjoin a public right-of-way, a landscaped planting strip equal to the required yard setback shall be established and continuously maintained between the public right-of-way and parking area. Any planting, sign, or any other structure within safety sight distance of a driveway shall not exceed 30 inches in height.
- B. Provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. At least one 24-inch box tree for every four spaces shall be included in the development of the overall landscape program. The maximum spacing between trees in parking areas shall be 30 feet; however, appropriate clustering of trees may be permitted.
- C. All areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be permanently landscaped with suitable materials and permanently maintained, pursuant to a program submitted by the applicant and approved by the Director of the Parks and Recreation Department.
- D. All landscaped areas shall be bordered by a concrete curb that is at least six inches high and six inches wide. All landscaped areas shall be a minimum of six feet in width. Concrete now strips at least six inches deep and four inches wide shall be required to separate turf areas from shrub areas.
- E. A permanent and automatic irrigation system shall be installed and permanently maintained in all landscaped areas. The system shall employ state-of-the-art water conservation technology and recognize differing irrigation needs of various plant materials.
- F. The landscaping plan shall provide for a variety of plant materials, with an emphasis on drought tolerant species, appropriate for the local environment and shall include a legend showing common names, sizes, quantities, location, dimensions of planted area, and percentage of parking lot landscaping.
- G. To increase the parking lot landscaped area, a maximum of 2½ feet of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions. This overhang is in addition to the required yard setbacks.

(Ord. MC-1381, 12-19-12)

19.28.060 Setback and Parkway Treatment Standards

Landscape plans for setback and parkway areas shall include, but not be limited to the following:

1. Setback and parkway areas shall be properly designed and landscaped in order to establish a high level of development quality while providing for neighborhood identity where appropriate. The design shall utilize uniform street tree plantings with complementary landscape materials.
2. Provide a design which ensures the desired screening, shading, appearance and compatibility with established setback and parkway areas, including a sensitive transition between diverse landscape types and patterns.
3. Incorporate mounding within the overall design, with landscaped slopes not exceeding a 3:1 ratio, or three feet in height. A minimum of six feet of landscaping shall be placed on the exterior of perimeter walls and fences.
4. Incorporate walls and fences into the landscape design, including the special treatment of meandering walls, and wall breaks or openings where the design shall complement the interior landscaping of the adjacent development.
5. Street tree varieties and exact location shall be determined by the Director of Community Development. The Community Development Department shall approve the locations and inspect plant material on-site, prior to planting. Sidewalks, curb and gutter, must be clean of debris prior to marking. A 24-hour notice is required for inspection. The size of the street trees shall be 24 inch box specimens. The 24 inch box trees shall be planted as street trees within the public parkway or City property.

19.28.070 Corner Treatment Standards

Landscape plans for any development involving corner lots shall include additional special design requirements, including, but not limited to the following:

1. A minimum landscape area of 300 square feet for corner areas.
2. Incorporate significant landscape and water features, including specimen trees, coordination with wall breaks or openings, and special "city entry" image treatment wherever appropriate.
3. Specimen trees shall be a minimum of 48-inch box size.
4. Ensure that any corner landscape plan within the "Traffic Safety Sight Area," as defined, shall be designed to protect public safety.

19.28.080 Installation of Landscaping

All required landscaping shall be properly installed, irrigated, inspected and permanently maintained prior to use inauguration or the issuance of a Certificate of Occupancy, whichever first occurs. The landscaping and irrigation shall be inspected as stated in the procedures and policy for landscaping and irrigation.

19.28.090 Maintenance of Landscaping

1. Maintenance of approved landscaping shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
2. Prior to the issuance of a Certificate of Occupancy, the landowner shall file a maintenance agreement or covenant and easement to enter and maintain, subject to the approval of the City Attorney. The agreement or covenant and easement to enter and maintain shall ensure that if the landowner, or subsequent owners, fails to maintain the required/installed site improvements, the City will be able to file an appropriate lien(s) against the property in order to accomplish the required maintenance.

19.28.100 Removal or Destruction of Trees

Removal of healthy, shade providing, aesthetically valuable trees shall be discouraged. In the event that more than five trees are to be cut down, uprooted, destroyed or removed within a 36 month period, a permit shall first be issued by the Department.

An arborist survey and report may be required at the developer's expense, to evaluate existing trees prior to the issuance of a tree removal permit, as determined by the Director of Community Development. Unless there is a pre-approved tree replacement plan, each tree that is removed in a new subdivision and is determined to be of significant value by the Community Development Director shall be replaced with a 36 inch box specimen tree in the subdivision in addition to any other required landscaping. Such a plan does not necessarily require a tree for tree replacement provision. Commercial tree farms, City Government projects, and individual single-family residential lots less than one acre shall be exempt from this provision.

19.28.110 Erosion Control Landscaping

Landscaping for the purpose of erosion control shall be in compliance with the standards outlined in Chapter 15 of the Municipal Code.

19.28.120 Water Efficient Landscaping Standards

(Ord. MC-1368, 2-08-12)

1. PURPOSE AND INTENT

A. The purpose of this Chapter is to:

- (1) Promote the aesthetic and recreational values of landscapes, while recognizing the need to invest water resources as efficiently as possible;
- (2) Establish a structure for planning, designing, installing and maintaining water efficient landscapes in new construction and rehabilitated projects;
- (3) Establish provisions for water management practices and water waste prevention in the irrigation of existing landscapes;
- (4) Implement water quality management practices that minimize storm water and irrigation runoff, to achieve on-site filtration and groundwater recharge;
- (5) Promote and encourage the use of low water use plants in landscapes;

[Return to Municipal Code Contents]

- (6) Minimize the use of cool season turf;
 - (7) Promote conservation of potable water by encouraging the use of recycled water and water-conserving technology in landscape irrigation; and
 - (8) Promote public education about water conservation and water efficient landscape irrigation.
- B. The intent of this Chapter is to implement water efficient landscape regulations at least as effective as the state model ordinance adopted pursuant to California Government Code Section 65595.

2. APPLICABILITY

After January 1, 2010, the provisions of this Chapter shall apply as follows:

- A. All provisions of this chapter for planning, design, installation and management of new landscapes shall apply to the following new construction and rehabilitation landscape projects normally subject to building or landscaping plan review and permits.
- (1) Public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet;
 - (2) Developer-installed single-family and multi-family residential projects with a landscape area equal to or greater than 2,500 square feet in the aggregate;
 - (3) Homeowner-installed and/or homeowner-hired single-family and multifamily residential projects with a total project landscape area equal to or greater than 5,000 square feet.
- B. Limited applicability. Existing landscapes, cemeteries and certain Special Landscape Areas are exempt from the provisions of this Chapter as follows:
- (1) Existing landscapes installed before January 1, 2010 and exceeding one acre in area are subject only to water waste prevention and efficient irrigation requirements of Sections 19.28.110(12) and 19.28.110(13).

- (2) New cemeteries or cemetery expansion projects exceeding 2,500 square feet in landscape area shall be subject to the Water Efficient Landscape worksheet requirement and the irrigation analysis and maintenance requirements of Section 19.28.110(9) and Section 19.28.110(10).
- (3) New development or rehabilitation of landscapes including Special Landscape Areas (SLAs), such as edible landscapes, landscapes irrigated with recycled water, and active parks or sport field landscaping shall be subject to the provisions of this Ordinance, except that the Maximum Applies Water Allowance (MAWA) shall be adjusted to provide for adequate irrigation of SLAs.

C. Exemptions. The provisions of this Chapter shall not apply to the following exempt landscapes:

- (1) Registered local, state or federal historic sites;
- (2) Ecological restoration projects that do not require permanent irrigation systems;
- (3) Mined land restoration projects that do not require permanent irrigation systems;
- (4) Botanical gardens and arboretums open to the public.

3. LANDSCAPE DESIGN STANDARDS AND PLANNING GUIDELINES

For the efficient use of water, landscapes shall be carefully designed and planned to thrive in local soil and climatic conditions and to suit the intended function of the project. The following design guidelines shall also be considered in landscape planning:

A. Plant Selection:

- (1) Native plants and drought-tolerant species are encouraged to promote low maintenance, water efficient landscapes.
- (2) Any plant may be used in the landscape, provided that the EAWU (estimated annual applied water use) does not exceed the MAWA (maximum annual applied water allowance).
- (3) Plants with similar water use requirements shall be grouped together in “hydrozones” wherever possible.

- (4) Turf areas should be minimal, limited mainly to active recreation areas and small lawns. Where turf is used, it should not be planted on slopes greater than 4:1, and warm season varieties are preferred.
- (5) Fire resistant plant species and fuel modification requirements shall be top priority for landscape design in high fire hazard areas.
- (6) Invasive plant species should be avoided, especially near natural areas, fuel modification zones, parks and water bodies.
- (7) The use of mulch is encouraged to retain moisture.
- (8) Plant placement shall be planned to create shade in summer and permit solar gain in winter.
- (9) Plant size and root characteristics at maturity should be considered in plant selection and placement, to avoid damage to property or infrastructure.

B. Water Features:

- (1) Recirculating water systems shall be used for all decorative water features.
- (2) If available, recycled water should be used in decorative water features, except pools and spas.
- (3) The surface area of a water feature shall be included in MAWA calculation with an evaporation rate equivalent to that of a high water use plant.
- (4) Pool and spa covers are highly recommended.

C. Content Requirements of Landscape Design Plans:

- (1) Each hydrozone shall be identified as a “low”, “moderate”, “high”, or “mixed” water use zone.
- (2) Landscape areas with unique water budget considerations, such as recreation areas, areas dedicated to edible landscapes, and areas to be irrigated with recycled water shall be delineated.

- (3) Areas planned for soil amendments, mulch application, surface water features, and hardscapes (pervious and impervious) shall be delineated with applicable notes regarding installation and design.
- (4) On-site design measures for storm water quality management shall be identified to demonstrate consistency with the corresponding Water Quality Management Plan (WQMP).

1. IRRIGATION REQUIREMENTS

- A. All irrigation systems shall be designed and maintained to prevent runoff, over-spray, low head drainage and other conditions of water waste. Soil types and infiltration rates shall be considered when designing irrigation systems, and irrigation plans shall be designed to meet specific water needs of each hydrozone, to maximize the efficiency of the irrigation systems.
- B. Dedicated (separate) landscape water meters shall be installed at new project sites with landscape areas greater than 5,000 square feet, subject to concurrence of the water purveyor.
- C. The following equipment shall be required to control water waste in new irrigation systems subject to this Ordinance.
 - (1) Automatic irrigation controllers that utilize evapotranspiration or soil moisture sensor data to adjust the frequency and/or duration of irrigation in response to changing weather conditions.
 - (2) Rain sensors with automatic shut-off features.
 - (3) Anti-drain check valves to prevent low-head drainage in sprinkler heads.
 - (4) Pressure regulators as needed when the static water pressure exceeds the maximum recommended operating pressure.
 - (5) Manual shut-off valves located as close as possible to the point of connection to the water supply, to minimize water loss in case of an emergency or a routine repair.

D. Irrigation Design Standards:

- (1) The irrigation systems shall be designed and installed to conform to the project water budget (MAWA), based on planting plans for the project hydrozones;
 - (2) Overhead irrigation shall not be permitted within a 24-inch setback from any non-permeable surface. Allowable irrigation within such setback areas may include drip, drip line, or other low flow, non-spray technology. The setback may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - a. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - b. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - c. the irrigation designer specified an alternative design or technology as part of the Landscape Documentation Package, and clearly demonstrates compliance with the requirements of this Ordinance.
 - (3) Slopes greater than 25% shall not be irrigated within an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the irrigation designer specified an alternative design or technology as part of the Landscape Documentation Package, and clearly demonstrates that no excess runoff or erosion will occur. This demonstration shall be confirmed by an irrigation audit.
- E. The irrigation plan shall be prepared separate from the landscape planting plan, but it shall be consistent with the planting plan and shall conform to all the requirements of this Ordinance.
- F. A Water Management Plan shall be prepared to accompany the irrigation plan, in accordance with the requirements of this Ordinance. The Water Management Plan shall describe the irrigation system in detail, identify parties responsible for maintenance of the irrigation system, and set a plan and schedule for management of the system.
- G. Recycle Water. Dual water distribution systems allowing irrigation with recycled water are encouraged, and may be required to be installed on new construction sites, at the discretion of the water purveyor, and subject to availability.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

2. LANDSCAPE SOIL MANAGEMENT AND LANDSCAPE GRADING REQUIREMENTS

- A. Soil testing shall be performed after mass grading and prior to landscape installation, to ensure the selection of plant materials is suitable for the site. The soil analysis shall be incorporated in a soil management plan, including the following:
- (1) A determination of soil texture, indicating the available water holding capacity;
 - (2) An approximate soil infiltration rate, or a range of infiltration rates;
 - (3) Measures of pH and total soluble salts; and
 - (4) Soil management and amendment regulations.
- B. Grading of landscape areas shall be designed to minimize unnecessary soil compaction, erosion, and water waste. Landscape grading shall be designed to prevent runoff, avoid disruption and natural drainage patterns and to support on-site infiltration of storm water and irrigation water for water quality management.

3. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

A Landscape Documentation Package prepared by a licensed landscape architect shall be required for any new construction of landscape or landscape rehabilitation that is normally subject to building or landscape plan review and permits. The Landscape Documentation Package shall contain the following elements:

- A. Project information:
- (1) Date;
 - (2) Project applicant;
 - (3) Project address or location;
 - (4) Total landscape area in square feet;
 - (5) Project type (e.g., new, rehabilitated, public, private, developer or homeowner installed, cemetery, park, etc.);

- (6) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
 - (7) Checklist of all documents in the Landscape Documentation Package;
 - (8) Contact information for the project applicant and property owner;
 - (9) Applicant signature, dated with the statement, "I agree to comply with the requirements of the Water Efficient Landscape Ordinance and submit a complete Landscape Documentation Package."
- B. Water Efficient Landscape Worksheet. Worksheet examples, sample calculations and the Reference Evapotranspiration (ET_o) Table for the City of San Bernardino are available in the Community Development Department to guide preparation of the required elements of the Water Efficient Landscape Worksheet, including:
- (1) Hydrozone information table;
 - (2) Water budget calculations:
 - (a) Maximum Applied Water Allowance (MAWA);
 - (b) Estimated Total Water Use (ETWU);
- C. Landscape design plan, prepared according to Section 19.28.110(3);
- D. Irrigation design plan, prepared according to Section 19.28.110(4);
- E. Soil management report, prepared according to Section 19.28.110(5)(A); and
- F. Grading design plan, prepared according to Section 19.28.110(5)(B).

4. COMPLIANCE DOCUMENTATION

- A. Certificate of Completion. Prior to issuance of a Certificate of Occupancy or final inspection for a new construction project or a landscape rehabilitation project, a Certificate of Completion shall be submitted to the City, signed by a licensed landscape architect to certify that:
- (1) The landscaping has been installed in conformance with the approved planting and irrigation plans;

- (2) The automatic irrigation controller has been set according to the irrigation schedule;
 - (3) The irrigation system has been adjusted to maximize irrigation efficiency and eliminate over-spray and runoff; and
 - (4) A copy of the irrigation schedule has been given to the property owner.
- B. Completed Landscape Documentation Packages and Certificated of Completion shall be made available for review by the water purveyor. Sites found to be out of compliance with the provisions of this Ordinance may be subject to landscape water audits and compliance enforcement by the water purveyor.

5. IRRIGATION SCHEDULING

- A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
- (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside of the normal watering window is allowed for auditing and system maintenance.
 - (3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

6. LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning and weeding in all landscape areas; and removing any obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- D. A project applicant is encouraged to implement sustainable or environmentally friendly practices for overall landscape maintenance.

7. IRRIGATION AUDIT, IRRIGATION SURVEY, AND IRRIGATION WATER USE ANALYSIS

- A. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- B. For new landscape construction and rehabilitated landscape projects installed after January 1, 2010:
 - (1) The project applicant shall submit an irrigation audit report with the Certificate of Completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
 - (2) The City or the water purveyor may conduct or require an irrigation water use analysis, irrigation audit or irrigation survey for compliance with the Maximum Applied Water Allowance (MAWA).

- C. For existing landscapes that were installed before January 1, 2010 and are over one acre in size, the City or the water purveyor may require irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations a necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes, which shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor,

8. IRRIGATION EFFICIENCY

- A. For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

9. PROVISIONS FOR EXISTING LANDSCAPE

- A. The City or the water purveyor may enforce the requirements contained in this Ordinance, and may assess penalties for water waste in existing landscapes constructed prior to January 1, 2010.

10. WATER WASTE PREVENTION

- A. Water waste resulting from inefficient landscape irrigation is prohibited. Runoff of irrigation water into the public right-of-way caused by low head drainage, broken sprinkler heads, overspray or other similar conditions shall be prohibited. Overspray or runoff onto adjacent property, non-irrigated areas walks roadways parking lots, or structures shall be prohibited Restrictions regarding overspray ad runoff may be modified if:
 - (1) The landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - (2) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

11. DEFINITIONS

The terms used in this ordinance have the meaning set forth below:

- A. “**Applied water**” means the portion of water supplied by the irrigation system to the landscape.
- B. “**Automatic irrigation controller**” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather based) or soil moisture data.
- C. “**Backflow prevention device**” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- D. “**Certificate of Completion**” means the document required under Section 19.28.110(7).
- E. “**Certified irrigation designer**” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the US Environmental Protection Agency’s WaterSense irrigation designed certification program and Irrigation Association’s Certified Irrigation Designer Program.
- F. “**Certified landscape irrigation auditor**” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor Program.
- G. “**Check valve**” or “**anti-drain valve**” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- H. “**Common interest developments**” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- I. “**Conversion factor (0.62)**” means the number that converts acre-inched per acre per year to gallons per square per square foot per year.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- J. **“Drip irrigation”** means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- K. **“Ecological restoration project”** means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- L. **“Effective precipitation”** or **“Usable rainfall” (Eppt)** means the portion of total precipitation which becomes available for plant growth.
- M. **“Emitter”** means a drip irrigation emission device that delivers water slowly from the system to the soil.
- N. **“Established landscape”** means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- O. **“Establishment period of the plants”** means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- P. **“Estimated Total Water Use” (ETWU)** means the total water used for the landscape as described in Section 19.28.110(6)(B).
- Q. **“ET Adjustment Factor” (ETAF)** means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of the calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

- R. **“Evapotranspiration rate”** means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specific time.
- S. **“Flow rate”** means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

[Return to Municipal Code Contents]

- T. **“Hardscapes”** means any durable material (pervious and non-pervious).
- U. **“Homeowner-provided landscaping”** means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for the purposes of this Ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.
- V. **“Hydrozone”** means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- W. **“Infiltration rate”** means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- X. **“Invasive plant species”** means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agriculture agencies as noxious species. **“Noxious weeds”** means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- Y. **“Irrigation audit”** means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. AN irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- Z. **“Irrigation efficiency”** (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements
- AA. **“Irrigation survey”** means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test and written recommendations to improve performance of the irrigation system.
- BB. **“Irrigation water use analysis”** means an analysis of water use data based on meter readings and billing data.

- CC. **“Landscape architect”** means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.
- DD. **“Landscape area”** means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation.)
- EE. **“Landscape contractor”** means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- FF. **“Landscape Documentation Package”** means the documents required under Section 19.28.110(6).
- GG. **“Landscape project”** means total area of landscape in a project as defined in “landscape area” for the purposes of this Ordinance, meeting requirements under Section 19.28.110(2).
- HH. **“Lateral line”** means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- II. **“Local agency”** means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.
- JJ. **“Local water purveyor”** means any entity, including a public agency, city, county, or private water company that provides retail water service.
- KK. **“Low volume irrigation”** means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- LL. **“Main line”** means the pressurized pipeline that delivers water from the water source to the valve or outlet.

[Return to Municipal Code Contents]

- MM. “**Maximum Applied Water Allowance**” (**MAWA**) means the upper limit of annual applied water for the established landscaped area as specified in Section 19.28.110(6)(B). It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowances. Special Landscape Areas, including recreation areas, area permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
- NN. “**Microclimate**” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- OO. “**Mined-land reclamation projects**” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- PP. “**Mulch**” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- QQ. “**New construction**” means, for the purpose of this Ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- RR. “**Operating pressure**” means the pressure at which the parts of an irrigation system are designed be the manufacturer to operate.
- SS. “**Overhead sprinkler irrigation systems**” means systems that deliver water through the air (e.g., spray heads and rotors).
- TT. “**Overspray**” means the irrigation water which is delivered beyond the target area.
- UU. “**Permit**” means an authorizing document issued by local agencies for new construction and rehabilitated landscapes.
- VV. “**Pervious**” means any surface or material that allows the passage of water through the material and into the underlying soil.

- WW. **“Plant factor”** or **“plant water use factor”** is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this Ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species”.
- XX. **“Precipitation rate”** means the rate of application of water measured in inches per hour.
- YY. **“Project applicant”** means the individual or entity submitting a Landscape Documentation Package required under Section 19.28.110(6), to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.
- ZZ. **“Rain sensor”** or **“rain sensing shutoff device”** means a component which automatically suspends an irrigation event when it rains.
- AAA. **“Record drawing”** or **“as-builts”** means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
- BBB. **“Recreational area”** means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
- CCC. **“Recycled water”, “reclaimed water”, or “treated sewage effluent water”** means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- DDD. **“Reference evapotranspiration”** or **“ETo”** means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in the sample materials referenced in Section 19.28.110(6)(B), and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

- EEE. **“Rehabilitated landscape”** means any re-landscaping project that requires a permit, plans check, or design review, meets the requirements of Section 19.07.020, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.
- FFF. **“Runoff”** means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.
- GGG. **“Soil moisture sensing device”** or **“soil moisture sensor”** means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- HHH. **“Soil texture”** means the classification of soil based on its percentage of sand, silt, and clay.
- III. **“Special Landscape Area”** (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- JJJ. **“Sprinkler head”** means a device which delivers water through a nozzle.
- KKK. **“Static water pressure”** means the pipeline or municipal water supply pressure when water is not flowing.
- LLL. **“Station”** means an area served by one valve or by a set of valves that operate simultaneously.
- MMM. **“Swing joint”** means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- NNN. **“Turf”** means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- OOO. **“Valve”** means a device used to control the flow of water in the irrigation system.

- PPP. **“Water conserving plant species”** means a plant species identified as having a low plant factor.
- QQQ. **“Water feature”** means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features, and therefore, are not subject to the water budget calculation.
- RRR. **“Watering window”** means the time of day irrigation is allowed.
- SSS. **“WUCOLS”** means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000

(Ord. MC-1320, 1-05-10)

19.28.130 Applicable Regulations

All landscape plans shall be subject to the applicable regulations of the Development Code, including, but not limited to, Article IV, Administration provisions.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

CHAPTER 19.30 SUBDIVISION REGULATIONS

Sections:

- 19.30.010 General**
- 19.30.020 Required Improvements**
- 19.30.030 Block Standards**
- 19.30.040 Grading**
- 19.30.050 Improvement Standards**
- 19.30.060 Lot Standards**
- 19.30.070 Median Standards**
- 19.30.080 Sanitary Sewers**
- 19.30.090 Storm Drainage Retention**
- 19.30.100 Street Trees**
- 19.30.110 Underground Utilities**
- 19.30.120 Walls**
- 19.30.130 Water Supply**
- 19.30.140 Wells**
- 19.30.150 Wind Erosion**
- 19.30.160 Deferred Improvement Agreements**
- 19.30.170 Design**
- 19.30.180 Cable Television Service**
- 19.30.190 Energy Conservation**
- 19.30.200 Access**
- 19.30.210 Improvement Plans**
- 19.30.220 Improvement Agreement**
- 19.30.230 Improvement Security**
- 19.30.240 Construction and Inspection**
- 19.30.250 Completion of Improvements**
- 19.30.260 Acceptance of Improvements**
- 19.30.270 Bicycle Paths**
- 19.30.280 Bridges and Major Thoroughfares**
- 19.30.290 Dedication of Streets, Alleys and Other
Public Rights-of-way/Easements**
- 19.30.300 Dedications**
- 19.30.310 Local Transit Facilities**
- 19.30.320 Parks and Recreation Facilities**
- 19.30.330 Reservations**

- 19.30.340 School Site Reservations**
- 19.30.350 Solar Access Easements**
- 19.30.360 Supplemental Improvements.**
- 19.30.370 Waiver of Direct Access Rights**

19.30.010 General

The subdivider, as a condition of approval of the final or parcel map shall, consistent with Map Act Sections 66411.1 and 66462.5, improve or agree and guarantee to improve all land either within or outside the subdivision to be used for public or private streets, alleys, pedestrian ways, easements or other improvements in compliance with this Development Code.

19.30.020 Required Improvements

Completion of improvements outlined within this Chapter shall be in compliance with any agreement entered into by the subdivider and the City as well as plans and standard specifications applicable at the time of issuance of grading or building permits.

19.30.030 Block Standards

The lengths, widths and shapes of blocks shall comply with the following standards:

1. Convenient access, circulation, control and safety of street traffic, as outlined in the Circulation Element of the General Plan;
2. Lot specifications, as outlined in this Development Code; and
3. Limitations and opportunities of existing topography.

19.30.040 Grading

Proper grading and erosion control, including the prevention of sedimentation or damage to off-site property shall be in compliance with the standards outlined in Chapter 15 of the Municipal Code, and Map Act Section 66411.

19.30.050 Improvement Standards

1. The subdivider shall provide and install all required streets and related improvements, either within or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer, and the serving utility company. These improvement requirements shall be imposed as a condition of approval at the tentative map stage, and shall be completed or bonded for prior to recordation of the final map.
2. After final approval of the street lighting systems, it shall become the property of the City. The systems shall not be installed by a public utility or attached to poles or to a system owned by a public utility.
3. The subdivider shall pay to the City the cost of electrical energy for the street lighting system installed for his/her subdivision for a period of forty-eight months from the date of acceptance by the Director of Public Works/City Engineer. Payment shall be made to the City in one lump sum, prior to map recording, based on estimated rates approved by, and on file with the Director of Public Works/City Engineer.

19.30.060 Lot Standards

The design, size, shape and orientation of each lot, which provides for a suitable building site, shall be appropriate to its location and type of development contemplated. The following standards shall apply:

1. The lot lines of all lots, so far as practical, shall be at approximately right angles to the fronting street, or approximately radial to the center of the curvature, if the street is curved. Sidelines of each lot shall be approximately radial to the center of the curvature of a cul-de-sac, where applicable;
2. No lot shall be divided by a City or special district boundary line. Division of the lot by a tax code boundary shall be avoided;
3. Corner lots for residential use shall have extra width pursuant to Section 19.04.030(1) (Table 04.02) to permit appropriate building setback from both streets;
4. Through lots and reverse corner lots shall be avoided;
5. All lots that abut on arterial streets or the freeway shall have an additional 10 feet of depth which shall be included as part of the landscape maintenance district;
6. No remnants of property, with the exception of 1 foot control lots and approved nonbuildable sites, shall be created which do not conform to lot requirements or which are not required by public or private utility purposes;

[Return to Municipal Code Contents]

7. Lot lines between adjacent lots within a subdivision shall be located at the top of any graded slope; and
8. All lots shall conform to the requirements contained in this Development Code.

19.30.070 Median Standards

Median islands shall be installed as a condition of approval of a tentative map at appropriate locations, and in compliance with City standards in effect at the time of issuance of a Construction Permit.

19.30.080 Sanitary Sewers

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate sanitary sewer facilities, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer.

19.30.090 Storm Drainage Retention

The subdivider, as a condition of approval of the tentative map, shall provide and install storm drainage and/or retention improvements, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer.

19.30.100 Street Trees

The subdivider, as a condition of approval of a tentative map, shall provide and install approved street trees within the street right-of-way, dedicated planting easement, or within a combination of both in compliance with City standards.

For street trees not installed at time of acceptance of the public improvements, the subdivider shall deposit funds in the amount established by the Council. These funds shall be deposited in the Street Tree Fund, and shall be used for the purchase and planting of street trees, as the lots become occupied. The subdivider shall provide a specified list of City approved trees for selection by the new lot owner.

19.30.110 Underground Utilities

The subdivider, as a condition of approval of a tentative tract map, shall provide for the undergrounding of all existing and proposed utility distribution or transmission facilities (e.g., cable television, electric, gas, telephone and water), within the subdivision and along peripheral streets, in compliance with the following standards:

[\[Return to Municipal Code Contents\]](#)

1. Utility lines, including, but not limited to, electric, communications, streetlighting and cable television shall be required to be placed underground in compliance with the specifications of the public utility providing such services. The subdivider is responsible for complying with the requirements of this Section, and shall make the necessary arrangements with the utility companies for the granting of easements and installation of such facilities. Exceptions to the underground requirements are as follows:
 - A. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground if within the subdivision and are used solely in connection with the underground transmission or distribution lines;
 - B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;
 - C. The Council may waive any requirement of this Section if topographical, soil or other similar physical conditions make such underground installation unreasonable or impractical;
 - D. Any Parcel Map with a maximum of 4 residential parcels, no parcel of which has previously been exempted from this Section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities;
 - E. That portion of a previously developed nonresidential Parcel Map; and
 - F. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where 1 line is exempt, all parallel lines on that same pole shall be exempt.
2. Subdividers shall make the necessary arrangements with cable television operators to comply with the following requirements with respect to cable television installation in residential subdivisions:
 - A. Pre-wire all residential structures;
 - B. Connect laterals to each residential structure with a minimum of 2 outlets wired in each structure; and
 - C. Install "flush mounts" or "pedestals" as required by the cable television operator which will service the subdivision.

3. Payment for costs of undergrounding shall be as follows:
- A. Arrangements, including payment of costs, shall be made by the subdivider directly with the serving utility company(s). Undergrounding of utility structures may be done by the subdivider, with permission from the serving utility;
 - B. For subdivisions with frontages of less than 300 feet, the City Engineer may accept a cash payment from the subdivider, in lieu of immediate undergrounding of the lines. Payments will be based upon a written estimate of the short unit cost from the serving utility company(s), and will reflect the subdivision's proportionate share of the estimated cost for undergrounding the lines over the entire area adopted by the City Engineer. Determination may be made by the City Engineer at the time any application is made to pay fees pursuant to this Section;
 - C. A Subdivider with property frontage of any length may elect to enter into an agreement with the City to defer the undergrounding until the utility lines along the frontage of 1 or more of the adjoining parcels are undergrounded. The agreement shall require the cost of the undergrounding, as determined pursuant to subsection (3)(B) to be made in semi-annual payments over a period of 5 years. The agreement shall be secured by a bond, or security interest in the subject real property;
 - D. A subdivider with property frontage of any length may petition the City to establish an assessment district to fulfill the requirement for undergrounding utilities. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structure in the subject subdivision, subdivider shall have an assessment district in place or shall have made provision for undergrounding pursuant to Sections (3) (A) through (C);
 - E. In the event that property on the opposite side of any street or highway from the property line along which underground is required is vacant, and a single set of poles carry the overhead utility lines for both sides of the street or highway, the subdivider shall pay 50% of the estimated cost of undergrounding. When the vacant property is developed, the subdivider of the property shall, as a condition of the issuance of building permits, be required to pay the remaining 50% of the cost of such undergrounding. Where the property is not vacant, or more than 1 set of poles carry utility lines along the street or highway, the subdivider shall pay the full cost of required undergrounding; and
 - F. Unless otherwise specified, any other provision herein notwithstanding the entire cost to underground street crossing utility lines shall be the responsibility of the subdivider of the property served by the utility lines.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

4. Deposit of payments for costs of undergrounding shall be as follows:
 - A. All payments collected pursuant to this Section shall be deposited into a City administered line item account for undergrounding utilities. Separate accounts shall be maintained for undergrounding in defined geographic areas throughout the City, as established by the City Engineer; and
 - B. In no event shall the payments from the subdividers on both sides of the street exceed the total estimated cost for undergrounding utilities along that section of street plus reasonable costs of administering this Section as approved by the Council.

19.30.120 Walls

Each lot located on the exterior boundary of the subdivision shall have a wall adequate to prevent access between the lot and adjacent properties subject to the approval of the Director and in compliance with this Development Code.

19.30.130 Water Supply

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate water supply facilities, either within and/or outside the subdivision, in compliance with the requirements of the applicable water district. Design and installation plans shall be subject to approval by the Water Department.

19.30.140 Wells

Any water wells which are required to be abandoned by conditions of approval or state law shall be abandoned in a manner approved by the City Engineer and the State Department of Water Resources. The location of any well shall be delineated on the final or parcel map, and well logs, if available, shall be submitted to the City.

19.30.150 Wind Erosion

A subdivider, as a condition of approval of a tentative map, for a subdivision located within an area subject to high wind erosion shall comply with the following standards, consistent with the General Plan and this Development Code:

1. A solid masonry wall with a height of 6 feet and subject to design and materials approval by the Director shall be constructed on the peripheral boundary of the subdivision to protect it from the prevailing wind. Where the required wall extends over a future street opening, a fence, 6 feet in height, and subject to design and materials approval by the Director, may be substituted for the masonry wall;

[Return to Municipal Code Contents]

2. Lots within and/or outside of the subdivision that have had soil disturbed during construction shall be covered with protective landscaping materials, subject to the approval of the City Engineer; and,
3. Prior to and during construction, streets and disturbed open areas within and/or outside of the subdivision shall be treated by watering or other approved method to prevent fugitive dust.

19.30.160 Deferred Improvement Agreements

1. SUBDIVISIONS OF 4 OR LESS PARCELS

The frontage improvements may be deferred when deemed appropriate by the City Engineer. Deferral will be allowed when the City Engineer finds that construction is impractical due to physical constraints, or the surrounding neighborhood is absent similar improvements. When improvements are deferred, the subdivider shall enter into an agreement with the City for the installation of all frontage improvements at a future date as determined by the City. The agreement shall provide for the following:

- A. The agreement shall be acceptable to the City Engineer and City Attorney;
- B. Construction of required improvements shall begin within 90 days of the receipt of notice to proceed from the City;
- C. In the event of default by the owner or successors, the City is authorized to cause the construction to be done and charge the entire cost and expense to the owner or successors, including interest from the date of notice of the cost and expense until paid;
- D. This agreement shall be recorded in the office of the County Recorder at the expense of the owner and shall constitute notice to all successors of title to the real property of the obligation set forth, and also a lien in an amount to fully reimburse the City, including interest as above, subject to foreclosure in event of default in payment;
- E. In event of litigation caused by any default of the owner or successors, the owner or successors agree to pay all costs involved, including reasonable attorneys fees, which shall become a part of the lien against the real property;
- F. The term "owner" shall include not only the present owner, but also heirs, successors, executors, administrators and assigns, with the intent that the obligations undertaken shall run with the real property and constitute a lien against it; and

[Return to Municipal Code Contents]

- G. Any other provisions deemed necessary by the City.

The agreement shall not relieve the owner from any other specific requirements of the Map Act or this Development Code.

2. REMAINDERS

Where remainders are made part of a final or parcel map, the subdivider may enter into any agreement with the City to construct improvements within, and along exterior boundaries of the remainder at a future date and prior to the issuance of a permit or other entitlement for development of a remainder parcel. The improvements shall be at the subdivider's expense. In absence of an agreement, the City may require completion of the construction improvements within a reasonable specified time following approval of the final or parcel map upon a finding that completion of the improvements is necessary for the following reasons:

- A. The public health and safety; or
- B. The required construction is a mandatory prerequisite to the orderly development of the area.

19.30.170 Design

The design and layout of all required improvements, both on and off-site, public and private, shall conform to generally accepted engineering standards, the Map Act and applicable provisions of the Municipal Code.

1. STREETS

The design and layout of all required streets shall comply with the following standards/requirements:

- A. In compliance with the Circulation Element and all other related provisions of the General Plan;
- B. Direct driveway access shall be avoided when possible from arterials and collector streets as identified in the Circulation Element. Circular driveways or turnarounds shall be provided when direct access is unavoidable; and
- C. In compliance with standards established by the City Engineer including:
 - 1.) Specific cross-section street standards, based upon and related to the use to be made of the street(s);

[Return to Municipal Code Contents]

- 2.) Offset intersections shall be a minimum of 150 feet centerline to centerline for local streets. A greater distance shall be established for larger streets as determined by the City Engineer; and
- 3.) No cul-de-sac shall exceed 500 feet in length unless approved by the Planning Commission or as otherwise provided in Chapters 19.15 and 19.17.

2. SIDEWALKS

Except as provided in Chapter 19.15 and 19.17, sidewalks shall be provided for all lots included in the subdivision. The sidewalks shall be of such width as may be required by the Policies and Procedures of Public Works, but in no case less than 6 feet in width adjacent to the curb in a residential area, or less than 5 feet in a commercial or industrial area. Considerations in design are to be given for handicapped persons and senior citizens. In addition, the following shall apply:

- A. Required sidewalk widths may include street signs, lights, fire hydrants, etc. These sidewalks should be located adjacent to the curb. However, in no instance may the clear path of travel be reduced to less than 4 feet.
- B. Meandering sidewalks, where used, shall be 5 feet in width and shall not include street signs, lights, etc;
- C. Sidewalks constructed of alternative paving materials as approved by the City Engineer, shall have smooth surfaces to ensure pedestrian safety. Asphalt shall not be used as an alternative paving material; and
- D. Undulating sidewalks are not permitted.

3. ALLEYS

All alleys shall have a minimum width of 20 feet. Intersecting alleys shall have a corner cutoff or radius of not less than 20 feet.

4. CORNER TREATMENT

At all block corners there shall be a rounding at the curb to a minimum radius of 25 feet.

There shall also be a rounding of the property lines or a corner cutoff as established by the City Engineer.

19.30.180 Cable Television Service

The design of a subdivision shall provide 1 or more appropriate cable television systems an opportunity to construct, install and maintain any necessary equipment, pursuant to Map Act Section 66473.3. Conduits and manvaults shall be dedicated to the City. This Section is not intended to require free access to a subdivision, but to allow a cable franchise the opportunity to negotiate for providing service.

19.30.190 Energy Conservation

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities, pursuant to Map Act Section 66473.1.

19.30.200 Access

All subdivisions shall abut upon or have an approved access to a public street. In addition, the following standards shall apply:

1. Each lot or unit within the subdivision shall have approved direct access to a public or private street;
2. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision;
3. No new direct driveway access from individual residential lots onto divided major arterials, major arterials or minor arterials shall be permitted, unless approved by the Director and City Engineer;
4. In the case of private streets, the subdivider shall provide an appropriate method for permanent maintenance subject to approval of the City Engineer and the City Attorney;
5. Reserve strips, or non-access at the end of any street or at the exterior boundary of the subdivision, shall be dedicated unconditionally to the City, when required; and

6. A tentative tract or parcel map shall provide for at least 2 different standard routes for ingress and egress, except as provided below. A standard route is a road which is dedicated to the City and has a minimum paved width of 24 feet. The different standard routes shall be designed to utilize separate roadways or streets, or a common street that provides access from opposite directions, provided that the access from each direction utilizes an independent street system. The purpose of these routes is to permit accessibility to fire fighting and other public equipment and to permit orderly evacuation in the event of flood, fire or other emergency. Prior to recordation of the final map, adequate security shall be provided to ensure construction of the required improvements before any certificate of occupancy is issued.

Exemptions. A tentative tract or parcel map may be exempted from providing 2 different standard routes of ingress and egress and provide only 1 standard route only if all of the following circumstances exist:

A. General

- (1) The Fire Chief, the Director, and the City Engineer determine that there is no feasible alternative to providing 2 different standard routes of access for the tentative subdivision map.
- (2) The determination is made by the City Traffic Engineer that a second standard route is not necessary for circulation purposes (this determination may require the submittal of a traffic study addressing the issue).
- (3) The Fire Chief specifically finds that the public health, safety, and welfare in the event of flood, fire, or other emergency do not require both such routes, under the circumstances of that particular tentative map, development agreement or specific plan application. The Fire Chief shall provide written documentation of this finding to the Planning Commission and may recommend approval or denial of the request. The Planning Commission shall make its recommendation to the Mayor and Common Council for final decision of the tentative map with only 1 standard access route, based on the determination of the City Traffic Engineer and the findings and recommendation of the Fire Chief.

B. Tentative Maps Located within the Foothill Fire Zones

Where the subject property is located within a Foothill Fire Zone, as defined in Chapter 19.15, the Planning Commission, upon the recommendation of the Director, the Fire Chief and the City Engineer, may approve a tentative map with 1 standard and 1 non-standard access route. A non-standard access route is a road which is not constructed in full conformance with the requirements for a standard route set forth above. In no event may a tentative map be approved within a Foothill Fire Zone unless 2 access routes are provided, of which 1 shall be standard. One standard and 1 non-standard access route may be approved where it is found that with respect to the non-standard access route when all of the following conditions are met:

- (1) The public health, safety and welfare do not require that the secondary access be a standard route;
- (2) That such route shall be designed and maintained to support the imposed load of fire apparatus and shall have a surface sufficient to provide all-weather driving capabilities;
- (3) That such route is at least 20 feet in width to accommodate emergency vehicles, in accordance with Article 10 of the Uniform Fire Code;
- (4) A City-approved traffic analysis has been completed which documents that a second standard access is not needed for general traffic circulation.

C. Conditions for 1 Standard Access Route

Any tentative tract or parcel map approved with less than 2 standard routes of access shall be subject to all of the following:

- (1) All structures shall be provided with interior automatic sprinklers in order to help decrease the spread of fire. The design and installation shall be approved by the City Fire Department.
- (2) Cul-de-sacs to a maximum of 500 feet may be permitted with a maximum of 30 dwelling units, unless otherwise approved by the Planning Commission upon the recommendation of the Director, Fire Chief and City Engineer, or as otherwise provided in Chapters 19.15 and 19.17.

(For the purposes of this Development Code, a cul-de-sac is defined as a street or connection system of streets having only one outlet for vehicular traffic and ending in a turnaround. The length of the cul-de-sac is measured along its centerline from the centerpoint of the turnaround to the intersection of the centerlines of the cul-de-sac and the first street that has at least two outlets to a street system outside of the project boundaries; in situations where no secondary access route is provided, the access route is the cul-de-sac outlet.)

- (3) The Water Department General Manager shall determine if a looped system or similar mechanism shall be installed at the time of development to ensure adequate water service.
- (4) Any other recommended requirements the Fire Chief deems necessary to ensure public health, safety, and welfare, including, but not limited to structural design, and number and location of fire hydrants.

D. Conditions for a Non-Standard Access Route

- (1) Requirement of dedication and perpetual maintenance. Any non-standard access route shall be over a dedicated right-of-way or irrevocable easement; such route may be over an easement granted to any public entity when such easement includes provisions for the perpetual maintenance of the access routes in the manner approved by the City at the time of its approval of the tentative map.
- (2) Improvement of access route upon further development. At such time as further development occurs which would provide an access route to a subdivision over a non-standard route previously approved by the Mayor and Common Council pursuant to the provisions of this section, that route shall be dedicated and fully improved to a standard width for a street of its type, with curbs, gutters, sidewalks and such other street improvements as may be required under this code or any other ordinances or policy.
- (3) Fuel modification. A fire model of the site shall be developed for the purpose of determining the extent of the fuel modification zone, and if the minimum standards for a fuel modification plan as set forth in Section 19.15.020(6)(J) are adequate with a non-standard secondary access route.
- (4) Controlled access. The use of gates, or other forms of controlled access to and from the non-standard access route, shall be subject to approval of the Director, Fire Chief and City Engineer, and shall utilize a design subject to Fire Department approval.

[\[Return to Municipal Code Contents\]](#)

E. Procedures for Exemption

A Variance application shall be submitted pursuant to Chapter 19.72 concurrently with any tentative map, development agreement or specific plan application under which an exemption from the requirement for a second standard access route is proposed.

(Ord. MC-902, 4-19-94)

19.30.210 Improvement Plans

Improvement Plans shall be prepared by a registered civil engineer licensed by the State of California, and shall include, but not be limited to, all improvements required in this Chapter.

1. FORM AND CONTENT

The form, content and supporting data of an improvement plan shall conform to the requirements of the City Engineer.

2. REVIEW AND APPROVAL BY CITY ENGINEER

The subdivider shall submit the preliminary improvement plans and all supporting data to the City Engineer for review. The subdivider shall revise the improvement plans until in final form as deemed by the City Engineer. Upon completion of the improvement plans and satisfaction of all other requirements of this Development Code, the subdivider shall transmit the original set of improvement plans to the City Engineer for final review and signature. The originals shall be retained by the City.

Approval by the City Engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any error, omission or any deficiency resulting from the design or from any required conditions of approval of the tentative map.

3. REVISIONS TO APPROVED PLANS

A. BY SUBDIVIDER

Requests by the subdivider for revisions to the approved plans, appearing necessary during construction, shall be submitted in writing to the City Engineer and shall be accompanied by revised drawings showing the proposed revision(s). If found acceptable and consistent with the approved tentative map, the amended originals shall be initialed by the City Engineer. Construction of any proposed revision(s) shall not proceed until the revised plans have been initialed by the City Engineer.

[Return to Municipal Code Contents]

B. BY THE CITY ENGINEER

When revisions are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request shall be made to the subdivider. The subdivider shall revise the plans and transmit the original(s) to the City Engineer for initialing within the time specified by the Engineer. Construction of all, or any portion of, the improvements may be stopped by the City Engineer, in compliance with Chapter 12 of the Municipal Code, until the revised drawings have been submitted, approved and initialed.

19.30.220 Improvement Agreement

The improvement agreement shall be prepared and signed by the Mayor and approved as to form by the City Attorney. The agreement shall provide for the following:

1. Construction of all improvements according to approved plans and specifications on file with the City Engineer;
2. Completion of improvements within the time specified by Section 19.30.020 (Required Improvements);
3. Right by City to modify plans and specifications;
4. Warranty by subdivider that construction will not adversely affect any portion of adjacent properties;
5. Payment of fees in compliance with the City's "Schedule of Fees;"
6. Payment of in-lieu fees for undergrounding of utilities on peripheral streets as well as payment of in-lieu fees for parkland dedication as may be required;
7. Payment of Area of Benefit Fees, if applicable;
8. Improvement security as required by Section 19.30.020. Improvement security for subdivisions of 4 or less parcels shall be provided before performance of the work;
9. Maintenance and repair of any defects or failures and causes thereof;
10. Release of the City from all liability incurred by the subdivision and payment of all reasonable attorney's fees that the City may incur because of any legal action resulting from the subdivision; and
11. Any other deposits, fees or conditions required by this Development Code, and as may be required by the City Engineer.

[Return to Municipal Code Contents]

19.30.230 Improvement Security

1. REQUIRED

Any improvement agreement, contract or act required or authorized by the Map Act, for which security is required, shall be secured pursuant to Map Act Section 66499.

2. GENERAL

A. IMPROVEMENT AGREEMENT

The subdivider shall enter into a contract with the City, acceptable to the City Attorney, to make, install and complete within the time fixed, but in no case more than 2 years from the date of execution of the contract, all improvements and land alteration(s) in compliance with approved plans.

B. SECURITY ARRANGEMENTS

1. The subdivider shall file security to guarantee completion of public and private improvements with the improvement agreement as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements including bonding requirements for grading as outlined in Chapter 15.04 of the Municipal Code;
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements;
 - c. A grading security as required by Chapter 15.04 of the Municipal Code;
 - d. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments;
 - e. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the subdivider by an amount corresponding to the amount of the security furnished by the contractor; and

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- f. Notwithstanding the above, the subdivider may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
 2. Security may be 1 of the following types subject to the approval of the City Attorney as to form:
 - a. Bonds. All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an "A" policy holder's rating and a financial rating of at least "V" in compliance with the current "Best's" ratings. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
 - b. Cash Deposits. In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.

Disbursements from cash deposits shall be made in compliance with a separate agreement between the subdivider and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the Director.
 - c. Letter of Credit. In lieu of faithful performance and labor and material bonds or cash deposits, the subdivider may submit a letter of credit subject to the California Commercial Code and under the conditions hereinafter described. The letter of credit shall be issued by a financial institution organized and doing business in, and subject to regulation by, the State of California or federal government, in a form, content, and duration as approved by the City Attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become secured trust funds for the purposes set forth in the instrument. The letter of credit shall contain the nearest street address of the institution providing the instrument.
3. The City Clerk shall not endorse or sign its certificate contained on the final map unless and until improvement security as hereinabove specified has been posted.

[Return to Municipal Code Contents]

4. The requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval.
5. No final or parcel map shall be presented to the Council for acceptance until the requirements of this Section have been met and until all charges established by the Council and pertaining to the property being subdivided have been paid.

3. IMPROVEMENT AGREEMENT NOT REQUIRED WITH SPECIAL PERMIT

Should the subdivider desire to do certain work prior to entering into an agreement with the City to install and complete all subdivision improvements and alteration work, the subdivider may make an application to do so under a special permit. This application shall be accompanied by detailed plans, describing the work which is proposed. The Director and City Engineer may issue a special permit to the subdivider upon submittal of an application, provided security has been posted in an amount which would insure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The security and contractor's qualifications shall be in compliance with this section. When the special permit is for all work required in connection with the subdivision and the work has been completed and inspected prior to map recordation, an improvement agreement will not be required.

4. AGREEMENT BETWEEN DEVELOPMENT DEPARTMENT AND CITY IN LIEU OF BOND

An agreement between the Development Department of the City and the City, approved by the City Attorney and unconditionally providing and guaranteeing that said Development Department shall provide any or all required improvements and pay the costs thereof pursuant to the provisions of this Chapter, and which pledges the full faith and credit of said Development Department, may be filed with the City Engineer as security in lieu of bond, cash, or certificate of deposit whenever the project is located in a redevelopment project area or the project is covered by a disposition and joint development agreement of which the City or Development Department is a party. The guarantee agreement shall recite that the improvements will be in compliance with the redevelopment plan, if any, for the area and in furtherance of the public interest in promoting public or private development.

5. RELEASE OF SECURITY

Security provided may not be released. In the case of a letter of credit, the issuing bank or association will receive a copy of the Notice of Completion.

[\[Return to Municipal Code Contents\]](#)

A. PROGRESS PAYMENTS

Progress payments may be made to the subdivider from any deposit money or letter of credit which the subdivider may have made in lieu of providing a security bond; provided, however, that no progress payment shall be made for more than 90% of the value of any installment of work. No progress payments from cash deposits shall be made except upon certification by the City Engineer, and the subdivider that work covered thereby has been completed.

B. RELEASE OF SECURITY

Improvement bonds given for faithful performance of the agreement shall be released upon final inspection and acceptance by the City Engineer. The labor and material bond shall be retained to secure payment to the contractor, the subcontractors, and to persons renting equipment or furnishing labor or materials for 6 months after completion and acceptance of the work. Following the 6-month period, the labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice given in writing to the City.

C. MAINTENANCE GUARANTY

The subdivider shall guarantee all public improvements for a period of 1 year from the date of final acceptance and shall correct any and all defects or deficiencies arising during that period of limitation outlined in Code of Civil Procedure Sections 337 and 337.15, as a result of the acts or omissions of the subdivider, its agents, or employees. The subdivision guaranty shall be backed by a bond or cash deposit in the amount of 25% of the surety posted for improvements. The City shall provide written notice of the defect or deficiency. In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the City may cause the work to be performed and call on the surety for reimbursement. The maintenance security shall be submitted prior to final acceptance of the public improvements by the City.

D. FORFEITURE OF SURETY

In the event that subdivider fails to complete all improvement work in compliance with the provisions of this section and the improvement agreement, and the City shall have to complete the same, the City shall call on the security for funds necessary to complete the improvements as reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of any security shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference. Any cash remaining in the possession of the City after completion of the improvement, shall be returned to the originator minus normal administrative costs.

19.30.240 Construction and Inspection

The construction methods and materials for all subdivision improvements shall conform to City requirements. Construction shall not commence until all required improvement plans have been approved by the City Engineer and all applicable City permits have been issued. All subdivision improvements are subject to inspection by the City Engineer and shall comply with City requirements.

19.30.250 Completion of Improvements

1. ALL SUBDIVISIONS

The subdivision improvements shall be completed by the subdivider within 12 months, or a later time as approved by the City Engineer, not to exceed a total of 24 months, from final map recordation, unless an extension is granted by the Council.

If the subdivider fails to complete the subdivision improvements within the specified time limits, the Council may, by resolution, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary and appropriate costs.

2. EXTENSIONS

The completion date may be extended by the Council upon written request by the subdivider and submittal of adequate evidence to justify the extension. The request shall be made not less than 30 days prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the City. The agreement shall be prepared by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and surety and transmitted to the Council for consideration. If approved by the Council, the City Clerk shall execute the agreement on behalf of the City.

In consideration of a subdivision improvement agreement extension, the following adjustments may be required:

- A. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
- B. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
- C. Increase of improvement securities in compliance with revised construction estimates;
- D. Inspection fees may be increased to reflect current construction costs, but shall not be subject to any decrease or refund; and
- E. Any fees then in effect.

The Council may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of subdivision improvements.

19.30.260 Acceptance of Improvements

1. GENERAL

After all improvement deficiencies have been corrected and "Drawings of Record" improvement plans filed, the completed subdivision improvements shall be considered by the City Engineer for acceptance. The developer shall be responsible for the cost of providing "as built" revisions to the approved original "drawings of record" on file in the office of the City Engineer. Redlined drawings shall not be accepted for "as built" revisions.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

2. ACCEPTANCE OF A PORTION OF IMPROVEMENTS

Upon written report of the subdivider, the City Engineer may accept a portion of the subdivision improvements. The improvements shall only be accepted if the City Engineer finds that it is in the public interest, and the improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Development Code.

19.30.270 Bicycle Paths

As required by Map Act Section 66475, regarding dedication of roadways to the public, the subdivider shall also dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision contains 200 or more parcels, pursuant to Map Act Section 66475.1.

19.30.280 Bridges and Major Thoroughfares

The purpose of this section is to provide for improvements or the payment of fees to defray the actual or estimated cost of the construction of bridges over waterways, railways, freeways and canyons and/or major thoroughfares as a condition of approval of a final map or as a condition of issuing a building permit, pursuant to Map Act Sections 66484 and 66489, consistent with the Circulation Element of the General Plan.

1. DEFINITIONS

The following definitions apply specifically to this section:

A. Area of Benefit

A specified area for which it has been determined that the real property located therein will benefit from the construction of a bridge and/or major thoroughfare.

B. Bridge Facilities

Those situations identified in the Circulation Element requiring construction of, or addition to, a bridge spanning a waterway, railway, freeway or canyon or that is part of a major thoroughfare.

C. **Construction**

Design, acquisition of right-of-way, administration of construction contracts, actual construction and inspection(s).

D. **Major Thoroughfares**

A roadway designated as arterial, major or secondary highway, as identified in the Circulation Element, whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

2. ESTABLISHMENT PROCEDURES

Action to establish an area of benefit requiring the payment of fees outlined in this section shall be accomplished, pursuant to the provisions of Map Act Section 66484.

3. AMENDMENTS

Resolutions establishing areas of benefit may be amended by the Council to reflect modifications in either bridge and/or major thoroughfare facilities. These amendments shall be adopted in the same manner as the original resolution.

4. PAYMENT OF FEES

Fees required pursuant to this section shall be paid prior to the recordation of a final or parcel map. These fees shall be based on the City's Schedule of Fees in effect on the date of payment.

5. IN LIEU CONSIDERATION

The Council may approve the acceptance of consideration in lieu of payment of fees outlined in this section.

6. REIMBURSEMENT

If a subdivider, as a condition of approval of a tentative map, is required or desires to construct a bridge and/or major thoroughfare, the Council may enter into a reimbursement agreement with the subdivider, to provide for payments to the subdivider from the applicable fund.

19.30.290 Dedication of Streets, Alleys and Other Public Rights-of-way/Easements

The subdivider, as a condition of approval of a tentative map, shall dedicate, or make an irrevocable offer of dedication of, all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutter's rights, drainage, public open space, trails, scenic easements, public utility easements and other public easements, pursuant to Map Act Section 66475. In addition, the subdivider shall improve or agree to improve all the aforementioned dedications and easements.

19.30.300 Dedications

All dedications of property to the City for public purposes may be made in fee title, and that, at the City's discretion, a grant of an easement may be accepted for open space, scenic, trails, parks, and/or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the City finds would not conflict with the intended use. The City may accept an irrevocable offer of dedication in lieu of dedication.

19.30.310 Local Transit Facilities

The subdivider, as a condition of approval of a tentative map, may be required to dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities (e.g., shelters, bus turn outs, etc.) pursuant to Map Act Section 66475.2.

19.30.320 Parks and Recreation Facilities

1. GENERAL

The purpose of this section is to provide additional park and recreational facilities and open space. The park and recreational facilities for which payment of a fee and/or dedication of land is required by this section shall be in compliance with the policies, goals and standards contained in the Parks and Recreation Element of the General Plan.

2. REQUIREMENTS

The subdivider, as a condition of approval of a tentative map, shall pay a fee in lieu, dedicate land, or both, at the discretion of the Council for park and/or recreational purposes, pursuant to Map Act Section 66477.

3. PARK AREA STANDARD

It is hereby found and determined that the public interest, convenience, health, safety and welfare require that 5 acres of land for each 1000 persons residing within the City be devoted to park and recreational purposes. Lands held as public open space, for wildlife habitat, shall not be included in this formula.

4. PARK AND RECREATION CONSTRUCTION FEE

A. A park and recreation construction fee shall be assessed for any mobile home lot or residential dwelling unit constructed in the City. Any person securing a building permit to construct a residential dwelling unit, or to install electrical and/or plumbing equipment to provide service to a mobile home shall pay the following rates:

1. One percent of the cost of the improvements for each single-family dwelling constructed, as determined by the building permit.
2. One percent of the cost of the improvements for each residential dwelling unit constructed in a multi-family dwelling containing 2 or more residential dwelling units, as determined by the building permit.
3. One percent of the cost of the improvements or \$650.00 for each mobile home lot constructed, whichever is greater, in a mobile home park or mobile home park subdivision, as determined by the building permit.

[Return to Municipal Code Contents]

- B. The fee imposed by this section shall be imposed regardless of whether the new dwelling unit is created by new construction or by modification of existing nonresidential structures. The fee imposed shall apply to new mobile home park sites regardless of whether they are part of a new mobile home park or an addition to an existing park.
- C. For the construction of new single-family homes, the fee imposed by this Section may be deferred at the request of the owner of the property until the release of utilities is issued or eighteen (18) months from the issuance of the Building Permit, whichever is less. The owner of the property must personally guarantee payment of the fee, sign documents authorizing the City to place a lien on the property in the amount of the fee, agree to place the payment of the fee in any escrow for the sale of the property, authorize the City to demand payment in any such escrow, and pay an administrative fee set by resolution of the Mayor and Common Council. The amount of the fee due shall be the amount in effect at the time of collection of the fee. In no event shall utilities be released until the fees are paid. This Subdivision C shall expire and be of no further force and effect on and after April 1, 1997.

(Ord. MC-961, 3-20-96)

5. GENERAL PLAN

Where a public park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the needs of the residents of that subdivision, the subdivider shall dedicate land for park and recreational facilities sufficient in size and physical characteristics to meet that purpose. The amount of land shall be determined pursuant to Section 19.30.320(6).

If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of that subdivision, the subdivider shall, pursuant to Council determination, pay a fee in lieu of or dedicate land in compliance with Section 19.30.320(6).

6. DETERMINATION OF LAND OR FEE

The Council shall consider the following when evaluating the payment of fee in lieu of or the acceptance of land for dedication, or a combination of both:

- A. Parks and recreation Element, and any other applicable provision of the General Plan;
- B. Topography, geology, access and location of land in the subdivision suitable for dedication;

[Return to Municipal Code Contents]

- C. Size and shape of the subdivision and land suitable for dedication;
- D. Feasibility of dedication; and
- E. Availability of previously acquired private property.

7. PAYMENT OF PARK AND RECREATION CONSTRUCTION FEE

The fee required by Section 19.30.320(4) shall be due and payable upon the issuance of a building permit for either construction of any residential dwelling unit, or installation of electrical and/or plumbing equipment to provide service to a mobile home. A refund of this fee may be made to the person who paid the fee in the event the building permit expires, pursuant to Section 302(d) of the Uniform Building Code.

8. USE OF FEES

All park and recreation construction fees collected pursuant to the provisions of this chapter shall be placed into a special fund which shall be known as the Park and Recreation Construction Fee Fund. The fund shall be composed of a separate revenue and expense account. Fees collected pursuant to this chapter shall be deposited in the revenue and expense account called Park and Recreation Construction Fee fund, and shall be used solely for the acquisition, improvement and expansion of the public park, playground and recreational facilities of the City, and for the installation and development of playground and recreational facilities owned by the elementary and high school districts.

9. CREDITS FOR LAND AND IMPROVEMENTS DEDICATION

In lieu of the payment of all or a portion of the park and recreation construction fee, the Council may grant credit for land and improvements which are dedicated in fee to public recreation and park purposes and accepted by the City. Dedicated land to be eligible for the credit shall be certified by the Commission as meeting the requirements of the Recreation Element. The amount of dedicated land eligible for the credit, the amount of credit to be given under this section, and the terms and conditions of the credit, if any, between the City and the dedicator shall be determined by mutual agreement.

10. SUBDIVISIONS NOT WITHIN CITY LIMITS

When the proposed subdivision lies within the Sphere of Influence of the City, and the subdivider intends to annex, the subdivider shall, pay a fee in lieu thereof, dedicate land, or both in compliance with adopted park and recreational principles and standards of the City's General Plan, and pursuant to the provisions of this section.

19.30.330 Reservations

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for parks, recreational facilities, fire stations, libraries or other public uses, pursuant to the requirements of Map Act Sections 66479 and 66480.

19.30.340 School Site Reservations

The subdivider, as a condition of approval of a tentative map, may be required to dedicate real property for the construction of an elementary school to assure the residents of the subdivision adequate public school service. The dedication and subsequent repayment to the subdivider shall comply with the provisions of Map Act Section 66478.

19.30.350 Solar Access Easements

(Reserved for future ordinance).

19.30.360 Supplemental Improvements

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision map, and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only, and the actual cost of such improvements pursuant to the provisions of Map Act Sections 66485, 66486 and 66487. The reimbursement shall be in conformance with an agreement approved by the Council. No improvements shall be constructed prior to approval of the agreement.

1. The owner of property serviced by a sewer main extended by the owner 300 feet or more beyond the existing sewer facilities as measured from the point of connection with such existing facilities to the point where the extension enters the lot, parcel or tract to be served by such line, may file with the City Engineer, 2 copies of an audited report of the costs incurred for the sewer line extension and manhole construction (except laterals) as an application for the reimbursement of the costs. The reports shall be filed within 90 days after written acceptance of such extension by the City. The City Engineer shall review such documentation and shall within 45 days after acceptance of same, make a recommendation to the City Administrator that:
 - A. All or a portion of the costs be accepted or denied;
 - B. The City enter into a payback agreement with the owner or subdivider. The agreement shall provide that persons making connection to the line be assessed a fee on a pro rata basis as determined by the frontage of the lot, parcel, or tract serviced by the sewer line extension and, that all fees collected shall be paid to the original builder of the line. Any such agreement shall have a maximum term of 10 years and shall not pay interest; or
 - C. The owner receive immediate payment from the sewer construction fund of the allowed costs of the construction.

2. The recommendation of the City Engineer shall be based upon the following criteria:
 - A. That the extension represents a logical and reasonable extension of the sewer line;
 - B. Properties along the extension have a reasonable probability of development within the ensuing 10 years;
 - C. There are sufficient unencumbered funds in the sewer line construction fund to finance the line;
 - D. The extension does not conflict with or delay the 5 year sewer line construction plan;
 - E. The extension is in compliance with the General Plan; and
 - F. The owner is not receiving any other form of government financing including, but not limited to, inducement, reimbursement, or fee waiver for such development.

Based on the above, the City Administrator shall submit a recommendation to the Council.

[\[Return to Municipal Code Contents\]](#)

3. No reimbursement shall be made hereunder unless and until the City Administrator determines that the audited report and verified claim have been filed within the allotted time periods and are otherwise acceptable to the City.

19.30.370 Waiver of Direct Access Rights

The City shall require as a condition of approval of a tentative map dedication of streets designated as arterial highways, including waiver of direct access rights, except at approved access points. The City may require as a condition of approval of a tentative map that dedications or offers of dedication of streets include a waiver of direct access rights to any street from any property within or abutting the subdivision. The waiver shall become effective upon acceptance of the dedication, pursuant to Map Act Section 66476.

ARTICLE IV - ADMINISTRATION

CHAPTER 19.31 ADMINISTRATION

Sections:

- 19.31.010 Purpose
- 19.31.020 Multiple Permit Applications
- 19.31.030 Pre-Application Conference

Table:

- 19.31.01 Threshold of Review

19.31.010 Purpose

The purpose of this Article is to outline procedures together with various land use permit options, in addition to providing for amendments to the General Plan and this Development Code.

[Table 31.01](#) (Threshold of Review) identifies the full range of land use permit options and applicable final review authority.

TABLE 31.01. THRESHOLD OF REVIEW

Permit Type	Director	DRC		Commission	Council
Conditional Use Permit (CUP)				X	
Minor Use Permit		X			
Design Review				X	
Development Agreement					X
Development Code Amendment				(X)*	X
Administrative Permit	X				
Development Permit		X	or	X	
Final Map					X
General Plan Amendment				(X)*	X
Interpretations (General Plan)				X	
Lot Line or Boundary Adjustment	X				
Lot Merger	X				
Minor Modification	X				
Reversion to Acreage				X	
Specific Plan				(X)*	X
Surface Mining and Land Reclamation (CUP)				(X)*	X
Temporary Use Permit	X				
Tentative Parcel Map		X	or	X	

(continued on next page)

[Return to Municipal Code Contents]

Permit Type	Director	DRC	Commission	Council
Tentative Tract Map			X	
Variance			X	

* Commission recommends to Council for final action.

19.31.020 Multiple Permit Applications

An applicant for a development project which would require the filing of more than one land use permit application may file all related permits concurrently and pay appropriate fees, as outlined in Chapter 19.32 (Applications and Fees). Processing and environmental review could be concurrent and the final decision on the project shall be made by the highest level of review authority, pursuant to Table 31.01 (Threshold of Review). For example, a project requiring a Variance and Development Permit applications shall be determined by the Commission, while a project requiring a Development Permit, Tentative Tract Map, and General Plan Amendment shall be determined by the Council.

19.31.030 Pre-Application Conference

A prospective applicant or agent may request a pre-application conference with the Department prior to formal submittal of a land use permit application. This conference should take place prior to any substantial investment (i.e., land acquisition, site, engineering and construction plans) in the preparation of the proposed development application. During the conference, the Department representative(s) shall inform the applicant of applicable policies, plans, and requirements as they apply to the proposed development project, review the appropriate procedures outlined in this Development Code, and examine possible alternatives or modifications relating to the proposed project.

CHAPTER 19.32 APPLICATIONS AND FEES

Sections:

- 19.32.010 Purpose**
- 19.32.020 Filing**
- 19.32.030 Fees**
- 19.32.040 Initial Filing**

19.32.010 Purpose

These provisions prescribe the procedures and requirements for filing of applications for permits, amendments, and approvals.

19.32.020 Filing

Application for permits, permit modifications, amendments, and other matters pertaining to this Development Code shall be filed with the Department on a City application form, together with all fees, plans, maps, and any other information required by the Department. The application shall be made by the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

19.32.030 Fees

The Council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the Council. Until all applicable fees have been paid in full, review shall not commence on any application. The City is not required to continue processing any application unless its fees are paid in full. Failure to pay the applicable fees is grounds for denial of the application.

19.32.040 Initial Filing

All applications filed with the Department in compliance with this Development Code shall be initially processed as follows.

1. Completeness review.

The Director shall review all applications for completeness and accuracy before they are determined to be complete in compliance with Section 19.32.020 (Filing) above.

2. Notification of applicant.

A. No later than 30 days of the filing date of the application, the City shall determine in writing whether the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided to make the application complete. The City shall immediately transmit the determination to the applicant.

B. Failure of the Director to respond within 30 days of submittal of an application with a determination as to completeness shall be deemed a determination that the application is complete.

C. The applicant has the right to appeal pursuant to Chapter 19.52.

3. Content of Application.

A. The Director may find that unusual characteristics of a project site or the nature of a project make it infeasible or unnecessary for the applicant to submit all of the information for an application required by this Development Code.

B. In these cases, the Director may reduce the content requirements if it is also found that the absence of the information will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Development Code.

4. Appeal of determination of completeness.

A. Appeal of Director's determination.

- (1) If the Director determines that an application is incomplete, the applicant shall have the right to appeal that determination to the Commission by submitting a letter and fee to the Commission within 15 days of the notice of incompleteness.
- (2) The applicant's letter shall clearly state the reasons why the applicant believes the application is complete.
- (3) Appeals included within this Subsection may also include appeals where it is alleged by the appellant that the Director erred in refusing to accept or process an application for failure to pay outstanding fees and charges in compliance with the City's Schedule of Service Charges. In hearing and deciding an appeal of the Director's determination, the Commission shall consider the correctness of the amount of the outstanding fee or charge, and whether the fee or charge is owed by the appellant, if the issues are raised by the appellant.

B. The Commission shall make a decision on the appeal of the Director's determination.

C. The applicant shall have the right to appeal the Commission's decision to the Council by submitting a letter and fee to the City Clerk within 15 days of the Commission's decision.

D. The Council shall make a decision on the appeal of the Commission's decision.

5. Environmental information.

The Director may require the applicant to submit additional information needed for the environmental review of the project.

6. Application deemed withdrawn.

If the applicant does not provide the additional information required in compliance with Section 19.32.040(1), above, within 90 days after the date of the letter requesting the additional information, the Director may consider the application withdrawn if the Director determines that reasonable progress toward completion of the application has not occurred, unless an appeal of the Director's determination has been filed. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

7. Referral of application.

At the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

CHAPTER 19.34 CERTIFICATES OF OCCUPANCY

Sections:

- 19.34.010 Purpose**
- 19.34.020 Application**
- 19.34.030 Applicability**

19.34.010 Purpose

The following provisions are intended to ensure that any initiation or re-establishment of a legally permitted use within a legally established (or a legal nonconforming) structure shall comply with all applicable provisions of the Municipal Code.

19.34.020 Application

No vacant, relocated, altered, repaired, or hereafter erected structure shall be occupied, or no change in use of land or structure(s) shall be inaugurated, or no new business commenced until a Certificate of Occupancy has been issued by the Department. An application for the permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to Chapter 19.32 (Applications and Fees).

19.34.030 Applicability

1. An application for a Certificate of Occupancy for a structure which is to be relocated, remodeled, or erected shall be filed at least 30 days prior to the intended occupancy.
2. An application for a Certificate of Occupancy for the use of vacant land or structure(s), or a change in occupancy shall be filed at least 30 days prior to the intended use inauguration; and
3. A temporary Certificate of Occupancy may be issued by the Department subject to the conditions imposed on the use, provided that a deposit is filed with the Department of Public Works prior to the issuance of the certificate. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use. The form of the deposit or security shall be subject to the approval of the Director of Public Works. The deposit or security shall be returned to the depositor within 10 working days following a determination by the Director of Public Works that all of the terms, conditions and performance standards have been met.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

CHAPTER 19.36 CONDITIONAL USE PERMITS AND MINOR USE PERMITS

Sections:

19.36.010	Purpose
19.36.020	Application
19.36.030	Project Review
19.36.040	Hearings and Notice
19.36.050	Findings
19.36.060	Use of Property Before Final Decision
19.36.070	Conditional Use Permit Expiration
19.36.080	Modification of Conditional Use Permit
19.36.090	Time Extension
19.36.100	Revocation
19.36.110	Conditional Use Permit/Minor Use Permit to Run With The Land
19.36.120	Performance Guarantee

19.36.010 Purpose

Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for and the benefit to be derived from the use against the impact which it may cause.

An application for a Minor Use Permit may be made in-lieu of an application for a Conditional Use Permit if the use meets the following criteria:

1. The use will be entirely located within a structure that has previously been approved with a Development Permit or Conditional Use Permit;
2. The use will be less than 10,000 square feet in gross floor area;
3. The use will be exempt from the provisions of the California Environmental Quality Act;

For all other applications for conditional uses, and for all applications for social service centers and religious facilities/churches, a Conditional Use Permit shall be required.

(Ord. MC-1381, 12-19-12)

[Return to Municipal Code Contents]

19.36.020 Application

An application for a Conditional Use Permit or a Minor Use Permit shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees).

(Ord. MC-1381, 12-19-12)

19.36.030 Project Review

Each Conditional Use Permit or Minor Use Permit application shall be analyzed to assure that the application is consistent with the intent and purpose of this Chapter.

Minor Use Permit applications shall be reviewed and approved by the DRC.

To ensure effective implementation of General Plan policies relating to design guidelines, each application for a Conditional Use Permit shall be reviewed by the DRC prior to approval by the Commission.

(Ord. MC-1381, 12-19-12)

19.36.040 Hearings and Notice

Upon receipt in proper form of a Conditional Use Permit or Minor Use Permit application, a hearing shall be set and notice of the hearing given in a manner consistent with Chapter 19.52 (Hearings and Appeals).

(Ord. MC-1381, 12-19-12)

19.36.050 Findings

Following a hearing, the DRC or Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based. The DRC or Commission may approve and/or modify a Conditional Use Permit or Minor Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

(Ord. MC-1381, 12-19-12)

1. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject zone and complies with all of the applicable provisions of this Development Code;

(Ord. MC-1393, 12-02-13)

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

2. The proposed use is consistent with the General Plan;
3. The approval of the Conditional Use Permit or Minor Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code

(Ord. MC-1381, 12-19-12)

4. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City;
6. The subject site is physically suitable for the type and density/intensity of use being proposed; and
7. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

(Ord. MC-888, 12-07-93)

19.36.060 Use of Property Before Final Decision

No permit shall be issued for any use involved in an application for approval of a Conditional Use Permit or Minor Use Permit until, and unless, the same shall have become final, pursuant to Section 19.52.080 (Effective Date).

(Ord. MC-1381, 12-19-12)

19.36.070 Conditional Use Permit Expiration

Within two years of Conditional Use Permit or Minor Use Permit approval, commencement of construction shall have occurred or the Conditional Use Permit or Minor Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Conditional Use Permit or Minor Use Permit shall become null and void. Projects may be built in phases if preapproved by the review authority. If a project is built in preapproved phases, each subsequent phase shall have 1 year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Conditional Use Permit or Minor Use Permit shall become null and void.

(Ord. MC-1381, 12-19-12; Ord. MC-891, 12-22-93)

Any previously approved Conditional Use Permit that had not expired as of September 13, 1993 shall be extended for two years. This automatic extension of time is a one-time extension from September 13, 1993 and is in addition to the time granted under the initial approval of the Conditional Use Permit or any subsequent approval of an extension of time.

(Ord. MC-895, 1-26-94)

Any previously approved Conditional Use Permit that had not expired as of January 1, 2010 shall be extended for two years. This automatic extension of time is a one-time extension, and is in addition to the time granted under the initial approval of the Conditional Use Permit, or any subsequent approval of an extension of time. The automatic extension of time shall not reinstate nor extend any person's right to an administrative appeal, and shall not reinstate nor extend any claims or litigation statute of limitations. By acceptance of this grant of an automatic extension of time, the applicant(s) hereby waives any challenges to the conditions, fees and requirements of the Conditional Use Permit.

(Ord. MC-1329, 7-20-10)

19.36.080 Modification of Conditional Use Permit

An approved Conditional Use or Minor Use Permit may be modified, in a manner pursuant to Chapter 19.32 (Applications and Fees). Minor modifications to an approved Conditional Use Permit or Minor Use Permit may be approved by the Director, pursuant to Section 19.60 (Minor Modifications).

(Ord. MC-1381, 12-19-12)

[Return to Municipal Code Contents]

19.36.090 Time Extension

The approving authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the approving authority shall ensure that the Conditional Use Permit or Minor Use Permit complies with all current Development Code provisions.

(Ord. MC-1381, 12-19-12)

19.36.100 Revocation

The approving authority may hold a hearing to revoke or modify a Conditional Use Permit or Minor Use Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit or Minor Use Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of San Bernardino, and/or the project applicant.

A Conditional Use Permit or Minor Use Permit may be revoked or modified by the approving authority if any one of the following findings can be made:

1. That circumstances have changed so that 1 or more of the findings contained in Section 19.46.050 can no longer be made;
2. That the Conditional Use Permit or Minor Use Permit was obtained by misrepresentation or fraud;
3. That the use for which the Conditional Use Permit or Minor Use Permit was granted had ceased or was suspended for six or more consecutive calendar months;
4. That one or more of the conditions of the Conditional Use Permit or Minor Use Permit have not been met;
5. That the use is in violation of any statute, ordinance, law, or regulation; and
6. That the use permitted by the Conditional Use Permit or Minor Use Permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

(Ord. MC-1381, 12-19-12)

19.36.110 Conditional Use Permit/Minor Use Permit to Run With The Land

A Conditional Use Permit or Minor Use Permit granted pursuant to the provisions of this Chapter shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application.

(Ord. MC-1381, 12-19-12)

19.36.120 Performance Guarantee

The developer may be conditioned to provide performance security in a manner similar to Section 19.30.230 for the faithful performance of any or all conditions of approval.

CHAPTER 19.38 DESIGN REVIEW

Sections:

- 19.38.010 Purpose**
- 19.38.020 Application**
- 19.38.030 Applicability**
- 19.38.040 DRC Findings**

19.38.010 Purpose

These provisions shall ensure the following:

1. The establishment of design review procedures for residential, commercial and industrial development proposals;
2. That proposed development projects comply with all applicable performance standards and design guidelines;
3. A focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
4. The orderly and harmonious appearance of structures along with associated facilities, such as signs, landscaping, parking areas, etc.;
5. Maintenance of the public health, safety and general welfare and property throughout the City; and
6. Effective implementation of the General Plan policies which encourage the preservation and enhancement of the particular character and unique assets of the City, and its harmonious development.

19.38.020 Application

The following list of structures shall be subject to design review by the Development Review Committee (DRC):

1. New structure(s)/development and related site plans subject to a review authority other than the Director, pursuant to [Table 31.01](#);
2. Remodeled structure(s)/development and related site plans, which require a Development Permit;
3. A project involving a change or intensification of land use (e.g., conversion of a shoe store to a restaurant, or a residential structure to an office use, etc.); and
4. New or modified signs with review authority other than the Director.

19.38.030 Applicability

The DRC, acting in their capacity for design review, shall receive and evaluate all projects subject to design review prior to final action by the appropriate review authority. The Department, as part of the overall project review process, shall forward the appropriate materials to the DRC and submit the DRC report to the review authority.

19.38.040 DRC Findings

The DRC shall determine that the project adequately meets adopted City performance standards and design guidelines, based upon the following findings:

1. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance;
2. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards; and
3. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will maintain the harmonious, orderly and attractive development contemplated by this Development Code and the General Plan.

[\[Return to Municipal Code Contents\]](#)

CHAPTER 19.40 DEVELOPMENT AGREEMENTS

Sections:

- 19.40.010 Purpose**
- 19.40.020 Application**
- 19.40.030 Public Hearings**
- 19.40.040 Content of Development Agreement**
- 19.40.050 Execution and Recordation**
- 19.40.060 Environmental Review**
- 19.40.070 Periodic Review**
- 19.40.080 Effect of Development Agreement**
- 19.40.090 Approved Development Agreements**

19.40.010 Purpose

1. The following provisions are intended to establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of property owners or other persons having a legal or equitable interest in the property proposed to be subject to the agreement. It is intended that the provisions of this Chapter shall be fully consistent, and in full compliance, with the provisions of Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with Section 65864) of the California Government Code, and shall be so construed.

2. In construing the provisions of any development agreement entered into pursuant to this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, Article 2.5 of the California Government Code, cited above, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, then the documents shall control in construing the development agreement in the following order of priority:
 - A. The plain terms of the development agreement itself;
 - B. The provisions of this Chapter; and
 - C. The provisions of Article 2.5 of the California Government Code, cited above.

19.40.020 Application

1. Any owner of real property or other person having a legal or equitable interest in the property may request and apply through the Director to enter into a development agreement provided that:
 - A. The property proposed to be subject to the agreement shall be not less than one acre in size;
 - B. The application is made on forms approved, and contains all information required, by the Director;
 - C. The status of the applicant as an owner of, or holder of legal or equitable interest in, the property is established to the satisfaction of the Director; and
 - D. The application is accompanied by the fee established pursuant to Chapter 19.32 (Applications and Fees) and all other lawfully required documents, materials and information.
2. The Director is hereby empowered to receive, review, process and prepare, together with recommendations, for Commission and Council consideration, as applicable, all applications for development agreements. The Director may call upon all other departments of the City for timely assistance in complying with this Chapter.
3. Processing fees, as established by resolution of the Council, shall be charged for any application for a development agreement made pursuant to the provisions of this Chapter, and shall also be so established and charged for periodic reviews conducted pursuant to Section 19.32.

19.40.030 Public Hearings

1. The Director, upon finding the application for a development agreement complete, shall set the application, together with recommendations, for public hearing before the Commission pursuant to Chapter 19.52 (Hearings and Appeals). Following conclusion of the public hearing by the Commission, the Commission shall recommend to the Council that it approve, conditionally approve, or disapprove the application.
2. Upon receipt of the Commission's recommendation, the City Clerk shall set the application and written report of the Commission for public hearing before the Council. Following conclusion of the public hearing by the Council, the Council shall approve, conditionally approve or deny the application.

3. Notice of the hearings set forth in Subsections 1 and 2 above, shall be given in the form of a notice of intention to consider adoption of a development agreement as required by Government Code Section 65867.
4. Should the Council approve or conditionally approve the application, it shall, as a part of its action of approval, direct the City Attorney to prepare a development agreement embodying the terms and conditions of the application as approved or conditionally approved by it, as well as a resolution authorizing execution of development agreement by the City Administrator.
5. The resolution shall set forth findings, and the facts supporting them, that the development agreement is consistent with the General Plan and any applicable Specific Plans, this Development Code, and that it will promote the welfare and public interest of the City.
6. The resolution may be subjected to referendum in the manner provided by law.

19.40.040 Content of Development Agreement

1. MANDATORY CONTENTS

A development agreement entered into pursuant to this Chapter must contain provisions that:

- A. Specify the duration of the agreement;
- B. Specify the permitted uses of the property;
- C. Specify the density or intensity of use(s);
- D. Set forth the maximum height and size of proposed structures;
- E. Set forth provisions, if any, for reservation or dedication of land for public purposes;
- F. Provisions not permitting protection from a future increase in development fees;
- G. Provisions for a tiered amendment review procedure such as:
 - 1.) Director sign-off for small changes;

- 2.) Commission sign-off for large changes; and
 - 3.) Major amendments by Council; and
- H. Provisions for a health and safety exception such as a "compelling public necessity" (i.e., a new environmental health hazard is discovered).

2. PERMISSIVE CONTENTS

A development agreement entered into pursuant to this Chapter may:

- A. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
- B. Provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time;
- C. Include terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
- D. Include such other terms, conditions and requirements as the Council may deem necessary and proper, including, but not limited to, a requirement for assuring to the satisfaction of the City performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

19.40.050 Execution and Recordation

- 1. The City shall not execute any development agreement until on or after the date upon which the resolution approving the agreement and enacted pursuant to Section 19.40.030 becomes effective.
- 2. An executed development agreement shall be recorded in the office of the County Recorder no later than 10 days after it is entered into.

19.40.060 Environmental Review

The approval or conditional approval of a development agreement, pursuant to this Chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).

19.40.070 Periodic Review

1. Every development agreement approved and executed pursuant to this Chapter shall be periodically reviewed during the term of the agreement every year following the date of its execution.
2. The purpose of the reviews conducted pursuant to this Section shall be to determine whether the applicant/ contracting party or its successor-in-interest has complied in good faith with the terms of the development agreement. The burden shall be on the applicant/contracting party or its successor to demonstrate such compliance to the full satisfaction of, and in a manner as prescribed by the City.
3. If, as a result of periodic review pursuant to this Section, the Council finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor-in-interest has not complied in good faith with terms or conditions of the agreement, the Council may order, after hearing, that the agreement be terminated or modified.

19.40.080 Effect of Development Agreement

Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the development agreement, nor does a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

19.40.090 Approved Development Agreements

Pursuant to this Chapter, development agreements approved by the Council are on file with the office of the City Clerk.

CHAPTER 19.42 DEVELOPMENT CODE AMENDMENTS

Sections:

- 19.42.010 Purpose**
- 19.42.020 Hearings and Notice**
- 19.42.030 Commission Action on Amendments**
- 19.42.040 Council Action on Amendments**
- 19.42.050 Findings**

19.42.010 Purpose

The Council may amend the provisions of this Development Code for the public health, safety, convenience, general welfare and the aesthetic harmony of the City.

19.42.020 Hearings and Notice

Upon receipt in proper form of a Development Code Amendment application, or direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 19.52 (Hearings and Appeals).

19.42.030 Commission Action on Amendments

The Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 19.42.050.

Commission action recommending that the proposed amendment be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

19.42.040 Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 19.42.050. Amendments to the Development Code shall be adopted by ordinance.

19.42.050 Findings

An amendment to this Development Code may be adopted only if the following findings are made:

1. The proposed amendment is consistent with the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

CHAPTER 19.44

ADMINISTRATIVE AND DEVELOPMENT PERMITS

Sections:

- 19.44.010 Purpose**
- 19.44.020 Application**
- 19.44.030 Applicability and Project Review**
- 19.44.040 Findings**
- 19.44.050 Administrative and Development Permit Expiration**
- 19.44.060 Use of Property Before Final Decision**
- 19.44.070 Modification of Administrative or Development Permit**
- 19.44.080 Time Extension**
- 19.44.090 Revocation**
- 19.44.100 Performance Guarantee**

19.44.010 Purpose

The Administrative and Development Permit procedure is intended to protect the integrity and character of the residential, commercial and industrial areas of the City, through the application of the provisions of this Chapter consistent with the General Plan. At the time of application submittal, a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to established standards and design guidelines. This review shall determine whether the permit should be approved by weighing the public need for and the benefits to be derived from the use against the impacts it may cause.

(Ord. MC-1381, 12-19-12)

19.44.020 Application

Application for an Administrative or Development Permit shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees).

(Ord. MC-1381, 12-19-12)

19.44.030 Applicability and Project Review

An Administrative or Development Permit shall be pursuant to this Section. None shall be required for alterations to an existing single-family home, for interior tenant improvements to previously approved non-residential uses that DO NOT involve an intensification in land use (e.g., conversion of a shoe store to a restaurant, or a residential structure to an office use, etc.), or for exterior alterations on non-residential projects that are in substantial compliance with the existing project. Each application shall be analyzed to ensure that the application is consistent with the requirements of this Title.

An Administrative Permit, which is acted upon administratively, shall be required under the following circumstances:

1. For residential projects with two to four dwelling units, including the relocation or movement of residential structures;
2. For tenant improvements and occupancy permits that result in an intensification in land use (i.e., from retail to a restaurant, or from a residential structure into a non-residential use);
3. For the expansion of a non-residential use or structure that is not consistent with the existing project.
4. For recycling facilities; and
5. For wireless telecommunications facilities.

(Ord. MC-1381, 12-19-12)

A Development Permit, which is acted upon by the Development/Environmental Review Committee (D/ERC) shall be required under the following circumstances:

1. For residential projects with five to 11 dwelling units;
2. For a new non-residential use or structure or an expanded non-residential use or structure over 5,000 square feet; and
3. Adult businesses, in accordance with Section 19.06.030.2.A of this Development Code.

A Development Permit, which is acted upon by the Planning Commission, shall be required for residential projects, or projects abutting a residential use in a residential land use district.

(Ord. MC-1381, 12-19-12)

[Return to Municipal Code Contents]

19.44.040 Findings

The appropriate review authority as outlined in Table 31.01 shall record the decision in writing and shall recite therein the findings upon which any such decision is based. The review authority may approve and/or modify an Administrative or Development Permit in whole or in part, and shall impose specific development conditions. These conditions shall relate to both on- and off-site improvements that are necessary to mitigate project-related adverse impacts, and to carry out the purpose and requirements of the respective zone. The review authority may approve an Administrative or Development Permit, only if all of the following findings are made:

(Ord. MC-1393, 12-02-13; Ord. MC-1381, 12-19-12)

1. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of this Development Code, including prescribed development/site standards and any/all applicable design guidelines;
2. The proposed development is consistent with the General Plan;
3. The proposed development would be harmonious and compatible with existing and future developments within the zone and general area, as well as with the land uses presently on the subject property

(Ord. MC-1381, 12-19-12)

4. The approval of the Administrative or Development Permit for the proposed development is in compliance with the requirements of the California Environmental Quality Act and Section 19.20.030(6) of the Development Code;
5. There will be no potential significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
6. The subject site is physically suitable for the type and density/intensity of use being proposed;
7. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and
8. The location, size, design, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

(Ord. MC-888, 12-07-93)

[\[Return to Municipal Code Contents\]](#)

19.44.050 Administrative and Development Permit Expiration

Within two years of Administrative or Development Permit approval, commencement of construction shall have occurred or the permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Administrative or Development Permit shall become null and void. Projects may be built in phases if preapproved by the review authority. If a project is built in preapproved phases, each subsequent phase shall have one year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Administrative or Development Permit shall become null and void.

(Ord. MC-1381, 12-19-12)

19.44.060 Use of Property Before Final Decision

No permit shall be issued for any use involved in an application for approval of an Administrative or Development Permit until, and unless, the same shall have become final, pursuant to Section 19.52.080 (Effective Date).

(Ord. MC-1381, 12-19-12)

19.44.070 Modification of Administrative or Development Permit

An approved development may be modified, in a manner pursuant to Chapter 19.32 (Applications and Fees). Minor modifications to an approved development may be approved by the Director, pursuant to Section 19.60 (Minor Modifications).

(Ord. MC-1381, 12-19-12)

19.44.080 Time Extension

The review authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting the extension, the review authority shall ensure that the Administrative or Development Permit complies with all current Development Code provisions.

(Ord. MC-1381, 12-19-12)

19.44.090 Revocation

The review authority may hold a hearing to revoke or modify an Administrative or Development Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Development Permit was granted. Notice shall be deemed delivered two days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of San Bernardino, and/or the project applicant.

An Administrative or Development Permit may be revoked or modified by the review authority if any of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 19.44.060 can no longer be made;
2. That the Administrative or Development Permit was obtained by misrepresentation or fraud;
3. That the use for which the Administrative or Development Permit was granted had ceased or was suspended for six or more consecutive calendar months;
4. That one or more of the conditions of the Administrative or Development Permit have not been met;
5. That the use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the Administrative or Development Permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

(Ord. MC-1381, 12-19-12)

19.44.100 Performance Guarantee

The developer may be required to provide performance security in a manner similar to Section 19.30.230 for the faithful performance of any or all conditions of approval.

CHAPTER 19.46 ENFORCEMENT OF PROVISIONS

Sections:

- 19.46.010 Purpose**
- 19.46.020 Responsibility**
- 19.46.030 Prohibitions**
- 19.46.040 Remedies**
- 19.46.050 Notice of Violation**
- 19.46.060 Penalties**
- 19.46.070 Enforcement Fees**

19.46.010 Purpose

Enforcement of the provisions of this Development Code and any entitlements and subdivision maps approved by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and for the protection of the public health, safety, and welfare of the City.

19.46.020 Responsibility

The Department shall be responsible for enforcing the conditions and standards imposed on all permits granted by the City and permitted under this Development Code. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained, contrary to the provisions of this Development Code, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in Chapter 1.12 of the Municipal Code, and/or revocation procedures contained in the following chapters of this Development Code:

Chapter 19.36 - Conditional Use Permits and Minor Use Permits

Chapter 19.44 - Administrative and Development Permits

Chapter 19.54 - Home Occupation Permits

Chapter 19.70 - Temporary Use Permits

Chapter 19.72 - Variances

Any permit, certificate, or license issued subsequent to the effective date of and in conflict with this Development Code shall be null and void.

[\[Return to Municipal Code Contents\]](#)

19.46.030 Prohibitions

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 for which a final or parcel map is required by this Development Code, until the final or parcel map, in full compliance with Map Act Section 66410 et seq. and the Municipal Code, has been filed for recordation with the office of the County Recorder, pursuant to Map Act Section 66499.30.

19.46.040 Remedies

1. All remedies concerning this Development Code shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures, signs, or improvements, and shall not prevent the enforced correction or removal thereof.
2. Any construction in violation of this Development Code, or any condition(s) imposed on a permit or license shall be subject to the issuance of a "Stop Work Order."
3. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, is voidable at the sole option of the grantee or successors, pursuant to Map Act Section 66499.32.

This Section does not bar any legal, equitable or summary remedy to which the City, public agency or any person, firm or corporation may otherwise be entitled, pursuant to Map Act Section 66499.33.

4. The City shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, if it finds that the development of the real property is contrary to the public health or safety, pursuant to Map Act Section 66499.34.

19.46.050 Notice of Violation

Whenever the City has knowledge that real property has been divided in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, it shall send, by certified mail to the then current owner(s) of record of the property, a notice of intention to record a notice of violation, describing the real property in detail, naming the owner(s) thereof, and stating that an opportunity will be given to the owner(s) to present evidence, pursuant to Map Act Section 66499.36.

[Return to Municipal Code Contents]

19.46.060 Penalties

1. Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision(s) of this Development Code or any condition imposed on an entitlement, development permit, map or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction or a misdemeanor and, upon conviction thereof, shall be punished as set forth in Section 1.12.010 of the Municipal Code, in addition to any other civil or administrative remedies provided by law.
2. Each violation of Map Act Section 66410 et seq. by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the County jail not exceeding one year, or in the state prison, by a fine not exceeding \$10,000, or by both that fine and imprisonment. Every violation of Map Act Section 66410 et seq. is a misdemeanor, pursuant to Map Act Section 66499.31.

19.46.070 Enforcement Fees

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this Development Code as well as those conditions and mitigation measures imposed on an approved permit or license.

CHAPTER 19.48 FINAL AND PARCEL MAPS

Sections:

- 19.48.010 General**
- 19.48.020 Phasing**
- 19.48.030 Survey Required**
- 19.49.040 Form**
- 19.48.050 Contents**
- 19.48.060 Preliminary Submittal**
- 19.48.070 Determination by City Engineer**
- 19.48.080 Approval by Council**
- 19.48.090 Recordation**
- 19.48.100 Mergers and Unmergers**
- 19.48.110 Lot Line or Boundary Adjustments**
- 19.48.120 Reversions**
- 19.48.130 Correction and Amendment of Maps**
- 19.48.140 Certificates of Compliance**

19.48.010 General

The form, contents, accompanying data, and filing of the final and parcel map hereinafter referred to as a "final map" shall conform to the provisions of the Map Act and this Chapter.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, in compliance with the applicable sections of the Business and Professions Code of the State of California.

19.48.020 Phasing

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map application is filed, notifies the Department in writing of the subdivider's intention to file multiple final maps on the tentative map, pursuant to Section 19.66.120(6). In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the

[\[Return to Municipal Code Contents\]](#)

subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the entire subdivision.

19.48.030 Survey Required

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey, pursuant to Map Act Sections 66495 and 66496. At least 1 exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as follows:

1. Lot Corners: One inch iron pipe, 30 inches long, set 12 inches below ground level. Except, corners of lots fronting on streets may be marked by an offset lead and tag set in the permanent concrete curb along the prolongation of the lot line as approved by the City Engineer. Such monument shall be noted on the subdivision map.
2. Subdivision Boundary Corners: Two inch iron pipe, 30 inches long, set 12 inches below ground level.
3. Private street intersection centerlines, angle points, and beginning and endings of curves: One inch iron pipe, 30 inches long, set flush with ground level.
4. Public street intersection centerlines, angle points, beginnings and endings of curves, subdivision boundary and section quarter corners with street intersection: One inch iron pipe, 30 inches long, set flush with ground level if pavement, set 12 inches below ground level if soil. Except, major street intersections and section corners shall be monumented with a City Standard Well Monument set flush with ground level. All street monuments shall be tied to lead and tag set in permanent concrete curbs. Notes for ties shall be provided to the City on standard survey note paper, 8 1/2 x 11 inches, depicting the tie information, stamped and signed by the surveyor or engineer.

19.48.040 Form

The form of the final map shall comply with the Map Act and as follows:

1. The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque indelible ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
2. The size of each sheet shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch. The scale of the map shall be an engineering scale and not less than 1 = 100 or as may be necessary 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. When four or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of 1/8 inch minimum height and of a shape and weight as to be readily legible on prints and other reproductions made from the original drawings. The final form of the final map shall be in compliance with Map Section 66434 and as approved by the City Engineer.

19.48.050 Contents

The contents of the final map shall comply with the Map Act and as follows:

1. Boundary

The boundary of the subdivision shall be designated by a heavy black line in a manner as not to obliterate figures of other data.

2. Title

Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "City of San Bernardino, San Bernardino County, California."

3. Certificates and Acknowledgments

All certificates and acknowledgments shall be made pursuant to Map Act Sections 66433 et seq. and as approved by the City Engineer, and shall appear only once on the cover sheet.

4. Scale, North Point and Basis of Bearings

There shall appear on each map sheet the scale and north point. The basis of bearings shall appear on the title map sheet and each subsequent sheet or referenced on each subsequent sheet. The basis of bearing shall be based on Zone 5 of the California Coordinate System unless otherwise approved by the City Engineer.

5. Linear, Angular and Radial Data

Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.

6. Monuments

The location and description of all existing and proposed monuments shall be shown. Standard City monument types shall be set at the following locations:

- A. The intersection of street centerlines;
- B. The intersection of a street centerline and subdivision boundary;
- C. Beginning and end of curves or intersection of tangents on centerlines;
- D. Each lot/parcel corner; and
- E. At other locations as may be required by the City Engineer.

7. Lot Numbers

Lot numbers shall begin with the number 1 in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event, lot numbers may begin with the next consecutive number following the last number in the preceding unit. Non-buildable, open space and common lot areas shall be lettered beginning with the letter "A" and shall continue consecutively with no omissions or duplications. Each lot shall be shown entirely on 1 sheet of the final map, unless approved by the City Engineer.

8. Adjoining Properties

The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing the subdivision; and if no subdivision is adjacent, then by reference to the last recorded deed by book and page number for the last record owner.

9. City Boundaries

City boundaries which cross or join the subdivision shall be clearly designated.

10. Street Names

The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.

11. Easements and Dedications

Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, storm water drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map.

All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance (e.g., recorder's serial number and date, or book and page of official records).

Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.

Between the time of the approval of the tentative map and the recordation of the final map, no easements shall be granted to other agencies or utility companies which interfere with the City's rights in any public right-of-way.

12. Open Space Areas

Open space areas may be shown, subject to the approval of the City. Public open space areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private open space areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.

19.48.060 Preliminary Submittal

The subdivider shall submit prints of the final map to the City Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer and, where applicable, the City Attorney:

1. Improvement Plans.

Improvement plans pursuant to Section 19.30.210.

2. Soils Report.

A soils report prepared pursuant to Section 19.66.120(2).

3. Title Report.

A title report showing the legal owners at the time of submittal of the final map, to be current within 90 calendar days.

4. Tax Certificate.

A certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien, but not yet payable, has been filed with the County.

5. Deeds for Easements or Rights-of-Way.

Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.

6. Traverse Closures

Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.

7. Hydrology and Hydraulic Calculations

Complete hydrology and hydraulic calculations of all storm drains, flood flows, and retention facilities.

8. Governing Documents

The submittal of the final map for a common interest development within the meaning of Sections 1350 et seq. of the State Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions containing the provisions described in Section 1353 of the Civil Code, and all other governing documents for the subdivision as are appropriate pursuant to Section 1363 of the Civil Code, and containing all conditions of approval designated to be contained within the "Code, Covenants and Restrictions." The submittal of the final map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Director and/or City Engineer.

9. Guarantee of Title

A guarantee of title, in form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.

[Return to Municipal Code Contents]

10. Improvement Agreement

In the event sewer, water, drainage, grading, paving, or other improvements required pursuant to Section 19.30.010 have not been completed prior to the presentation of the final map, an agreement pursuant to the requirements of Section 19.30.220 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement pursuant to the requirements of Section 19.30.230.

11. Liability Agreement and Insurance

A hold-harmless agreement obligating the subdivider to hold the City and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider and/or the subdivider's sub-contractors in connection with the subdivision. A certificate of insurance reporting to the City the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or related subcontractors in connection with the subdivision. The certificate of insurance shall name the City as an additional insured. The agreement and certificate required by this section shall be subject to prior review and approval by the City Engineer.

12. Any additional data, reports, or information as required by the City Engineer.

19.48.070 Determination by City Engineer

The City Engineer shall review the final map and any other required information and the subdivider shall make corrections and/or additions until acceptable to the City Engineer.

The subdivider shall submit to the City Engineer the original tracing of the map and any duplicates pursuant to City requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing. Upon receipt of all required certificates and submittals, the City Engineer shall sign the appropriate certificates and transmit the original map to the City Clerk.

19.48.080 Approval by Council

The final map approved by the City Engineer as complying with the approved or conditionally approved tentative map shall be filed with the Council for approval after all required certificates have been signed. The date the map shall be deemed filed with the Council is the date on which the City Clerk receives the map. The Council shall consider the final map for approval at its next available regular meeting after the City Clerk receives the map. Before approving the final map, the Council shall consider approval of the subdivision improvement agreement pursuant to Section 19.30.220.

If the subdivision improvement agreement and final map are approved by the Council, the Mayor shall execute the agreement on behalf of the City. At the time the Council approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify on the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are not accepted by the Council, the offer of dedication shall remain open and the Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, which acceptance shall be recorded in the office of the County Recorder.

The City may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

If the subdivision improvement agreement and/or final map is not in substantial compliance with the approved tentative map, the Council shall deny the agreement and/or final map.

The Council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made. Additionally, the Council shall not deny approval of the final map if the City has previously approved a tentative map for the proposed subdivision and if the Council finds that the final map is in compliance with the requirements of the Map Act, this Development Code, and the tentative map and all conditions thereof.

19.48.090 Recordation

Upon approval of the final map by the Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and shall, pursuant to the provisions of Map Act Section 66464, transmit the map, or have an authorized agent forward the map, to the County Recorder.

[\[Return to Municipal Code Contents\]](#)

19.48.100 Mergers and Unmergers

1. The primary purpose of this section is to provide for a merger of parcels upon application of the property owner without the necessity of processing a parcel map. The specific requirement for a City-initiated merger are as follows in compliance Map Act Section 66451.11.
2. Merger without final map.
 - A. Upon application by the property owner, on a form approved by the City Engineer, contiguous parcels under the same ownership may be merged without filing a map for reversion to acreage. The form and content of the application and the information, data, fees, and other details required for the processing of same, shall be set by Council resolution.
 - B. The City Engineer shall have the authority to approve mergers, and no final map shall be required provided the merger does not involve the following:
 - 1.) Streets or other easements to be vacated;
 - 2.) Release of previously posted agreements or securities for improvements;
 - 3.) Release of previously paid fees or deposits made pursuant to the division of the parcels to be merged; and/or
 - 4.) More than 4 parcels.
 - C. Upon approval of a merger, the City Engineer shall cause to be prepared an appropriate instrument describing the parcels to be merged, which shall be executed by the owner involved and the City Engineer, and which shall be recorded with the County Recorder.

19.48.110 Lot Line or Boundary Adjustments

The procedure outlined in this Section shall govern the processing of and requirements for lot line or boundary adjustments, pursuant to Map Act Section 66412(d). Any adjustment may be filed pursuant to the provisions of this Section to adjust the boundaries between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater or lesser number of parcels than originally existed is not created, provided the Director determines that the proposed adjustment does not:

1. Create any additional or fewer parcels;
2. Include any parcels which are not legal as defined in the Municipal Code;
3. Impair any existing access or create a need for new access to any adjacent parcels;
4. Impair any existing easements or create a need for any new easements serving any adjacent parcels;
5. Require substantial alteration of any existing improvements or create a need for any new improvements; and
6. Adjust the boundary between parcels for which a covenant of improvement requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed adjustment will not significantly affect the covenant of improvement requirements.

(Ord. MC- 888, 12-07-93)

19.48.120 Reversions

Subdivided real property may be reverted to acreage, pursuant to Map Section 66499.11 et seq., and this Development Code. This Section shall apply to final and parcel maps.

Subdivided lands may be merged and resubdivided without reverting to acreage, pursuant to Map Act Section 66499.20 1/2.

An application for reversion to acreage shall be filed with the Department, and reviewed by the City Engineer. A public hearing shall be held by the Commission on all proposed reversions to acreage. Notice of public hearing shall be given by the Department, pursuant to Section 19.52.

[Return to Municipal Code Contents]

19.48.130 Correction and Amendment of Maps

After a final 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, pursuant to Map Act Section 66469 et seq.

The certificate of correction or amending map, shall be submitted to the City Engineer, pursuant to Map Act Section 66471.

19.48.140 Certificates of Compliance

Any person owning real property within the City may request whether the property complies with the provisions of the Map Act and the Municipal Code. Upon making this determination, the City Engineer shall cause a Certificate of Compliance, with or without conditions, to be filed for recordation with the office of the County Recorder, pursuant to Map Act Section 66499.35. Any person requesting a Certificate of Compliance shall pay the applicable engineering fee(s).

CHAPTER 19.50 GENERAL PLAN AMENDMENTS

Sections:

- 19.50.010 Purpose**
- 19.50.020 Hearings and Notice**
- 19.05.030 Commission Action on Amendments**
- 19.05.040 Council Action on Amendments**
- 19.05.050 Findings**

19.50.010 Purpose

The Council may amend the General Plan of the City of San Bernardino whenever required by public necessity and general welfare.

19.50.020 Hearings and Notice

Upon receipt in proper form of a General Plan Amendment application, or direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 19.52 (Hearings and Appeals).

19.50.030 Commission Action on Amendments

The Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 19.50.050.

Commission action recommending that the proposed General Plan Amendment be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

19.50.040 Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 19.50.050. Amendments to the General Plan Land Use Map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.

(Ord. MC-1387, 4-03-13)

19.50.050 Findings

An amendment to the General Plan may be adopted only if all of the following findings are made:

1. The proposed amendment is internally consistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The proposed amendment would maintain the appropriate balance of land uses within the City; and
4. In the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

CHAPTER 19.52 HEARINGS AND APPEALS

Sections:

- 19.52.010 Purpose**
- 19.52.020 Application Processing**
- 19.52.030 Director Investigation**
- 19.52.040 Hearing Procedure**
- 19.52.050 Notice of Decision – Director and Development Review Committee**
- 19.52.060 Notice of Decision – Commission**
- 19.52.070 Notice of Decision – Council**
- 19.52.080 Effective Date**
- 19.52.090 Appeal of Action**
- 19.52.100 Filing of Appeals**
- 19.52.110 Notice of Appeal Hearings**
- 19.52.120 Effective Date of Appealed Actions**
- 19.52.130 Reapplication**
- 19.52.140 Reconsideration**

19.52.010 Purpose

These provisions specify procedures for hearings before the Council, Commission, Development Review Committee (DRC) and Director and appeals of any requirement, decision or determination made by the Director, DRC or the Commission.

19.52.020 Application Processing

Applications shall be reviewed and processed in a manner consistent with the provisions of the California Government Code Sections 65090, 65091, and 66451.3.

Chapter 19.52 (Hearings and Appeals) of the San Bernardino Municipal Code establishes public notification requirements. The existing code requirements are as follows:

Not less than 10 days before the date of a hearing, public notice shall be given of such hearing by the following methods:

1. By one publication in a newspaper of general circulation within the City. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body;

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

2. By mailing, 10 days prior to said hearing, postage prepaid, to the owners and tenants (residential and business) of a property within a radius of 1,000 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners and tenants (residential and business) as shown upon the current tax assessor's records. Notice is deemed received two days after date of postmark. The list of property owner and tenant (residential and business) addresses shall be typed upon gummed labels, together with required postage. The list shall be prepared and certified by the applicant or a title insurance company. The notice shall state the nature of the request, location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; and the notice shall be prepared in English and Spanish
3. In the event that the number of owners and tenants (residential and business) to whom notice would be sent is greater than 1,000 notice may be given at least 10 days prior to the hearing by placing a display advertisement of at least 1/8 page in the newspaper having the greatest circulation within the area affected by the proposed action. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; and
4. By mailing, 10 days prior to said hearing, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body. Notice is deemed received 2 days after date of postmark

(Ord. MC-1574, 5-04-22)

19.52.030 Director Investigation

The Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the intent of this Development Code and the General Plan. The Director shall report the findings to the DRC, Commission or Council as appropriate.

19.52.040 Hearing Procedure

Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The summary minutes shall be prepared, or audio tape made and filed in the Department. Any hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued.

[Return to Municipal Code Contents]

19.52.050 Notice of Decision – Director and Development Review Committee

The Director and/or the DRC shall announce and record their respective decisions at the conclusion of each required hearing. The decision shall set forth applicable findings and any conditions of approval. Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

19.52.060 Notice of Decision – Commission

The Commission shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Commission together with all required conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the community.

Following the hearing, a notice of the decision of the Commission, and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

The recommendation with findings of the Commission for the following applications shall be transmitted to the Council for final action:

- 1. Specific Plans;
- 2. General Plan Amendments, text or map;
- 3. Development Code Amendments;
- 4. Development Agreements; and
- 5. Surface Mining and Land Reclamation Plans.

19.52.070 Notice of Decision – Council

The Council shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Council and conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

Following the hearing, a notice of the decision of the Council and any conditions of approval shall be mailed by the City Clerk to the applicant at the address shown upon the application.

The decision of the Council shall be final.

19.52.080 Effective Date

Director approved Development Permits shall become effective upon approval, unless appealed. Minor Exceptions, Variances, all other Development Permits, and Conditional Use Permits, shall become effective 15 days following the final date of action (i.e., approval) by the appropriate review authority. Specific Plans, General Plan Amendments, Development Code Amendments, Development Agreements, and Surface Mining and Land Reclamation Plans shall become effective 30 days following the final date of action (i.e., adoption) by the Council. The letter of approval shall constitute the permit, and the resolution or ordinance shall constitute the amendment.

19.52.090 Appeal of Action

Any determination or action taken by the Director or the DRC may only be appealed to the Commission. In a similar manner, any action taken by the Commission to approve or disapprove an application may be appealed to the Council. Any determination or action taken by the City Engineer may only be appealed directly to the Council.

19.52.100 Filing of Appeals

All appeals shall be submitted to the Department on a City application form, and shall specifically state the basis of the appeal. An appeal of a Director or DRC action shall be filed with the Department within 15 days following the final date of action for which an appeal is made. An appeal of a Commission decision shall be filed with the Department within 15 days following the final date of action for which an appeal is made. An appeal of a City Engineer action shall be filed in the office of the City Clerk. All appeals relating to subdivision matters shall be made within 15 days following the date of the decision or action for which an appeal is made. Appeals shall be accompanied by a filing fee as specified in Chapter 19.32 (Applications and Fees).

19.52.110 Notice of Appeal Hearings

Notice of an appeal hearing shall conform to the manner which the original notice was given. The appellant shall be responsible for all noticing materials required in the original application.

19.52.120 Effective Date of Appealed Actions

An action of the Director or DRC appealed to the Commission shall not become final until upheld by the Commission. An action of the Commission or City Engineer appealed to the Council shall not become final unless and until upheld by the Council.

19.52.130 Reapplication

When an application for a permit or amendment is denied, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing 12 months except as otherwise specified at the time of denial. The Director shall determine whether the new application is for a permit or amendment which is the same or substantially the same as a previously denied permit or amendment. No decision of the Director shall be effective until a period of 15 days has elapsed following the written notice of decision.

19.52.140 Reconsideration

If more complete or additional facts or information, which may affect the original action taken on an application by a review authority are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section 19.52.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant.

CHAPTER 19.54 HOME OCCUPATION PERMITS

Sections:

- 19.54.010 Purpose**
- 19.54.020 Application**
- 19.54.030 Operating Standards**
- 19.54.040 Prohibited Home Occupation Uses**
- 19.54.050 Revocation**

19.54.010 Purpose

These provisions allow for the conduct of home enterprises which are incidental to and compatible with surrounding residential uses. A home occupation represents a legal income producing activity by the occupant of the dwelling.

19.54.020 Application

The conduct of a home occupation requires the approval of the Director who may establish conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to Chapter 19.32 (Applications and Fees).

No home occupation permit shall be required for an in-home educational activity including, but not limited to, music lessons, academic tutoring, or religious instruction, provided that no more than 5 students are present at any one time, and the use complies with all of the operating standards outlined below. In addition, no home occupation permit nor Certificate of Occupancy shall be required for a business using the owner(s) or any partner(s) home as its business address provided: 1) that there is no signage at the home address; 2) there are no building materials stored at the home address; 3) that no manufacturing takes place at the home address; and, 4) that in the course of doing business, no employees or customers appear at the home address to transact business.

19.54.030 Operating Standards

Home occupations shall comply with all of the following operating standards:

1. No person shall operate or engage in a home occupation without first obtaining a Home Occupation Permit in accordance with the provisions of this Chapter, and no business license shall be issued to the operator of a home occupation until a valid Home Occupation Permit is issued pursuant to the provisions of this Chapter. Notwithstanding the foregoing, in the event a business license is issued for a home occupation for which no Home Occupation Permit has been issued, such fact shall in no way affect the application and requirement of this Chapter;

[\[Return to Municipal Code Contents\]](#)

2. Notwithstanding the foregoing, no Home Occupation Permit shall be required pursuant to this Chapter if the person engaged in the performance of work as an employee for an entity whose principal place of business is located elsewhere and the use of the dwelling generates no pedestrian or vehicular traffic beyond that customarily associated with the use of the dwelling for residential dwelling purposes;
3. A separate Home Occupation Permit shall be required for each home occupation being conducted within a dwelling;
4. The home occupation shall not alter the outward appearance of the dwelling unit;
5. There shall be no displays, sale or delivery of merchandise, or advertising signs on the premises;
6. There shall be no signs other than the address and name of the resident;
7. There shall be no advertising which identifies the home occupation by street address;
8. The use of the dwelling as a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its inhabitants. It shall not occupy an area equivalent to more than 15 percent of the total square footage for the dwelling. The garage located on the premises may be utilized for storage of equipment, materials or supplies used in connection with the home occupation provided such storage does not use any space in the garage required for off-street parking. The use shall not involve storage of materials or supplies in any carport, accessory structure(s) or outside any structures;
9. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one (1) vehicle not to exceed a capacity of one and one-half tons owned by the operator of such home occupation;
10. The home occupation shall not encroach into any required parking, setback, or yard;
11. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;
12. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage;
13. No use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances;

[\[Return to Municipal Code Contents\]](#)

14. Only the occupants of the dwelling may be engaged in the home occupation;
15. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the land use district in which it is located;
16. No home occupation shall be initiated until a current business license is obtained, pursuant to Title 5 of the Municipal Code;
17. A Home Occupation Permit shall not be transferable;
18. If the home occupation is to be conducted on rental property, the property owner or authorized representative shall provide written authorization for the proposed use prior to the submittal for a Home Occupation Permit; and
19. Any special condition established by the Director and made part of the record of the Home Occupation Permit, as deemed necessary to carry out the intent of this Chapter

(Ord. MC-1583, 8-03-22)

19.54.040 Prohibited Home Occupation Uses

The following list presents example uses that are not incidental to nor compatible with residential activities, and are prohibited:

1. Barber and beauty shop;
2. Businesses which entail the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making;
4. Medical and dental offices, clinics, and laboratories;
5. Mini storage;
6. Repair, fix-it, or plumbing shops;
7. Storage of equipment, materials, and other accessories to the construction and service trades;
8. Vehicle repair (body or mechanical), upholstery, and painting;

[Return to Municipal Code Contents]

9. Welding and machining; and
10. Any other use determined by the Director to be not incidental nor compatible with residential activities.

19.54.050 Revocation

A Home Occupation Permit may be revoked or modified by the Director if any one of the following findings can be made:

1. That the use has become detrimental to the public health, safety, or traffic, or constitutes a nuisance;
2. That the permit was obtained by misrepresentation or fraud;
3. That the use for which the permit was granted has ceased or was suspended for 6 or more consecutive calendar months;
4. That the condition of the premises, or the area of which it is a part, has changed so that the use is no longer justified under the meaning and intent of this Chapter;
5. That 1 or more of the conditions of the Home Occupation Permit have not been met;
or
6. That the use is in violation of any statute, ordinance, law, or regulation.

CHAPTER 19.56 INTERPRETATION

Sections:

- 19.56.010 Purpose**
- 19.56.020 Procedure**

19.56.010 Purpose

These procedures ensure the consistent interpretation and application of the provisions of this Development Code and the General Plan.

19.56.020 Procedure

The Director has the authority to make Development Code and the Commission has the authority to make General Plan interpretations. A written appeal of any interpretation of the provisions of this Development Code may be filed, together with all required fees, with the Department pursuant to Chapter 19.52. The appeal shall specifically state the Development Code or General Plan provision(s) in question, and provide any information to assist in the review of the appeal. The decision of the Director may be appealed to the Commission. The decision of the Commission may be appealed to the Council.

(Ord. MC-789, 6-04-91)

CHAPTER 19.58 MINOR EXCEPTIONS

Sections:

- 19.58.010 Purpose**
- 19.58.020 Application**
- 19.58.030 Applicability**
- 19.58.040 Hearings and Notice**
- 19.58.050 Findings**
- 19.58.060 Precedents**
- 19.58.070 Burden of Proof**
- 19.58.080 Minor Exception Expiration**
- 19.58.090 Time Extension**
- 19.58.100 Use of Property Before Final Decision**
- 19.58.110 Revocation**

19.58.010 Purpose

These provisions shall ensure the following:

(Ord. MC-1393, 12-02-13)

1. Minor adjustments from the standards contained in this Development Code shall be granted only when, because of special circumstances applicable to the property, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zones.
2. Any Minor Exception granted shall be subject to such conditions as will ensure that the minor adjustment thereby authorized shall not constitute a grant of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

19.58.020 Application

An application for a Minor Exception shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees).

19.58.030 Applicability

The Director may grant Minor Exception up to a maximum of 10% governing only the following measurable design/site considerations:

1. Distance between structures
2. Lot Dimensions
3. On-site parking, loading and landscaping
4. Setbacks
5. Structure Heights

Any minor exception request which exceeds the prescribed limitations outlined in this Section shall require the filing of a Variance application, pursuant to Chapter 19.72. Minor exceptions may be approved by the Director only if no other entitlements are required. If other approvals are necessary, the minor exception shall be filed concurrently.

19.58.040 Hearings and Notice

Upon receipt in proper form of a Minor Exception application, a public hearing shall be set and notice of such hearing given in a manner consistent with Chapter 19.52 (Hearings and Appeals).

19.58.050 Findings

Following a public hearing, the Director shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The Director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

(Ord. MC-1393, 12-02-13)

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zone classification;
2. That granting the Minor Exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Minor Exception is sought;

[Return to Municipal Code Contents]

3. That granting the Minor Exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;
4. That granting the Minor Exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
5. That granting the Minor Exception does not exceed 10% of the standard(s) being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
6. That granting the Minor Exception will not be inconsistent with the General Plan.

19.58.060 Precedents

The granting of a prior Minor Exception is not admissible evidence for the granting of a new Minor Exception.

19.58.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, as required by Section 19.58.050, is the responsibility of the applicant.

19.58.080 Minor Exception Expiration

A Minor Exception shall be exercised within one year from the date of approval, or the Minor Exception shall become null and void.

19.58.090 Time Extension

The Director may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Director shall ensure that the Minor Exception complies with all current Development Code provisions.

19.58.100 Use of Property Before Final Decision

No permit shall be issued for any use involved in an application for approval of a Minor Exception until, and unless, the same shall have become final, pursuant to Section 19.52.080 (Effective Date).

19.58.110 Revocation

The Director may hold a public hearing to revoke or modify a Minor Exception granted pursuant to the provisions of this Chapter. Fifteen days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Minor Exception was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of San Bernardino, and/or the project applicant.

A Minor Exception may be revoked or modified by the Director if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 19.58.050 can no longer be made, and the grantee has not substantially exercised the rights granted by the Minor Exception;
2. That the Minor Exception was obtained by misrepresentation or fraud;
3. That the improvement authorized pursuant to the Minor Exception had ceased or was suspended for six or more consecutive calendar months;
4. That one or more of the conditions of the Minor Exception have not been met, and the grantee has not substantially exercised the rights granted by the Minor Exception;
5. That the improvement authorized pursuant to the Minor Exception is in violation of any statute, ordinance, law, or regulation; or
6. That the improvement permitted by the Minor Exception is detrimental to the public health, safety, or welfare or constitutes a nuisance.

CHAPTER 19.60 MINOR MODIFICATIONS

Sections:

- 19.60.010 Purpose**
- 19.60.020 Application**
- 19.60.030 Applicability**

19.60.010 Purpose

The modification procedure is intended to provide a method whereby minor changes of 10 percent or less may be made to existing, previously approved land use entitlements, without any additional impact.

(Ord. MC-888, 12-07-93)

19.60.020 Application

The minor modification of a previously approved entitlement requires the approval of the Director, who may establish additional conditions to further the intent of this Chapter. An application for the minor modification shall be on a form prescribed by the Director and shall be filed with the Department, pursuant to Chapter 19.32 (Applications and Fees). Any modification request which exceeds the prescribed limitations outlined in this Chapter shall require the refiling of the original application and a subsequent hearing by the appropriate review authority.

19.60.030 Applicability

The Director may grant a minor adjustment to an approved permit up to a maximum of 10% governing only the following measurable design/site considerations, which in no case would result in a reduction from any minimum standard outlined in this Development Code:

1. On-site circulation and parking, loading and landscaping;
2. Placement and/or height of walls, fences and structures;
3. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and
4. An increase or decrease of not more than 10% in density or intensity of a Development Project.

(Ord. MC-888, 12-07-93)

[\[Return to Municipal Code Contents\]](#)

CHAPTER 19.62 NONCONFORMING STRUCTURES AND USES

Sections:

- 19.62.010 Purpose**
- 19.62.020 Nonconforming Structures**
- 19.62.030 Nonconforming Uses**
- 19.62.050 Structure Permits or Certificates of Occupancy Prohibited**
- 19.62.060 Removal of Illegal Nonconforming Structures and Uses**

19.62.010 Purpose

These provisions provide for the orderly termination of nonconforming structures and uses to promote the public health, safety, and general welfare, and to bring these structures and uses into conformity with the goals and policies of the General Plan. This Chapter is intended to prevent the expansion of nonconforming structures and uses to the maximum extent feasible, to establish the criteria under which they may be continued or possibly expanded, and to provide for the correction or removal of these land use nonconformities in an equitable, reasonable and timely manner.

It is hereby declared that nonconforming structures and uses within the City are detrimental to both orderly and creative development, and the general welfare of citizens and property. It is further declared that nonconforming structures and uses shall be eliminated as rapidly as possible without infringing upon the constitutional rights of property owners.

19.62.020 Nonconforming Structures

A structure which lawfully existed prior to the effective date of this Development Code is a legal nonconforming structure, and may continue even though the structure fails to conform to the present requirements of the zone in which it is located. A legal nonconforming structure may be maintained as follows:

(Ord. MC-1393, 12-02-13)

1. A legal nonconforming structure which is damaged to an extent of 1/2 or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this Development Code. However, any residential structure(s), including multi-family, in a residential zone destroyed by a catastrophe, including fire, may be reconstructed up to the original size, placement, and density. However, reconstruction shall commence within 2 years after the catastrophe.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

2. Necessary repairs and desired alterations may be made to a legal nonconforming residential structure(s), including multi-family.
3. Reasonable repairs and alterations may be made to legal nonconforming commercial, institutional, or industrial structures, provided that where the cost does not exceed the replacement cost of the legal nonconforming structure. However, improvements required to reinforce non-reinforced masonry structures shall be permitted without replacement cost limitations.
4. Changes to interior partitions or other nonstructural improvements and repairs may be made to a legal nonconforming commercial, institutional, or industrial structure, provided that the cost of the desired improvement or repair shall not exceed 1/2 of the replacement cost of the nonconforming structure over any consecutive 5-year period.
5. The replacement cost shall be determined by the Director.
6. Any additional development of a parcel with a legal nonconforming structure will require that all new structures be in conformance with this Development Code.
7. If the use of a nonconforming structure is discontinued for a period of 36 or more consecutive calendar months, the structure shall lose its legal nonconforming status, and shall be removed or altered to conform to the provisions of this Development Code. A use of a legal nonconforming structure shall be considered discontinued when any of the following apply:
 - A. Where characteristic furnishings and equipment associated with the use have been removed and not replaced and where normal occupancy and/or use has been discontinued for a period of 12 or more consecutive calendar months.

(Ord. MC-1411, 2-02-15)
 - B. Where there are no business receipts available for the 12 month period.

(Ord. MC-1411, 2-02-15)
8. The following provisions shall apply to the reuse of existing nonconforming commercial/industrial structures and/or sites.
 - A. Landscaping shall be upgraded and maintained in a viable growth condition and irrigated in compliance with Section 19.28.030(10).

- B. The parking lot landscaping shall be a minimum of 15% of the required parking lot area. However, if it is physically impossible to meet the minimum requirement, the Director may approve a reduction in the amount of landscaping required. No landscape improvements are required in areas not visible and/or accessible to the public.
- C. Existing, required parking spaces shall not be removed to provide additional landscaping.
- D. New uses in existing structures may be entitled to a reduction of up to 25% in the number of required parking spaces as determined by the Director.
- E. Existing wheel stops may remain. If repaving of the parking lot is necessary, existing wheel stops may be removed and reinstalled following the repaving, provided stall dimensional requirements are met. However, no installation of new or additional wheel stops shall occur.
- F. Installation of new concrete curbing may be required 3 feet from any walls, fences, property lines, walkways or structures adjacent to parking areas and drive aisles.
- G. Screening compatible with the existing structure shall be required for mechanical equipment pursuant to Section 19.20.030(21).
- H. A refuse enclosure shall be provided in compliance with adopted Public Works standards.
- I. Chain link fencing not in conformance with Code requirements shall be removed by the owner/applicant prior to the establishment of the commercial use pursuant to Section 19.20.030(8).
- J. A nonconforming structure may be reoccupied without complying with the building dimensional requirements pertaining to height, setbacks and/or lot coverage. All other requirements in the Municipal Code, including but not limited to the provisions of this Chapter, shall apply to the reoccupancy of the structure.

(Ord. MC-810, 10-08-91 (amended))

- K. A nonconforming structure that has historic significance may be reused for its original intended use regardless of the zoning designation if a Historic Resource Evaluation Report has been prepared that confirms the historic significance subject to the Director's determination that is compatible with surrounding land uses.

(Ord. MC-957, 2-05-96)

19.62.030 Nonconforming Uses

A nonconforming use is one which lawfully existed prior to the effective date of this Development Code, but which is no longer permitted in the zone in which it is located. The continuance of a legal nonconforming use is subject to the following:

1. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use does not change.
2. If a nonconforming use is discontinued for a period of 12 or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Development Code.

(Ord. MC-1411, 2-02-15)

3. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of this Development Code.
4. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
5. No nonconforming use may be established or replaced by another nonconforming use, nor may any nonconforming use be expanded or changed, except as provided in 19.62.030(6) and 19.62.030(7).
6. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use pursuant to Section 19.02.070(3), if all of the following findings are made:

[Return to Municipal Code Contents]

- A. That the nonconforming use is similar to the uses originally allowed in the center or complex;
- B. That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
- C. That the use of the entire center or complex has not been vacant or discontinued for a period of 36 or more calendar months.

(Ord. MC-957, 2-05-96)

7. An existing legal nonconforming use or legal nonconforming building may be minimally expanded or changed subject to the granting of a Development Permit if all of the following findings are made:

- A. That such expansion or change is minimal;
- B. That such expansion or change will not adversely affect or be materially detrimental to adjoining properties;
- C. That there is a need for relief of overcrowded conditions or for modernization in order to properly operate the use; and
- D. That the use is existing and has not been discontinued for a period of 36 or more calendar months.

(Ord. MC-957, 2-05-96; Ord. MC-888, 12-07-93)

19.62.050 Structure Permits or Certificates of Occupancy Prohibited

When any nonconforming structure or use is no longer permitted pursuant to the provisions of this Chapter, no permit for a structure shall thereafter be issued for further continuance, alteration, or expansion. Any permit issued in error shall not be construed as allowing the continuation of the nonconforming structure or use.

19.62.060 Removal of Illegal Nonconforming Structures and Uses

Nothing contained in this Chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming structures and uses. Said structures and uses shall be removed immediately subject to the provisions of Chapter 19.46 (Enforcement of Provisions) and State law.

[Return to Municipal Code Contents]

CHAPTER 19.63 REASONABLE ACCOMMODATION

Sections:

- 19.63.010 Purpose
- 19.63.020 Definitions
- 19.63.030 Procedure
- 19.63.040 Applicability
- 19.63.050 Findings
- 19.63.060 Appeals

19.63.010 Purpose

The purpose of this Chapter is to establish a procedure for an individual with a disability seeking equal access to housing to request reasonable accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (Acts).

19.63.020 Definitions

1. **Acts –**

The Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601-3619) and the California Fair Employment and Housing Act (Govt. Code §§12900-12996).

2. **Individual with a Disability –**

As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment, or anyone who has a record of that type of impairment.

3. **Reasonable Accommodation –**

The act of providing flexibility in the application of land use and zoning regulations, including modification or waiver of certain requirements to accommodate the needs of an individual with a disability.

19.63.030 Procedure

1. Approval Authority –

The Director shall have the authority to review and approve or deny requests for reasonable accommodation, based on the required findings. The Director may refer the matter to the Planning Commission or the Historic Preservation Commission if the project requires another discretionary action, or as appropriate.

2. Application Review and Decision –

A request for reasonable accommodation shall be made in writing by an individual with a disability or his or her representative, or a developer or provider of housing for an individual with a disability. The request shall identify the project, the standard that presents a barrier to reasonable accommodation, and the disability that requires reasonable accommodation. The Director may request additional information necessary for making a determination, consistent with the Acts and considering privacy rights of the individual. Prior to issuance of permits issued for construction including a reasonable accommodation, the Director may require recordation of a disclosure to inform future property owners of the granting of the reasonable accommodation, and whether or not the approval will run with the land.

19.63.040 Applicability

Reasonable accommodation is granted to the individual with a disability. Approval of a reasonable accommodation shall not run with the land unless the Director determines that (A) The modification is physically integrated with the structure and not easily removed or altered to comply with the Code; or (B) The accommodation is to be used by another individual with a disability.

19.63.050 Findings

A request for reasonable accommodation shall be granted only if all of the following findings are made:

1. The subject housing will be used by an individual with a disability as defined under the Acts.
2. The requested accommodation is necessary to make specific housing available to an individual with a disability.
3. The requested accommodation would not impose an undue financial or administrative burden on the City.
4. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

19.63.060 Appeals

The decision of the Director may be appealed to the Planning Commission, and a Planning Commission decision may be appealed to the Mayor and Common Council, pursuant to Chapter 19.52 Hearings and Appeals.

CHAPTER 19.64 SPECIFIC PLANS

Sections:

- 19.64.010 Purpose**
- 19.64.020 Pre-submittal and Preparation of Specific Plan**
- 19.64.030 Content of Specific Plan**
- 19.64.040 Hearings and Notice**
- 19.64.050 Commission Action on Specific Plans**
- 19.64.060 Council Action on Specific Plans**
- 19.64.070 Findings**
- 19.64.080 Specific Plan Consistency**

19.64.010 Purpose

The purpose of this Chapter is to establish uniform procedures for the adoption and implementation of Specific Plans for the coordination of future development within the City, consistent with Section 19.10.010 (2)(E)(SP [Specific Plan] District) and pursuant to Government Code Section 65450 et seq.

19.64.020 Pre-submittal and Preparation of Specific Plan

1. A pre-submittal application and fee are required prior to filing a formal Specific Plan application. A pre-application conference with Department representatives is required prior to the filing of the formal specific plan application.
2. The Specific Plan and Environmental Impact Report (EIR), if required, shall not be prepared by the same consulting firm.
3. Consultants and/or the applicant shall be responsible for preparation and advertisement of the Notice of Preparation (NOP) and the Notice of Completion (NOC) for the EIR, if an EIR is required.
4. Prior to the preparation of a Specific Plan or EIR the applicant shall hold a public scoping meeting to identify potential community impacts and concerns about the project. Public notice of the scoping meeting is required. Noticing procedures shall be defined by the Department at the pre-application conference.

[\[Return to Municipal Code Contents\]](#)

[\[Return to Title 19 Contents\]](#)

19.64.030 Content of Specific Plan

A Specific Plan application shall include a text and a diagram(s) which contain all of the provisions outlined in Government Code Sections 65451 and 65452, in addition to all data and related exhibits required by the Department.

19.64.040 Hearings and Notice

Upon receipt in proper form of a Specific Plan application, or direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 19.52 (Hearings and Appeals).

19.64.050 Commission Action on Specific Plans

The Commission shall make a written recommendation on the proposed Specific Plan whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 19.64.070.

Commission action recommending that the proposed Specific Plan be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

19.64.060 Council Action on Specific Plans

Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed Specific Plan based upon the findings contained in Section 19.64.070. Prior to Council action, all land within the scope of the Specific Plan shall be incorporated within the City.

19.64.070 Findings

A Specific Plan may be adopted only if all of the following findings are made:

1. The proposed plan is consistent with the General Plan;
2. The proposed plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s);
4. The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; and
5. The proposed plan will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.

19.64.080 Specific Plan Consistency

No public works project, tentative map or parcel map, or other land use entitlement may be approved, adopted or amended within an area covered by a Specific Plan, unless found consistent with the adopted Specific Plan.

CHAPTER 19.66 SUBDIVISION MAPS

Sections:

- 19.66.010 Purpose**
- 19.66.020 Application**
- 19.66.030 Exclusions**
- 19.66.040 Effect of Annexation**
- 19.66.050 Fees**
- 19.66.060 Definitions**
- 19.66.070 Division of Land – 5 or More Parcels**
- 19.66.080 Division of Land – 4 or Less Parcels**
- 19.66.090 Waiver of Parcel Map Requirements**
- 19.66.100 General**
- 19.66.110 Content and Form**
- 19.66.120 Accompanying Data and Reports**
- 19.66.130 Department Review**
- 19.66.140 Extension of Time**
- 19.66.150 Determination**
- 19.66.160 Expiration**
- 19.66.170 Extensions**
- 19.66.180 Minor Amendments**
- 19.66.190 Citation and Authority – Vesting Tentative Map**
- 19.66.200 Purpose – Vesting Tentative Map**
- 19.66.210 Application – Vesting Tentative Map**
- 19.66.220 Filing and Processing – Vesting Tentative Map**
- 19.66.230 Expiration – Vesting Tentative Map**
- 19.66.240 Rights of a Vesting Tentative Map**
- 19.66.250 Amendments – Vesting Tentative Map**

19.66.010 Purpose

The purpose of the subdivision requirements of this Development Code is to promote the public health, safety, general welfare and preserve the aesthetic quality of the City through the regulation and control of the division of land, and to supplement the provisions of the Map Act relating to design, improvement, and survey data of subdivisions, in addition to the form and content of all maps provided for by the Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To achieve this purpose, the regulations contained in this Development Code are determined to be necessary to promote orderly growth and development, open space, conservation,

[\[Return to Municipal Code Contents\]](#)

protection and proper use of land; and to ensure adequate provision for traffic circulation, utilities, and other services in the City.

It is the intent of this Development Code to incorporate by reference, to the maximum extent feasible, the provisions of the Map Act, consistent with Section 66411 of the Government Code, as may be amended from time to time.

19.66.020 Application

The subdivision regulations shall apply to all or part of any subdivision within the City, and to the preparation of any subdivision maps or other maps required by the Map Act.

19.66.030 Exclusions

This Development Code shall be inapplicable to those exclusions provided in the Map Act, Section 66412 of the Government Code.

19.66.040 Effect of Annexation

Any subdivision subject to annexation to the City shall comply with the Map Act, Section 66413 of the Government Code.

19.66.050 Fees

All persons submitting applications for maps or other approvals required by this Development Code shall pay, at time of application, all fees and/or deposits as contained in the City's "Fees for Planning Services," pursuant to Chapter 19.32 (Application and Fees).

19.66.060 Definitions

In addition to those terms defined below, and specific terms defined in other Chapters of this Development Code, this Chapter shall incorporate by reference those terms defined in the Subdivision Map Act, Section 66414 et seq. (Article 2. Definitions) of the Government Code.

Acreage. Any parcel of land, of 1 acre or more and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

Boundary Adjustment. A minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as approved by the City Engineer.

[\[Return to Municipal Code Contents\]](#)

City Engineer. The Director of Public Works/City Engineer of the City of San Bernardino; hereinafter referred to as "City Engineer."

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential or commercial buildings.

County Recorder. The County Recorder of the County of San Bernardino.

Department of Public Works. The Public Works Department of the City of San Bernardino; hereinafter referred to as "Public Works."

Environmental Impact Report (EIR). A detailed statement under the California Environmental Quality Act (CEQA), State Public Resources Code Sections 21000 et seq., describing and analyzing the significant environmental effects of a project and discussing methods to mitigate or avoid said effects.

Final Map. A map showing a subdivision for which a tentative and final map is required under the Subdivision Map Act, Section 66426 of the Government Code, prepared in compliance with the provisions of this Development Code and the Subdivision Map Act and designed to be recorded in the Office of the County Recorder.

Government Code. The Government Code of the State of California.

Improvement Standard. A specified requirement imposed by this Development Code relating to the installation, modification or removal by the subdivider of a street, sidewalk, utility, well, tree, storm drain or other facility as necessary for the general use by the lot owners of the subdivision and local neighborhood.

Lot Line Adjustments. See boundary adjustment.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

Negative Declaration. A detailed statement prepared under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code 21000 et seq., documenting that a project will not result in any significant environmental effects.

Parcel Map. A map showing a subdivision for which a parcel map is required under Subdivision Map Act Section 66426, subdivision (a), (b), (c) or (d) and other subdivisions for which a final map is not required under the Subdivision Map Act prepared in compliance with the provisions of this Development Code and the Subdivision Map Act designed to be recorded in the Office of the County Recorder.

[\[Return to Municipal Code Contents\]](#)

Remainder. That portion of an existing parcel which is not included as part of the proposed subdivision. The remainder is not considered as part of the subdivision, but must be shown on the required maps as part of the area surrounding subdivision development.

Shall and May. "Shall" is mandatory and "may" is permissive.

Subdivision Map Act. State of California Government Code Section 66410 to 66499; hereinafter referred to as "The Map Act."

19.66.070 Division of Land – 5 or More Parcels

Tentative and final maps shall be required for all subdivisions creating 5 or more parcels, pursuant to Map Act Section 66426.

19.66.080 Division of Land – 4 or Less Parcels

A tentative and final parcel map shall be required for all divisions of land creating four or fewer parcels, as well as those divisions contained in Map Act Section 66426.

A tentative and final parcel map shall not be required for those divisions outlined in Map Act Section 66428, nor for lot line adjustments contained in Map Act Section 66412 (d).

19.66.090 Waiver of Parcel Map Requirements

The City Engineer may, in the Engineer's discretion, waive parcel map requirements for the following:

1. Division of real property or interest therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or
2. A division of property resulting from the conveyance of land or interest to or from the City, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way, or easements for streets, sewers, utilities, drainage, etc.

Pursuant to Map Act Section 66428, the Commission may waive a parcel map upon making a finding that the proposed division of land complies with City requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Map Act, and the Municipal Code.

[Return to Municipal Code Contents]

Upon waiver of the parcel map requirement by the Commission, the City Engineer shall cause to be filed with the County Recorder a certificate of compliance for the land to be divided and a plat map showing the division.

A parcel map waived by the Commission may be conditioned to provide for payment of parkland dedication, area of benefit fees, and other fees.

19.66.100 General

The content and form, submittal and approval of tentative maps shall be governed by the provisions of this Chapter.

An application for approval of a tentative map pursuant to this Chapter shall not be accepted for filing until the subdivision has been determined by the Department to be consistent with the General Plan, applicable specific plans and this Development Code. Additionally, all required discretionary City approvals shall have been previously obtained or applications for same shall be filed concurrently with the tentative map.

19.66.110 Content and Form

The tentative map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall contain, but not be limited to, the following:

1. A title which shall contain the subdivision number, and type of subdivision.
2. Name and address of legal owner, subdivider and person preparing the map, including registration or license number.
3. Sufficient legal description to define the boundary of the proposed subdivision.
4. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.
5. Date, north arrow, scale, contour interval, and source and date of existing contours.
6. A statement of present land use designation(s) and of existing and proposed uses of the property.
7. A vicinity map showing roads, adjoining subdivisions, cities, creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community.
8. List the applicable agencies that provide service to the proposed subdivision (i.e., school district[s], gas, electric, water and sewer, telephone, cable TV, etc.).

[Return to Municipal Code Contents]

9. Existing topography of the proposed subdivision site and at least 100 feet beyond its boundary including, but not limited to:
 - A. Existing contours at 1 foot intervals if the existing ground slope is less than 15% and at not less than 5 foot intervals for existing ground slopes equal or greater than 15%. Contour intervals shall not be spread more than 150 feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 - B. Type, circumference and dripline of existing trees with a trunk diameter of four inches or more. Any trees proposed to be removed shall be so indicated.
 - C. The location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 - D. The approximate location of all areas subject to inundation or storm water overflow; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM"), as defined in Chapter 19.16 (Flood Plain Overlay District) of this Development Code.
 - E. The location, pavement and right-of-way width, grade and name of all existing and proposed public or private streets or highways.
 - F. The widths, location and identity of all existing easements.
 - G. The location and size of existing wells, septic tanks, sanitary sewers, fire hydrants, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on-site or on peripheral streets shall be indicated.
10. Proposed on-site and off-site improvements to be illustrated shall include, but not be limited to:
 - A. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be clearly indicated.
 - B. The location and radius of all curb returns and cul-de-sacs.
 - C. The location, width and purpose of all easements.

[Return to Municipal Code Contents]

- D. The angle of intersecting streets if the angle deviates from a right angle by more than two degrees.
 - E. The proposed lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the proposed finished grading of each lot, the preliminary design of all grading, numeric estimate of grading activity relating to excavation and fill, the elevation of proposed building pads, the top and the toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.
 - F. Proposed contours at one-foot intervals shall be shown if the existing ground slope is less than 15% and not at less than five-foot intervals for existing ground slopes of 15% or more. A separate grading plan may be required to be submitted.
 - G. Proposed recreation sites, bike paths, trails and parks for private or public use, which shall be indicated as lettered lots.
 - H. Proposed common areas and areas to be dedicated to public open space, which shall be indicated as lettered lots.
 - I. The location and size of proposed and existing sanitary sewers, fire hydrants, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
 - J. Any proposed locations and sizes of storm water runoff retention basins.
 - K. Subdivision improvements outside of the boundary including right-of-way, topography, and proposed work.
11. The name or names, state license number, address and telephone number, of any geologist and/or soils engineer whose services were required in the preparation of the tentative map.
12. The size of sheets shall be as required by the City Engineer. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be an engineering scale and of a size necessary to show all details clearly. All printing or lettering on the map shall be of 1/8 inch minimum height and of a shape and weight as to be readily legible on prints and other reproductions made from the original drawings.
13. If the subdivider plans to develop the site in units or phases, the proposed units or phases and their proposed sequence of construction shall be shown.

[Return to Municipal Code Contents]

14. Upon the written request of the subdivider, the Department may waive any of the above tentative map content requirements if the Department determines that the type of subdivision does not justify compliance with these requirements, or if the Department determines that other circumstances justify a waiver. The Department may require other drawings, data, or information as deemed necessary to accomplish the purposes of the Subdivision Map Act and this Development Code.
15. Names of all streets as approved by the Fire Department and the Department of Public Works/City Engineer.

19.66.120 Accompanying Data and Reports

The tentative map shall be accompanied by the following data and reports:

1. Street Identification. Proposed streets shall be alphabetically labeled.
2. Soils Report.
 - A. If a preliminary soils report is required, it shall be prepared by a civil engineer registered in this State and based upon adequate test borings, shall be submitted to the Department for every subdivision, pursuant to Chapter 15 of the Municipal Code.
 - B. A preliminary soils report may be required by the City Engineer.
 - C. If the City has knowledge of, or the preliminary soils report indicates the presence of critically expansive soils, liquefaction, or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Department. This soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which will prevent structural damage to each structure proposed to be constructed in the area where the soil problems exist.
 - D. The Commission may approve, upon recommendation of the City Engineer, the subdivision, or portion thereof, where a soils problem exists if it determines that the recommended action will prevent structural damage to each structure to be constructed, and a condition to the issuance of any building permit shall require that the approved recommended action will be incorporated into the construction of each structure.
3. Title Report. A preliminary title report, acceptable to the Department, showing the legal owners at the time of filing the tentative map, dated within 90 days of the application being deemed complete.

[Return to Municipal Code Contents]

4. Environmental Review. Information shall be submitted, as required by the Department, to allow a determination on environmental review to be made in compliance with CEQA. The various time limits contained in this Development Code for taking action on tentative maps shall not commence until the subdivision application is deemed complete for processing, pursuant to Public Resources Code 21151.5 and Map Act Sections 66452.1 and 66452.2. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
5. Preliminary Engineering Calculations. Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. This information shall include design parameters and engineering calculations, and be in conformance with the policies and procedures of Public Works.
6. Phasing. If the subdivider plans to file multiple final maps on the tentative map, a written notice to this effect shall be filed with the Department. Phase lines shall be shown on the map(s).
7. Solar Access. Any plans and information relating to solar access may be required to be submitted at the time of the tentative map submittal pursuant to the provisions of this Development Code.
8. Other Reports. Any other data or reports deemed necessary by the Department, or City Engineer.

19.66.130 Department Review

A prospective subdivider, or agent, may request a pre-application conference with the Department prior to formal submittal of a subdivision application, pursuant to Section 19.31.030. During the conference, the Department representative(s) shall inform the subdivider of applicable policies, plans, and requirements as they apply to the proposed subdivision, review the appropriate procedures outlined in this Development Code and examine possible alternatives or modifications relating to the proposed subdivision.

The tentative map application shall be filed with the Department. The application shall be determined by the Department to be complete only when the content and form of the tentative map conform to the requirements of Section 19.66.110 and when all accompanying data and reports, as required by Section 19.66.120, and all fees and/or deposits as required by Section 19.66.050, have been submitted and accepted by the Department. The subdivider shall file, with the Department, the number of tentative maps the Department deems necessary. The Department shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the Department their findings and recommendations.

[Return to Municipal Code Contents]

Within 10 days of the filing of a tentative map application, the Department shall send a notice of the filing of the application to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located, as outlined in Map Act Section 66455.7.

19.66.140 Extension of Time

Any applicable time limits for acting on the tentative map application may be extended by mutual written consent of the subdivider and the City, as outlined in Map Act Section 66451.1. A waiver of application time limits may be required to permit concurrent processing of related project requests.

19.66.150 Determination

1. Notice of Public Hearings.

Upon receipt of a complete application, the Department shall prepare a report with recommendations after environmental review by the ERC. The Department shall set the matter of a tentative parcel map for public hearing before the D/ERC or for a tentative tract map before the Commission, pursuant to Chapter 19.52. A copy of the Department report shall be mailed to the subdivider at least three days prior to the public hearing at the address designated on the application.

2. Action.

The D/ERC or the Commission shall approve, conditionally approve or deny the tentative parcel map or tract map, as applicable, within 50 days after the tentative parcel or tract map application has been determined by the Department to be complete, and report the decision to the subdivider. If an environmental impact report is prepared, the decision by the D/ERC or the Commission shall be made 45 days after certification of the report.

3. Determination.

The tentative parcel or tract map may be approved or conditionally approved by the D/ERC or the Commission if it finds that the proposed subdivision, together with the provisions for its design and improvements, are consistent with the General Plan, any applicable specific plan, and all applicable provisions of the Municipal Code. The D/ERC or the Commission may require, as a condition of its approval, that the payment by the subdivider of all development fees, required to be paid at the time of the application for, or issuance of, a building permit or other similar permit, shall be made at the rate for applicable fees in effect at the time of said application or issuance of a building or similar permit.

[Return to Municipal Code Contents]

The tentative parcel or tract map may be denied by the D/ERC or the Commission on any of the grounds contained in the Map Act, General Plan or the Municipal Code. The D/ERC or the Commission shall deny the tentative parcel or tract map if it makes any of the following mandatory findings contained in Map Act Section 66474:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

19.66.160 Expiration

1. The approval or conditional approval of a tentative parcel or tract map shall expire 24 months following approval by the D/ERC or the Commission. However, the map may be extended if the subdivider has complied with Map Act Section 66452.6(a) and (e). An extension to the expiration date may also be approved pursuant to Section 19.66.170.
2. The period of time outlined in (1.) above shall not include any period of time during which a lawsuit has been filed, whether or not first appealed to the next highest approving body, and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the D/ERC or the Commission. After service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Director, request a stay in the time period of the tentative map. Within 40 days after receiving the request, the D/ERC or the Commission shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the D/ERC or the Commission shall render its decision.
3. The period of time outlined in (1.) above shall not include any period of time during which a development moratorium is in effect pursuant to Map Act Section 66452.6.
4. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. The final map or parcel map documents submitted for filing must be accepted as adequate for approval by Council by the City Engineer prior to the expiration date.

19.66.170 Extensions

1. Request by Subdivider.

The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department. The application shall be filed not less than 30 days before the map is to expire and shall state the reasons for requesting the extension. The subdivider shall be solely responsible for filing the application.

2. Commission Action.

The Department shall review the request and submit the application for the extension, together with a report to the Commission for approval, conditional approval, or denial at the next regularly scheduled Commission meeting. A copy of the Department's report and recommendation shall be forwarded to the subdivider prior to the meeting on the extension. In approving, conditionally approving, or denying the request for extension, the Commission shall make findings supporting its decision. The subdivider shall pay any increase in unpaid applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map.

3. Conditions of Approval.

In granting an extension, new conditions or exactions may be imposed and existing conditions may be revised.

4. Time Limit of Extensions.

The time at which the tentative map expires may be extended by the Commission for a period not exceeding a total of 3 years.

19.66.180 Minor Amendments

Minor amendments to the approved tentative map or conditions of approval may be granted by the Department upon application by the subdivider or on the Department's own initiative, provided:

1. No lots, units, or building sites are added;
2. Changes are consistent with the intent of the original tentative map approval; and
3. There are no resulting violations of the Map Act, or this Development Code.

The amendment shall be indicated on the approved or conditionally approved tentative map and certified by the Director. Amendments to the tentative map conditions of approval which, in the opinion of the Department, are not minor, shall be presented to the Commission for its approval. Processing shall comply with the provisions for processing a tentative map as contained in this Development Code. Any approved amendment shall not alter the expiration date of the tentative map.

19.66.190 Citation and Authority – Vesting Tentative Map

This Chapter is adopted pursuant to Map Act Section 66498.1.

19.66.200 Purpose – Vesting Tentative Map

The purpose of this Chapter is to establish procedures necessary for the processing, reviewing and approving a vesting tentative map application, and to supplement the provisions of the Map Act and this Development Code. Except as otherwise contained in this Chapter, the provisions of this Development Code shall apply to a vesting tentative map application.

19.66.210 Application – Vesting Tentative Map

1. Whenever a provision of the Map Act, as implemented and supplemented by this Development Code requires the filing of a tentative map or tentative parcel map, a vesting tentative map may be filed, pursuant to the provisions of this Chapter.
2. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be a prerequisite to an approval for any proposed subdivision, permit for construction, or work preparatory to construction.

19.66.220 Filing and Processing – Vesting Tentative Map

A prospective subdivider, or agent, may request a pre-application conference with the Department prior to formal submittal of a subdivision application, pursuant to Section 19.31.030. During the conference, the Department representative(s) shall inform the subdivider of applicable policies, plans, and requirements as they apply to the proposed subdivision, review the appropriate procedures outlined in this Development Code and examine possible alternatives or modifications relating to the proposed subdivision.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as contained in Section 19.66.130 of this Development Code for a tentative map except as hereinafter provided:

1. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words, "Vesting Tentative Map."
2. An application for a vesting tentative map shall not be accepted for filing until the subdivision has been determined by the Department to be consistent with the General Plan, applicable specific plans and this Development Code.
3. All required discretionary City approvals shall have been previously obtained or applications for same shall be filed concurrently with the vesting tentative map.
4. At the time a vesting tentative map is filed, a subdivider shall supply the following information satisfactory to the Director, in addition to those requirements specified in Section 19.66.110 and 19.66.120:
 - A. Completed application;
 - B. Fees;
 - C. Property owners list of addresses (within 500 feet radius of property boundaries) printed on two sets of gummed labels;
 - D. Environmental information form;
 - E. Site plans, including the following items of information:
 1. Project boundary and dimensions,
 2. Dimensions relating center line, property line and curb,
 3. Building dimensions,

[Return to Municipal Code Contents]

4. Setback dimensions,
 5. Building locations and size dimensions,
 6. Street, driveway widths,
 7. Bike paths, if required,
 8. Mechanical equipment, location and dimensions,
 9. Trash storage design, location and dimensions,
 10. Recreation area location and design,
 11. Wall and fence location and design;
- F. Floor plans, dimensions and scale;
- G. Elevations
1. Dimensions and scale,
 2. Color and materials,
 3. Roof pitch and type;
- H. Landscape plans
1. Tree sizes, locations and species,
 2. Shrub species, range of sizes, typical locations,
 3. Groundcover (if not lawn, on-center dimension should be noted),
 4. Curbing and planter areas,
 5. Sidewalks,
 6. Lighting;
- I. One colored print of site plan, elevations and landscape plan, for public presentation;

- J. Colored rendering;
- K. Vicinity map (3½ inches by 3½ inches);
- L. Phasing map, if applicable;
- M. Preliminary grading plan;
- N. Sample materials board;
- O. Model, if required by the Development Review Committee;
- P. Uses of proposed buildings; and
- Q. Soils report, geological and hydrology studies, as required by the City Engineer.

19.66.230 Expiration – Vesting Tentative Map

The approval or conditional approval of a vesting tentative map shall expire at the end of the same period, and shall be subject to the same extensions, established by this Development Code for the expiration of an approved tentative map.

19.66.240 Rights of a Vesting Tentative Map

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Map Act Section 66474.2.
2. However, if Map Act Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.
3. Notwithstanding Section 19.66.240 (1) above, a permit approval, extension or entitlement may be made conditional or denied if any of the following findings are determined:
 - A. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - B. The condition or denial is required, in order to comply with state or federal law.

[Return to Municipal Code Contents]

4. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 19.66.230. If the final map is approved, these rights shall last for the following periods of time:
 - A. An initial time period of 1 year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded. All final maps or parcel maps must be recorded within the time period contained in Section 19.66.160 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
 - B. The initial time period contained in Section 19.66.160 (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds 30 days, from the date a complete application is filed.
 - C. A subdivider may apply for a 1 year extension at any time before the initial time period outlined in Section 19.66.160 (1) expires.
 - D. If the subdivider submits a complete application for a building permit during the periods of time outlined in Sections 19.66.240 (4)(A) through 19.66.240 (4)(C), the rights referred to herein shall continue until either expiration or extension of that permit.
 - E. Consistent with Section 19.66.240, an approved or conditionally approved vesting tentative map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

19.66.250 Amendments – Vesting Tentative Map

Amendments to the approved or conditionally approved vesting tentative map shall be made pursuant to Section 19.66.180.

CHAPTER 19.68 SURFACE MINING AND LAND RECLAMATION

Sections:

19.68.010	Purpose and Intent
19.68.020	Mineral Resource Protection
19.68.030	Definitions
19.68.040	Incorporation by Reference
19.68.050	Scope
19.68.060	Vested Rights
19.68.070	Standards for Reclamation
19.68.080	Statement of Responsibility
19.68.090	Process
19.68.100	Review by Planning Commission
19.68.110	Findings for Approval
19.68.120	Financial Assurances
19.68.130	Interim Management Plans
19.68.140	Annual Report Requirements
19.68.150	Inspections
19.68.160	Violations and Penalties
19.68.170	Appeals
19.68.180	Fees
19.68.190	Severability

19.68.010 Purpose and Intent

1. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
2. The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements),

and State Mining and Geology Board regulations (hereinafter referred to as “State regulations”) for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

- A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
 - B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 - C. Residual hazards to the public health and safety are eliminated.
3. In the event that the State amends SMARA to the extent that it adds to or conflicts with this Chapter, State law shall prevail.

19.68.020 Mineral Resource Protection

1. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation’s Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City’s General Plan.
2. In accordance with PRC §2762, the City’s General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

19.68.030 Definitions

The definitions set forth in this section shall govern the construction of this chapter.

Area of Regional Significance. An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, and open space.

Haul Road. A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle. Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operations. All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

19.68.040 Incorporation by Reference

The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and State regulations CCR §3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

19.68.050 Scope

1. Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of the California Environmental Quality Act (CEQA), the requirement of the Conditional Use Permit or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City, public and private.
2. This Chapter shall not apply to the following activities:
 - A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 - B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - (1) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act (“CEQA,” Public Resources Code, Division 13, §21000 et seq.).
 - (2) The City’s approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.

[Return to Municipal Code Contents]

- (3) The approved construction project is consistent with the general plan or zoning of the site.
 - (4) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- C. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
- (1) The plant site is located on lands with an appropriate Land Use Designation commensurate with the activity, according to the City's General Plan and Development Code.
 - (2) None of the minerals being processed are being extracted onsite.
 - (3) All reclamation work has been, or is being completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occur onsite after January 1, 1976.
- D. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- E. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose. (Otherwise known as "assessment work.")
- F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- G. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

- H. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

19.68.060 Vested Rights

1. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).
2. All other requirements of State law and this Chapter shall apply to vested mining operations.

19.68.070 Standards for Reclamation

1. All Reclamation Plans shall comply with the provisions of SMARA (§2772 and §2773) and State regulations (CCR §3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §3700-3713).
2. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

3. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

19.68.080 Statement of Responsibility

The property owner or mining operator shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be retained by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the land or operations, the new property owner or operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record, prior to beginning mining operations.

19.68.090 Process

1. Applications for a Conditional Use Permit for surface mining and land reclamation projects shall be made on forms provided by the Planning Division. Said application shall be filed in accord with this Chapter and procedures to be established by the Community Development Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (§2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Community Development Director. As many copies of the Conditional Use Permit application as may be required by the Community Development Director shall be submitted to the Planning Division of the Community Development Department.
2. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Conditional Use Permits for surface mining operations.
3. Applications shall include all required environmental review forms and information prescribed by the Community Development Director.

4. Within thirty (30) days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Pursuant to PRC §2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance.

Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application has been received.

5. The Planning Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.
6. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Community Development Director shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. If a Conditional use Permit is being processed concurrently with the Reclamation Plan and it becomes necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Conditional Use Permit with the condition that the Planning Division shall not issue the Conditional Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

19.68.100 Review by Planning Commission

1. Upon completion of the required environmental studies and the filing of all documents required by this Development Code, a public hearing will be scheduled for Planning Commission consideration regarding the Reclamation Plan and the companion Conditional Use Permit for the proposed or existing surface mining operation pursuant to Chapter 19.52 (Hearings and Appeals).

2. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. The Planning Commission staff report including the staff prepared responses to the State Department of Conservation, along with the minutes of the public hearing shall constitute the written response to the state.
3. The Planning Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).
4. The Planning Division shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plans, and a copy of the approved financial assurances to the State Department of Conservation within 30 days of approval.

19.68.110 Findings for Approval

1. Conditional Use Permits. In addition to the findings required by the City's Development Code, Chapter 19.36.050, Findings for Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
2. Reclamation Plans. The Planning Commission may only approve Reclamation Plans, if all of the following findings are made in the affirmative:
 - A. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
 - B. That the Reclamation Plan complies with applicable requirements of State regulations (CCR §3500-3505 and §3700-3713).
 - C. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the City's General Plan and any applicable resource plan or element.
 - D. That the Reclamation Plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

[Return to Municipal Code Contents]

- E. That the land and/or resources such as water to be reclaimed will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
- F. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
- G. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

19.68.120 Financial Assurances

1. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in State regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of San Bernardino and the State Department of Conservation.
2. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, removal of equipment and buildings which are not part of the approved end use, and other measures, if necessary.
3. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Planning Division shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates,

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by the mine operator, a licensed engineer or other professional experienced in the reclamation of mined lands, approved by the Director of Community Development. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permitter. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances to cover the Lead Agency's reasonable expenses for the administrative and legal fees required to foreclose on the financial assurance instrument.
5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
7. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and giving credit for reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. The annual SMARA inspection by the Lead Agency shall, in most cases, be used to validate the submitted estimate.

[\[Return to Municipal Code Contents\]](#)

8. Revisions to financial assurances shall be submitted to the Planning Division each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

19.68.130 Interim Management Plans

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Conditions of Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the Reclamation Plan. IMP's shall not be considered a project for the purposes of environmental review.
2. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
3. Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Director of Community Development.
4. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Community Development Director and the operator, the Director shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director of Community Development, to submit a revised IMP. The Community Development Director shall approve or deny the revised IMP within sixty (60) days of receipt. If the Director of Community Development denies the revised IMP, the operator may appeal that action to the Planning Commission.
5. The IMP may remain in effect for a period not to exceed five years, at which time the Director of Community Development may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

19.68.140 Annual Report Requirements

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City Planning Division on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

19.68.150 Inspections

1. The Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 19.68.120, to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a licensed engineer or other professional experienced in the reclamation of mined lands, or other qualified specialists, as selected by the Director of the Community Development Department. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.
2. The Planning Division shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

19.68.160 Violations and Penalties

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Conditional Use Permit, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the City Development Code for revocation of a Conditional Use Permit which are not preempted by SMARA.

19.68.170 Appeals

Any person aggrieved by an act or determination of the Planning Division in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the City Council, whichever is the next higher authority. An appeal shall be filed on forms provided, within fifteen (15) calendar days after the rendition, in writing, of the appealed decision.

19.68.180 Fees

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

19.68.190 Severability

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

CHAPTER 19.70 TEMPORARY USE PERMITS

Ord. MC-1385, 1-16-13

Sections:

- 19.70.010 Purpose**
- 19.70.020 Permitted Uses – Temporary Use Permits**
- 19.70.025 Permitted Uses – Special Event Permits**
- 19.70.030 Exemptions**
- 19.70.031 Prohibited Uses**
- 19.70.035 Development and Operational Standards for Temporary Use Permits**
- 19.70.036 Development and Operational Standards for Special Event Permits**
- 19.70.040 Application and Permit Issuance**
- 19.70.050 Findings**
- 19.70.060 Conditions of Approval**
- 19.70.070 Condition of Site Following Temporary Use**
- 19.70.080 Revocation**

19.70.010 Purpose

The Temporary Use and Special Event Permits allows for short-term activities which may be appropriate when regulated.

19.70.020 Permitted Uses – Temporary Use Permits

The following temporary uses may be permitted, subject to the issuance of a Temporary Use Permit:

1. Real estate offices and model homes within approved development projects;
2. On- and off-site contractors' construction yards in conjunction with an approved development project;
3. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force;
4. (repealed by Ord. MC-1414, 7-06-15)
5. Fireworks stands;

[\[Return to Municipal Code Contents\]](#)

6. Emergency public health and safety needs;
7. Temporary vehicle sales and car shows held at San Manuel Park;
8. (repealed by Ord. MC-1414, 7-06-15)
9. (repealed by Ord. MC-1414, 7-06-15)
10. Food carts, operated at fixed, pre-approved locations in the Main Street Overlay zone;
11. Food trucks on private property (limit of three trucks);
12. Group assemblies not subject to Section 19.70.025; and
13. Similar temporary uses which, in the opinion of the Director are compatible with the zone and surrounding land uses, pursuant to Section 19.02.070 (3) (Similar Uses Permitted).
14. Beer, wine, alcohol on public property (ABC Permits).

(Ord. MC-1414, 7-06-15; Ord. MC-1393, 12-02-13)

19.70.025 Permitted Uses – Special Event Permits

The following temporary uses may be permitted, subject to the issuance of a Special Event Permit:

1. Group assemblies with more than 100 attendees and/or for a duration longer than three days (excluding set-up and break-down);
2. Circuses, rodeos and carnivals, film-making activities, parades, marches, street closures, rights-of-way;
3. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities;
4. Pumpkin and Christmas tree sale lots;
5. Fund-raising car washes;
6. Produce stands in community gardens;

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

7. Food truck events (more than three trucks).
8. Certified Farmers Markets.
9. Beer, wine or alcohol on public or private property where no regular alcohol service is approved (ABC Permits).
10. Cannabis Special Events (items 1 - 9 shall not be applicable)

(Ord. MC-1519, 7-17-19; Ord. MC-1414, 7-06-15)

19.70.030 Exemptions

The following uses are exempt from the provisions of this chapter:

1. Garage and yard sales, provided the sales do not occur more than 12 times per year, for no more than three days per event, and only on the third weekend of the month, in compliance with Municipal Code Section 8.14.070.

(Ord. MC-1414, 7-06-15; Ord. MC-1393, 12-02-13; Ord. MC-1385, 1-16-13)

2. Temporary outdoor displays and sales, pursuant to Chapter 5.22 of the Municipal Code.
3. City-sponsored uses and activities, or activities occurring on City-owned property, occurring at regular intervals (weekly, monthly, yearly, etc.). Other City permits (building permits, encroachment permits, etc.) may be required.

In addition to the foregoing, the following uses shall be exempt from any permit fees required to be paid for a permit under this Chapter:

- A. A student of a U.S. educational institution seeking a special event permit for film-making activities upon presentation of a signed letter on school letterhead from a school administrator or instructor stating that the applicant is currently enrolled in the institution and that the filming activities are for educational purposes and not intended for commercial release.

Ord. MC-1575, 5-04-22; Ord. MC-1385, 1-16-13

19.70.031 Prohibited Uses

1. Any use not allowed in the underlying land use district.

(Ord. MC-1414, 7-06-15)

[Return to Municipal Code Contents]

2. Any food preparation activity, except for approved food carts, food trucks, or in conjunction as an accessory to an approved larger-scale temporary use or special event (i.e., food preparation as part of a carnival or company employee appreciation event).
3. Outdoor sale of goods not accessory to a primary retail use on the property or accessory to an event sponsored by an educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code (i.e., flower stands at a service station).
4. Car washes not sponsored by an educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code or by a bereaved family, and/or not located on the property controlled by the sponsoring entity, or on sites approved and developed as a commercial car wash.
5. Animal rides/petting zoos not in conjunction as an accessory to an approved larger-scale temporary use of special event (i.e., with a Christmas tree sales event or carnival).
6. Any other temporary use determined to be a nuisance or which does not comply with the requirements of this Development Code (i.e., located in a required parking space).

19.70.035 Development and Operational Standards for Temporary Use Permits

A. Real Estate Office and Model Homes

1. **Accessory facility only.** On-site temporary real estate offices or temporary model home complexes, may be established only within the boundaries of a residential subdivision for the limited purpose of conducting sales of parcels within the same subdivision. Off-site sales of parcels from any temporary office shall require a Conditional Use Permit.
2. **Allowed locations.** In all residential land use districts and all mixed-use developments with a residential component.

(Ord. MC-1414, 7-06-15)

3. **Requirements.** A temporary real estate sales office of model home complex established or maintained in compliance with this Subsection shall meet all of the following requirements:

[\[Return to Municipal Code Contents\]](#)

- a. An agreement and a cash deposit or surety bond in an amount sufficient to guarantee to the City the removal of the sales office or model home complex, or the restoration of the premises in conformity with the approved Development Permit and with the applicable provisions of this Development Code within 60 days after the last residence or parcel within the subdivision has been sold and escrow closed shall be required.
 - b. Off-street parking shall be provided at the same ratio as required for offices in compliance with Chapter 19.24 (Off-Street Parking Standards).
- 4. **Duration.** The temporary real estate sales office and temporary model home complex may be maintained until all of the on-site parcels in the subdivisions have been sold and the escrow closed.
- B. **On- and Off-Site Contractors' Construction Yards** - Shall be operated only in conjunction with an approved building permit. The construction yard shall be removed immediately upon completion of the construction project.
- C. **Temporary Residence** – Shall be limited to the property owner and only when a valid residential building permit is in force.
- D. **Pumpkin and Christmas Tree Sale Lots**
 - 1. **Exemptions.** A permit shall not be required when such sales are in conjunction with an established commercial business holding a valid business registration certificate.
 - 2. **Duration.** Pumpkin/Christmas tree sales shall only be held from October 1 through December 31.
 - 3. **Vacant Lots.** Applicants for Pumpkin/Christmas tree sales proposed on vacant lots shall provide adequate on-site parking spaces and access. A site plan shall be submitted to the Planning Division for review and approval and a \$1,000 cash deposit shall be provided to ensure clean-up of the site.
- E. **Fireworks Stands** – Allowed with a Temporary Use Permit when in compliance with Chapter 8.60 of the Municipal Code.
- F. **Temporary Vehicle Sales and Car Shows** may be held in the San Manuel Park, subject to an approved Temporary Use Permit. These activities are limited to twice per calendar year for a maximum of seven days per event type.

[Return to Municipal Code Contents]

G. Fund-Raising Car Washes

1. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code, or to bereaved families.
2. Fund-raising car washes shall occur no more than 12 days per calendar year per property.
3. Fund-raising car washes shall occur on the property controlled by the sponsoring entity, or on sites approved and developed as a commercial car wash.
4. Fund-Raising car washes shall be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.

H. Food Carts – Shall be operated only at fixed, pre-approved locations in the Main Street Overlay zone, at least 500 feet away from any restaurant and under current permits from the County Environmental Health Services Division.

I. Food Trucks – Shall be limited to no more than three trucks at any one time, on the same property occupied by the business/establishment hosting the temporary event, for no more than three days per event, with no event occurring more than twice per year per location and under current permits from the County Environmental Health Services Division. For the purposes of this Subsection, a shopping/business center shall count as a single host business/establishment. All other food truck events shall comply with Section 19.70.036 (Development and Operational Standards for Special Event Permits).

J. Group Assembly – A Temporary Use Permit shall be required for a group assembly not to exceed 100 persons nor continue for a duration exceeding three days (excluding set-up and break-down). A Special Event Permit shall be required for all group assemblies exceeding these parameters, and for all circuses, rodeos, carnivals, fairs, festivals and concerts when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities. No permit is required for group assemblies that occur completely indoors and within premises designed to accommodate such events.

19.70.036 Development and Operational Standards for Special Event Permits

A. Group assemblies over 100 attendees or for a duration longer than three days (excluding set-up and break-down), and for circuses, rodeos, carnivals, fairs, festivals, concerts and similar uses, a Special Event Permit shall be required unless the event occurs in a facility designed to accommodate such events. Events

[\[Return to Municipal Code Contents\]](#)

subject to a Special Event Permit shall occur no more than a maximum of 15 days per 180-day period per location.

B. Food Truck Events – In addition to complying with all applicable San Bernardino food truck event requirements, a Special Event Permit shall be required for all proposed food truck events that do not meet the criteria stated in Section 19.70.035.I.

1. **Location.** Food truck events may occur on any property improved with a non-residential land use up to two times per year per location for a maximum of three days per event. A Special Event Permit does not allow a food truck operator to roam the City streets. Food trucks operated in associated with an approved Special Event Permit must operate from the approved location per the permit only.

2. **Vacant lots.** Food truck events shall not occur on vacant lots or on unpaved surfaces.

C. Certified Farmers Markets are allowed in the CG-1, CG-2, CG-3, CR-1, CR-2, CR-3, CCS-1, CCS-2, CCS-3 and CH zones subject to the following criteria:

Ord. MC-1393, 12-02-13

1. Such use shall be limited to not more than 120 days in a calendar year.

2. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Community Development Director.

3. Seventy-five percent (75%) of the total farmers market sales area must be for the sale of farm products such as fruits, vegetables, nuts, herbs, eggs, honey, livestock food products (meat, milk, cheese, etc.), or flowers and value added farm products such as baked goods, jams, and jellies.

4. Farmers markets shall be certified and comply with the requirement of Chapter 10.5 Direct Marketing Requirements of Division 17 of the California Food and Agriculture Code.

5. All farmers markets shall have a market manager authorized to direct the operations of all vendors participating in the market on site during hours of operation. Farmer's market managers shall obtain and have on site all operating and health permits during hours of operation.

[Return to Municipal Code Contents]

6. Operating rules, hours of operation, and maintenance and security requirements shall be submitted for review to the satisfaction of the Community Development Director.

D. Parades (added by Ord. MC-1414, 7-06-15)

1. Definition of parade: "Parade" means a march, procession or athletic event consisting of people, animals, vehicles, or any combination thereof, on any City street, sidewalk, alley or other public right-of-way, which interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

The definition of parade does not include the following:

- A. Funeral processions.
- B. Parades of forty or fewer pedestrians marching along a route which is restricted to sidewalks and crossing streets only at pedestrian crosswalks or street corners in accordance with traffic regulations and controls, provided that pedestrians participating in the parade shall cross streets in units of fifteen or fewer persons and allow vehicles to pass between such units.
- C. Parades, athletic events or other special events occurring exclusively on City property for which another type of City permit is obtained.

(Ord. MC-522, 5-20-86; Ord. 2069, 8-01-55)

2. It is unlawful for any person to conduct, manage or participate in any parade without a written permit first having been secured from the Community Development Director and the Chief of Police.
3. Interference with parade. It is unlawful for any person to knowingly join or participate in any parade in violation of any terms of the permit for the parade, join or participate in any permitted parade without the consent of the parade sponsor, or in any manner interfere with the progress or orderly conduct of the parade.

(Ord. MC-522, 5-20-86; Ord. MC-369, 5-22-84; Ord. 2069, 8-01-55)

4. Permit application procedure

[Return to Municipal Code Contents]

- A. Any person desiring to conduct a parade shall file a verified application for a permit at the office of the Community Development Department not less than ten working days nor more than six months before the date on which the parade is proposed to be conducted.
- B. If an application is filed after the filing deadline, the Community Development Director and the Chief of Police shall immediately investigate to determine if he or she has sufficient time to process the application, to investigate the effects of the parade on traffic and other conditions, and to obtain police services for the event. The applicant may demonstrate that the circumstances giving rise to the parade did not reasonable allow the participants to file for a permit within the time prescribed and that imposition of the time limitation would unreasonably restrict the right of free speech. If such a demonstration is made to the reasonable satisfaction of the Community Development Director and the Chief of Police, he or she shall issue a permit despite the lack of ten days' advance notice.

5. Contents of permit application

- A. The application for a parade permit shall provide the following information:
 - 1. The name, address, and telephone number of the applicant, the sponsoring organization, the parade chairperson, and an alternate contact person. The Community Development Director and the Chief of Police may require a written authorization from an officer of the sponsoring organization.
 - 2. A statement of the nature or purpose of the event.
 - 3. The date and the estimated starting and ending time of the parade.
 - 4. The location of the proposed parade assembly area, disbanding area, and the route proposed for the parade.
 - 5. The type and estimated number of participants, vehicles, animals, and floats. Each float shall be described in terms of its width, height, power source, and speed. The number of participants in each marching unit shall be given and any sound amplifying equipment proposed for use shall be described.
 - 6. The training and instructions to be given to parade participants, the number and location of parade monitors to be employed or utilized and arrangements for parking which will be made.

[Return to Municipal Code Contents]

6. Conditions to permit. As a condition to granting a parade permit, the Community Development Director and the Chief of Police may impose reasonable requirements concerning the time and place of the parade, the area and manner of assembling and disbanding the parade, the route and spacing of all units, the maximum length of the parade, the maximum and minimum speed, the stops permitted, accommodation of other traffic, the number and type of vehicles, levels of sound amplification and other requirements found necessary for the protection of persons and property and for control of traffic.
7. Issuance or denial of permit. In accordance with standards uniformly applied to similar conditions, the Community Development Director and the Chief of Police shall issue the permit conditioned upon the applicant's written agreement to comply with any terms of the permit, unless the permit is denied on any of the following grounds:
 - A. An application received prior in time has been approved for the same time and place requested by the applicant or at a time and place so close as to cause undue traffic congestion or exceed the ability of the City to provide police and other services for both events.
 - B. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic in contiguous areas or will disrupt the use of streets at a time of usual traffic congestion.
 - C. The concentration of persons, animals and vehicles for parade purposes will prevent proper police, fire, or ambulance service to contiguous areas/
 - D. The parade is of a size or nature that requires a diversion of so great a number of police officers to police the line of march and contiguous areas that it will prevent reasonable police protection to the remainder of the City.
 - E. The location of the parade will substantially interfere with construction or maintenance work scheduled upon or along the City streets or will interfere with a previously granted encroachment permit.
 - F. The time, route and size of the parade will unreasonably disrupt the movement of other traffic.
 - G. Information contained in the application or any supplemental information furnished is found to be intentionally false in any material detail or the applicant fails to complete the application after having been notified of additional information that is required.

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- H. The applicant fails or refuses to comply with any condition reasonably imposed on the granting of the permit in order to ensure the safety of event participants, members of the Police Department or the public, or to ensure the orderly flow of traffic, or to avoid the likelihood of harm to public or private property, provided that nothing in this section authorizes the Chief of Police to impose conditions which unreasonably interfere with the right of free speech.

(Ord. MC-522, 5-20-86)

- 8. Alternative to denial: When the grounds for denial of an application can be corrected by altering the date, time, duration, route, or location of the event, the Community Development Director and the Chief of Police shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions of permit issuance. The conditions imposed shall provide only for such modifications of the applicant's proposal as are necessary to achieve compliance with Section 12.56.070
- 9. Appeal
 - A. Any applicant aggrieved by the decision of the Community Development Director and the Chief of Police with reference to the issuance, conditional issuance or denial of a permit, may appeal to the Common Council in accordance with the provisions of Chapter 2.64.
 - B. If there is insufficient time for a timely appeal to be heard by the Common Council prior to the date on which the event is scheduled, the applicant may, at his or her option, request an appeal before the city Manager. The City Manager, or his or her designee, shall hold a hearing no later than two business days after the filing of the appeal, and will render his or her decision no later than one business day after hearing the appeal. If the appeal is heard before the City Manager, the City Manager's decision shall be final. The City Manager may impose any conditions upon approval which the Chief of Police could have imposed.
- 10. Contents of Permit. In each permit, the community Development Director and the Chief of Police shall prescribe:
 - A. The date, time, route or location;
 - B. Conditions concerning time and place of assembly start, finish, and disbanding of the parade;

[Return to Municipal Code Contents]

[Return to Title 19 Contents]

- C. Conditions concerning accommodation of pedestrian or vehicular traffic, spectators, and the portion of streets to be traversed;
 - D. Requirements for first aid or sanitary facilities;
 - E. Requirements for use of event monitors and provision of notice of permit conditions to event participants;
 - F. Restrictions on the number and type of vehicles, animals, or structures in the parade and inspection of floats, structures, and decorated vehicles for fire safety.
 - G. Compliance with animal protection ordinances and laws;
 - H. Requirements for sanitary facilities, clean-up and restoration of City property;
 - I. Restrictions on use of amplified sound; and
 - J. Such other requirements as are found to be reasonably necessary for the protection of persons and property.
11. Revocation of Permit. Any permit for a parade issued pursuant to this Chapter may be summarily revoked by the City Manager or Mayor and Common Council at any time or by the Chief of Police on the date of the parade when by reason of a present or prospective disaster, riot, public calamity, or other emergency, it is determined that the safety of persons or property requires such revocation. When any permit is revoked pursuant to the provisions of this Chapter, the permit shall be reinstated as soon as the conditions constituting the emergency have abated.

(Ord. MC-522, 5-20-86)

12. Deposit – Barricades. The sponsor of an event desiring use of barricades shall be required to provide a deposit prior to the issuance of the parade permit. The deposit shall be in the amount established by resolution adopted by the Mayor and Common Council.

(Ord. MC-588, 4-22-87; Ord. MC-522, 5-20-86)

13. Indemnification Agreement. Prior to the issuance of a parade permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement which shall provide that the permittee/sponsoring organization shall defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury

[Return to Municipal Code Contents]

occurring in connection with the permitted event proximately caused by the actions of the permittee/sponsoring organization, its officers, employees or agents, or any person who was under the permittee's/sponsoring organization's control insofar as permitted by law. Persons who merely join in a parade are not considered by that reason alone to be "under the control" of the permittee sponsoring organization.

14. Insurance.

- A. The applicant/sponsor of a parade must possess or obtain public liability insurance to protect against the loss from liability imposed by law for damages on account of bodily injury and property damage arising from the parade. Such insurance shall name on the policy or by endorsement as additional insureds the City of San Bernardino, its officers, employees, and agents. Insurance coverage must be maintained for the duration of the event.
- B. Coverage shall be comprehensive general liability insurance policy. The minimum limits required shall be one million dollars for each occurrence of bodily injury and two hundred fifty thousand dollars for each occurrence of property damage.
- C. If food or non-alcoholic beverages are sold or served at the parade, the policy must also include an endorsement for products liability in an amount of not less than five hundred thousand dollars. If alcoholic beverages are sold or served at the parade, the policy must also include an endorsement for liquor liability in an amount of not less than five hundred thousand dollars.
- D. A copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Director of Human Resources not less than five days before the date of the parade unless said Director for good cause waives the filing deadline. The parade permit shall not be issued by the Community Development Director and the Chief of Police until after the insurance policy or certificate of insurance along with necessary endorsements have been filed by the applicant/sponsor and approved by said Director.
- E. The insurance requirements of subsections A and B above shall be waived by the Chief of Police for parades if the following conditions are satisfied:

1. The applicant or an officer of the sponsoring organization signs a verified statement that he or she believes the parade's purpose is First Amendment expression, and that he or she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one insurance agent or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage.

(Ord. MC-1027, 9-09-98; Ord. MC-522, 5-20-86)

15. Penalties. Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof, is punishable in accordance with the provisions of Section 1.12.010 of this Code. Criminal prosecution for a violation of this Chapter does not preclude the City from pursuing any available civil remedies arising from any activity regulated by this Chapter.

(Ord. MC-522, 5-20-86)

F. Cannabis Special Events

1. The applicant shall submit a Special Event application form to the City of San Bernardino with all required supplemental information including:
 - a) A site plan detailing the layout of the event according to the submittal requirements checklist contained in the application.
 - b) A Certificate of Liability insurance in the amount of a minimum of \$2,000,000, naming the City of San Bernardino as additional insured and in accordance with the submittal requirements checklist contained in the application.
 - c) A copy of the organizer's Cannabis Event Organizer License issued by the Bureau of Cannabis Control.
 - d) An emergency response and evacuation plan.

[Return to Municipal Code Contents]

- e) A traffic management plan that includes management of City sidewalks and public rights-of-way within a ¼ mile radius of the National Orange Show. The traffic management plan shall contain a parking plan, and a map of any off-site parking for the event that includes property owner authorization for any off-site parking and information detailing how attendees will get to the event site from the off-site parking area.
 - f) A waste management plan including a ¼ radius around the National Orange Show fairgrounds. The area included in the waste management plan shall be free of debris, litter, or any other evidence of the event within 24 hours of the end of the event.
2. The applicant shall obtain a Temporary Cannabis Event License through the California Department of Consumer Affairs, Bureau of Cannabis Control and comply with all regulations in Chapter 5 (Cannabis Events) of the California Code of Regulations, Title 16, Division 42.
 3. The applicant shall pay all fees to ensure the City obtains full cost recovery for all staff, including Planning, Public Safety, Public Works and Legal Counsel.
 4. The applicant shall make a payment of an event fee in the amount of \$7.50 per ticket estimated to be sold, to be remitted to the City of San Bernardino 14 days prior to the event date. The fee shall be calculated by the estimated attendance number plus an additional 25% of the total. After the event, the applicant shall provide proof of final ticket sales and this fee will be adjusted accordingly.
 5. The applicant shall notify property owners within a 500 foot radius of the event, by mail, 14 calendar days prior to said event, using for this purpose the last known name and address of such owners as shown upon the current tax assessor's records. Notice is deemed received two days after date of postmark. The list of property owners and tenant addresses shall be typed upon gummed labels, together with required postage. The list shall be prepared and certified by the applicant, or a title insurance company, civil engineer or surveyor licensed to practice in California. The notice shall state the nature of the event, location of the property (text or diagram), the date, time, and place of the scheduled event.
 6. The applicant for a Cannabis Special Event must submit a separate event application to the San Bernardino County Fire Department for review. A Cannabis Special Event must comply with all San Bernardino County Fire Department regulations.

[Return to Municipal Code Contents]

7. The applicant must provide complete list of vendors with proof of licensure 14 days prior to the event date. All vendors must also obtain a Temporary Business License through the City of San Bernardino Finance Department, Business Registration Division.
8. A cannabis event shall not commence before 12:00 pm on any day, and shall not end later than 10:00 pm on any day. A cannabis event may not run for more than 4 consecutive days.
9. The applicant shall be responsible for reimbursement costs to the City of San Bernardino for “ extraordinary law enforcement services” generated by the event. Extraordinary law enforcement services are those defined under the San Bernardino Municipal Code 8.82.
10. The use of A-frames, animated, moving, flashing, blinking, reflecting, revolving, or any similar signage is not permitted off-site. Signs/banners shall not be posted on the sidewalks, landscape areas, light poles, street signs, trees, etc. off-site. Banners may be attached to the fence.
11. The applicant must sign an acceptance of conditions agreement upon receipt of the permit approval letter.
12. No more than four Cannabis Special Events shall be permitted in any 12 month period, and no applicant may apply for more than one Cannabis Special Event permit in any 12 month period.

(Ord. MC-1519, 7-17-19)

19.70.040 Application and Permit Issuance

- A. General. A Temporary Use Permit or Special Event Permit shall be required prior to commencement of any use listed in Sections 19.70.020 and 19.70.025. A Temporary Use Permit or Special Event Permit may be approved, modified, conditioned, or denied by the Director, or the Director may refer such application to the Commission. Decisions of the Director may be appealed to the Commission pursuant to Chapter 19.52 (Hearings and Appeals).

All events associated with any Temporary Use Permit or Special Event Permit shall operate in compliance with all of the conditions associated with the Temporary Use Permit or Special Event Permit.

A copy of the approved Temporary Use Permit or Special Event Permit, along with the associated conditions, shall be in the possession of the person in charge during the event. Such copies shall immediately be presented to any City enforcement official upon request for examination.

Submittal Requirements (all applications).

1. A completed application form and Notarized property owner's authorization shall be provided.
2. Flame resistance certificate and specifications for tents/canopies.
3. List of all vendors and type of service provided.
4. All applicable fees, including any cleanup deposit, shall be provided.

B. Temporary Use Permit Applications.

1. Time to submit - A completed application form and fees shall be submitted no less than 10 working days from the date of the beginning of the proposed use (bereaved families submitting an application for a TUP, such as a fund-raising car wash, may submit an application at least five days in advance of the proposed event).
2. Review procedures - Upon receipt of a completed application and all related fees, the Community Development Department shall review and approve, modify, condition or deny the application. Note that review by outside agencies (i.e., the Fire Department or County Health Department) may be required.

C. Special Event Permit Applications.

1. Time to submit - A completed application form and fees shall be submitted no less than 30 working days from the date of the beginning of the proposed use.

Ord. MC-1414, 7-06-15

2. Review procedures - Upon receipt of a completed application and all related fees, the Community Development Department shall route the application to all applicable outside agencies responsible for reviewing the application (i.e., Police, Fire, County Health Department, etc.). Upon obtaining proof that all requirements of all outside reviewing agencies are met, the Community Department shall review and approve, modify, condition or deny the application.

[Return to Municipal Code Contents]

3. If off-site parking is required, the applicant shall provide proof from the owners of the properties on which the parking will be provided that the parking spaces to be used are not required parking spaces, or that the parking spaces used in conjunction with the special event will not be used during normal business hours. Additionally, the applicant shall provide a plan for shuttles or other means to ensure the safe passage of event attendees between the off-site parking spaces and the event.

19.70.050 Findings

Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the land use district of the subject site shall be used as a guide for determining the appropriate development standards for a temporary use. All activities shall be limited to their specified land use districts. A Temporary Use Permit or Special Event Permit may only be issued for activities allowed in the underlying land use district.

The Director may approve or conditionally approve a Temporary Use Permit or Special Event Permit application only when all the findings contained in Section 19.36.050 (Conditional Use Permits) are made.

19.70.060 Conditions of Approval

In approving an application for a Temporary Use Permit or Special Event Permit, the Director may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 19.36.050. These conditions may involve any pertinent factors affecting the operation of such temporary event, or use, and may include, but are not limited to:

1. Provision for a fixed period not to exceed 90 days for a temporary use not occupying a structure, including promotional activities, or 1 year for all other uses or structures, or for a shorter period of time as determined by the Director or as specified in this Chapter. Food carts and produce stands may be permitted for one year initially, and renewed annually, subject to verification of compliance with conditions of approval and County permit requirements, as applicable.
2. Provision for temporary parking facilities, including vehicular ingress and egress and any necessary shuttles or other means to ensure safe passage of event attendees from off-site parking areas to the event. The use of off-site private parking lots overflow parking may only occur if there is a demonstrated need for the additional parking and that the additional parking spaces are not required parking spaces, or the business(es) providing the parking will be closed when the parking spaces are to be used in conjunction with the temporary or special event;

3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination or drainage on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
5. Provision for sanitary and medical facilities, including toilet facilities;
6. Provision for solid, hazardous and toxic waste collection, including receptacles for trash and recyclables, and disposal;
7. Provision for security and safety measures, including fencing and lighting;
8. Standards for maintenance and upkeep, including irrigation and cutting of plant materials;
9. Regulation of signs;
10. Regulation of operating hours and days, including limitation of the duration of the temporary use, as outlined in Condition No. 1;
11. Submission of a performance bond or other surety devices, satisfactory to the City Engineer, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
12. Submission of a site plan indicating any information required by this Chapter;
13. A requirement that the approval of the requested Temporary Use Permit or Special Event Permit is contingent upon compliance with applicable provisions of the Municipal Code; and
14. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

19.70.070 Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used, pursuant to the provisions of this Development Code. A bond or cash deposit for the amount of \$1,000 shall be deposited with the City for operations that

[Return to Municipal Code Contents]

occur on vacant or undeveloped sites, to ensure cleanup after the activity is finished. A performance security may be required for other proposed temporary uses prior to the commencement of such activities to ensure cleanup after those activities.

19.70.080 Revocation

A Temporary Use Permit or Special Event Permit may be revoked or modified by the Director if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings of fact contained in Section 19.36.050 can no longer be made;
2. That the Temporary Use Permit or Special Event Permit was obtained by misrepresentation or fraud;
3. That one or more of the conditions of the Temporary Use Permit or Special Event Permit have not been met; and
4. That the use is in violation of any statute, ordinance, law, or regulation.

CHAPTER 19.72 VARIANCES

Sections:

- 19.72.010 Purpose
- 19.72.020 Application
- 19.72.030 Applicability
- 19.72.040 Hearings and Notice
- 19.72.050 Findings
- 19.72.060 Precedents
- 19.72.070 Burden of Proof
- 19.72.080 Variance Expiration
- 19.72.090 Time Extension
- 19.72.100 Use of Property Before Final Decision
- 19.72.110 Revocation

19.72.010 Purpose

These provisions shall ensure the following:

1. Variances from the terms of this Development Code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zones;

Ord. MC-1393, 12-02-13
2. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
3. The power to grant Variances does not extend to use regulations. Flexibility in use regulations is provided in the Conditional Use Permit provisions of this Development Code.
4. Modifications from the permissive requirements of the Design Guidelines are not subject to a variance.

19.72.020 Application

Application for a Variance shall be filed in a manner consistent with the requirements contained in Chapter 19.32 (Applications and Fees).

19.72.030 Applicability

The Commission may grant a Variance from the requirements of this Development Code governing only the following matters:

1. Permit the modification of the dimensional standards of the following:
 - A. Distance between structures
 - B. Lot area
 - C. Lot coverage
 - D. Lot dimensions
 - E. Setbacks
 - F. Structure heights
2. Permit the modification of sign regulations;
3. Permit the modification of the number and dimensions of parking area or loading space requirements; and
4. Permit the modification of subdivision access route standards pursuant to Section 19.30.200 (6).

Ord. MC-902, 4-19-94

19.72.040 Hearings and Notice

Upon receipt in proper form of a Variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with Chapter 19.52 (Hearings and Appeals).

19.72.050 Findings

Following a public hearing, the Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The Commission may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zone;
2. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought;
3. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;
4. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
5. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
6. That granting the Variance will not be inconsistent with the General Plan.

Ord. MC-1393, 12-02-13

19.72.060 Precedents

The granting of a prior Variance is not admissible evidence for the granting of a new Variance.

19.72.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, as required by Section 19.72.050, is the responsibility of the applicant.

[\[Return to Municipal Code Contents\]](#)

19.72.080 Variance Expiration

A Variance shall be exercised within one year from the date of approval, or the Variance shall become null and void.

Any previously approved Variance that had not expired as of September 13, 1993, shall be extended by two years. This automatic extension of time is a one-time extension from September 13, 1993, and is in addition to the time granted under the initial approval of the Variance or any subsequent approval of an extension of time.

Ord. MC-895, 1-26-94

19.72.090 Time Extension

The Commission may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure that the Variance complies with all current Development Code provisions.

19.72.100 Use of Property Before Final Decision

No permit shall be issued for any use involved in an application for approval of a Variance until, and unless, the same shall have become final, pursuant to Section 19.52.080 (Effective Date).

19.72.110 Revocation

The Commission may hold a public hearing to revoke or modify a Variance granted pursuant to the provisions of this Chapter. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Variance was granted. Notice shall be deemed delivered two days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of San Bernardino, and/or the project applicant.

A Variance may be revoked or modified by the Commission if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings contained in Section 19.72.050 can no longer be made, and the grantee has not substantially exercised the rights granted by the Variance;
2. That the Variance was obtained by misrepresentation or fraud;
3. That the improvement authorized pursuant to the Variance had ceased or was suspended for six or more consecutive calendar months;
4. That one or more of the conditions of the Variance have not been met, and the grantee has not substantially exercised the rights granted by the Variance;
5. That the improvement authorized pursuant to the Variance is in violation of any statute, ordinance, law, or regulation; and
6. That the improvement permitted by the Variance is detrimental to the public health, safety, or welfare or constitutes a nuisance.

CHAPTER 19.74 ZONING MAP AMENDMENTS

Sections:

- 19.74.010 Purpose**
- 19.74.020 Hearings and Notice**
- 19.74.030 Commission Action on Amendments**
- 19.74.040 Council Action on Amendments**
- 19.74.050 Findings**

19.74.010 Purpose

The Council may amend the Official Land Use Zoning District Map, herein referred to as the “Zoning Map” of the City of San Bernardino whenever required by public necessity and general welfare.

19.74.020 Hearings and Notice

Upon receipt in proper form of a Zoning Map Amendment application, or direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 19.52 (Hearings and Appeals).

19.74.030 Commission Action on Amendments

The Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 19.74.050.

Commission action recommending that the proposed amendment be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

19.74.040 Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 19.74.050. Amendments to the Zoning Map shall be adopted by ordinance.

19.74.050 Findings

An amendment to the Zoning Map may be adopted only if all of the following findings are made:

1. The proposed amendment is consistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The proposed amendment would maintain the appropriate balance of land uses within the City; and
4. The subject parcel(s) is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

Ord.MC-1387, 4-03-13

INDEX

(See also Charter Index)

1911 ACT

Defined - §12.94.010

1913 ACT

Defined - §12.94.010

1915 ACT

Defined - §12.94.010

-A-

A (AIRPORT OVERLAY) DISTRICT

Airport District (AD) -I

Area Defined - §19.12.020

Use Regulations -
§19.12.050

Lot Size - §19.12.050

Maximum Height of
Structures - §19.12.050

Airport District (AD)-II

Area Defined - §19.12.020

Use Regulations -
§19.12.060

Lot Size - §19.12.060

Maximum Height of
Structures - §19.12.060

Airport District (AD)-III - §19.12.070

Area Defined - §19.12.020

Airport District (AD)-IV- §19.12.080

Area Defined - §19.12.020

Airport District (AD)-V- §19.12.090

Area Defined - §19.12.020

Created - §19.12.030

ABANDONED VEHICLE

Ch. 8.36

Abatement - §8.36.080

Administrative Costs -
§8.36.070

Defined - §10.04.025

Lien on Property - §8.36.150

Notice - §8.36.090

Parking (72 Hours) -
§10.16.230

Private Property, Entering -
§8.36.060

Public Hearing - §8.36.100

Appeal - §8.36.120

City Manager - §§8.36.100,
8.36.110

Removal - §8.36.130

Notice to DMV - §8.36.140

ABANDONED WELL

Defined - §13.24.020

ABANDONED WORK

Prima Facie Evidence of -
§15.04.065

ABANDONMENT

Defined - §13.24.020

ACCESSORY DWELLING UNIT - 19.04.030(2)(P)

ACCIDENT, TRAFFIC

Report of Damage to Public
or Public Utility Property -
§10.40.010

Confidential - §10.40.020

ACCOUNTABILITY, SOCIAL HOST - §8.83

Hosting, Permitting, or
Allowing a Gathering Where
Minors Consuming Alcoholic
Beverages, Marijuana and
Other Controlled Substances
Prohibited - §8.83.030

ACCOUNTANT

Business Registration
Certificate - §5.04.525

ACT UNLAWFUL

Includes Causing or
Permitting - §1.04.060

ADMINISTRATIVE CITATION PROCESS

Administrative Adjudication
Procedures Not Exclusive -
§9.92.160

Administrative Costs -
§9.93.015

Administrative Hearing Officer
- §9.92.020

Appeals - §9.92.180

Applicability of Administrative
Adjudication Procedures -
§9.92.170

Contents of Citation -
§9.92.060

Disposition of Fines -
§9.92.140

Failure to Pay Fines -
§9.92.090

Legislative Findings and
Statement of Purpose -
§9.92.010

Publication and Availability
of Rules and Regulations -
§9.92.100

Request for Hearing on an
Administrative Citation -
§9.92.080

Satisfaction of the
Administrative Citation -
§9.92.070

Severability - §9.92.190

Service Procedures -
§9.92.050

Use of Administrative Citation -
§9.92.030

Violation; Authority; Fines -
§9.92.040

ADMINISTRATIVE CITATIONS

Animals - Ch. 6.14

Contents of Citation -
§6.14.060

[Return to Municipal Code Contents]

Definitions - §6.14.020
 Failure to Pay Fines - §6.14.090
 Hearing Officer's Decision Final - §6.14.100
 Request for Hearing on an Administrative Citation - §6.14.080
 Satisfaction of the Administrative Citation - §6.14.070
 Service Procedures - §6.14.050
 Use of the Administrative Citation - §6.14.030
 Violation; Authority; Fines - §6.14.040

ADMINISTRATIVE CIVIL PENALTIES - CH. 9.93

Administrative Adjudication Procedures Not Exclusive - §9.93.200
 Administrative Costs - §9.93.050
 Notice and Order. Failure to Comply with - §9.93.060
 Procedures - §9.93.030
 Service of Notices - §9.93.035

Administrative Hearing;
 Failure to Attend - §9.93.130
 Procedures - §9.93.120
 Request and Notice - §9.93.080

Administrative Hearing Officer - §9.93.015
 Appointment and Qualifications of - §9.93.110
 Powers of - §9.93.110
 Recusal of - §9.93.100

Administrative Hearing Order - §9.93.140
 Failure to Comply with - §9.93.150

Collection of Unpaid Administrative Citation Fines, Administrative Civil Penalties, and Administrative Costs - §9.93.170
 Determination of Administrative Civil Penalties - §9.93.040
 Judicial Review - §9.93.160
 Liability of Responsible Parties - §9.93.145

ADMINISTRATIVE MANDAMUS
 Ch. 1.26
 Time Limits - §1.26.010

ADU - (ACCESSORY DWELLING UNIT) - 19.04.030(2)(P)

ADULT ENTERTAINMENT
 Appeal - §5.14.120
 Application Requirements - §5.14.040
 Definitions - §5.14.010
 Exceptions - §5.14.140
 Exemptions from filing, processing and licensing fees - §5.14.100
 Issue of License-Investigation - §5.14.050
 Licenses and Fees not Exclusive - §5.14.130
 License-Application and Fees - §5.14.030
 License Duration - §5.14.090
 License Fee - §5.14.080
 License-Nontransferable-Posting - §5.14.070
 License-Required - §5.14.020
 Movies - §5.80.210
 Operational Services - §5.14.060
 Severability - §5.14.150
 Suspension/Revocation of license - §5.14.110

Violations & Penalty - §5.14.160

ADVERTISING
 Business Registration Certificate - §§5.04.110, 5.04.360, 5.04.525
 Commercial, on Sound Vehicle - §8.57.070
 Fire Removal or Closing-out Sales - §5.16.150
 Taxicabs - §5.76.170

AEROSOL CONTAINERS
 Inaccessibility to Public - §8.68.010
 Possession of Tips by Minors - §8.69.090

AFFIRM
 Defined - §1.04.010

AFFIRMATIVE ACTION
 Human Resources- §2.04.040

AFFIRMED
 Defined - §1.04.010

AGENTS
 Acts Done By - §1.04.050

AGRICULTURAL WELL
 Defined - §13.24.020

AIR GUNS
 Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
 Parks, Restrictions in - §12.80.130

AIRCRAFT
 Defined - §8.15.020
 Litter, Dropping From - §8.15.120

AIRPLANES, MODEL
 Parks, Restrictions in - §12.80.130

AIRPORT DRIVE
 Weight Limitation, 10,000 Lbs. - §10.24.190

[Return to Municipal Code Contents]

AIRPORT ZONE - CH. 19.12A

Uses

- Permitted - §19.12A.020
- Requires Conditional Use Permit- §19.12A.020
- Requires Development Permit- §19.12A.020
- Development Standards - §19.12A.030

ALARM AGENT

- Defined - §8.81.020
- Registration - §8.81.050

ALARM BUSINESSES

- Business Registration Certificate - §5.04.525
- Defined - §8.81.020
- Registration - §8.81.040
- Notice of Change - §8.81.060
- Revocation of Permit - §8.81.150

ALARM SYSTEMS

- Agent Registration - §8.81.050
- Possession - §8.81.130
- Audible Alarm - §8.81.080
- Automatic Dialing - §§8.78.010, 8.81.140
- Automobiles - §8.81.030
- Business Registration - §8.81.040
- Notice of Change - §8.81.060
- Defined - §8.81.020
- False Alarms - §8.81.100,
- List of Users - §8.81.120
- Live Answering Service - §8.78.020
- Notice of Service - §8.81.110
- Permit - §8.81.070
- Fee - §8.81.070
- Revocation - §8.81.150
- To Install - §8.78.030
- Transfer - §8.81.180

Taped Message - §§8.78.010, 8.81.140

ALARM USER

- Defined - §8.81.020

ALARMS

- Agent
- Defined - §8.81.020
- Registration - §8.81.050
- Audible - §8.81.080
- Defined - §8.81.020
- Business, Defined - §8.81.020
- False - §8.81.100
- Defined - §8.81.020
- Intrusion, Defined - §8.81.020
- Panic, Defined - §8.81.020
- Robbery, Defined - §8.81.020
- System, Defined - §8.81.020
- User, Defined - §8.81.020

ALCOHOLIC BEVERAGES

- Consumption by minors unlawful- - §8.83.020
- Consumption Unlawful Where - §9.32.030
- Exceptions - §9.32.040
- Defined - §9.32.010
- Incidental Businesses, Business Operator Permit - §§5.82.020, 5.82.030
- Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
- Parks, Restrictions in - §12.80.130

ALCOHOLS

- Discharge into Storm Drains - §8.80.010

ALDEHYDES

- Discharge into Storm Drains - §8.80.010

ALLEY

- Burning Rubbish in Prohibited - §8.21.020

Defined - §10.04.030

Reckless Driving of Animals - §10.24.120

Stop When Emerging From - §10.20.030

Water, Drainage onto - §12.44.040

ALLOWABLE OPERATING EXPENSES

- Defined - §8.90.200

ALQUIST-PRIOLO

EARTHQUAKE FAULT ZONES

§15.04.120

ALTERATIONS

- Business Registration Certificate - §5.04.525

ALTERING

- Defined - §13.20.035

AMBULANCE

- Defined - §5.76.020

AMBULANCE SERVICE

- Advertising - §5.76.170
- Amendments - §5.76.080
- Attendants - §5.76.520
- Authorized Service Only - §5.76.100
- Business Registration Certificate - §5.04.525
- Drivers - §§5.76.280, 5.76.520
- Investigation - §5.76.290
- Equipment - §§5.76.330, 5.76.510
- Identification of Vehicles - §5.76.300
- Increase in Service - §5.76.060
- Insurance - §5.76.140
- Notice - §5.76.440
- Numbering of Vehicles - §5.76.160
- On-Scene Time - §5.76.350
- Permit - §5.76.030
- Cancellation - §5.76.110

[Return to Municipal Code Contents]

- Fees - §5.76.040
- Hearings - §5.76.050
- Issuance - §5.76.050
- Petition - §5.76.040
- Plates, Display of - §5.76.130
- Revocation - §5.76.110
- Suspension - §5.76.110
- Transfer - §5.76.070
- Rates - §§5.76.230, 5.76.500
- Changes - §5.76.240
- Discrimination - §5.76.250
- Display - §5.76.260
- No Free Service - §5.76.510
- Records - §5.76.380
- Refusal to Pay - §5.76.270
- Reports - §5.76.120
- Trip Sheets - §5.76.370
- Vehicle - §5.76.510
- AMPLIFIED SOUND
- Defined - §12.80.020
- Parks, Restrictions in - §12.80.130
- ANGLE PARKING
- §10.16.030
- ANIMAL CONTROL COMMISSION
- Duties - §2.26.020
- General - Ch. 2.17
- Members - §2.26.010
- ANIMAL CONTROL DEPT.
- Ch. 2.80
- Department to Enforce Title 6 - §6.01.130
- Director of, Authority to Arrest and Issue Citations - §§6.13.020, 9.90.010
- Duties - §2.80.020
- Employees
- Authority to Issue Notices to Appear - §6.01.130
- Established - §2.80.010

- Officers, Authority to Arrest and Issue Citations - §9.90.010
- ANIMAL HEALTH TECHNICIANS
- Authority to Arrest and Issue Citations - §9.90.010
- ANIMAL LICENSE CHECKERS
- Authority to Arrest and Issue Citations - §9.90.010
- ANIMAL SHELTER ATTENDANTS
- Authority to Arrest and Issue Citations - §9.90.010
- ANIMALS
- Title 6
- Animal Runs - §6.01.090
- Bites - §6.08.220
- Confinement or Destruction
- Cats - §6.08.160
- Dogs - §6.08.160
- Other Animals - §6.08.160
- Boar - §6.03.030
- Bovine Animal - §§6.03.020, 6.01.150, 6.03.025
- Bridge, Driving more than 25 over - §12.48.010
- Caprine Animal - §6.03.020
- Cats - §6.10
- City Buildings, Prohibited in - §8.95.010
- Exceptions - §8.95.020
- Cow - §6.03.020
- Dead. Disposal of - §12.44.060
- Unlawful to Deposit on Street - §12.44.010
- Dogs - Ch. 6.08
- Equine Animal - §§6.04.020, 6.04.030
- Conditions - §6.06.020
- Permit
- Vaccinations - §6.08.100

- Fees - §6.01.040
- Food and Water - §6.01.060
- Fowl - Ch. 6.05
- Gilt - §6.03.030
- Goat - §6.03.020
- Guinea Pigs - §6.03.040
- Hogs - §6.03.030
- Horses - Ch. 6.04
- Housing - §6.01.060
- Ventilation - §6.01.080
- Keeping of - §6.03.010
- Nuisance - §6.02.020
- Landscape Maintenance Assessment
- Districts, Restrictions in - §12.90.015
- License, Denial of - §6.01.120
- Livestock
- Bovine Animals - §6.01.150, 6.03.025
- Other than Bovine Animals - §6.01.150
- Nuisance - §6.02.020
- Mandatory Spray/Neuter, Failure to Comply - §6.01.060
- Ovine Animal - §6.03.020
- Parks, Restrictions in - §§6.02.030;12.80.130
- Peacocks - §6.05.040
- Police Dogs - §6.12.010
- Protection of Public - §6.01.070
- Rabbits - §6.03.040
- Rabies
- Confinement or Destruction of Suspected Animals - §6.08.170
- Unlawful to Conceal - §6.08.200
- Vaccination
- Dogs - §§6.08.100; 6.08.110

[\[Return to Municipal Code Contents\]](#)

Exemption - §6.08.120
Other Animals -
§6.08.150
Ratite - §6.03.020
Reckless Driving on Street or
Alley - §10.24.120
Restraint, Methods of -
Improper
Restraint - §6.08.145
Roosters - §6.05.040
Sheep - §6.03.020
Skunks, Quarantine -
§6.11.010
Sow - §6.03.030
Steer - §6.03.020
Vaccination - §6.08.150
Dogs - §6.08.110
Veterinarian, Examination and
Treatment by - §6.01.100
Violations, Correction of -
§6.01.110
ANTIQUES
Business Registration
Certificate - §5.04.525
APIARIES
More Than 2 Swarms
Nuisance - §8.03.010
Unlawful - §8.03.020
APPLICANT
Defined - §§13.20.040
ARCHITECT
Business Registration
Certificate - §5.04.525
ARLINGTON DRIVE
Commercial Vehicles
Prohibited - §10.24.190
ARMORED CAR SERVICE
Business Registration
Certificate - §§5.04.345,
5.04.525
ARREST, AUTHORITY TO
Animal Control, Director of -
§9.90.010

Animal Control Officers -
§9.90.010
Animal Health Technicians -
§9.90.010
Animal License Checkers -
§9.90.010
Animal Shelter Attendants -
§9.90.010
Carousel Mall Security Guard
Personnel - §9.90.010
City Attorney Investigators -
§9.90.010
City Engineer - §9.90.010
Development Services,
Director of - §9.90.010
Environmental Control
Representative - §9.90.010
Environmental Control
Technician - §9.90.010
Facilities Management,
Director of - §10.16.150
Fire Chief - §§2.12.040,
8.18.030
Investigators
City Attorney - §9.90.010
Law Enforcement Trainee -
§10.48.090
Parking Control Checkers -
§10.16.150
Planners I - §9.90.010
Planners II - §9.90.010
Planning Aides - §9.90.010
Police Assistants - §9.90.010
Police Officer - §10.48.090
Police Reserves - §2.38.090
Principal Planners - §9.90.010
Public Works, Director of -
§9.90.010
Reserve Police Officer -
§10.48.090
Senior Planners - §9.90.010
Water Reclamation, Director
of - §9.90.010

ARROWHEAD AVENUE
Sound Vehicle - §8.57.030
Speed Limit
35 mph - §10.52.020
40 mph - §10.52.030
Weight Limitation, 10,000 Lbs.
- §10.24.190
ART ARTICLES
Defined - §5.04.505
Temporary Display of -
§5.04.505
Business Registration
Certificate - §5.04.505
ART GALLERY
Business Registration
Certificate - §5.04.525
ART STUDIO
Business Registration
Certificate - §5.04.525
ARTESIAN FLOW
Defined - §13.20.045
ARTESIAN WELL
Defined - §13.20.050
ASPHALT STREET
Defined - §12.04.010
ASSAYER
Business Registration
Certificate - §5.04.525
ASSESSMENT DISTRICTS
Ch. 12.90
Assessment Roll -
§§12.90.100, 12.90.110
Assessments - §§12.90.080,
12.90.090
Attorneys - §12.90.010
Benefit - §12.90.090
Bonds - §12.90.080
Boundary
Changes - §12.90.060
Map - §12.90.040
City Contributions - §12.90.110
Discharge of Lien - §12.90.120

[Return to Municipal Code Contents]

Dissolution - §12.90.110
 Engineers - §12.90.010
 Report - §12.90.100
 Financial Consultants - §12.90.010
 Findings - §12.90.040
 Hearing - §§12.90.040, 12.90.060
 Majority Protest - §12.90.040
 Notice of Hearing - §12.90.040
 Ordering Work - §12.90.070
 Public Property - §12.90.110
 Purposes - §12.90.010
 Resolution Instead of Ordinance - §12.90.110
 Resolution of Intention - §12.90.040
 Statute of Limitations - §12.90.110
 Termination - §12.90.110
 Time Between Actions - §12.90.110
 Zones - §12.90.050
ASSESSMENTS
 Benefit - §12.90.090
 Improvements - Ch. 12.28
 Dedicated to Public Use, Permit Required - §12.28.060
 Application - §12.28.070
 Fee - §12.28.080
 Plan Fees - §12.28.090
 Procedure - Ch. 12.28
 Regulations for Work - §12.28.100
 Nuisance Abatements - Ch. 8.30
 Parking Places - §§12.84.050, 12.84.210
 Residential Property Exempt - §§12.84.450, 12.84.740
 Public Property - §12.84.210

ATHLETIC EVENTS, SEASONAL
 Business Registration Certificate - §5.04.525
 Outdoor Athletic Recreation Areas, Sports Centers and Sports Facilities - §8.73.040
ATHLETIC EXHIBITIONS
 Business Registration Certificate - §5.04.525
 Outdoor Athletic Recreation Areas, Sports Centers, and Sports Facilities - §8.73.040
ATLANTIC AVENUE
 Speed limit, 35 mph - §10.52.020
ATTORNEYS
 Assessment Districts - §12.90.010
 Business Registration Certificate - §5.04.525
 Parking Place Improvements - §12.84.020 B
AUCTION
 Business Registration Certificate - §5.04.125
 Surplus Supplies - §3.04.100
AUDIBLE ALARM
 Defined - §8.81.020
AUDIT
 Purchasing System - §3.04.090
AUDITOR
 Business Registration Certificate - §5.04.525
AUTHORIZED EMERGENCY VEHICLE
 Defined - §10.04.010
 Exception from Regulations Relating to Operation, Parking and Standing of Vehicles - §10.08.020
 Privately Owned - Defined - §10.04.010

 Exception from Regulations Relating to Operation, Parking and Standing of Vehicles - §10.08.020
AUTOMATIC DIALING SYSTEM
 Defined - §8.81.020
AUTOMOBILE WRECKERS
 Notification to Police Department - §5.28.010
AUTOMOTIVE REPAIR SHOP
 Business Registration Certificate - §5.04.525

-B-

BACKFLOW PREVENTION DEVICES
 Ch. 13.12
BAGS
 Accumulation a Nuisance - §8.18.010
BAKERY
 Business Registration Certificate - §5.04.525
BANKRUPT SALE
 Business Registration Certificate - §5.04.265
BANNER
 (See Street Banner)
BAR
 Business Operator Permit - §5.82.020
BARBER AND BEAUTY SUPPLY
 Business Registration Certificate - §5.04.525
BARBERSHOPS
 Business Registration Certificate - §5.04.525
BARRELS
 Accumulation a Nuisance - §8.18.010
BARRICADES
 Traffic Lane Closures - §12.04.055

[Return to Municipal Code Contents]

BASELINE STREET

Speed limit

40 mph - §10.52.030

45 mph - §10.52.040

55 mph - §10.52.055

BEAUTY SUPPLY

Business Registration

Certificate - §5.04.525

BEES

More Than 2 Swarms

Nuisance - §8.03.010

Unlawful - §8.03.020

BEGGING

Business Registration

Certificate - §5.04.360

BELLE STREET

Commercial Vehicles

Prohibited - §10.24.190

BELMONT AVENUE

Verdemont Area Infrastructure

Fee - §15.73.030

BENCHES, STREET

Business Registration

Certificate - §5.04.540

Bus Stops - §5.04.540

Liability Policy - §5.04.540

Mayor and Council Approval -

§5.04.540

BENZENE

Discharge into Storm Drains -

§8.80.010

BICYCLE

Address Change of Owner,

Report to Police - §10.48.040

Records to be Maintained -

§10.48.070

Business, Business

Registration Certificate -

§5.04.525

Chief of Police to Provide

Facilities to License Bicycles -

§10.48.080

Defined - §10.48.010

Impoundment for Violation -

§10.48.110

Landscape Maintenance

Assessment

Districts, Restrictions in -

§12.90.015

License Required -

§§10.48.020, 10.48.030

Removal Unlawful -

§10.48.050

Moving Vehicle, Clinging to -

§10.24.160

Municipal Parking Facility,

Prohibited - §10.24.200

Exception - §10.24.200

Parks, Restrictions in -

§12.80.130

Public Buildings, Prohibited in

- §8.93.010

Exceptions - §8.93.020

Sale - §10.48.040

Serial Number - §10.48.040

Removal Unlawful -

§10.48.050

BICYCLE DEALER

Affix Serial Number on Bicycle

- §10.48.040

Removal Unlawful -

§10.48.050

Defined - §10.48.010

Sale of Bicycle - §10.48.040

Notice to Police Department

- §10.48.040

Records to be Maintained

- §10.48.070

BICYCLE PATHS- §19.30.270

BIDS AND BIDDING

Amount - §12.20.030

Local Bid Preference -

§3.04.125

Public Contracts Code,

Adoption of - §12.20.010

Public Projects - Ch. 12.20

Purchasing - §3.04.070

BILLIARDS

Business Registration

Certificate - §5.04.140

BINGO

Defined - §5.36.010

Fictitious Name - §5.36.200

Financial Interest - §5.36.070

Hearing - §5.36.170

License

Application - §5.36.040

Fee - §5.36.030

Display - §5.36.130

Investigation Fee -

§5.36.030

Issuance - §5.36.050

Not Transferable - §5.36.140

Renewal - §5.36.190

Required - §5.36.020

Revocation - §§5.36.150,

5.36.170, 5.36.180

Suspension - §§5.36.150,

5.36.170, 5.36.180

Violation - §5.36.160

Minors - §5.36.120

Operation - §5.36.060

Participants Must Be Present -

§5.36.090

Prizes, Value of - §5.36.110

Proceeds, Use of - §5.36.080

Public, Open to - §5.36.100

Special Funds - §5.36.080

BLASTING

Permit - §8.63.060

BLOCK

Defined - §12.92.010

Length of Determined by

Public Works Director -

§12.92.010

BOAR

Keeping - §6.03.030

[Return to Municipal Code Contents]

BOARD	Moving Buildings and Oversize Loads - §8.66.070	Method of Assessing Amount of Fees - §3.80.040
Defined - §§13.20.055	Official	Purpose - §3.80.020
BOARD OF FIRE COMMISSIONERS	Blanket Position - §2.62.020	Severability - §3.80.060
(See Fire Commission, Board of)	Chief Deputy City Treasurer - §2.62.020	BOOKKEEPER
BOARDS AND COMMISSIONS	Chief of Police - §2.62.020	Business Registration Certificate - §5.04.525
Ch. 2.17	City Manager - §2.62.020	BOTTLES
Brown Act - §2.17.060	City Attorney - §2.62.010	Accumulation a Nuisance - §8.18.010
Clerk/Secretary Familiar with - §2.58.090	City Clerk - §2.62.010	Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
Chairman - §2.17.060	City Treasurer - §2.62.010	BOVINE ANIMAL
Compensation - §2.17.040	Council - §2.62.010	Keeping - §6.03.020, 6.03.025
Meetings - §2.58.020	Finance, Director of - §2.62.020	BOW AND ARROW
Open to Public - §2.17.060	Mayor - §2.62.010	Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
Membership - §2.17.020	Police Department - §2.62.020	Parks, Restrictions in - §12.80.130
Nomination - §2.17.030	Purchasing Agent - §§2.06.010, 2.62.020	BOWLING ALLEY
General - Ch. 2.17	Water Commissioners, Board of - §2.62.010	Business Registration Certificate - §5.04.155
Oath - §2.17.050	Parking Authority - §12.84.760	BOXES
Parking - §10.16.170	Parking Places - §§12.84.040, 12.84.060, 12.84.220 to 12.84.270, 12.84.380, 12.84.400, 12.84.460, 12.84.480, 12.84.540, 12.84.550, 12.84.600 to 12.84.720, 12.84.790	Accumulation a Nuisance - §8.18.010
Parking Permit - §10.16.190	Treasurer's Trust Fund Bond - §2.62.010	Packing, Public Nuisance - §8.30.020(H)(2)
Qualifications - §2.17.040	BONES	BOXING EXHIBITION, TEMPORARY
Quorum - §2.17.070	Possession by Junk Dealer for More Than 1 Hour Unlawful - §5.56.090	Business Registration Certificate - §5.04.160
Replacement - §2.17.030	BOOK STORE	BRANCHES
Term - §2.17.030	Business Registration Certificate - §5.04.525	Accumulation a Nuisance - §8.18.010
Vacancies - §§2.17.040, 2.17.060	BOOKING FEES	BREAK DANCING
Vice-Chairman - §2.17.060	Amount of Fees Collected - §3.80.050	Defined - §9.49.010
BOAT SALES AND SERVICE	Authority and Scope - §3.80.010	BRICKS
Business Registration Certificate - §5.04.525	Definitions - §3.80.030	Accumulation a Nuisance - §8.18.010
BOATS		
Seccombe Lake, Prohibited in - §12.76.030		
BONDS		
Assessment Districts - §12.90.080		
Broker - §5.04.200		
Finance Director - §2.10.020		
Grading - §15.04.180		
Improvement Districts - §12.94.020		

[Return to Municipal Code Contents]

BRIDGE	Dangerous Building - §15.37.040	General - Ch. 2.17
Driving More Than 25 Animals Over - §12.48.010	Historic Preservation Task Force, Duties - §15.37.030	Members - §2.45.010
Gutter, Over - §12.48.020	Historic Significance, Criteria - §15.37.055	Uniform Building Code - §2.45.020
Notice to Remove - §12.48.030	Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015	BUILDING INSPECTOR
BRIDGES AND MAJOR THOROUGHFARES	Moving - Ch. 8.66, §15.36.010	No Permit Without Contractor's License - §5.04.545
- §19.30.280	Lights - §8.66.060	BUILDING MATERIAL SALES
BROKER, COMMISSION	Permit - §§8.66.020, 15.36.010	Business Registration Certificate - §5.04.525
Business Registration Certificate - §5.04.200	Application - §8.66.030	BUILDING OFFICIAL
BROKER, STOCKS OR BONDS	Fees - §8.66.050	Defined - §15.20.020
Business Registration Certificate - §5.04.200	Issuance - §8.66.040	BUILDING OR STRUCTURE
BROMATES	Reflectors - §8.66.060	Demolition Purchasing Exemption - §3.04.010
Discharge into Storm Drains - §8.80.010	Surety Bond - §8.66.070	Moving - Ch. 8.66
BROWN ACT, RALPH M.	Warning Flags - §8.66.060	Lights - §8.66.060
Boards and Commissions - §2.17.060	Ordered Vacated, Collecting Rent for - §8.05.010	Permit - §8.66.020
Clerk/secretary Familiar With - §2.58.090	Placards - §15.28.190	Application - §8.66.033
BTU	Public Nuisance - §8.30.020	Fees - §8.66.050
Defined - §13.20.060	BUILDING APPEALS BOARD	Issuance - §8.66.040
BUDGET TRANSFERS	Ch. 2.45	Reflectors - §8.66.060
Approval of Budget Transfer - §3.05.010	Board's Decision, Review of - §2.45.040	Surety Bond - §8.66.070
Exception; Elected Officials - §3.05.030	Members -Appointment - §2.45.010	Warning Flags - §8.66.060
Exception; Restricted Funds - §3.05.020	Duties - §2.45.030	Public Nuisance - §8.30.020
Mayor and Council Approval - §3.05.040	Oath of Office - §2.45.050	BUS STOP
BUILDING	Chair-Meetings-Absences - §2.45.060	Determine and Marking - §10.36.010
Defined - §§8.66.010, 12.80.020, 15.37.020	Quorum - §2.45.070	Parking Limitations - §10.16.080
Demolition, Permit - §15.36.010	Hearing Procedures - §2.45.080	BUS, MOTOR
Historic Building - Ch. 15.37	BUILDING CODES	Cruising Ordinance, Exemption From - §10.24.210
Evaluation - §15.37.045	Ch. 15.04	Motion, May Not Board or Alight While in - §10.32.010
Report - §15.37.050	BUILDING COMMISSIONERS, BOARD OF	Riding Where Not Authorized - §10.32.020
Fifty Years old - §15.37.035	Appeals, UBC - §15.04.070	BUSINESS CENTER DRIVE
	Duties - §2.45.020	Weight Limitation, 10,000 Lbs.- §10.24.190

[Return to Municipal Code Contents]

BUSINESS DISTRICT

Coaster Prohibited -
§10.24.090
Defined - §10.04.010
Roller Skates Prohibited -
§10.24.090
Skateboard Prohibited -
§10.24.090
Skates Prohibited - §10.24.090
Toy Vehicle Prohibited -
§10.24.090
Truck Routes - §10.24.040
Vehicles Prohibited -
§10.24.040

BUSINESS LICENSES

(See also Business
Registration Permit and
Business Registration
Certificates)
Curb House Numbers -
§12.32.050

BUSINESS OPERATOR PERMITS

Abandonment - §5.82.260
Appeal
 To City Manager - §5.82.100
 Notice of Appeal - Time
 Limit - §5.82.110
 Notification of Decision -
 §5.82.150
Application - §5.82.030
Conditions - §5.82.070
Denial - §5.82.080
Hotel - §5.82.020
Investigation - §5.82.050
Motel - §5.82.020
Requirement - §5.82.020
Revocation - §5.82.160
Failure to Appear - §5.82.180
 Notice of Decision -
 §5.82.200
 Notice of Hearing -
 §5.82.170

Suspension - §§5.82.160,
5.82.190

Failure to Appear -
§5.82.180
Notice of Decision -
§5.82.200
Notice of Hearing -
§5.82.170
Term - §5.82.060
Transfer - §5.82.220

BUSINESS REGISTRATION CERTIFICATES

§5.04.005
Accountant - §5.04.525
Advertising - §§5.04.051,
5.04.110, 5.04.360, 5.04.525
Alarm Businesses - §5.04.525
Alterations - §5.04.525
Ambulance Service -
§5.04.525
Antiques - §5.04.525
Application - §5.04.015
Architect - §5.04.525
Armored Car Service -
§§5.04.345, 5.04.525
Art Articles, Temporary Display
of - §5.04.505
Art Gallery - §5.04.525
Art Studio - §5.04.525
Assayer - §5.04.525
Athletic Events, Seasonal -
§5.04.525
Athletic Exhibition - §5.04.525
Temporary - §5.04.160
Attorney - §5.04.525
Auctions - §5.04.125
Auditor - §§5.04.525, 5.04.655
Automatic Scale Weighing
Devices - §5.04.150
Bakery - §5.04.525
Bankrupt Sale - §5.04.265
Barbershops - §5.04.525

Barber Supply - §5.04.525
Beauty Supply - §5.04.525
Begging - §5.04.360
Benches, Street - §5.04.540
Bicycle Business - §5.04.525
Billiard Room - §5.04.140
Boat Sales and Service -
§5.04.525
Bond Broker - §5.04.200
Bookkeeper - §5.04.525
Books, Inspection of -
§5.04.070
Book Store - §5.04.525
Bowling Alley - §5.04.155
Boxing Exhibition, Temporary -
§5.04.160
Building Material Sales -
§5.04.525
Camper Sales - §5.04.525
Cancellation of Certificate -
§5.04.650
Carpet Sales - §5.04.525
Cesspool Pumping - §5.04.415
Check Cashing - §5.04.525
Chemical Engineer - §5.04.525
Chemist - §5.04.525
Chiropracist - §5.04.525
Chiropractor - §5.04.525
Christmas Tree Sales -
§5.04.385
Civil Engineer - §5.04.525
Classifications - §5.04.015
Cleaning or Dyeing
Establishments - §5.04.525
Clothing Stores - §5.04.525
Coin-Operated Game
Machines - §5.04.295
Cold Storage Locker Rentals -
§5.04.525
Collection Agency - §5.04.420
Commercial Cleaning -
§5.04.210

[Return to Municipal Code Contents]

Commercial Renting or Leasing - §5.04.525
Commission Broker - §5.04.200
Commission Merchant - §5.04.200
Confectioners - §5.04.525
Constitutional Apportionment - §5.04.040
Contractor - §5.04.545
Contractor's License Required - §5.04.545
Construction Business - §5.04.545
Contractor's License Required - §5.04.545
Consultant - §5.04.525
Cosmetic Sales - §5.04.525
Dairy - §5.04.525
Data Processing Services - §5.04.525
Delicatessen - §5.04.525
Delinquencies - §5.04.075
Dentist - §5.04.525
Detective Agency - §5.04.525
Dog Grooming - §5.04.525
Dog Kennel - §5.04.310
Drafting - §5.04.525
Drug Store - §5.04.525
Duplicate - §5.04.020
Electrical Appliance Sales and Service - §5.04.525
Electrical Engineer - §5.04.525
Electrical Sign Enterprises - §5.04.525
Embalmer - §5.04.525
Employment Agency - §5.04.525
Engineer - §5.04.525
Equipment Rental - §5.04.525
Exempt Persons - §5.04.625
Exhibitions - §5.04.245
Family Counselor - §5.04.525
Fee - §5.04.010
 Payable in Advance - §5.04.030
 Payment of - §5.04.085
 Revenue - §5.04.645
Feed Store - §5.04.525
Film Processing - §5.04.525
Fire Sale - §5.04.265
Florists - §5.04.525
Fortunetelling - §5.04.355
Funeral Director - §5.04.525
Furniture Store - §5.04.525
Game Machine Operator - §5.44.020
Game Machines - §5.04.275
 Coin-Operated - §5.04.295
Game Tables - §5.04.275
General Merchandise Sales - §5.04.525
Gift Shop - §5.04.525
Graphic Arts - §5.04.525
Grocery Store - §5.04.525
Gross Receipts - §§5.04.055, 5.04.060, 5.04.063, 5.04.065, 5.04.525
 Defined - §5.04.060
Guard Services - §5.04.525
Health Clubs - §5.04.525
Hair-Dressing Parlors - §5.04.525
Hardware Store - §5.04.525
Health Food Store - §5.04.525
Hobby Horse Machines - §5.04.280
House Numbers, Painting - §5.04.560
Industrial Renting or Leasing - §5.04.525
Information Confidential - §5.04.021
Interior Decorating - §5.04.525
Jewelry Store - §5.04.525
Junk Dealer - §5.04.315
Laundries - §5.04.525
Linen Supply Services - §5.04.525
Liquor, Retail - §5.04.525
Mall, Temporary Displays - §5.04.507
Manicurist - §5.04.525
Manufacturers - §5.04.525
Marriage Counselor - §5.04.525
Massage Parlor - §5.04.335
Meat Market - §5.04.525
Mechanical Engineer - §5.04.525
Medical Equipment Sales and Service - §5.04.525
Messenger Service - §5.04.340
Mobile Home Sales - §5.04.525
Motor Vehicle Sales - §5.04.525
Municipal Services, Increased Cost of - §5.04.526
Music Machines - §5.04.285
Music Store - §5.04.525
Music Tables - §5.04.285
Nonprofit Organizations - §5.04.630
Nontransferable - §5.04.020
Nursery (Plants) - §5.04.525
Occultist - §5.04.525
Optician - §5.04.525
Optometrist - §5.04.525
Osteopath - §5.04.525
Osteopathist - §5.04.525
Other Businesses - §5.04.575
Painting House Numbers - §5.04.560
Paint Store - §5.04.525

[\[Return to Municipal Code Contents\]](#)

Partnership Interest - §5.04.026

Pawnbroker - §5.04.350

Peddler - §§5.04.370, 5.04.375

Pest Control Service - §5.04.525

Pet Store - §5.04.525

Photographers - §5.04.525

Physical Culture and Health Clubs - §5.04.525

Physical Therapist - §5.04.525

Physician - §5.04.525

Pool Room - §5.04.140

Posting of Certificate - §5.04.035

Private Patrol System - §5.04.345

Private Police System - §5.04.345

Private Post Office Service - §5.04.525

Produce Store - §5.04.525

Real Estate Broker - §5.04.525

Real Estate Business - §5.04.095

Record Shop - §5.04.525

Recycling Service - §5.04.525

Refund - §5.04.033

Rental Cars - §5.04.520

Repair Shops (General) - §5.04.525

Residential Cleaning - §5.04.210

Residential Rental or Leasing - §5.04.525

Restaurant - §5.04.525

Retail Food Merchants - §5.04.525

Retail Liquor - §5.04.525

Retail Merchants - §5.04.525

Revocation of Certificate - §5.04.650

Roller Rink - §5.04.525

Rubbish Collection - §5.04.415

Scale Weighing Device, Automatic - §5.04.150

School, Private Dancing - §5.04.525

Security Guards - §§5.04.345, 5.04.525

Seller From Booth or Stand - §5.04.370

Selling - §5.04.360

Separate Locations - §5.04.615

Shampooing - §5.04.525

Shoe Repair Shop - §5.04.525

Shoe Shining or Polishing Stand - §5.04.525

Shoe Store - §5.04.525

Shopping Center, Temporary Displays - §5.04.507

Sick, Caring for - §5.04.525

Soliciting - §5.04.360

Solicitor - §§5.04.375, 5.04.595

Sporting Goods - §5.04.525

Statement, Failure to File - §5.04.071

Stock Broker - §5.04.200

Stock Car Racing - §5.04.525

Stock Transfers - §5.04.026

Street Benches - §5.04.540

Surgeon - §5.04.525

Suspension of Certificate - §5.04.650

Swap Meet - §5.04.500

Swimming Pool Supplies and Equipment - §5.04.525

Tanning Salon - §5.04.525

Taxicab - §5.04.520

Teacher, Private Dancing School - §5.04.525

Telemarketing - §5.04.504

Telephone Companies - §5.04.525

Telephone Solicitation - §5.04.504

Temporary Businesses - §§5.04.495, 5.04.496

Temporary Display of Art Articles - §5.04.505

Temporary Employment Services - §5.04.525

Temporary Exhibitions (Mall) - §5.04.507

Trade School - §5.04.525

Transacting Business Without - §5.04.050

Transient merchants/vendors and temporary businesses prohibited - §5.04.495

Travel Agency - §5.04.525

Two Businesses - §5.04.610

U-Haul - §5.04.520

Undertaker - §5.04.525

Uniform Supply Services - §5.04.525

Vehicles

- For Hire - §5.04.520
- Leasing - §5.04.525
- Repair Shop - §5.04.525
- Sales - §5.04.525
- Used in Business - §5.04.620
- Wrecking - §5.04.525

Vending Machine Sales - §5.04.150

Veterans - §5.04.626

Weighing Device, Automatic Scale - §5.04.150

Welding Shop - §5.04.525

Wholesale Sales - §5.04.525

Wreck Sale - §5.04.265

Wrestling Exhibition, Temporary - §5.04.160

[Return to Municipal Code Contents]

BUSINESS REGISTRATION PERMIT

(See Business Registration Certificates)

BY PRODUCTS

Defined - §13.20.065

-C-

C.P.I.

Defined - §8.90.040

CABLE CANYON ROAD

Verdemont Area Infrastructure Fee - §15.73.030

CABLE TELEVISION SERVICE

- §19.30.180

CABLE TELEVISION SYSTEM(S)

Ch. 14.08

CAFÉ

Business Operator Permit - §5.82.020

CALIFORNIA STREET

Speed Limit, 40 mph - §10.52.030

CAMP

Defined - §12.98.020

CAMP FACILITIES

Defined - §12.98.020

CAMP PARAPHERNALIA

Defined - §12.98.020

CAMPAIGN FINANCE REGULATIONS, LOCAL

Ch. 2.55

Pay-to-Play Restrictions §2.55.010

Enforcement §2.55.020

CAMPER SALES

Business Registration Certificate - §5.04.525

CAMPING

Landscape Maintenance Assessment Districts - §12.90.015

Public Streets and Parks - Ch. 12.98

CANNABIS ACTIVITIES, COMMERCIAL- CH. 5.10

Prohibited Unless... -5.10.030

Business Permit Required -5.10.060

Expiration of- 5.10.110

Revocation of - 5.10.120

Renewal Applications - 5.10.130

Permittee Selection Process - 5.10.180

Change in Ownership or Location - 5.10.200

Employee Requirements - 5.10.070

Limitations on City's Liability - 5.10.260

Location and Design of Cannabis Businesses - 5.10.250

Max. Number and Type of Businesses Permitted - 5.10.080

Operating Requirements for: Retailer Facilities; Delivery - 5.10.330

Commercial Cultivation Facilities - 5.10.340

Operational Requirements. Other - 5.10.320

Records and Recordkeeping - 5.10.270

Restriction on Alcohol & Tobacco Sales - 5.10.290

Security Measures - 5.10.280

State License Suspension, Revocation, or Termination, Effect of - 5.10.140

Operational Requirements. Other - 5.10.320

CANNABIS BUSINESS TAX

- Ch. 5.18

CANNABIS, MEDICAL AND NONMEDICAL; SMOKING IN PUBLIC - CH. 8.97

CANNABIS, PERSONAL CULTIVATION OF -

Ch. 8.99

Not Taxed - 5.18.130

CANNABIS, PROHIBITION OF SMOKING AND INHALING IN ENCLOSED PLACES - 8.97.040

within 50 feet of any door, window, opening, or vent, into a public place, dining area, service area, or recreational area

except for such areas on private residential property.

CANNABIS, SMOKING- IN PUBLIC PLACES - CH. 8.97

CANNABIS, SPECIAL EVENT PERMITS - §19.70.025

CANS

Accumulation a Nuisance - §8.18.010

Deposit into Rubbish Receptacles Prohibited - §8.21.060

Landscape Maintenance Assessment Districts - §12.90.015

CAPACITY

Defined - §10.16.120

CAPRINE ANIMAL

Keeping - §6.03.020

CAR POOLING

PREFERENTIAL PARKING PERMIT

§10.16.180

CAR WASHES, FUNDRAISING - §19.70.025

CARBIDES

Discharge into Storm Drains - §8.80.010

[Return to Municipal Code Contents]

CARDBOARD
Accumulation a Nuisance -
§8.18.010

CARDBOARD BOXES
Accumulation a Nuisance -
§8.18.010

CARNIVAL
Special Event Permit -
§19.70.025

CAROUSEL MALL
(See also Central City Mall)
Security Guard Personnel,
Authority to Arrest and Issue
Citations - §9.90.010

CARPET SALES
Business Registration
Certificate - §5.04.525

CARTS, SHOPPING
Ch. 5.26
Definitions - §5.26.020
Disposal - §5.26.040
Impound - §5.26.070
Purpose - §5.26.010
Removal of shopping carts
from public property -
§5.26.030
Tag tampering prohibited -
§5.26.050
Unauthorized removal or
possession of shopping carts -
§5.26.060

CASTOR BEAN PLANT
Destruction and Removal -
§8.84.010

CATHODIC PROTECTION
WELL
Defined - §13.24.020

CATS
Bites, Confinement or
Destruction of - §6.08.180
Cat Fancier Permit - §6.10.030
Findings - §6.10.010
Number of Cats Permitted -
§6.10.020

Rabies, Suspected of -
§6.08.170

CATV
Defined - §14.08.010
Facilities, Mayor or Council
Use of to Criticize Mayor or
Council - Ch. 2.75
Installation - §15.04.225

CEMETERY CAPITAL
IMPROVEMENT FUND
§3.36.010
City Treasurer - §3.36.030

CEMETERY ENDOWMENT
CARE FUND
§3.36.010
City Treasurer - §3.36.030

CEMETERY FUND
Ch. 3.36; §3.36.020
Cemetery Capital
Improvement
Fund - §3.36.010
Cemetery Endowment Care
Fund - §3.36.010
City Treasurer - §3.36.030

CEMETERY
SUPERINTENDENT
Appointment by Mayor -
§2.44.030
Approval by Council -
§2.44.030
Recommendation by Cemetery
Commission - §2.44.030

CENTER LINE
Defined - §12.36.010

CENTRAL AVENUE
Speed Limit, 40 mph -
§10.52.030

CENTRAL CITY MALL
(See also Carousel Mall)
Parking Limitations -
§10.16.210

CENTRAL CITY SOUTH
(CCS)ZONE
- Ch. 19.13
(see also Commercial Zones)

CERTIFICATE OF OCCUPANCY
Ch. 15.20
Application - §15.20.050
Hearings - §15.20.100
Posting - §15.20.030
Required - §§15.20.030,
15.20.040
Revocation - §15.20.080
Rules and Procedures -
§15.20.090
Temporary - §15.20.070
Utilities - §15.20.120
Voidable Transactions -
§15.20.130

CESSPOOL PUMPING
Business Registration
Certificate - §5.04.415

CHANGE OF GRADE
ACT OF 1909
Development Services,
Director of - §2.14.030

CHARITABLE
Defined - §5.40.020

CHARITABLE FILMS
Defined - §12.64.015

CHARITABLE ORGANIZATION
Fees, Waiver or Refund of -
Ch. 3.13

CHARTER
Administrative Interpretation -
Ch. 1.28
Amendments - §1.08.060

CHECK CASHING
Business Registration
Certificate - §5.04.525

CHECK VALVES
§13.12.020

[Return to Municipal Code Contents]

CHECKS
 Insufficient Funds - §3.10.010

CHEMICAL ENGINEER
 Business Registration
 Certificate - §5.04.525

CHEMIST
 Business Registration
 Certificate - §5.04.525

CHICKENS
 Keeping - §§6.05.010,
 6.05.020, 6.05.030

CHIEF ADMINISTRATIVE
 OFFICER
 Defined - §14.08.010

CHIEF BUILDING INSPECTOR
 Street Grade, Constructing
 Buildings Below - §12.36.030

CHIEF OF POLICE
 (See Also Police Department)

Bicycles, to Provide Facilities
 to License - §10.48.080

Business Operator Permits
 - §§5.82.050, 5.82.070,
 5.82.080, 5.82.090,
 5.82.100, 5.82.140

Defined - §10.04.150

Massage Parlor - §5.20.040

Parades
 Defined - §19.70.036 D (1)

Interference With -
 §19.70.036 D (3)

Permit - §19.70.036 D

Appeal - §19.70.036 D (9)

Application process -
 §19.70.036 D (4)

Conditions to permit-
 §19.70.036 D (6)

Contents of -
 §19.70.036 D (5)

Denial - §19.70.036 D (7)

Deposit -
 §19.70.036 D (12)

Indemnification
 Agreement -
 §19.70.036 D (13)

Insurance -
 §19.70.036 D (14)

Required -10.24.140

Revocation -
 §19.70.036 D (11)

Unlawful to Drive Through -
 §10.24.060

Parks, Closure of - §12.68.020

Permit Truck to Park on
 Narrow Streets - §10.16.110

Reserves, Control of -
 §2.38.020

Traffic Regulations,
 Enforcement of - §10.24.170

Wounded Persons, Notification
 of Treatment of - §8.09.010

CHIROPODIST
 Business Registration
 Certificate - §5.04.525

CHIROPRACTOR
 Business Registration
 Certificate - §5.04.525

CHLORATES
 Discharge into Storm Drains -
 §8.80.010

CHLORINATED
 HYDROCARBONS
 Discharge into Storm Drains -
 §8.80.010

CHRISTMAS TREE SALES
 Business Registration
 Certificate - §5.04.385

CHURCH STREET
 Sound Vehicle - §8.57.030

CIGARETTE
 Self-Service Displays -
 §8.73.030

CIRCUS
 Special Event Permit -
 §19.70.025

CITATION PROCESS,
 ADMINISTRATIVE
 Ch. 9.92

CITATIONS, ADMINISTRATIVE
 §6.14

CITATIONS, AUTHORITY
 TO ISSUE

Animal Control, Director of -
 §§9.90.010, 6.01.130

Animal Control Employees -
 §6.01.130

Animal Control Officers -
 §9.90.010

Animal Health Technicians -
 §9.90.010

Animal License Checkers -
 §9.90.010

Animal Shelter Attendants -
 §9.90.010

Carousel Mall Security Guard
 Personnel - §9.90.010

City Attorney Investigators -
 §9.90.010

City Clerk - §5.84.010

City Engineer - §9.90.010

Development Services,
 Director of - §9.90.010

Environmental Control
 Representative - §9.90.010

Environmental Control
 Technician - §9.90.010

Facilities Management,
 Director of - §10.16.150

Fire Chief - §§2.12.030,
 8.18.030

Investigators
 City Attorney - §9.90.010

Law Enforcement Trainee -
 §10.48.090

Parking Control Checkers -
 §10.16.150

Parks, Recreation and
 Community Services, Director
 of - §9.90.010

[Return to Municipal Code Contents]

Planners I - §9.90.010
Planners II - §9.90.010
Planning Aides - §9.90.010
Police Assistants - §9.90.010
Police Officer - §10.48.090
Principal Planners - §9.90.010
Reserve Police Officer -
§10.48.090
Senior Planners - §9.90.010
Water Reclamation, Director
of - §9.90.010

CITATIONS, PARKING

§10.44.020

CITY

Defined - §§1.04.010,
5.40.020, 8.15.020,
13.20.070, 14.08.010,
15.04.030, 15.25.020,
17.08.040
Demands Against - §2.72.010
Hours of Business -
§§2.52.010, 9.12.040
Old City - §1.24.010

CITY ATTORNEY

Claims Review Committee -
§3.16.060
Investigators, Authority to
Arrest and Issue Citations -
§9.90.010
Public Nuisance Abatement;
recovery of attorney's fees
-§8.30.042

CITY BUILDING

Animals Prohibited in -
§8.95.010
Exceptions - §8.95.020
Consent to remain in -
§9.12.030
Remaining in when closed -
§9.12.040

CITY BUSINESS

Disturbing - Ch. 9.12
Interference with - Ch. 9.12

CITY CLERK

Appeals to Council - §2.64.060
Budget City Manager -
§2.02.060
Business Operator Permits
- §§5.82.020, 5.82.030,
5.82.050, 5.82.090, 5.82.100,
5.82.120, 5.82.130, 5.82.210,
5.82.240
Canvas of Election Returns -
§2.56.130
Citations, Power to Issue -
§5.84.010
Delegation of Authority -
§5.16.010.C
Election Duties - §2.56.100

CITY COUNCIL

Defined - §5.16.010

CITY ELECTRICIAN

No Permit Without Contractor's
License - §5.04.545

CITY ENGINEER

(See also Development
Services Department)
Authority to Arrest and Issue
Citations - §9.90.010
Bus Stops, Determine -
§10.36.010
Crosswalks, Establish -
§10.36.020
Disconnect or Remove
Property in Public Street,
Notice - §§12.04.020,
12.04.030
Work Completed Diligently -
§12.04.040
Emergency or Temporary
Traffic Signals - §10.12.010
House Numbers - §12.32.020
Loading Zone, Determine -
§10.36.010
Nomination Signatures -
§2.56.050
Constructing Building Below -
§12.36.030

Traffic Signals, Installation of -
§10.12.010

Warning and Control Devices
for Public Works Projects,
Placing and Maintenance of -
§10.12.010

CITY HALL

Hours of Business - §2.52.010

CITY INSIGNIA

Improper Use Of - Ch. 9.04

CITY MANAGER

Ch. 2.02
Administrative Officer -
§2.02.010
Appointment - §2.02.020
Assistants - §2.02.050
Claims Against the City -
§§3.16.050, 3.16.060
Claims Review Committee -
§3.16.060
Director of Emergency
Services - §2.46.050
Discharge - §2.02.030
Duties - §2.02.060
Executive Officer, Center City
Advisory Board - §2.47.010
Motion Picture and Television
Production Permits -
§19.70.025
Negotiated Purchases,
Report to - §3.04.070
Parade Permits -
§19.70.036 D
Appeal - §19.70.036 D (9)
Revocation -
§19.70.036 D (11)
Public Nuisance Hearings
- §§8.30.022, 8.30.030,
8.30.045
Purchasing System -
§3.04.115
Salary and Benefits -
§2.02.040
Small Claims Court -
§2.02.070

[Return to Municipal Code Contents]

CITY TREASURER
 Ch. 2.08
 Cemetery Capital Improvement Fund - §3.36.030
 Cemetery Endowment Care Fund - §3.36.030
 Cemetery Fund - §3.36.030
 Nomination Signatures - §2.56.050
 Workers' Compensation Claims - §3.08.020

CIVIC ORGANIZATIONS
 Contracts for Precinct Boards - §2.56.105

CIVIL DISASTER
 Police Reserves - §2.38.110

CIVIL ENGINEER
 Business Registration Certificate - §5.04.525

CLAIMS
 Ch. 3.16
 City Manager - §§3.16.050, 3.16.060
 City Attorney - §3.16.060
 Claims Review Committee - §§3.16.060, 3.16.070
 Human Resources, Director of - §3.16.060
 Statute of Limitations - §3.16.040

CLAIMS REVIEW COMMITTEE
 §§3.16.060, 3.16.070

CLEANING OR DYEING ESTABLISHMENTS
 Business Registration Certificate - §5.04.525

CLOCKS
 Correct Time - §12.72.040
 Permit, On or Overhanging Street - Ch. 12.72

CLOSE-OUT - REMOVAL
 Defined - §5.16.010

CLOTHING STORES
 Business Registration Certificate - §5.04.525

COASTER
 Business Districts, Prohibited on Sidewalks in - §10.24.090
 Moving Vehicle, Clinging to - §10.24.160
 Roadway, Prohibited on - §10.24.100

CODE COMPLIANCE
 Ch. 2.78
 Duties - §2.78.020
 Established - §2.78.010
 Mobile Home Parks - Ch. 15.55

CODE, SAN BERNARDINO MUNICIPAL
 Adoption of - §1.01.010
 Amendments - §1.01.050
 Citation - §1.01.020
 Construction - §1.04.080
 Headings - §1.01.060
 Interpretation - §§1.04.030, 1.04.040
 Repeal Does Not Revive - §1.04.090

COIN-OPERATED GAME MACHINE
 Business Operator, Responsibilities - §5.44.025
 Business Registration Certificate - §5.04.295
 Defined - §5.04.295
 Distributor Information, Display of - §5.44.085
 Game Machine Tag - §5.44.070
 Display - §5.44.080
 Other Permits - §5.44.110
 Permit - §5.44.020
 Application - §5.44.030
 Denial - §5.44.050

Hearing - §5.44.060
 Exemptions - §5.44.020
 Investigation - §5.44.040
 Issuance - §5.44.050
 Revocation - §5.44.100
 Transfer - §5.44.090
 Prohibited Devices - §5.44.120
 Untagged Machines - §5.44.086
 Administrative Fee - §5.44.086

COLD STORAGE LOCKER RENTALS
 Business Registration Certificate - §5.04.525

COLLECTION AGENCY
 Business Registration Certificate - §5.04.420
 Defined - §5.04.420

COMMERCENTER CIRCLE
 Weight Limitation, 10,000 Lbs. - §10.24.190

COMMERCENTER EAST
 Weight Limitation, 10,000 Lbs. - §10.24.190

COMMERCENTER WEST
 Weight Limitation, 10,000 Lbs. - §10.24.190

COMMERCIAL CLEANING
 Business Registration Certificate - §5.04.210

COMMERCIAL HANDBILL
 Defined - §8.15.020
 Noncommercial Handbill - §8.15.020
 Posted Against - §8.15.100
 Private Premises - §8.15.110
 Public Places, Distributing in - §8.15.070
 Vacant Premises, Placing on - §8.15.090
 Vehicles, Placing on - §8.15.080

[Return to Municipal Code Contents]

COMMERCIAL RENTAL OR LEASING
 Business Registration Certificate - §5.04.525

COMMERCIAL STRUCTURE
 Defined - §15.57.020

COMMERCIAL SUPPLIES
 Accumulation a Nuisance - §8.18.010

COMMERCIAL VEHICLE
 Defined - §10.04.040
 Driving on Certain Streets Prohibited - §10.24.190
 Arlington Drive - §10.24.190
 Belle Street - §10.24.190
 Lugo Avenue - §10.24.190
 Palmyra Drive - §10.24.190
 Ralston Avenue - §10.24.190
 39th Street - §10.24.190
 Sonora Drive - §10.24.190
 No Parking - §10.16.020

COMMERCIAL ZONES
 Ch. 19.06
 CO (Commercial Office) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CG-1 (Commercial General) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CG-2 (Commercial General-2) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CG-3 (Commercial General-3) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CR-1 (Commercial Regional-Malls) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CR-2 (Commercial Regional-Downtown) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CR-3 (Commercial Regional-Tri-City/Club) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CR-4 (Commercial Regional-Auto Plaza) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CH (Commercial Heavy) Zone
 Description of - §19.06.010
 Establishment of - §19.02.060

CCS-1 (Central City South-1) Zone
 Description of - §§19.06.010; 19.13.30
 Establishment of - §19.02.060

CCS-2 (Central City South-2) Zone
 Description of - §19.06.010

Establishment of - §§19.06.010; 19.13.30

CCS-3 (Central City South-Flood Control Channel) Zone
 Description of - §§19.06.010; 19.13.30
 Lot Area Required - §19.06.030
 Maximum Lot Coverage - §19.06.030
 Maximum Building Height - §19.06.030
 Uses
 Permitted - §19.06.020
 Requiring Conditional Use Permit- §19.06.020
 Requiring Development Permit- §19.06.020
 Prohibited- §19.06.025

COMMISSION
 Defined - §13.36.010

COMMISSION MERCHANT OR BROKER
 Business Registration Certificate - §5.04.200

COMMON COUNCIL
 (See Council)

COMMUNITY TELEVISION COMMISSION
 Repealed - Ch. 2.42

COMMUNITY WATER SUPPLY WELL
 Defined - §13.24.020

COMPENSATION-
 Mayor - §2.82.010
 Council Members - §2.82.020

COMPLETE INDEPENDENT LIVING FACILITIES-
 19.04.030(2)(P)

COMPLEX
 Defined - §15.25.020

[Return to Municipal Code Contents]

COMPRESSORS

Installation and Operation -
Ch. 15.68

CONCRETE DRIVEWAY

Defined - §12.04.010

CONCRETE GUTTER

Defined - §12.04.010

CONCRETE STREET

Defined - §12.04.010

CONDEMNATION

Power to Acquire Property by -
§12.84.020 B

CONDITIONAL
RECONSTRUCTION PERMIT

Defined - §15.12.030

CONFECTIONERS

Business Registration
Certificate - §5.04.525

CONFIDENTIAL

Business Registration
Information - §5.04.021

CONFLICT OF INTEREST

Appointed Committee
Members - 2.74.010

Decision Making Authority -
§2.74.040

Financial Interest - §2.74.030

Legally Required - §2.74.020

Public Generally Exception
Center City Advisory Board -
§2.47.030

Central City Parking Place
Commission - §2.24.020

CONGESTED STREETS

Defined - §5.04.360

CONSTRUCTING

Defined - §13.20.075

CONSTRUCTION COST

Defined - §§12.92.010,
15.57.020

CONSTRUCTION BUSINESS

Business Registration
Certificate - §5.04.545

CONSTRUCTION AND
DEMOLITION DEBRIS
RECYCLING PROGRAM

- §8.24.100

CONSULTANT

Business Registration
Certificate - §5.04.525

CONSUMER PRICE INDEX

Defined - §8.90.040

CONTAMINATION

Defined - §13.24.020

CONTRACTORS

Business Registration
Certificate - §5.04.545

Contractors License
Required - §5.04.545

Defined - §5.04.545

COSMETIC SALES

Business Registration
Certificate - §5.04.525

COST

Defined - §§12.92.010,
12.96.010

COUNCIL

(Sometimes includes Mayor
and Council)

All Councilmen, Defined -
§1.04.010

All its Members, Defined -
§1.04.010

Appeals - Ch. 2.64

Burden - §2.64.080

15 Days - §2.64.040

Notice - §2.64.050

Public Hearing - §2.64.070

Business Operator Permit
- §§5.82.210, 5.82.240,
5.82.250

CATV Facilities, Use Of -
Ch. 2.75

Committees - Ch. 2.76

Information From City
Personnel - §2.76.030

Notice of Meetings -
§2.76.020

Powers - §2.76.010

Compensation for- §2.82.020

Continuances, fee - §2.58.100

Declare Election Results -
§2.56.130

Defined - §§1.04.010,
5.16.010, 13.20.080,
14.08.010

Election by Wards - §2.56.020

Findings, Final and Conclusive
(Street Improvements) -
§12.84.110

Majority Protest, Overrule -
§§12.84.390, 12.84.570

Meetings - §2.58.010

Disruptive Conduct
at - §2.58.060

Holidays - §2.58.080

Times - §2.58.010

Place - §2.58.010

Wilful Disruption of -
§2.58.070

Nomination Signatures -
§2.56.050

Parking Place Commission -
§12.84.440

Purchases, Approval of -
§3.04.010

Qualifications - §2.56.020

Rejection of Bids - §3.04.070

Water Rates, Approval of -
§2.28.040

Workers' Compensation
Claims - §3.08.020

COUNTY

Defined - §1.04.010

COURT

Burning Rubbish in Prohibited
- §8.21.020

[Return to Municipal Code Contents]

COURT STREET

Sound Vehicle - §8.57.030

COWS

Keeping - §6.03.020

CRIME FREE RENTAL HOUSING PROGRAM

- 15.27

Administrative Citations - 15.27.110

Appeals - 15.27.120

Enforcement:

Alternatives - 15.27.150

Public Nuisance - 15.27.140

Inspection(s):

Complaint-Based - 15.27.130

Fees - 15.27.070

Notice of - 15.27.080

Re- Inspections - 15.27.100

Landlord Certification - 15.27.060

Mandatory Participation - 15.27.050

Penalties - 15.27.160

Scope - 15.27.040

Violations - 15.27.090

CRIME FREE ZONE

Ch. 9.96

Definitions - §9.96.010

Notice of - §9.96.040

Procedure - §9.96.030, 9.96.060

Purpose - §9.96.010

Remaining - §9.96.050

CROCKERY

Accumulation a Nuisance - §8.18.010

CROSS CONNECTION(S)

Ch. 13.12.

Defined - §13.24.020

CROSSWALK

Backing Vehicle Into - §10.24.150

Defined - §10.04.010

Establish and Mark - §10.36.020

No Parking Within 20 Feet of - §10.16.010

Obstructions, Free From - §12.44.030

CRUISING

Passing Traffic Control Point 3 Times in 3 Hours Prohibited - §10.24.210

Exceptions - §10.24.210

CTV

Defined - §14.08.010

CULTIVATION OF CANNABIS, PERSONAL- CH. 8.99

CULTURAL DEVELOPMENT CONSTRUCTION FEES

Ch. 15.57, §15.57.030

Disposition - §15.57.070

Payment

Place of - §15.57.060

Time of - §15.57.040

CURB

Construct, Duty to - §12.92.050

Assessment - §12.92.070

Hearing - §12.92.070

Notice - §§12.92.035, 12.92.040, 12.92.050, 12.92.060

Construction and Repair - Ch. 12.92

Defined - §§12.04.010, 12.36.010, 12.92.010

Maintain, Duty to - §12.92.040

Assessment - §12.92.070

Hearing - §12.92.070

Notice - §§12.92.035, 12.92.040, 12.92.050, 12.92.060

Removal - §12.92.035

Assessment - §12.92.070

Hearing - §12.92.070

Notice - §§12.92.035, 12.92.040, 12.92.050, 12.92.060

Repair, Duty to - §12.92.040

Assessment - §12.92.070

City Participation - §12.93.010

Regulations - §12.93.020

Hearing - §12.92.070

Notice - §§12.92.035, 12.92.040, 12.92.050, 12.92.060

CURBLINE

Defined - §12.36.010

CURFEW, JUVENILE

Ch. 9.68

Defenses - 9.68.030,

Offenses - 9.68.020

CUSTOMER SYSTEM

Defined - §13.24.020

-D-

“D” STREET

Sound Vehicle - §8.57.030

Speed Limit, 45 mph - §10.52.040

DAIRY

Business Registration Certificate - §5.04.525

DAM

Trespass - §9.52.020

DANGER SIGNS

Defined - §12.04.010

DANGEROUS BUILDINGS

Placards - §15.28.190

DANGEROUS OR DEADLY WEAPON

Carrying in Plain View Prohibited - §9.80.015

[Return to Municipal Code Contents]

Exception - §9.80.050
 Defined - §9.80.010
 DATA PROCESSING
 Finance Director - §2.10.030
 DATA PROCESSING SERVICES
 Business Registration Certificate - §5.04.525
 DATUM PLANE
 Ch. 12.16
 DEAD TREES
 Accumulation/Existence of a Nuisance - §§8.18.010, 8.30.020
 DEBRIS
 Accumulation a Nuisance - §§8.18.010, 8.30.020
 DEDICATION OF STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAY/ EASEMENTS
 - §19.30.290
 DEFECATION
 Where Prohibited - §9.28.010
 DEFINITIONS
 1911 Act - §12.94.010
 1913 Act - §12.94.010
 1915 Act - §12.94.010
 800 service - §3.46.020
 900 service - §3.46.020
 Abandon - §6.01.020
 Abandoned - §19.02.050
 Abandoned Activity - §19.02.050
 Abandoned Sign - §19.22.030
 Abandoned Vehicle - §§8.30.015, 10.04.025
 Abandoned Well - §13.24.020
 Abandonment - §13.24.020

Abatement- §8.30.015
 Abutting - §19.02.050
 Access - §19.02.050
 Accessory Building or Structure - §§19.02.050; 19.04.030(2)(P)(3)
 Accessory dwelling unit - 19.04.030(2)(P)(3)
 Accessory Use - §19.02.050
 Acreage - §19.66.060
 Act or "the Act" - §§8.80.103
 Action §19.02.050
 Acts – §19.63.020
 ADC - (Alternative Daily Cover) §8.24.010
 ADU - 19.04.030(2)(P)(3)
 Address Sign - §19.22.030
 Adequate Care - §6.01.020
 Adequate Exercise - §6.01.020
 Adequate Feed - §6.01.020
 Adequate Shelter - §6.01.020
 Adequate Space - §6.01.020
 Adequate Water - §6.01.020
 Adjustment - §8.80.103
 Administrative Costs - §9.93.015
 Administrative Hearing Officer - §§8.30.015, 9.93.015
 Administrator - §19.06.030(B)
 Adult-Oriented Businesses - §19.02.050
 Adverse Effect - §13.25.020

Advertising Media - §19.22.030
 Affected territory - §3.27.020
 Affiliate - §14.08.26
 Affirm - §1.04.010
 Affirmed - §1.04.010
 A-Frame Sign - §19.22.030
 Aggressive manner - §9.60.020
 Agreement - §17.06.020
 Agricultural groves- §8.30.015
 Agricultural Products - §5.30.020
 Agricultural Well - §13.24.020
 Agriculture - §19.02.050
 Air Installation Compatible Use Zone Report - §19.12.020
 Aircraft - §8.15.020
 Airport - §19.02.050
 Airport District Five (AD V) - §19.12.020
 Alternative Daily Cover - §8.24.010
 Applicant - §§8.24.010, 12.05.020
 Application - §12.05.020
 Area of special flood hazard - §19.16.020
 Area of special flood-related erosion hazard - §19.16.020
 Area of special mud slide (i.e., mud flow hazard) - §19.16.020
 Area of Statewide Significance- §19.68.030
 Art Articles - §5.04.505
 Artesian Flow - §13.20.045

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Artesian Well -
§13.20.050
Artist Colony -
§19.02.050
As-Builts - §19.28.120
Asphalt Street -
§12.03.020
Attached - §19.02.050
Attractive Nuisance-
§8.30.015
Audible Alarm - §8.81.020
Authorized Contractor -
§5.26.020
Authorized Emergency
Vehicle - §10.04.010
Authorized Emergency
Vehicle (Privately Owned)
-§10.04.010
Automated Teller
Machine - §9.60.030
Automated Teller Machine
Facility - §9.60.030
Automatic Dialing System
- §8.81.020
Automatic Irrigation
Controller - §19.28.120
Automobile Sales Lot -
§19.02.050
Automobile Service
Station - §19.02.050
Automobile Wrecking -
§19.02.050
Automotive Stereo Shops
- §19.02.050
Average Storm Water
Drainage - §8.80.103
Awning -
§19.02.050§19.02.050
Awning Sign -
§19.22.030
Backflow Prevention
Device - §19.28.120
Backlighted Letter -
§19.22.030

Bank - §9.60.030
Banner, Flag, Pennant or
Balloon - §19.22.030
Banquet Hall -
§19.02.050
Bar - §19.02.050
Barrier well - §13.25.020
Base Flood - §19.16.020
Base Station-12.05.020
Basement - §19.02.050
Basement - §19.16.020
Basin - §13.25.020
Bed and Breakfast -
§19.02.050
Bench Sign - §19.22.030
Berm - §19.02.050
Best value- §12.21.020
Bicycle - §§10.04.010,
10.48.010
Bicycle Dealer -
§10.48.010
Billboard or Outdoor
Advertising Sign -
§19.22.030
Billing Address -
§3.46.020
Bin or Bins - §8.24.010
Bingo - §5.36.010
Block - §§12.92.010,
19.02.050
Block Face - §19.02.050
Blood Bank - §19.02.050
BMP - §8.80.103
Board - §§13.20.055,
Boarding House -
§19.02.050
Body Piercing Studios
-(see also: Tattoo
Parlors)- §19.02.050
Borrow Pits- §19.68.030
Boundary Adjustment -
§19.66.060

Break Dancing -
§9.49.010
BTU - §13.20.060
Building - §§8.66.010,
12.80.020, 15.37.020
Building - §§8.30.015,
19.02.050
Building Area -
§19.02.050
Building Code -
§19.22.030
Building Coverage -
§19.02.050
Building Fascia -
§19.22.030
Building Height -
§19.02.050
Building Mounted Sign -
§19.22.030
Building Official -
§15.20.020
Building or Structure -
§§6.08.020, 6.12.010
Building Site - §19.02.050
Business (Cannabis) -
§§5.18.040; 8.97.030
Business District -
§10.04.010
Business Tax,
Cannabis-5.18.040
Byproduct(s) -
§13.20.065
C.P.I. - §8.90.040
Cabinet Sign -
§19.22.030
Cable Communications
System - §14.08.26
Cable Operator -
§14.08.26
Cable Service -
§14.08.26
Cable System -
§14.08.26
Cable System Operator -
§14.08.26

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Cable Television System - §14.08.26
Calendar year - §5.18.040
California Department of Alcoholic Beverage Control- §19.06.030(B)
Camp - §12.98.020
Camp Facilities - §12.98.020
Camp Paraphernalia - §12.98.020
Cannabis - §§5.18.040; 8.97.030; 8.99.030.
Cannabis business- §5.18.040
Cannabis Business Tax,- §5.18.040
Cannabis concentrate- §8.97.030
Cannabis Cultivation -§§5.18.040; 8.99.030
Cannabis paraphernalia - §8.97.030
Cannabis product - §§5.18.040; 8.97.030
Canopy - §§5.18.040; 19.22.030
Canopy Sign - §19.22.030
Capacity - §10.16.120
Care - §6.01.020
Carport - §19.02.050
Cart - §5.26.020
Cathodic Protection Well - §13.24.020
Centerline - §12.36.010
Central City Mall - §5.40.020
Certified Famers' Market- §5.30.020
Certificate of Completion - §19.28.120

Certified Irrigation Designer - §19.28.120
Certified Landscape Irrigation Auditor - §19.28.120
CFR - §14.08.26
Changeable Copy Panel - §19.22.030
Changeable Copy Sign - §19.22.030
Channel Letter - §19.22.030
Charitable - §5.40.020
Charitable Films - §12.64.015
Check Cashing Business - §9.60.030
Check Valve - §19.28.120
Check-Cashing, Cash Advance, and Loan Facilities - §19.02.050
Chief of Police - §10.04.150
Cigarette - §8.73.010
City - §§8.99.030;19.02.050
City Campus - §8.97.030
City Council - §5.16.010
City Engineer - §19.66.060
City Engineer - §8.80.103
City Manager - §14.08.26
City or "the City" - §§1.04.010, 3.46.020; 3.80.030, 5.26.020, 5.40.020, , 8.15.020, 8.80.103, 13.20.070, 13.25.020, 14.08.26; CONT. NEXT PAGE
City or "the City"(CONT.) - 15.04.030, 15.25.020, 15.26.040; 5.30.020; 17.06.020; 17.08.040
City Permit (Cannabis Business)- §5.18.040

Civic Event Sign - §19.22.030
Clear Zone - §19.12.020
Clinic - §19.02.050
Close-out - Removal - §5.16.010
Club - §19.02.050
Clustered Subdivision - §19.02.050
Code - §§13.25.020; 17.06.020
Code Enforcement Director- §8.30.015
Coin-Operated Game Machine - §§5.04.295, 5.44.010
Collar - §6.01.020
Collection Agency - §§5.04.420
Collection Box, Unattended - 19.06.030
Combination Residence/ Office Use - §19.02.050
Commercial Cannabis Activity -§8.99.030
Commercial District - 19.06.030
Commercial edible food generator - §8.24.095
Commercial Handbill - §8.15.020
Commercial structure - §15.57.020
Commercial Vehicle - §10.04.040
Commercial Vehicle - §19.02.050
Commercial/retail/ office or industrial/ manufacturing development project - §3.27.020
Commission - §13.36.010; 19.02.050
Common Cause - §8.81.020

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Common Council -
§5.16.010
Common Interest
Developments -
§19.28.120
Communication Services
- §3.46.020
Communications Act -
§14.08.26
Community Apartment -
§19.02.050
Community Care Facility
- §19.02.050
Community Garden -
§19.02.050
Community Water Supply
Well - §13.24.020
Companion Animal -
§6.01.020
Compatible Land Uses-
§19.68.030
Complete independent
living facilities-
§19.04.030(2)(P)(3)
Compliance Schedule -
§§8.80.103,
Concrete Driveway -
§12.03.020
Concrete Gutter -
§12.03.020
Concrete Street -
§12.03.020
Conditional
Reconstruction Permit -
§15.12.030
Conditional Use/
Development Permit -
§19.02.050
Conditions of Approval
(Alcohol Beverage Sales
Development Permit) -
§19.06.030(B)
Condominium -
§19.02.050
Conference Bridging
Service - §3.46.020

Conforming Sign -
§19.22.030
Congested Streets -
§5.04.360
Conspicuity - §19.22.030
Constructing - §13.20.075
Construction Activity -
§8.80.103
Construction
Commencement -
§19.02.050
Construction Cost -
§§12.92.010, 15.57.020
Construction Material-
§8.30.015
Construction Sign -
§19.22.030
Construction
Subcontract- §12.21.020
Consumer - §14.08.26
Consumer §14.08.26
Consumer Price Index -
§8.90.040
Contamination -
§§8.80.103, 13.24.020,
13.25.020
Content Neutral Time,
Place and Manner
Regulations - §19.22.030
Contract - §2.55.010
Contractor - §5.04.545
Contrast - §19.22.030
Contribution - §2.55.010
Controlled Substance -
§9.95.010
Controlled Substance -
§9.95.010
Convalescent Home -
§19.02.050
Convenience Store -
§19.02.050
Conversion - §19.66.060
Conversion Factor (0.62)
- §19.28.120

Copy Area - §19.22.030
Corner- §19.02.050
Cost - §§12.92.010,
12.96.010
Cost, Installation Costs,
or Variants Thereof -
§12.96.010
Council - §§1.04.010,
5.16.010, 13.20.080;
19.02.050
County -
§§1.04.010,3.80.030,
5.30.020
County - §19.02.050
County Recorder -
§19.66.060
Court - §19.02.050
Credit Union - §9.60.030
Crime Free zone -
§9.96.020
Cross-connection -
§13.24.020
Crosswalk - §10.04.010
Cultivation - §5.18.040
Cultivation, Personal
-§8.99.030
Curb - §§12.03.020,
12.36.010, 12.92.010
Curblin - §12.36.010
Curfew Hours - §9.68.010
Custom Sign -
§19.22.030
Customer - §14.08.26
Customer System -
§13.24.020
Dancing Club - §5.14.010
Danger Signs -
§12.04.010
Dangerous Fireworks -
§8.61.020
Dangerous or Deadly
Weapon - §9.80.010
Day - §§13.25.020,
Day Care Center,
Children - §19.02.050

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Day Care Home - Large Family - §19.02.050
Day Care Home - Small Family - §19.02.050
Day Care Home, Children - §19.02.050
Day-night Sound Level (Ldn) - §19.12.020
Days - §19.02.050
Decibel - §19.12.020
Decision Making Authority - §2.74.040
Deck Cabinet - §19.22.030
Deemed Approved Activity (Alcohol Beverage Sales Development Permit)- §19.06.030(B)
Deemed Approved Status (Alcohol Beverage Sales Development Permit)- §19.06.030(B)
Defensible Space - §19.02.050
Demolition - §15.37.020
Density - §19.02.050
Department - §19.02.050
Department - §§13.20.085, 13.24.020, 13.25.020; 17.06.020
Department of Public Works - §19.66.060
Design - §19.02.050
Design-build- §12.21.020
Design-build entity- §12.21.020
Design-build team- §12.21.020
Designee - §8.24.095
Detached - §19.02.050
Detailed Telecommunications Billing Service - §3.46.020

Developed Parcel - §8.80.103
Developer - §8.80.103
Developer-Requested Improvement District - §12.94.010
Development - §15.73.030; 19.02.050
Development Code - §19.02.050
Development impact report - §3.27.020
Dewatering - §8.80.103
Dialysis Transportation Vehicle - §5.76.020
Dimensional Letter - §19.22.030
Dine and Dance Clubs - §5.14.010
Dining area- §8.97.030
Direct and Immediate Threat - §6.01.020
Directional Sign - §19.22.030
Director - §§ 12.80.020, 13.24.020, 15.26.040; 17.06.020, 19.02.050, 19.06.030
Director, Code Enforcement- §8.30.015
Director of Development Services §12.30.010
Director of Finance - §5.30.020
Director of Parks, Recreation, and Community Services - §§12.40.010, 12.80.020, 12.96.010
Director of Public Services - §12.40.010
Director of Public Works/City Engineer - §12.30.010
Directory Assistance - §3.46.020

Directory Sign - §19.22.030
Discharge - §8.80.103
Discharger - §8.80.103, Disperse - §9.96.020
Distribution System - §13.24.020
District - §13.36.010
District, Commercial - §19.06.030
Dogs
Potentially Dangerous - §6.09.020
Vicious - §6.09.020
DOHS - §13.25.020
Domestic Fowl - §6.05.010
Domestic Water Supply System - §13.24.020
Dormitory - §19.02.050
Double-faced Sign - §19.22.030
Drilling a Well - §13.20.090
Drilling Site - §13.20.095
Drip Irrigation - §19.28.120
Drive-in - §10.38.010
Driver - §§5.76.020, 10.04.010
Driver's Permit - §5.76.020
Driveway - §12.92.010
Drug-Related Nuisance - §9.95.010
DTSC - §13.25.020
Dwelling - §19.02.050
Dwelling Unit - §19.02.050
Dwelling unit - §3.27.020
Dwelling, Multiple - §19.02.050
Easement - §19.02.050

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Eaveline - §19.22.030
Ecological Restoration Project - §19.28.120
Edible food - §8.24.095
Education agency, Local - §8.24.095
Educational Institution - §19.02.050
Educational Service - §19.02.050
Effective date - §3.27.020
Effective Precipitation (Eppt) - §19.28.120
Efficiency unit - §19.04.030(2)(P)(3)
Efficiency kitchen - §19.04.030(2)(P)(3)
Elected Official - §2.55.010
Electric Sign - §19.22.030
Electronic Message Center (EMC) - §19.22.030
Electronic Smoking Device - §8.97.030
Eligible Facilities Request-§12.05.020
Emergency - §§2.46.020, 9.68.010
Emergency Shelter - §19.02.050
Emergency Veterinary Treatment - §6.01.020
Emitter - §19.28.120
Employee - §§2.62.020; 5.18.040; 8.97.030
Employees - §2.62.020
Employer- §8.97.030
Enclosure - §6.01.020
Enclosed area - §8.97.030

Encroachment - §12.03.020
Encroachment - §19.16.020
Enforcement Officer - §9.93.015
Engaged in business (as a cannabis business) - §5.18.040
Engineer's Report - §15.73.030
Entertainment - §5.14.010
Entertainment (Live) - §19.02.050
Entitlement for use, other - §2.55.010
Environmental Impact Report (EIR) - §19.66.060
Environmental Protection Agency (EPA) - §13.25.020
EPA - §§8.80.103, 15.25.020
Equine - §6.04.010
Equivalent Dwelling Unit - §15.73.030
Escort Bureau - §5.52.010
Essential Building - §15.12.030
Established Landscape - §19.28.120
Establishment - §9.68.010
Establishment Period of the Plants - §19.28.120
Estimated Total Water Use (ETWU) - §19.28.120
ET Adjustment Factor" (ETAF) - §19.28.120
Euthanasia - §6.01.020
Evapotranspiration Rate - §19.28.120
Event - §8.82.020

Excavation - §8.30.015
Exchange Type Soft Water
Exercise - §6.01.020
Exhibitor - §6.01.020
Exploratory Hole - §13.24.020
Extended Lodging Facility - §19.02.050
Exterior Illuminated Sign - §19.22.030
Extraction - §13.25.020
Extraordinary Law Enforcement Services - §8.82.020
Event, Large - §8.24.095
Evidence of doing business- §5.18.040
Face - §19.22.030
Facility - §12.03.020
Facility, Food- §8.24.095
Facility, Health - §8.24.095
Fake Sale - §9.64.010
False Alarm - §8.81.020
Family - §19.02.050
Fancy Pigeon - §6.06.010
Fascia Sign - §19.22.030
FCC - §§12.05.020, 14.08.26
Federal Categorical Federal Communications Commission - §§12.05.020, 14.08.26
Fee Administrator - §17.08.040
Fee Payer - §15.73.030
Final Map - §19.66.060
Finance, Director of - §5.30.020
Fire Chief - §8.18.010
Fire Marshal - §15.25.020
Fire Model - §19.15.030

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Fire Zone A - §19.15.030
Fire Zone B - §19.15.030
Fire Zone C - §19.15.030
Fire Zone C, Abutting
Wildlands - §19.15.030
Fire, Removal or Closing-
out Sale - §5.16.010
Firearm - §§9.84.030,
8.65.070
Flag- §19.02.050
Flag Test - §19.22.030
Flashing Sign -
§19.22.030
Flat Cutout Letter -
§19.22.030
Flood Boundary and
Floodway Map -
§19.16.020
Flood Insurance Rate
Map (FIRM) - §19.16.020
Flood Insurance Study -
§19.16.020
Flood or flooding -
§19.16.020
Flood proofing -
§19.16.020
Floodplain management -
§19.16.020
Floodplain management
regulations - §19.16.020
Floodplain or flood-prone
area - §19.16.020
Floodway - §19.16.020
Flow Rate - §19.28.120
Fluorescent Lamp or
Tube - §19.22.030
Following - §1.04.010
Food - §8.24.095
Food facility- §8.24.095
Food recovery -
§8.24.095
Food Recovery
Organization - §8.24.095

Food Recovery Service -
§8.24.095
Food service distributor -
§8.24.095
Font - §19.22.030
Fortune Telling -
§5.04.355
Foul- §8.30.015
Franchise - §§13.20.100,
14.08.26
Franchise Fee -
§14.08.26
Franchise Service Area -
§14.08.26
Fraternity/Sorority House
- §19.02.050
Freestanding Sign -
§19.22.030
Freeway Sign (off-site) -
§19.22.030
Freeway Sign (on-site) -
§19.22.030
Front- §19.02.050
Front Lighted Letter -
§19.22.030
Front Wall - §19.02.050
Frontage - §19.02.050
Frontages - §12.96.010
Fronting and Facing -
§12.92.010
FS - §13.25.020
Fuel Dealer - §19.02.050
Fuel Modification -
§19.15.030
Fully Enclosed and
Secure Structure
-§8.99.030
Functionally dependent
use - §19.16.020
Future Tenant
Identification Sign -
§19.22.030
Gang-Related Crime -
§9.95.010

Garage - §19.02.050
Garbage - §§8.15.020;
8.30.015
General Manager -
§§13.20.105, 13.25.020
General Permit for Storm
Water Discharges from
Construction Activity -
§8.80.103
General Permit for Storm
Water Discharges from
Industrial Activities -
§8.80.103
General Plan -
§19.02.050
General Plan Land Use
District - §19.02.050
Geothermal Data Center
- §13.20.110
Geothermal Facility -
§13.20.115
Geothermal Fluid -
§13.20.120
Geothermal Heat -
§13.20.125
Geothermal Resources -
§13.20.130
Government Code -
§19.66.060
Grade - §19.02.050
Graffiti - §15.24.030
Grand Opening -
§19.22.030
Grantee - §14.08.26
Great Bodily Injury -
§9.68.010
Grocery store- §8.24.095
Groomer - §6.01.020
Grooming - §6.01.020
Gross Acreage -
§19.02.050
Gross Floor Area -
§19.02.050
Gross Income -
§8.90.190

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Gross Receipts -
§§5.04.060; 5.18.040

Gross Revenue -
§14.08.26

Ground Water -
§§13.20.135, 13.25.020

Ground Water Model -
§13.25.020

Guardian - §9.68.010

Guest House -
§19.02.050

Guidelines - §17.06.020

Gutter Line - §12.36.010

Half Story - §19.02.050

Hang Glider - §12.88.010

Hang Gliding -
§12.88.010

Hardscapes - §19.28.120

Hardship - §19.16.020

Haul Road- §19.68.030

Hazardous Material -
§§8.30.015

Hazardous Waste -
§8.30.015

Hazardous Waste Facility
- §17.05.020

Health/Athletic Club -
§19.02.050

Health facility - §8.24.095

Hearing Officer -
§§8.30.015, 8.80.103

Heat Rate - §13.20.140

Heating Service -
§13.20.145

Height of Sign -
§19.22.030

Heliport - §19.02.050

High Noise Levels -
§19.12.020

High Risk Building -
§15.12.030

Highest adjacent grade -
§19.16.020

Highway - §8.36.020

Historical Building -
§15.12.030

Historical Preservation
Commission - §15.37.020

Holiday and Holidays -
§10.04.060

Holiday Decoration Sign
- §19.22.030

Home Occupation -
§19.02.050

Homeowner-Provided
Landscaping -
§19.28.120

Horse - §6.04.010

Hospital - §19.02.050

Hote - §19.02.050

Hotel - §§3.55.010;
8.24.095

Housing Facility -
§6.01.020

Human Occupancy -
§19.12.020

Humane - §6.01.020

Hydrozone - §19.28.120

Identification Sign -
§19.22.030

Idle- §19.68.030

Illegal Activity (Alcohol
Beverage Sales
Development Permit) -
§19.06.030(B)

Illegal Discharge -
§8.80.103

Illegal Drug - §9.96.020

Illegal Drug Activity -
§9.95.010

Illegal Sign - §19.22.030

Illicit Connection -
§8.80.103

Illuminated Sign -
§19.22.030

Improvement District -
§12.94.010

Improvement District
- Developer-Requested -
§12.94.010

Improvement Standard -
§19.66.060

Includes - §15.73.020

Incompatible Land Uses-
§19.68.030

Individual Domestic Well -
§13.24.020

Individual with a Disability
– §19.63.020

Indoor Cannabis
Cultivation -§8.99.030

Indoor Retail Concession
Mall - §19.02.050

Infill Development -
§19.02.050

Infiltration Rate -
§19.28.120

Informational Sign -
§19.22.030

Inhabitant - §13.20.150

Inhibitor well - §13.25.020

Injection Well -
§13.20.155

Inline Skates -
§12.80.020

Inoperable or Abandoned
Vehicle - §§8.30.015,
15.24.030

Installation Cost -
§12.96.010

Institutional Sign -
§19.22.030

Interior- §19.02.050

Interior- §19.02.050

Interior Sign - §19.22.030

Internally Illuminated Sign
- §19.22.030

Intersection - §10.04.010

Intoxicating Liquor -
§5.04.090

Intrusion Alarm -
§8.81.020

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Invasive Plant Species - §19.28.120
Irrigation Audit - §19.28.120
Irrigation Efficiency - §19.28.120
Irrigation Survey - §19.28.120
Irrigation Water Use Analysis - §19.28.120
JADU - §19.04.030(2)(P)(3)
Junior accessory dwelling unit - §19.04.030(2)(P)(3)
Junk and Salvage Facility - §19.02.050
Junk Dealer - §5.04.315
Kennel - §19.02.050
Kennel - §6.01.020
Key- §19.02.050
Kiosk - §19.22.030
Kitchen - §19.02.050
Land Use Zoning District - §19.02.050
Landlord - §§8.90.040, 9.95.010
Landscape Architect - §19.28.120
Landscape Area - §19.28.120
Landscape Contractor - §19.28.120
Landscape Documentation Package - §19.28.120
Landscape Project - §19.28.120
Landscaping - §19.02.050
Large Event - §8.24.095
Large Venue - §8.24.095
Lateral (Horizontal) Well - §13.24.020

Lateral Line - §19.28.120
Law - §1.04.010
LCD - §19.22.030
Ldn - §19.12.020
LED - §19.22.030
Legal Nonconforming Activity (Alcohol Beverage Sales Development Permit)- §19.06.030(B)
Legal Nonconforming Alcoholic Beverage Sales Commercial Activity - §19.06.030(B)
Legal Nonconforming Sign - §19.22.030
Leg-hold Traps - §9.20.010
Legibility - §19.22.030
License - §§2.55.010; 5.14.010; 5.18.040
Lighting - §5.18.040
Lights - §12.03.020
Linger- §9.62.020
Liquification - §15.08.040
Liquor - §5.04.090
Liquor Stores - §19.02.050
Listed Sign - §19.22.030
Litter - §8.15.020
Livestock - §6.01.020
Live-Work- §19.02.050
Living area - §19.04.030(2)(P)(3)
Loading Zone - §10.04.070
Local Agency - §19.28.120
Local Bidders - §3.04.125
Local education agency - §8.24.095
Local Shopping Center - §19.22.030

Local Water Purveyor - §19.28.120
Lodging Space - §3.55.010
Loft - §6.06.010
Logo - §19.22.030
Logo Sign - §19.22.030
Loitering- §9.62.020
Lot
 Corner- §19.02.050
 Flag- §19.02.050
 Interior- §19.02.050
 Key- §19.02.050
 Reverse Corner- §19.02.050
 Through- §19.02.050
Lot Area- §19.02.050
Lot Averaging- §19.02.050
Lot Depth- §19.02.050
Lot Frontage- §19.02.050
Lot Line
 Adjustments - §19.66.060
 Front- §19.02.050
 Interior- §19.02.050
 Rear- §19.02.050
 Side- §19.02.050
Lot Width - §19.02.050
Loud and Raucous Noise - §9.48.010
Low Risk Building - §15.12.030
Low Volume Irrigation - §19.28.120
Lowest floor - §19.16.020
Main Line - §19.28.120
Major Tenant - §19.22.030
Mall - §5.40.020
Management - §5.32.030

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Management Zone - §13.25.020
Manhole - §12.03.020
Mansard - §19.22.030
Manufactured Home - §§19.02.050
Manufactured home park or subdivision - §19.16.020; 19.04.030(2)(P)(3)
Marijuana - See "Cannabis"
Marquee - §19.22.030
Marquee Sign - §19.22.030
Massage - §5.20.010
Massage Parlor - §5.20.010
Massage Technician - §5.20.010
Master Facility Plan - §3.27.020
Mature Pigeon - §6.06.010
Maximum Applied Water Allowance (MAWA) - §19.28.120
Maximum Extent Practicable (MEP) - §8.80.103
May - §§1.04.010, 10.04.160, 15.73.020, 19.66.060
Mayor and Common Council - §5.16.010
Mean sea level - §19.16.020
Median - §19.02.050
Median Island- §9.62.020
Medical cannabis -§8.99.030
Medical Transportation, Non Emergency - §5.76.020

Medical Transportation Vehicle - §5.76.020
Medicinal Cannabis -§8.99.030
Medium Risk Building - §15.12.030
Menu Board - §19.22.030
Merger - §19.66.060
Message Area - §19.22.030
Message Center - §19.22.030
Microbrewery - §19.02.050
Microclimate - §19.28.120
Mined Lands- §19.68.030
Mined-Land Reclamation Projects - §19.28.120
Minerals- §19.68.030
Mini-Mall - §19.02.050
Minors - §§5.36.010, 9.68.010
Mitigation Measures - §13.25.020
Mixed Use Development - §19.02.050
Mixed-light Cannabis Cultivation -§8.99.030
Mobile Home - §19.02.050
Mobile Home - §8.90.040
Mobile Home Owner - §8.90.040
Mobile Home Park Owner - §8.90.040
Mobile Home Space - §8.90.040
Mobile Sign - §19.22.030
Mobile Source Air Pollution Reduction Programs - §17.08.040
Mobile Telecommunications Service - §3.46.020

Mobile Vendor - §19.02.050
Model - §13.25.020
Month - §§1.04.010, 3.44.010; 3.46.020
Monument Sign - §19.22.030
Motel - §19.02.050 - §19.02.050
Motion Picture, Television, Still Photography - §12.64.015
Motor Truck - §10.04.010
Motor Vehicle - §§5.24.010, 10.04.010
Motorcycle - §10.04.010
Muffler - §10.56.020
Mulch - §19.28.120
Multi-Channel Video Programming Distributor - §14.08.26
Multi-family Rental Housing Complex - §15.25.020
Multi-family Rental Housing Unit or Unit - §15.25.020
Multi-Family Residential - §19.02.050
Municipal Infrastructure-§12.05.020
Municipal Parking Facility - §10.24.200
Must - §1.04.010
National Pollutant Discharge Elimination System (NPDES) Permit - §§8.80.103
NEC - §19.22.030
Negative Declaration - §19.66.060
Neglected or Abandoned Orchard - §8.18.020

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Neighborhood Grocery Stores - §19.02.050

Neon Sign - §19.22.030

Net Operating Income - §8.90.180

Net Site Area - §19.02.050

New Construction - §§19.16.020; 19.28.120

New Construction - §15.57.020

New Development - §8.80.103

New Facility - §12.03.020

News Media - §12.64.015

Newspaper - §8.15.020

Night Clubs - §5.14.010

Noncommercial Handbill - §8.15.020

Noncommercial Handbill - §8.15.020

Nonconforming Lot - §19.02.050

Nonconforming Structure - §19.02.050

Nonconforming Use - §19.02.050

Nonconforming, Illegal - §19.02.050

Nonconforming zoning condition - §19.04.030(2)(P)(3)

Nonprofit Organization - §5.36.010

Non-Storm Water - §8.80.103

Non-Structural BMPs - §8.80.103

Notice - §5.14.010

Notice of Intent - §8.80.103

Noxious- §8.30.015

NPDES Permit - §§8.80.103

NPL - §13.25.020

Nuisance - §§8.80.103, 8.82.020

Nurseries/Garden Supplies - §19.02.050

Nursery- §5.18.040

Oath - §1.04.010

Observation Well - §13.24.020

Occupancy - §§3.55.010, 15.20.020

Occupant - §§1.04.010, 15.20.020, 15.25.020; 15.26.040

Odor- §8.30.015

Official, Elected - §2.55.010

Official Traffic Signals - §10.04.090

Official Traffic-Control Devices - §10.04.080

Off-Premise Sign - §19.22.030

Off-Sale Alcohol Outlet - §19.06.030(B)

Off-Street Parking Facility - §10.04.095

Oiled Street - §12.03.020

One hundred year flood - §19.16.020

On-Premise Sign - §19.22.030

On-Sale Alcohol Outlet - §19.06.030(B)

Open Channel Letter - §19.22.030

Open House Sign - §19.22.030

Open Video System - §14.08.26

Open Video System Operator - §14.08.26

Operating Pressure - §19.28.120

Operational Standards (Alcohol Beverage Sales Development Permit) - §19.06.030(B)

Operator - §§3.55.010, 5.24.010, 9.68.010, 10.04.010, 19.06.030

Operator- §19.68.030

Orchard - §8.18.020

Other Programming Service - §14.08.26

OU - §13.25.020

Outdoor Athletic Recreation Areas, Sports Centers and Sports Facilities - §8.73.040

Outdoor Cannabis Cultivation - §8.99.030

Outdoor Sales/Displays - §19.02.050

Overhead Sprinkler Irrigation Systems - §19.28.120

Oversize Loads - §8.66.010

Overspray - §19.28.120

Owned By the City - §10.04.100

Owner - §§1.04.010, 6.01.020, 6.06.010, 8.30.015, 13.20.160, 15.20.020, 15.24.030, 15.25.020; 15.26.040

Owner of the Land - §8.36.020

Owner of the Vehicle - §8.36.020

Paging Service - §3.46.020

Painted Wall Sign - §19.22.030

Pan Channel Letter - §19.22.030

Pan Face - §19.22.030

Panic Alarm - §8.81.020

Parade - §19.70.036

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Parapet - §19.22.030	Permit (Alcohol Beverage Sales Development Permit)- §19.06.030(B)	Place of Employment- §8.97.030
Parcel - §19.02.050	Permit - §§2.55.010; 8.80.103, 12.80.020, 17.06.020	Place of Primary Use - §3.46.020
Parcel Map - §19.66.060	Permitted Use - §19.02.050	Planned Residential Development (PRD) - §19.02.050
Parent - §9.68.010	Permittee - §§8.80.103, 12.05.020, 19.06.030	Plant Factor - §19.28.120
Park - §§8.15.020, 5.30.020; 10.04.110, 12.80.020, 12.98.020	Permittee (Alcohol Beverage Sales Development Permit) - §19.06.030(B)	Plant Water Use Factor - §19.28.120
Park Owner - §8.90.040	Person - §§1.04.010, 3.44.010, 3.46.020 3.55.010, 5.18.040; 5.26.020, 5.40.020, 5.44.010, 5.76.020, 6.01.020, 8.15.020, 8.57.010, 8.80.103, 8.97.030; 9.93.015; 10.04.010, 12.03.020, 12.80.020, 13.20.165, 13.24.020, 13.25.020, 13.36.010, 14.08.26; 15.20.020, 15.24.030, 15.25.020, 15.48.020, 15.73.020, 19.02.050	Playground - §8.73.010
Parking Facilities - §5.40.020	Person in Charge - §8.82.020	Point-of-Purchase Sign - §19.22.030
Parking Places - §12.84.020 A	Personal Cultivation - §8.99.030	Pole or Pylon Cover - §19.22.030
Parks, Recreation and Community Services, Director of - §12.96.010	Personal Property - §1.04.010	Pole Sign - §19.22.030
Parkway - §10.04.120	Personal Wireless Services-§12.05.020	Poles, Overhead Wires and Associated Overhead Structures - §13.36.010
Parkway - §19.02.050	Personal Wireless Services Facility-§12.05.020	Police Officer - §10.04.150
Participant - §2.55.010	Persons Financially Interested - §5.44.030	Political - §5.40.020
Party - §2.55.010	Pervious - §19.28.120	Political Sign - §19.22.030
Party Supply Stores - §19.02.050	Pet Shop - §6.01.020	Political Signs - §16.12.020
Passageway - §19.04.030(2)(P)(3)	pH - §8.80.103,	Political Signs - §16.12.020
Passenger Loading Zone - §10.04.130	Pigeon - §6.06.010	Pollutant - §8.80.103
Pawn Shops - §19.02.050		Pollution - §§13.20.170, 13.24.020,
Pawnbroker - §5.04.350		Portable Sign - §19.22.030
PDP - §19.22.030		Post and Panel Sign - §19.22.030
Peddler - §5.04.375		Posted Property - §9.52.010
Peddling - §5.19.010		Post-paid telecommunication service - §3.46.020
Pedestrian - §10.04.140		Potentially Dangerous Dog - §6.09.020
PEG Access - §14.08.26		Poultry - §6.01.020
PEG Access Facilities - §14.08.26		Preceding - §1.04.010
Performance Standards (Alcohol Beverage Sales Development Permit)- §19.06.030(B)		Precipitation Rate - §19.28.120
Permanent Flags - §19.22.030		
Permanent Sign - §19.22.030		

[Return to Municipal Code Contents]

[Return to Index Beginning]

DEFINITIONS (CONT'D):

Predictive Particle Tracking - §13.25.020
Premises - §§8.30.015, 8.82.020, 9.95.010
Premises (Alcohol Beverage Sales Development Permit) - §19.06.030(B)
Prepaid telecommunication service - §3.46.020
Primary Caregiver-§8.99.030
Primary Enclosure - §6.01.020
Primary Sign - §19.22.030
Primary Wall - §19.22.030
Principal Use - §19.02.050
Private Premises - §8.15.020
Private Purpose - §9.04.020
Private Residence -§8.99.030
Private Road or Driveway - §10.04.010
Private Telecommunication Service - §3.46.020
Prizes - §5.36.010
Prohibited smoking area - §8.97.030
Procurement Agent- §12.21.020
Program - §17.06.020
Project Applicant - §19.28.120
Project Re-Design - §13.25.020
Projecting Sign - §19.22.030

Promotional Sign - §19.22.030
Properly Cleaned - §6.01.020
Properly Lighted - §6.01.020
Property - §§1.04.010, 8.30.015, 12.03.020, 15.24.030
Property Line - §12.36.010
Property Owner - §§15.26.040, 19.06.030
Property, Personal - §1.04.010
Property, Public - §8.36.020
Property, Real - §1.04.010
Property, Unclaimed - §2.70.010
Proposed dwelling - §19.04.030(2)(P)(3)
Prospect Hole - §12.03.020
Prospect Well - §13.20.175
Public Dance - §5.14.010
Public Dance Halls - §5.14.010
Public Educational or Government Access Facilities - §14.08.26
Public Improvements - §15.73.030
Public Nuisance - §19.22.030
Public Nuisance, Urgent - §8.18.080
Public Park - §19.02.050
Public Park - §8.73.010
Public Park, Street, Alley, Highway, or Other Public Place - §9.32.010

Public Place - §§8.97.030; 9.60.010, 9.68.010, 9.68.010, 9.96.020, 12.03.020;
Public Project - §12.20.020
Public Property - §§5.26.020, 8.36.020
Public Right-of-Way, or ROW-§§12.05.020, 14.08.26, 19.02.050
Public Street - §12.03.020
Public transit - §19.04.030(2)(P)
Public Works Project- §12.21.020
Push-Through - §19.22.030
Qualified patient -§8.99.030
Qualifying patient-§8.99.030
Quarry Queue Line - §19.02.050
Raceway - §19.22.030
Racing Pigeon - §6.06.010
Rain Sensing Shutoff Device - §19.28.120
Rain Sensor - §19.28.120
Real Estate Sign - §19.22.030
Real Property - §1.04.010
Rear- §19.02.050
Reasonable Accommodation – §19.63.020
Reclaimed Water - §19.28.120
Reclamation- §19.68.030
Recognition - §19.22.030
Reconstruction - §15.57.020

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Record Drawing -
§19.28.120

Record of Decision
(ROD) - §13.25.020

Recovery, Food -
§8.24.095

Recreational Activity -
§9.49.010

Recreational Area -
§§8.97.030; 19.28.120

Recreational Vehicle -
§19.02.050

Recycled Water -
§19.28.120

Recycling - §19.02.050

Recycling Center -
§19.02.050

Redevelopment -
§8.80.103

Redevelopment Agency -
§5.40.020

Reference
Evapotranspiration (ET_o)
- §19.28.120

Refuse - §§8.15.020,
8.30.015

Regional Shopping
Center - §19.22.030

Regional Shopping
Center - §9.49.010

Registered Animal -
§6.01.020

Registration- §5.18.040

Regulatory Sign -
§19.22.030

Rehabilitated Landscape
- §19.28.120

Religious - §5.40.020

Religious Institution -
§19.02.050 - §19.02.050

Remain - §9.68.010

Remainder - §19.66.060

Remedy - §13.25.020

Remedy a violation -
§19.16.020

Rent - §8.90.040

Rent Adjustments -
§8.90.040

Rental Agreement -
§8.90.040

Rental Housing Unit -
§15.25.020

Rental Property -
§15.26.040

Residence-§8.99.030

Residential District -
19.06.030

Restaurant - §8.24.095

Rock and Oil -
§12.03.020

Roof Sign - §19.22.030

Room Rental - §3.55.010

Rounding of Quantities -
§19.02.050

Rubbish - §§8.15.020

Runoff - §19.28.120

Runway - §19.12.020

Safety Zone - §10.04.010

Sale (Cannabis)-
§5.18.040

Sales and Production
of Handicraft Items -
§19.02.050

Sanitize - §6.01.020

Satellite Dish Antenna -
§19.02.050

Savings and Loan
Association - §9.60.030

SBMWD - §13.25.020

Scheduled - §8.82.020

Scheduled Event -
§8.82.020

School - §19.02.050

Second Dwelling Unit -
§19.02.050

Second Hand Stores/
Thrift Stores - §19.02.050

Secondary residential
unit - §3.27.020

Secondary Sign -
§19.22.030

Secondary Use -
§13.20.180

Self-Service Displays -
§8.73.030

Self-service Laundry -
§19.02.050

Senior Congregate Care
Housing - §19.02.050

Service - §13.20.185

Service Address -
§3.46.020

Service Area -
§§8.97.030;14.08.26

Service Connection -
§13.20.190

Service Supplier -
§3.46.020

Service User -
§§3.44.010; 3.46.020

Service User's Tax -
§3.46.020

Setback - §19.02.050

Setback, Front/Rear
Average - §19.02.050

Severe Accident Potential
- §19.12.020

Severe Injury - §6.09.020

Sewage - §8.80.103

Shall - §§1.04.010,
8.15.020, 10.04.160,
15.73.020

Shall - §19.66.060

Shelter - §6.01.020

Shopping Cart -
§5.26.020

SIC - §§8.80.103,

Side- §19.02.050

Sidewalk(s) - §§1.04.010,
10.04.010, 12.36.010,
12.92.010

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Sidewalk/Parking Lot Sale - §19.02.050
 Sidewalk/Sandwich Sign - §19.22.030
 Sight Restriction - §12.30.010
 Sight Triangle - §12.30.010
 Sign - §19.22.030
 Sign Area - §19.22.030
 Sign Band - §19.22.030
 Sign Face - §19.22.030
 Sign Program - §19.22.030
 Signcentric Design - §19.22.030
 Significant Accident Potential - §19.12.020
 Single Face Sign - §19.22.030
 Single Room Occupancy (SRO) Facility - §19.02.050
 Single-Family Rental Property - §15.26.040
 Single-Price Overstock/Discount Store - §19.02.050
 Site - §13.25.020
 Slope - §19.02.050
 Slope Percentage - §19.02.050
 Slope Ratio - §19.02.050
 Small Cell Facility-§12.05.020
 Small Lot Subdivision - §19.02.050
 Smoke or Smoking - §§8.73.010; 8.97.030
 Smoke Shops - §19.02.050
 Smoking Area, Prohibited - §8.97.030

Social Service Uses/ Centers - §19.02.050
 Soil Moisture Sensing Device - §19.28.120
 Soil Moisture Sensor - §19.28.120
 Soil texture - §19.28.120
 Solar Facilities - §19.02.050
 Solicit - §5.40.020, 9.62.020
 Solicit, Ask, or Beg - §9.60.010
 Soliciting - §5.19.010
 Solicitor - §5.04.375
 Sound Vehicle - §8.57.010
 Source Facilities - §13.24.020
 Space - §8.90.040
 Space Rent - §8.90.040
 Special Flood Hazard Area (SFHA) - §19.16.020
 Special Landscape Area (SLA) - §19.28.120
 Specialty Food Stores - §19.02.050
 Specific Plan - §19.02.050
 Sporting Pigeon - §6.06.010
 Spreading Basin - §13.25.020
 Sprinkler Head - §19.28.120
 Stable, Commercial - §19.02.050
 Stable, Private - §19.02.050
 Stagnant Water- §8.30.015
 Standard Industrial Classification (SIC) System - §19.02.050

Start of construction - §19.16.020
 State - §§1.04.010, 3.46.020;
 State license (Cannabis Business)- §5.18.040
 Statement of Work (SOW) - §13.25.020
 Static Water Pressure - §19.28.120
 Station - §19.28.120
 Stop - §10.04.170
 Stop or Stand - §10.04.180
 Storage - §19.02.050
 Store - §12.98.020
 Store, Grocery- §8.24.095
 Storm Water - §8.80.103
 Storm Water Drainage System - §8.80.103
 Storm Water Pollution Prevention Plan (SWPPP) - §8.80.103
 Storm Water Quality Management Plan (SWQMP) - §8.80.103
 Story - §19.02.050
 Stream Bed Skimming- §19.68.030
 Streamlined Sales and Use Tax Agreement - §3.46.020
 Street - §§1.04.010, 5.76.020, 12.36.010, 12.92.010, 12.98.020; 14.08.26
 Street - §19.02.050
 Street Banner - §16.16.010
 Street Furniture - §19.22.030
 Street Line - §12.36.010
 Street or Highway - §10.04.010

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Structure, Fully Enclosed and Secure - §8.99.030

Structural BMPs - §8.80.103

Structure - §§15.37.020, 19.02.050

Student Housing Complex - §19.02.050

Subdivision Map Act - §19.66.060

Subscriber - §8.81.020, 14.08.26

Substantial Accident Potential - §19.12.020

Substantial damage - §19.16.020

Substantial Improvement - §19.16.020

Superintendent of Streets - §12.92.010

Supermarket - §§8.24.095; 19.02.050

Support Structure-§12.05.020

Surface Mining Operations- §19.68.030

Survey - §15.37.020

Swap Meet(s) - §§5.04.500, 19.02.050

Swear - §1.04.010

Swing Joint - §19.28.120

Sworn - §1.04.010

Tandem parking - §19.04.030(2)(P)

Tattoo Parlors - (see also: Body Piercing Studios) - §19.02.050

Tax Administrator - §§3.46.020; 5.18.040

Taxicab - §5.76.020

Taximeter - §5.76.020

Taxistand - §5.76.020

Telecommunications - §14.08.26

Telecommunications Equipment - §14.08.26

Telecommunications Service - §§3.46.020; 14.08.26;

Telecommunications Service Provider - §14.08.26

Temporary - §§5.04.505

Temporary Driver's Permit - §5.76.020

Temporary Sign - §19.22.030

Temporary Use- §19.02.050

Tenancy - §8.90.040

Tenant - §§1.04.010, 8.90.040, 9.95.010

Test Hole - §13.24.020

Testing Laboratory - §5.18.040

Therm - §13.20.195

Thermal Ground Water - §13.20.200

Through- §19.02.050

Through Highway - §10.04.010

Time and Temperature Display - §19.22.030

Tire Stores- §19.02.050

Tobacco Self-Service Displays - §8.73.030

Tot Lot Sandbox Area - §8.73.010

Tower-§12.05.020

Trademark - §19.22.030

Traffic Engineer - §12.30.010

Traffic Safety Sight Area- §19.02.050

Transient - §3.55.010

Transient Lodging Tax - §3.55.010

Transit Center- §19.02.050

Transport - §6.01.020

Transportation - §6.01.020

Transportation for Hire - §5.24.010

Transportation/ Distribution- §19.02.050

Treated Sewage Effluent Water - §19.28.120

Trench Influence Area - §12.03.020

Truck Stop- §19.02.050

Turf - §19.28.120

U.S.C. - §14.08.26

UL - §19.22.030

Unattended Collection Box - 19.06.030

Unclaimed Property - §2.70.010

Under-Canopy Sign - §19.22.030

Underground areas-§12.05.020

Underground Reservoir - §13.20.205

Underground Utility District - §13.36.010

Unenclosed area- §8.97.030

Unidentified Shopping Cart - §5.26.020

Unimproved Street - §12.03.020

Unit(s) - §15.25.020

Unmerchantable- §8.30.015

Unreasonably - §9.48.010

Unreinforced Masonry Bearing Wall - §15.12.030

Unscheduled - §8.82.020

Unscheduled Event - §8.82.020

Urgent Public Nuisance - §8.18.080

[Return to Municipal Code Contents]

DEFINITIONS (CONT'D):

Usable Rainfall - §19.28.120
Use- §19.02.050
Use Initiation- §19.02.050
User - §§13.20.210, 13.24.020,
User Service Pipeline - §13.20.215
Utility - §13.36.010
Utility Pole-§12.05.020
Vacancy - §8.90.040
Valve - §19.28.120
Valve/Valve Box/Pull Box - §12.030.020
Variable Message Sign - §19.22.030
Variance- §19.02.050
Vehicle - §§8.30.015, 8.36.020 , 10.04.010
Vehicle Dealership - §19.22.030
Vehicle Sign - §19.22.030
Venue, Large - §8.24.095
Verdemont Area - §15.73.030
Vertical Service - §3.46.020
Veterinary Services- §19.02.050
Veterinary Treatment - §6.01.020
Vicious Dog - §6.09.020
Video Programming - §§3.46.020; 14.08.26
Video Programming Distributor - §14.08.26
Video Programming Provider - §14.08.26
Video Provider - §14.08.26
Video Service Supplier - §3.46.020

Video Services - §3.46.020
Violation - §§8.80.103, 19.16.020
Violator- §8.30.015
Visibility - §19.22.030
Visible - §15.24.030
Voice Mail Service - §3.46.020
VoIP (voice over internet protocol) - §3.46.020
Waiting Time - §5.76.350
Wall Sign - §19.22.030
Warning Signs - §12.03.020
Waste Matter - §8.30.015
Water Conserving Plant Species - §19.28.120
Water Feature - §19.28.120
Water, Stagnant- §8.30.015
Water Surface Elevation - §19.16.020
Water Well - §§13.24.020, 13.25.020
Water Well Contractor and Drilling Machine Operator - §13.20.220
Water Wise Landscape - §17.06.020
Water Wise Landscape Program - §17.06.020
Watercourse - §19.16.020
Watering Window - §19.28.120
Waters of the State - §8.80.103
Wayfinding - §19.22.030
Weeds - §8.30.015
Well - §§13.20.225, 13.24.020, 13.25.020
Well Drilling Machine - §13.20.230

Wheelchair Passenger Transportation Vehicle - §5.76.020
Wholesale food market- §8.24.095
Wild, Exotic, Dangerous, or Non-Domestic Animals - §6.07.010,
Wild, exotic, dangerous, poisonous or non-domestic animals - §6.01.020
Wildlands - §19.15.030
Wildlands- §19.02.050
Window Sign - §19.22.030
Wireless Encroachment Permit-§12.05.020
Wireless Facility, or Facility-§12.05.020
Wireless Infrastructure Provider-§12.05.020
Wireless Regulations-§12.05.020
Wireless Service Provider-§12.05.020
Written - §1.04.010
WUCOLS - §19.28.120
Yard- §19.02.050
Yard, Front- §19.02.050
Yard, Interior Side- §19.02.050
Yard, Rear- §19.02.050
Yard, Side of Street- §19.02.050
Year - §1.04.010
Zero Lot Line- §19.02.050
Zone- §19.02.050

DEL ROSA AVENUE

Speed Limit

40 mph - §10.52.030

45 mph - §10.52.040

[Return to Municipal Code Contents]

DELICATESSEN Business Registration Certificate - §5.04.525	Approved Agreements on file with Office of the City Clerk -§19.40.090	Variances - CH. 19.72
DEMANDS AGAINST THE CITY Ch. 2.72	Review - Environmental - §19.40.060 Periodic - §19.40.070	DEVELOPMENT REVIEW COMMITTEE (DRC) -§19.38.030
DEMOLITION Defined - §15.37.020 Purchasing Exemption - §3.04.010	Public Hearings on - §19.40.030	DEVELOPMENT SERVICES, DIRECTOR OF Ch. 2.14 Authority to Arrest and Issue Citations - §9.90.010 Director - §2.14.020 Duties - §2.14.030 Engineer - §2.14.031 Duties - §2.14.032 Established - §2.14.010 Meetings - §2.14.040
DENTIST Business Registration Certificate - §5.04.525	DEVELOPMENT CODE Adult Businesses -§19.06.030(A) Alcohol Beverage Sales Conditional Use Permit - Deemed Approved Alcoholic Beverage Sales Regulations Ordinance - §19.06.030(B)(I) Inspection and Right of Entry by officials - §19.06.030(B)(IV)	DIAL-A-RIDE TAXICAB Rates - §§5.76.210, 5.76.240 Discrimination Prohibited - §5.76.250 Display - §5.76.260 Refusal to Pay Fare - §5.76.270
DEPARTMENT Defined - §§13.20.085, 13.24.020	Amendments to - CH.19.42 Boundaries on zoning map, Uncertain - §19.02.060 Conflict with Other Resolutions -§19.02.070	DIALYSIS TRANSPORTATION VEHICLE Defined - §5.76.020
DEPARTMENT OF FINANCE (See Finance, Department of)	Emergency Shelters - Ch. 19.10E Enforcement of Provisions - CH. 19.46 Grading- §19.30.040 Hearings and Appeals - Ch. 19.52 Minor Exceptions - CH. 19.58 Minor Modifications - Ch. 19.60 Pre-Zoning -§19.02.060 Reasonable Accommodation (for individuals with a disability) - CH. 19.63 Review Process Participants - §19.02.040 Similar Uses Permitted -§19.02.070 Specific Plans - CH. 19.64 Subdivision Ordinance - §19.02.030	DINERS COURT Weight Limitation, 10,000 Lbs. - §10.24.190
DEPARTMENT OF PUBLIC SERVICES (See Public Services, Department of)	Subcontractors - §12.21.060	DIRECTOR Defined - §§12.80.020, 13.24.020, 15.25.020
DESIGN-BUILD - Ch. 12.21 Design-Build Procurement Authorized - §12.21.030 Procurement Process. - §12.21.040 Bonds and Insurance - §12.21.050	DESIGN REVIEW - Ch. 19.38	DIRECTOR OF EMERGENCY SERVICES (See Emergency Services, Director of)
DETECTIVE AGENCY Business Registration Certificate - §5.04.525	DEVELOPMENT Defined - §15.73.030	DIRECTOR OF PUBLIC SERVICES (See Public Services, Director of)
DEVELOPMENT Defined - §15.73.030	DEVELOPMENT AGREEMENTS - CH. 19.40 Content of -§19.40.040 Application fo - §19.40.020	DISASTER COUNCIL Expenditures -2.46.110 Membership - §2.46.030

[Return to Municipal Code Contents]

Obstruction a Misdemeanor - §2.46.120	Number of Dogs Permitted - §6.08.020	Owning, Possessing, Controlling or Having Custody, Prohibition of - 6.09.160
Powers and Duties -§2.46.040	Police Dogs, Interference with Police Dogs - §6.12.010	Posting Property - 6.09.120
DISPLAYS, TEMPORARY	Rabies Vaccination Required - Certificates - §6.08.100	Potentially Dangerous Designation Maintained in Registration Records - 6.09.080
Business Registration Certificate - §5.04.507	Reporting of Animal Bites - §6.08.160	Removal From List of Potentially Dangerous Dogs - 6.09.130
DISTRIBUTION SYSTEM	Running at Large - §6.08.140	Seizure and Impoundment Pending Hearing - 6.09.060
Defined - §13.24.020	Running at Large - Impoundment - §6.08.130	DOMESTIC WATER SUPPLY SYSTEM
DISTRICT	Vaccination of Other Animals - §6.08.150	Defined - §13.24.020
Defined - §13.36.010	Vaccination Requirement - §6.08.110	DRAFTING
DOG GROOMING	Vicious and Potentially Dangerous - Ch. 6.09	Business Registration Certificate - §5.04.525
Business Registration Certificate - §5.04.525	Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous or Vicious -6.09.070	DRAINAGE FACILITIES
DOG KENNEL	Definitions - 6.09.020	Public Utilities - §3.75.010
Business Registration Certificate - §5.04.310	Death, Sale, Transfer or Permanent Removal; Notice - 6.09.110	DRAINAGE FEE
DOGS	Destruction; Non- Destruction, Conditions; Enclosures - 6.09.150	§3.38.040
Animals and Vehicles - §6.08.210	Determination and Orders; Notice; Compliance - 6.09.040	DRILLING A WELL
Applicability of Chapter - §6.08.080	Fines and Limits - 6.09.170	Defined - §13.20.090
Ban on Sale of Research Animals - §6.08.090	Hearing Officer's Decision Final - Notice - 6.09.050	DRILLING SITE
Concealment or Withholding of Animals - §6.08.200	Hearing on Declaration of Dog as Potentially Dangerous or Vicious - 6.09.030	Defined - §13.20.095
Confinement or Destruction of Dogs and Cats Suspected of Having Rabies - §6.08.170	Keeping and Controlling: Potentially Dangerous Dogs - 6.09.100	DRIVE-IN
Confinement or Destruction of Dogs and Cats Which Have Bitten a Person - §6.08.180	Vicious Dogs - 6.09.140	Defined - §10.38.010
Confinement or Destruction of Other Animals - §6.08.190	Muzzling and Vaccination - 6.09.090	Parking Spaces - §10.38.030
Exemption from Rabies Vaccination During Illness - §6.08.120		Rules, Posting - §10.38.020
Findings - §6.08.010		Traffic Control - §§10.38.030, 10.38.040
License		DRIVER
Application - §6.08.050		Defined - §§10.04.010, 5.76.020
Issuance - §6.08.060		DRIVER'S PERMIT
Required - §6.08.030		Defined - §5.76.020
License and Tag Required Fees - §6.08.040		DRIVE-THROUGH DAIRY
		Business Operator Permit - §§5.82.020, 5.82.030

[Return to Municipal Code Contents]

DRIVEWAY
 Abandoned - §12.92.030
 Assessment - §12.92.070
 Hearing - §12.92.070
 Notice - §§12.92.030,
 12.92.060
 Defined - §12.92.010
 No Parking - §10.16.010
 Stop Before Emerging From -
 §10.20.030
 Substandard
 City Participation -
 §12.95.010
 Process - §12.95.030
 Eligible Projects -
 §12.95.020
 Uniform Building Code -
 §15.04.222

DRUG STORE
 Business Registration
 Certificate - §5.04.525

DRUGS
 Distribution of Samples -
 §8.06.010

DRY GRASS
 Accumulation a Nuisance -
 §§8.18.010

DRYERS
 Installation and Operation -
 Ch. 15.68

DUCKS
 Keeping - §§6.05.010,
 6.05.020, 6.05.030
 Seccombe Lake, Protected in -
 §12.76.040

DUST
 Public Nuisance - §8.30.020

DYNAMITE
 Trespass - §9.52.020

-E-

“E” STREET
 Sound Vehicle - §8.57.030

Speed Limit
 40 mph - §10.52.030
 Street Banners - §16.16.010

EARTHQUAKES
 Hazard Reduction in Existing
 Buildings - Ch. 15.12
 Exceptions - §15.12.020
 New Buildings
 Rating Classifications -
 §15.12.040
 Vacant Unreinforced Masonry
 Buildings - §15.12.300

EFFICIENCY KITCHEN -
 19.04.030(2)(P)

ELECTED OFFICIAL
 COMPENSATION ADVISORY
 COMMISSION - CH. 2.19
 Purpose - 2.19.010
 Members -
 Appointment - 2.19.020
 Duties - 2.19.030
 Meetings - 2.19.040

ELECTIONS
 Ch. 2.56
 Absent Voters Ballots
 Counting - §2.56.146
 Retention Beyond Time
 Limits - §2.56.142
 Return of - §2.56.146
 Return - §2.56.146
 Canvass - §2.56.130
 City Attorney’s Analysis -
 §2.56.190
 Council, by Wards - §2.56.020
 Dates - §2.56.010
 Primary - §2.56.010
 Electioneering - §2.56.148
 Fiscal Analysis - §2.56.190
 General Elections - §2.56.150
 General Law - §§2.56.001,
 2.56.030

Hours Polls Open - §2.56.110
 Nomination
 Papers filed with City Clerk -
 §2.56.070
 Date - §2.56.070
 Fee - §2.56.080
 Signatures
 Number - §2.56.050
 Time - §2.56.040
 Nominees, Publication of
 Names of - §2.56.120
 Notice of Election - §2.56.110
 Precinct Boards, Contracts for
 - §2.56.105
 Primary - §2.56.010
 Dates - §2.56.010
 Election at - §2.56.060
 Recall Elections - §2.56.160
 Residency Requirements -
 §2.56.180
 Special Elections - §2.56.170
 Alternate Procedure
 §2.56.171
 Uncontested - §§2.56.173,
 2.56.175
 Violation - §2.56.001

ELECTRIC AVENUE
 Speed Limit, 40 mph -
 §10.52.030

ELECTRIC DISTRIBUTING
 STATION
 Trespass - §9.52.020

ELECTRIC GENERATING
 PLANT
 Trespass - §9.52.020

ELECTRIC LINE
 Fire Hydrant, Within 5 Feet
 of, Prohibited - §12.52.030

ELECTRIC RECEIVING
 STATION
 Trespass - §9.52.020

[Return to Municipal Code Contents]

ELECTRICAL APPLIANCE SALES AND SERVICE

Business Registration Certificate - §5.04.525

ELECTRICAL ENGINEER

Business Registration Certificate - §5.04.525

ELECTRICAL SIGN ENTERPRISES

Business Registration Certificate - §5.04.525

ELECTRICAL TRANSMISSION LINE

Fire Hydrant, Within 5 Feet of, Prohibited - §12.52.030

Trespass - §9.52.020

EMBALMER

Business Registration Certificate - §5.04.525

EMERGENCY

Purchases - §3.04.075

EMERGENCY ABATEMENT OF UNSAFE PROPERTY, BUILDING OR STRUCTURE

- §8.30.021

EMERGENCY MANAGEMENT, OFFICE OF

- §2.46.060

EMERGENCY MEDICAL SERVICES

Fire Department - §3.72.010

User Fees - §3.72.020

EMERGENCY SERVICES, ASSISTANT DIRECTOR OF

§2.46.050

Powers and Duties - §2.46.090

EMERGENCY SERVICES, DIRECTOR OF

§2.46.050

Powers and Duties - §2.46.090

Workers' Compensation Claims - §3.08.020

EMINENT DOMAIN

Power to Acquire Property by - §§12.84.020 B, 12.90.010 B

EMPLOYEE(S)

Defined - §2.62.020

EMPLOYMENT AGENCY

Business Registration Certificate - §5.04.525

ENERGY CONSERVATION- §19.30.190

ENFORCEMENT

General Penalties - §6.13.020

Penalty - §15.24.060

Penalty for Violation - §6.13.010

ENGINEER(S)

Assessment Districts - §12.90.010

Parking Place Improvements - §12.84.020

ENGINEERS REPORT

Defined - §15.73.030

ENTERTAINMENT

Appeal - §5.14.120

Application Requirements - §5.14.040

Definitions - §5.14.010

Exceptions - §5.14.140

Exemptions from filing, processing and licensing fees - §5.14.100

Issue of License-

Investigation - §5.14.050

Licenses and Fees not Exclusive - §5.14.130

License-

Application and Fees - §5.14.030

License Duration - §5.14.090

License Fee - §5.14.080

License-Nontransferable-Posting - §5.14.070

License-Required - §5.14.020

Movies - §5.80.210

Operational Services - §5.14.060

Severability - §5.14.150

Suspension/Revocation of license - §5.14.110

Violations & Penalty - §5.14.160

ENVIRONMENTAL CONTROL REPRESENTATIVE

Authority to Arrest and Issue Citations - §9.90.010

ENVIRONMENTAL CONTROL TECHNICIANS

Authority to Arrest and Issue Citations - §9.90.010

ENVIRONMENTAL HEALTH CODE

Adoption - §8.01.010

Changes - §8.01.020

Remedies - §8.01.030

ENVIRONMENTAL HEALTH SERVICES

Director, Duties - §13.24.410

EQUAL EMPLOYMENT OPPORTUNITY

Human Resources - §2.04.040

EQUINE ANIMAL

Keeping - §§6.04.010, 6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.060

EQUIPMENT RENTAL

Business Registration Certificate - §5.04.525

EQUIVALENT DWELLING UNIT

Defined - §15.73.030

ESCALATORS, CITY

Obstructions, Free From - §12.44.030

ESCORT BUREAUS

Ch. 5.52

[Return to Municipal Code Contents]

Age - §§5.52.090, 5.52.100
Defined - §5.52.010
Employment Agency -
§5.52.080
Permit - §5.52.020
 Application - §5.52.030
 Granting - §5.52.040
 Revocation - §5.52.070
 Separate Locations -
 §5.52.050
 Suspension - §5.52.070
Record of Transactions -
§5.52.060

ESSENTIAL BUILDING

Defined - §15.12.030

ETHERS

Discharge into Storm Drains -
§8.80.010

EUCALYPTUS AVENUE

Speed Limit, 40 mph -
§10.52.030

EVENT

Defined - §8.82.020
Scheduled, Defined -
§8.82.020
Unscheduled, Defined -
§8.82.020

EVICTON PROGRAM, NARCOTICS AND GANG- RELATED CRIME

Ch. 9.95
Administrative procedures -
§9.95.030
Civil Remedies Available -
§9.95.070
Definitions - §9.95.010
Duties of the landlord -
§9.95.020
Enforcement - §9.95.050
Penalties - §9.95.060
Recovery of possession by
landlord - §9.95.040

Severability - §9.95.080
EXCAVATIONS
Backfill, Maintenance of -
§12.04.170
Barricades - §12.04.180
City Costs - §12.04.060
Deposits - §12.04.080
Maps - §12.04.200
Methods - §12.04.150
Permits - §§12.04.070,
12.04.100,12.04.110
 Duration - §12.04.130
Power of City to Regulate -
§12.04.050

Prospect Hole, Permit -
§12.04.080
Refilling - §12.04.160
Security Required -
§12.04.090
 Exception - §12.04.120
 Redevelopment Agency
 Agreement - §12.04.090
Work Done Diligently -
§12.04.190

EXCELSIOR

Accumulation a Nuisance -
§8.18.010

EXCESSIVE PRICE INCREASES (DURING STATE OF EMERGENCY) PROHIBITED - §2.46.130

EXHIBITION, TEMPORARY

Business Registration
Certificate - §5.04.245
Enclosed Mall or Shopping
Center
 Business Registration
 Certificate - §5.04.507

EXOTIC ANIMALS

Animals Prohibited - §6.07.020

EXPLORATORY WELL

Defined - §13.24.020

EXPLOSIVE SUBSTANCE

Trespass - §9.52.020

EXPLOSIVES

Permit - §8.63.060

EXTRACTORS

Installation and Operation -
Ch. 15.68

EXTRAORDINARY LAW ENFORCEMENT SERVICES

Costs for Scheduled Events -
§8.82.030
Defined - §8.82.020
Extraordinary Fees -
§8.82.040
Unscheduled Events -
§8.82.050

-F-

"F" STREET

Sound Vehicle - §8.57.030
Speed Limit, 30 mph -
§10.52.010

FACILITIES MANAGEMENT, DIRECTOR OF

Ch. 2.77
Duties - §2.77.020
Established - §2.77.010
May Enforce Parking
Regulations - §10.16.150
May Immobilize Vehicles -
§10.16.150

FAIR POLITICAL PRACTICES COMMISSION FORMS

Online or Electronic Filing of
- §2.57.010

FAKE SALES

Ch. 9.64
Unlawful - §9.64.020

FALSE ALARM

Defined - §8.81.020

FALSE REPORT TO POLICE OFFICER

Ch. 9.16

[Return to Municipal Code Contents]

FAMILY COUNSELOR
 Business Registration Certificate - §5.04.525

FC (FREEWAY CORRIDOR OVERLAY) ZONE
 Establishment of - §19.02.060

FEE ADMINISTRATOR
 Defined - §17.08.040

FEE PAYER
 Defined - §15.73.030

FEED STORE
 Business Registration Certificate - §5.04.525

FEEES
 Administrative Fee, Untagged Coin- Operated Game Machines - §5.44.086

Animals - §§6.01.040, 6.01.150, 6.08.040

Building Improvements - §15.04.175

Business Registration Certificate - §5.04.010

Multifamily Residential Housing, Increased Cost of Municipal Services - §5.04.526

Payable in Advance - §5.04.030

Central City Parking Place Commission - §2.24.040

Code Enforcement, Mobile Home Parks - §15.55.050

Continuance of Council Agenda Item - §2.58.100

Cultural Development Construction Fees - Ch. 15.57

Dog License - §6.08.040

Drainage Fee - §3.38.040

Filing Nomination Papers - §2.56.070

Fire, Removal or Closing-out Sales - §5.16.040

Massage Parlor - §5.20.040

Moving Buildings and Oversize Loads - §8.66.050

Operator's Permit - §5.82.040

Outdoor Sales and Displays - §5.22.020

Refund - Chs. 3.12, 3.13

Charitable Organization - Ch. 3.13

Resolution, Set by - §3.70.010

Rubbish, Removal of - §8.21.130

Taxicabs - §5.76.120

Trees, Removal of Inspection Fee - §15.34.050

User Fees

Emergency Medical Services - §3.72.020

Video Production Services - §3.73.020

Verdemont Area Infrastructure Fee - Ch. 15.73

Waiver, Charitable Organization - Ch. 3.13

Washers, Dryers, Extractors and Compressors, Installation and Operation - §15.68.020

FENCES AND WALLS

Barbed Wire - §19.20.030

Electrification - §19.20.030

Height and Type Limits - §19.20.030

Height Determination - §19.20.030

Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015

Not Requiring a Building Permit - §15.04.075

Retaining - §15.04.221

Swimming Pools - §§15.48.030, 15.48.100

Uniform Building Code - §15.04.075

FERTILIZER SACKS
 Possession by Junk Dealer for More Than 1 Hour Unlawful - §5.56.090

FF (FOOTHILL FIRE ZONES OVERLAY) ZONE (ZONES A, B, AND C) - CH. 19.15

Establishment of - §19.02.060

Areas Defined - §19.15.030

Erosion Control- §19.15.040

FIFTH (5TH) STREET
 Sound Vehicle - §8.57.030

Speed Limit
 40 mph - §10.52.030
 50 mph - §10.52.050

FILM-MAKING ACTIVITIES
 Special Event Permit for- §19.70.025

FILM PROCESSING
 Business Registration Certificate - §5.04.525

FINAL AND PARCEL MAPS
 - CH. 19.48

Approval by Council -§19.48.080

Certificates of Compliance -§19.48.140

Contents of -§19.48.050

Correction and Amendment of Maps -§19.48.130

Determination by City Engineer -§19.48.070

Form -§19.49.040

Lot Line or Boundary Adjustments -§19.48.110

Mergers and Unmergers -§19.48.100

Phasing -§19.48.020

Preliminary Submittal -§19.48.060

Recordation -§19.48.090

Reversions -§19.48.120

[Return to Municipal Code Contents]

Survey Required - §19.48.030
FINANCE DIRECTOR
Appointment - §2.10.020
Bond - §2.10.020
Data Processing - §2.10.030
Duties - §2.10.020
Fee Administrator for Mobile
Source Air Pollution Reduction
Program - §17.08.040
Inventory - §2.10.030
Mail - §2.10.030
Monthly Report - §2.10.030
Payroll - §2.10.030
Printing - §2.10.030
Purchase Orders - §2.10.030
Workers' Compensation
Claims - §3.08.020

FINANCE, DEPARTMENT OF

Ch. 2.10
Accounting Division -
§2.10.040
Creation - §2.10.010
Divisions - §2.10.040
Payroll Division - §2.10.040
Purchasing Division -
§2.10.040

FINDINGS

Assessment Districts -
§12.90.040
Street Improvements -
§§12.84.020, 12.84.110

FIRE APPARATUS

600 Feet Distant From When
Moving - §10.24.020
300 Feet Distant From When
Fighting Fire - §10.24.030
Using Vehicle to Interfere With,
Prohibited - §10.24.010

FIRE CHIEF

Appointment - §2.12.010
Arrest, Power to - §§2.12.040,
8.18.030

Defined - §8.18.010
Duties - §2.12.020
Enforcement of Code
Provisions - §2.12.030
Fire Hydrant, Permission to
Use - §12.52.010
Notice to Clean Premises -
§8.18.030
Preserve Order at Fires -
§2.12.040
Qualifications - §2.12.010
Urgent Public Nuisance -
§8.18.080
Summary Abatement -
§8.18.082

FIRE DEPARTMENT

Ch. 2.12
City Liability - §2.12.050
Emergency Medical Services -
§3.72.010
Investigations
Purchasing Exemption -
§3.04.010

FIRE HAZARD AND HAZARDOUS TREES, ABATEMENT OF

Ch. 8.19

FIRE HOSE

Crossing - §10.24.050

FIRE HYDRANTS

Ch. 12.52
Electric Wires, Within 5 Feet
of - §12.52.030
Permission to Use -
§12.52.010
Fire Chief - §12.52.010
Superintendent of the Water
Department - §12.52.010
Poles, Within 5 Feet of -
§12.52.030
Telegraph Wires, Within 5 Feet
of - §12.52.030
Telephone Wires, Within 5
Feet of - §12.52.030

Vehicles, Parking Near -
§12.52.020

FIRE REMOVAL OR CLOSING- OUT SALES

Advertising - §5.16.150
Exemptions - §5.16.160
Applicability of Chapter -
§5.16.170
Defined - §5.16.010
Ordering Goods - §§5.16.120,
5.16.130, 5.16.140
Permit - §5.16.030
Application - §5.16.040
Duration - §5.16.090
Endorsement - §5.16.040
False Statements -
§5.16.040
Fee - §5.16.040
Issuance - §5.16.040
Revocation - §5.16.100
Records - §5.16.020
Removal of Goods - §5.16.110
Supplemental Permit -
§5.16.080

FIRE SALE

Business Registration
Certificate - §5.04.265

FIREARM

Defined - §§8.65.070,
9.84.030
Destruction - §8.65.010
Alternatives - §8.65.030
Evidence, Retained as -
§8.65.060
Landscape Maintenance
Assessment Districts,
Restrictions in - §12.90.015
Lost or Stolen - §8.65.020
Notice to Department of
Justice - §8.65.040
Parks, Restrictions in -
§12.80.130

[Return to Municipal Code Contents]

Temporary Custody - §8.65.050

FIRES

Brush lands - §8.63.050

Control, Kept Under - §8.63.030

Forest - §8.63.050

Grasslands - §8.63.050

High Fire Hazard Area - §8.63.040

Ashes - §8.63.080

Chimney - §8.63.090

Described - §8.63.130

Fire Break - §8.63.100

Flammable Material, Placement of - §8.63.120

Smoking - §8.63.070

Igniting Prohibited - §8.21.010

Landscape Maintenance Assessment

Districts, Restrictions in - §12.90.015

Parks, Restricted in - §12.80.130

Permit - §§8.63.010, 8.63.020

FIREWORKS

Ch. 8.60

Display of license and sales tax permit - §8.60.110

Financial Reporting - §8.60.160

License

Application - Public liability insurance - §8.60.030

Notice of granting or rejection - §8.60.040

Prerequisites to issuance - §8.60.050

Required - §8.60.020

License tax - §8.60.090

Location of Sales and Discharge of Fireworks - §8.60.010

Operation of temporary fireworks stand - §8.60.070

Permissible locations for discharge - §8.60.120

Prohibitions on sale or discharge - §8.60.130

Requirements for Fireworks Supplier - §8.60.080

Residential Storage of - §8.60.170

Sale of Fireworks to Minors Prohibited; Identification Required - §8.60.015

Suspension of license - Appeal procedure - §8.60.060

Temporary Sales Tax Permit Required - §8.60.100

Violation - Penalty - §8.60.150

FISCAL ANALYSIS

City Measure - §2.56.190

FISHING

Seccombe Lake, Prohibited in - §12.76.045

FLORISTS

Business Registration Certificate - §5.04.525

FLOWERS

Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015

FOLLOWING

Defined - §1.04.010

FOOTHILL DRIVE

Speed Limit

40 mph - §10.52.030

FORTIETH (40TH) STREET

Speed Limit

40 mph - §10.52.030

45 mph - §10.52.040

FORTUNE TELLING

Business Registration Certificate - §5.04.355

Defined - §5.04.355

Religious Exemption - §5.04.355

FORTY EIGHTH (48TH) STREET

Speed Limit

35 mph - §10.52.020

FOURTH (4TH) STREET

Sound Vehicle - §8.57.030

Speed Limit,

40 mph - §10.52.030

FOWL

At Large - §6.05.060

Chickens - §§6.05.010, 6.05.020, 6.05.030

Ducks - §§6.05.010, 6.05.020, 6.05.030

Geese - §§6.05.010, 6.05.020, 6.05.030

Keeping - Ch. 6.05

Peacocks - §6.05.040

Pheasants - §§6.05.010, 6.05.020 6.05.030

Roosters - §6.05.040

Seccombe Lake, Protected in - §12.76.040

Turkeys - §§6.05.010, 6.05.020, 6.05.30

FP (FLOOD PLAIN OVERLAY) ZONE

- Ch. 19.16

Establishment of - §19.02.060

Flood Control Development Permit, obtaining - §19.16.040

Mud Slide Prone Areas - §19.16.070

Provisions for Flood Hazard Reduction - §19.16.050

Standards

for Subdivisions - §19.16.050

for Utilities - §19.16.050

[Return to Municipal Code Contents]

FRANCHISE

Alley - §14.04.010
Application - §14.04.020
Cable TV - Ch. 14.08
Conditions - §14.04.030
Defined - §§13.20.100,
14.08.010
Required - §14.04.010
Street - §14.04.010

FREEWAY CORRIDOR (FC) ZONE - CH. 19.14

FRONTAGES

Defined - §12.96.010

FRONTING AND FACING

Defined - §12.92.010

FRUIT

Deposit into Rubbish
Receptacles Prohibited -
§8.21.060

FUNDS

Transferring Restricted -
§3.05.050

FUNERAL DIRECTOR

Business Registration
Certificate - §5.04.525

FUNERAL PROCESSION

Not a Parade -
§19.70.025D (1A)
Unlawful to Drive Through -
§10.24.060

FURNITURE

Accumulation a Nuisance -
§8.18.010
Business Registration
Certificate - §5.04.525

-G-

"G" STREET

Speed Limit
35 mph - §10.52.020

GAMBLING

Games Mentioned in Penal
Code §330 and §330a,
Unlawful - §§9.44.010,
9.44.020

Games Not Mentioned in
Penal Code §330 and §330a,
Unlawful - §§9.44.010,
9.44.020

Games of Chance - Ch. 9.44

GAME MACHINE OPERATOR

Defined - §5.44.020

GAME MACHINE, COIN-OPERATED

Ch. 5.44

Business Registration
Certificate - §5.04.295

Defined - §§5.04.295,
5.44.010

GAME TABLES

Business Registration
Certificate - §5.04.275

Notice to City Clerk -
§5.04.290

GANGS

Ch. 9.95

Administrative procedures -
§9.95.030

Civil Remedies Available -
§9.95.070

Definitions - §9.95.010

Duties of the landlord -
§9.95.020

Enforcement - §9.95.050

Penalties - §9.95.060

Recovery of possession by
landlord -- §9.95.040

Severability - §9.95.080

GARAGE SALES

Exemptions - §5.68.070

Place - §5.68.030

Regulated - §5.68.010

Signs - §5.68.050

Time - §5.68.030

GARBAGE

Deposit into Rubbish
Receptacle Prohibited -
§8.21.060

Deposit on Public Park, Street,
Alley, Highway, Public Place -
§§12.44.060, 12.80.130

Landscape Maintenance
Assessment Districts,
Restrictions in - §12.90.015

Public Nuisance - §8.30.020

GAS COMPRESSOR PLANT

Trespass - §9.52.020

GAS GENERATING PLANT

Trespass - §9.52.020

GAS HOLDER

Trespass - §9.52.020

GAS MAIN

Trespass - §9.52.020

GAS TANK

Trespass - §9.52.020

GASOLINE

Compliance With Law -
§5.64.030

Discharge into Storm Drains -
§8.80.010

Price Display - §5.64.010

Size of Sign - §5.64.020

GEESE

Keeping - §§6.05.010,
6.05.020, 6.05.030

Secombe Lake, Protected in -
§12.76.040

GENERAL ELECTIONS

§2.56.150

GENERAL MANAGER

Defined - §13.20.105

GENERAL MERCHANDISE SALES

Business Registration
Certificate - §5.04.525

[Return to Municipal Code Contents]

GENERAL PLAN
 Planning Commission -
 §§2.22.020, 2.22.050

GENERAL PLAN
 AMENDMENTS
 - CH. 19.50

GENERAL PROVISIONS
 Abandonment of Animal -
 §6.01.140
 Administration and
 Enforcement of Title -
 §6.01.130
 Applicability - §6.01.030
 Authority to Apprehend
 Livestock - Fees - §6.01.150
 Care of Animals by Owner -
 §6.01.060
 Commercial Animal Runs -
 §6.01.090
 Construction of Buildings to
 Prevent Escape - §6.01.050
 Correction of Violations -
 §6.01.110
 Definitions - §6.01.20
 Denial of License or Permit -
 §6.01.120
 Examination and Treatment by
 Veterinarian - §6.01.100
 Fee Schedules - §6.01.040
 Findings - §6.01.010
 Protection of Public -
 §6.01.070
 Ventilation - §6.01.080

GEOHERMAL DATA CENTER
 Defined - §13.20.110

GEOHERMAL FACILITY
 Defined - §13.20.115

GEOHERMAL FLUID
 Defined - §13.20.120

GEOHERMAL HEAT
 Defined - §13.20.125

GEOHERMAL RESOURCES
 Ch. 13.20

Appeal - §13.20.270
 City Heating Service -
 §13.20.280 et seq.
 Authorized Facilities -
 §13.20.310
 Boundary - §13.20.290
 Financing - §13.20.300
 Service Connections -
 §13.20.330
 Terms and Conditions -
 §13.20.350
 User Service Procedures -
 §13.20.340
 Defined - §13.20.130
 General Plan - sec 13.20.260
 Private Heating Services -
 §13.20.430
 et seq. Establishment -
 §13.20.430
 Rates - §13.20.240
 Reservoir Management -
 §13.20.360
 Resource Data Collection -
 §13.20.400
 Service Map - §13.20.250
 Wells
 Defective - §13.20.420
 Existing - §13.20.370
 Injection - §13.20.390
 Monitoring of - §13.20.410
 New - §13.20.380
 Wasteful - §13.20.420

GIANT POWDER
 Trespass - §9.52.020

GIFT SHOP
 Business Registration
 Certificate - §5.04.525

GILBERT STREET
 Speed Limit
 35 mph - §10.52.020

GILT
 Keeping - §6.03.030

GOAT
 Keeping - §6.03.020

GOLDEN AVENUE
 Speed limit
 40 mph - §10.52.030

GOLF
 Landscape Maintenance
 Assessment Districts,
 Restrictions in - §12.90.015
 Parks, Restrictions in -
 §12.80.130

GRADING
 §15.04.210
 Plans, Preparation of -
 15.04.163

GRAFFITI
 Ch. 8.69
 Abatement - §§8.69.030,
 8.69.060, 8.69.070
 Assessment - §8.69.080
 Appeal - §8.69.050
 Assessment for Abatement -
 §8.69.080
 Juveniles
 Possession of Marker Pens
 and Spray Can Tips -
 §8.69.090
 Notice
 To Abate - §8.69.030
 Hearing - §8.69.030
 To Remove - §8.69.040
 Hearing - §§8.69.040,
 8.69.050
 Public Funds for Removal -
 §8.69.010
 Public Nuisance - §8.69.030

GRANTEE
 Defined - §14.08.010

GRAPHIC ARTS
 Business Registration
 Certificate - §5.04.525

[Return to Municipal Code Contents]

GRASS, DRY
 Accumulation a Nuisance -
 §§8.18.010

GREEN CURB
 Twenty-Minute Parking -
 §10.16.070

GROCERY STORE
 Business Registration
 Certificate - §5.04.525

GROSS INCOME
 Defined - §8.90.190

GROSS RECEIPTS
 Business Registration
 Certificate - §5.04.525
 Defined - §5.04.060

GROUND WATER
 Defined - §13.20.135

GUARD SERVICE
 Business Registration
 Certificate - §5.04.525

GUINEA PIGS
 Keeping - §6.03.040

GUN POWDER
 Trespass - §9.52.020

GUNS
 Defined - §8.65.070
 Destruction - §8.65.010
 Alternatives - §8.65.030
 Evidence, Retained as -
 §8.65.060
 Lost or Stolen - §8.65.020
 Notice to Department of
 Justice - §8.65.040
 Temporary Custody -
 §8.65.050

GUTTER
 Bridge Over - §12.48.020
 Notice to Remove -
 §12.48.030
 Removal - §12.92.035
 Assessment - §12.92.070
 Hearing - §12.92.070

Notice - §§12.92.030,
 12.92.060
 Sweeping Litter Into -
 §8.15.050

GUTTER LINE
 Defined - §12.36.010

-H-

“H” STREET
 Speed Limit
 35 mph - §10.52.020

HAIR-DRESSING PARLORS
 Business Registration
 Certificate - §5.04.525

HALLMARK PARKWAY
 Speed Limit
 50 mph - §10.52.050

HANDBILLS
 Distributing in Public Places -
 §8.15.070

HANG GLIDER
 Defined - §12.88.010

HANG GLIDING
 Ch. 12.88
 Defined - §12.88.010

HARDWARE STORE
 Business Registration
 Certificate - §5.04.525

HARMFUL MATTER
 Ch. 9.70
 Blinder Racks - §9.70.010

HAZARDOUS SUBSTANCES
 Public Nuisance - §8.30.020

HAZARDOUS WASTE FACILITY
 Defined - §17.05.020

HAZARDOUS WASTE
 MANAGEMENT PLAN
 Ch. 17.05

HEALTH CLUBS
 Business Registration
 Certificate - §5.04.525

HEALTH FOOD STORE
 Business Registration
 Certificate - §5.04.525

HEAT RATE
 Defined - §13.20.140

HEATING SERVICE
 Defined - §13.20.145

HIDES
 Possession by Junk Dealer for
 More Than 1 Hour Unlawful -
 §5.56.090

HIGH FIRE HAZARD AREA
 §8.63.040
 Ashes - §8.63.080
 Chimney - §8.63.090
 Described - §8.63.130
 Fire Break - §8.63.100
 Flammable Material,
 Placement of - §8.63.120
 Smoking - §8.63.070

HIGH RISK BUILDINGS
 Defined - §15.12.030

HIGHLAND AVENUE
 Sound Vehicle - §8.57.030
 Speed Limit
 40 mph - §10.52.030

HIGHWAY
 Water, Drainage onto -
 §12.44.040

HILL DRIVE
 Speed Limit
 30 mph - §10.52.010
 35 mph - §10.52.020

HISTORICAL BUILDING
 Defined - §15.12.030
 Earthquakes - §15.12.060

HM (HILLSIDE MANAGEMENT
 OVERLAY) ZONE
 - Ch. 19.17
 Copnditional Use Permit
 Processing - §19.17-080

[Return to Municipal Code Contents]

Conditional Use Permits Required - §19.17.050
 Development Standards - §19.17.060
 Establishment of - §19.02.060
 Soils/Grading - §19.17.070
HOBBY HORSE MACHINES
 Business Registration Certificate - §5.04.280
 Notice to City Clerk - §5.04.290
HOG
 Keeping - §6.03.030
HOLIDAY(S)
 City - §2.54.010
 Defined - §10.04.060
 Public Meeting on - §2.58.080
 Saturdays - §2.54.010
HOME OCCUPATION PERMITS
 - CH. 19.54
HORSE RACING
 Satellite, City Share of Proceeds - §5.72.010
 Exemption - §5.72.020
HORSES
 Defined - §6.04.010
 Equine - §6.04.020
 Keeping - §6.04.060
 Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
 Manure, Removal of - §6.04.070
 Near Human Occupancy - §6.04.020
 Number - §§6.04.030, 6.04.040
 Parks, Restriction in - §12.80.130
 Registration - §6.04.080
 Small Lot - §6.04.040

HOSPITAL
 Sound Vehicle Within 300 Feet of - §8.57.030
HOSPITALITY LANE
 Speed Limit
 35 mph - §10.52.020
HOTEL
 Business Operator Permit - §§5.82.020, 5.82.030
 Defined - §§3.55.010; 8.24.095
 Register Required - §8.48.010
 Registration of Guests - §8.48.010
HOURS OF BUSINESS
 City - §2.52.010
HOUSE CAR
 No Parking - §10.16.020
HOUSE NUMBERS
 Ch. 12.32
 City Engineer, Duty of - §12.32.020
 Curb Numbers - §12.32.050
 Business License Required - §12.32.050
 Exemptions - §12.32.050
 Performance Bond - §12.32.050
 Painting - §5.04.560
 Requirement - §12.32.030
HP (HISTORIC PRESERVATION OVERLAY) ZONE
 Ch. 19.18
 Establishment of - §19.02.060
HUMAN BEINGS
 Obstructing Public Streets, Sidewalks, Crosswalks, City Stairways, City Escalators, City Elevators, City Passageways, and Entrances and Exits to and from Public Halls, Meeting Places and Public Buildings - §12.44.030

HUMAN RESOURCES DEPARTMENT
 Ch. 2.04; Ch. 3.08
HUMAN RESOURCES, DIRECTOR
 Claims Review Committee - §§3.16.060, 3.16.070
 Duties - §2.04.030
 Equal Employment Opportunity - §2.04.040
 Established - §2.04.010
 Labor-Management Relations - §2.04.050
 Parade Permit, Insurance Certificate Filed With - §19.70.036 D (14D)
 Workers' Compensation Claims - §3.08.020
HUNTS LANE
 Speed Limit
 45 mph - §10.52.040
HYDRIDES
 Discharge into Storm Drains - §8.80.010

-|-

ICS -Incident Command System - §2.46.070
IGNITION KEY
 Failure to Remove When Parking - §10.16.140
IIMPROVEMENT, ON-SITE
 Fees, Review and Permit - §15.04.175
 Inspection of - §15.04.179
 Permit - §15.04.130
 Plans, Information on - §15.04.167
 Plans and Specifications - §15.04.165
IMPOUND
 Bicycles - §10.48.110

[Return to Municipal Code Contents]

IMPROVEMENT ACT OF 1911

- Bonds - §12.94.020
- Official Bonds - §2.62.010
- Development Services Director - §2.14.030

IMPROVEMENT BOND ACT OF 1915

- Improvement District Bonds - §12.94.010
- Development Services Director - §2.14.030

IMPROVEMENT DISTRICTS

- Ch. 12.94
- Bonds - §12.94.020
- Fee - §12.94.020
- Costs, Advancement of - §12.94.030
- Defined - §12.94.010

INCLUDES

- Defined - §15.73.020

INDEMNITY, CONTRACT OF

- Ch. 2.66

INDIVIDUAL DOMESTIC WELL

- Defined - §13.24.020

INDUSTRIAL PARKWAY

- Speed Limit
- 50 mph - §10.52.050

INDUSTRIAL PLANTS

- Trespass - §9.52.020

INDUSTRIAL RENTAL OR LEASING

- Business Registration Certificate - §5.04.525

INDUSTRIAL ZONES

- Ch. 19.08
- Net Lot Area - §19.08.030
- Maximum Coverage of Lot - §19.08.030
- Maximum Structure Height - §19.08.030

OIP (Office Industrial Park) Zone

- Description of - §19.08.010
- Establishment of - §19.02.060

IL (Industrial Light) Zone

- Description of - §19.08.010
- Establishment of - §19.02.060

IH (Industrial Heavy) Zone

- Description of - §19.08.010
- Establishment of - §19.02.060

IE (Industrial Extractive) Zone

- Description of - §19.08.010
- Establishment of - §19.02.060

Uses

- Permitted - §19.08.020
- Requiring Conditional Use Permit- §19.08.020
- Requiring Development Permit- §19.08.020
- Prohibited Uses - §19.06.025

INFLAMMABLE SUBSTANCE

- Trespass - §9.52.020

INFORMATION TECHNOLOGY DEPARTMENT

- Ch. 2.79
- Duties - §2.79.020
- Established - §2.79.010

INFRACTION

- Penalty - §1.12.010
- Title 10 - §10.44.010

INHABITANT

- Defined - §13.20.150

INJECTION WELL

- Defined - §13.20.155

INLAND CENTER DRIVE

- Speed Limit
- 40 mph - §10.52.030

INSIGNIA, CITY

- Improper Use Of - Ch. 9.04

INSTALLATION COST

- Defined - §12.96.010

INSURANCE

- Ambulances - §5.76.140
- City Manager to Coordinate City's - §2.02.060
- Dialysis Transportation Vehicles - §5.76.140
- Motion Picture and Television Production Permits - §12.64.080
- Parade Permit - §19.70.036 D (14)
- Taxicabs - §5.76.150
- Wheelchair Passenger Transportation Vehicles - §5.76.140

INTERIOR DECORATING

- Business Registration Certificate - §5.04.525

INTERNATIONAL PROPERTY MAINTENANCE CODE

- Ch. 15.05

INTERSECTION

- Backing Vehicle Into - §10.24.150
- Defined - §10.04.010
- Scramble System for Pedestrians - §10.28.050
- Sight Distance to be Provided - §12.30.020
- Obstructions - §§12.30.030, 12.30.040, 12.30.050

INTOXICATING LIQUOR

- Defined - §5.04.090

INTRUSION ALARM

- Defined - §8.81.020

[Return to Municipal Code Contents]

INVESTIGATION ACT
(See Special Assessment Investigation, Limitation and Majority Protest Act of 1931)
INVESTIGATIONS
Purchasing Exemption - §3.04.010
IRVINGTON
Verdemon Area Infrastructure Fee - §15.73.030

-J-

JADU - (JUNIOR ACCESSORY DWELLING UNIT) - 19.04.030(2)(P)
JET FUEL
Discharge into Storm Drains - §8.80.010
JEWELRY STORE
Business Registration Certificate - §5.04.525
JUNIOR ACCESSORY DWELLING UNIT - 19.04.030(2)(P)
JUNK
Public Nuisance - §8.30.020
JUNK DEALER
Ch. 5.56
Business Registration Certificate - §5.04.315
Daily Report - §5.56.010
Blanks - §§5.56.020, 5.56.030
Defined - §5.04.315
Fictitious Name - §5.56.050
Hides, Bones, Fertilizer Sacks, Possession Unlawful - §5.56.090
Identification of Person Leaving Property - §5.56.040
License - §5.56.070
Application - §5.56.080
JUVENILE CURFEW
Ch. 9.68

Enforcement - §9.68.040
JUVENILE TRUANCY
Ch. 9.69
Exceptions - §9.69.020
JUVENILES
Consumption of alcohol by unlawful - §8.83.020
Possession of Marker Pens and Spray Can Tips - §8.69.090

-K-

“K” STREET
Speed Limit
35 mph - §10.52.020
KEEPING OF NON-EQUINE LIVESTOCK
Bovine, Ratite, Caprine, or Ovine Animals - §6.03.020, 6.03.025
Findings - §6.03.010
Hogs, Sow, Gilt or Boar - §6.03.030
Rabbits and Guinea Pigs - §6.03.040
KENDALL DRIVE
Speed Limit
45 mph - §10.52.040
50 mph - §10.52.050
KEROSENE
Discharge into Storm Drains - §8.80.010
KETONES
Discharge into Storm Drains - §8.80.010
KEY, IGNITION
Failure to Remove When Parking - §10.16.140

-L-

LAMPPOST
Posting Notice on - §8.15.130
LAND RECLAMATION,

SURFACE MINING AND - CH. 19.68
Annual Report Requirements -§19.68.140
Appeals -§19.68.170
Fees -§19.68.180
Incorporation by Reference -§19.68.040
Inspections -§19.68.150
Interim Management Plans -§19.68.130
Mineral Resource Protection -§19.68.020
Planning Commission, Review by -§19.68.100
Reclamation, Standards for -§19.68.070
Responsibility, Statement of -§19.68.080
Vested Rights -§19.68.060
Violations and Penalties -§19.68.160
LANDLORD
Defined - §8.90.040
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICTS
Prohibitions
Air Gun, Shooting - §12.90.015
Alcohol - §12.90.015
Animals - §12.90.015
Apparatus, Disturb - §12.90.015
Bicycles - §12.90.015
Bloom, Remove or Injure - §12.90.015
Bottles - §12.90.015
Bow and Arrow, Shooting - §12.90.015
Building, Disturb - §12.90.015
Cage, Disturb - §12.90.015
Camping - §12.90.015

[Return to Municipal Code Contents]

Cans - §12.90.015
 Equipment, Disturb - §12.90.015
 Fence, Disturb - §12.90.015
 Firearm, Shooting - §12.90.015
 Fires - §12.90.015
 Flower, Remove or Injure - §12.90.015
 Garbage - §12.90.015
 Golf - §12.90.015
 Grass, Remove - §12.90.015
 Gravel, Remove - §12.90.015
 Horses - §12.90.015
 Indecent Conduct - §12.90.015
 Model Airplanes - §12.90.015
 Monument, Disturb - §12.90.015
 Motor Vehicles - §12.90.015
 Papers - §12.90.015
 Pen, Disturb - §12.90.015
 Plant, Remove or Injure - §12.90.015
 Property, Disturb - §12.90.015
 Refuse - §12.90.015
 Rock
 Disturb - §12.90.015
 Remove - §12.90.015
 Throw - §12.90.015
 Sand, Remove - §12.90.015
 Shooting Firearm, Air Gun, Slingshot, or Bow and Arrow - §12.90.015
 Shrub, Remove or Injure - §12.90.015
 Sign, Disturb - §12.90.015
 Slingshot - §12.90.015
 Soil, Remove - §12.90.015

Sprinkler System
 Disturb - §12.90.015
 Remove - §12.90.015
 Structure, Disturb - §12.90.015
 Trash - §12.90.015
 Tree, Remove or Injure - §12.90.015
 Tricycles - §12.90.015
 Turf, Remove - §12.90.015
 Unicycles - §12.90.015
 Wood, Remove - §12.90.015
LANDSCAPED FRONTAGES
 Ch. 12.96
 City, Participation by - §12.96.040
 Duty to Install - §12.96.050
 Duty to Maintain - §12.96.060
 Hearing - §12.96.080
 Notice - §12.96.070
 Property Owners, Participation by - §12.96.030
LANDSCAPING
 Exterior
 Public Nuisance - §8.30.020
 Standards - Ch. 19.28
 Applicable Regulations - §19.28.130
 Corner Treatment Standards- §19.28.070
 Erosion Control- §19.28.110
 General Regulations- §19.28.030
 Installation of- §19.28.080
 Maintenance of- §19.28.090
 Screening Requirements- §19.28.040
 Setback and Parkway Treatment Standards- §19.28.060
 Standards for Parking Areas- §19.28.050

Trees, Removal or Destruction of- §19.28.100
 Water Efficient Landscaping - §19.28.120
LATERAL (HORIZONTAL) WELL
 Defined - §13.24.020
 Standards - §13.24.300
LAW
 Defined - §1.04.010
LAW ENFORCEMENT TRAINEES
 Authority to Arrest and Issue Citations for Violation of Bicycle Regulations - §10.48.090
LEFT TURNS
 Establishment of - §10.12.010
 Obedience to Signs - §10.12.030
LEG-HOLD TRAPS
 Ch. 9.20
 Defined - §9.20.010
LIABILITY, CITY
 Fire Department - §2.12.050
LICENSE
 Bicycle - §§10.48.020, 10.48.030
 Removal Unlawful - §10.48.050
 Revenues, Use of - §10.48.060
LIGHTS
 Defined - §12.04.010
LINEN, UNIFORM SUPPLY SERVICES AND LAUNDRIES
 Business Registration Certificate - §5.04.525
LIQUIFICATION
 Ch. 15.08
 Appeal - §15.08.090
 Defined - §15.08.040
 Map - §15.08.030
 Report - §15.08.050

[Return to Municipal Code Contents]

LIQUOR
 Defined - §5.04.090

LIQUOR, RETAIL
 Business Registration
 Certificate - §5.04.525

LITIGATION
 Purchasing Exemption -
 §3.04.010

LITTER
 Ch. 8.15
 Accumulation a Nuisance -
 §8.18.010
 Aircraft, Dropping From -
 §8.15.120
 Defined - §8.15.020
 Deposit in Public Places -
 §8.15.030
 Parks - §8.15.060
 Private Property, Occupied -
 §8.15.140
 Property Owner's
 Responsibility - §8.15.150
 Receptacles - §§8.15.030,
 8.15.040
 Sidewalks, Keeping Free of -
 §8.15.050
 Sweeping into Gutters -
 §8.15.050
 Vacant Lots - §8.15.160

LITTLE LEAGUE DRIVE
 Verdemont Area Infrastructure
 Fee - §15.73.030

LITTLE MOUNTAIN DRIVE
 Speed Limit
 45 mph - §10.52.040

LIVESTOCK
 Bovine Animals - §6.03.020,
 6.03.025

LOADING AND UNLOADING
 Restrictions - §10.16.050

LOADING ZONE
 Defined - §10.04.070

Determine and Marking -
 §10.36.010
 Time Limitation - §10.16.050
 White Curb, Passenger -
 §10.36.010
 Yellow Curb - §10.36.010

LOAN BROKERS
 Ch. 5.56
 Daily Report - §5.56.010
 Blanks - §§5.56.020,
 5.56.030
 Fictitious Name - §5.56.050
 Hides, Bones, Fertilizer Sacks,
 Possession Unlawful -
 §5.56.090
 Identification of Person
 Leaving Property - §5.56.040
 License - §5.56.070
 Application - §5.56.080

LOCAL BID PREFERENCE
 Purchasing System -
 §3.04.125

LOCAL BIDDERS
 Defined - §3.04.125

LOCAL CAMPAIGN FINANCE
 REGULATIONS
 Ch. 2.55
 Pay-to-Play Restrictions
 §2.55.010
 Enforcement §2.55.020

LOCAL TRANSIT FACILITIES-
 §19.30.310

LODGING SPACE
 - §3.55.010

LOUD AND RAUCOUS NOISE
 Defined - §9.48.010

LOW RISK BUILDING
 Defined - §15.12.030

LUGO AVENUE
 Commercial Vehicles
 Prohibited - §10.24.190

LUMBER, USED
 Accumulation a Nuisance -
 §§8.18.010, 8.30.020

LYNWOOD DRIVE
 Speed Limit
 40 mph - §10.52.030

-M-

MACY STREET
 Speed Limit
 40 mph - §10.52.030

MAGNOLIA AVENUE
 Verdemont Area Infrastructure
 Fee - §15.73.030

MAINTENANCE OF PROPERTY
 (See Property Maintenance)

MALL
 Defined - §5.40.020

MANAGEMENT
 Defined - §5.32.030

MANDAMUS, ADMINISTRATIVE
 Ch. 1.26
 Time Limits - §1.26.010

MANHOLE
 Defined - §12.04.010
 Opening - §12.04.210

MANICURIST
 Business Registration
 Certificate - §5.04.525

MANUFACTURED HOME,-
 (AS ACCESSORY DWELLING
 UNIT) - 19.04.030(2)(P)

MANUFACTURERS
 Business Registration
 Certificate - §5.04.525

MANURE
 Collection of, Business
 Registration Certificate -
 §5.04.415
 Removal of - §6.04.070

[Return to Municipal Code Contents]

MARKER PENS	Renewal - §5.20.160	Exceptions - §9.62.060
Inaccessibility to Public - §8.68.010	Revocation - §5.20.120	Lingering, Solicitation, or Loitering on, Prohibition of - §9.62.030
Possession by Minors - §8.69.090	Grounds - §5.20.130	Signs or Other Objects Prohibited - §9.62.040
MARRIAGE COUNSELOR	Records - §5.20.140	Transit Stations excluded - §9.62.020
Business Registration Certificate - §5.04.525	MASSAGE TECHNICIAN	
MARSHAL	Defined - §5.20.010	
Nuisance, Abatement of Water Drained onto Public Property as - §12.44.050	License - §5.20.020	
MARSHALL BOULEVARD	MASTER PLAN	MEDICAL CENTER DRIVE
Speed Limit	Planning Commission - §2.22.050	Speed Limit
35 mph - §10.52.020	MASTURBATION	35 mph - §10.52.020
MASSACHUSETTS AVENUE	Presence Where Others are Masturbating - §9.28.030	40 mph - §10.52.030
Speed Limit, 35 mph - §10.52.020	Where Prohibited - §9.28.020	MEDICAL EQUIPMENT SALES AND SERVICE
MASSAGE	MAY	Business Registration Certificate - §5.04.525
Defined - §5.20.010	Defined - §§1.04.010, 10.04.160, 15.73.020, 19.66.060	MEDICAL MARIJUANA DISPENSARIES
MASSAGE PARLOR	MAYOR	See Cannabis Activities, Commercial
Ch. 5.20	Compensation for- §2.82.010	MEDICAL TRANSPORTATION VEHICLE
Business Registration Certificate - §5.04.335	Nomination Signatures - §2.56.050	Defined - §5.76.020
Change of Location - §5.20.090	Vacancies - §2.03.010	MEDICINE
Defined - §5.20.010	MAYOR AND CITY COUNCIL	Distribution of Samples - §8.06.010
Employees - §5.20.100	Defined - §5.16.010	MEDIUM RISK BUILDING
Grace Period - §5.20.150	Meetings - §2.58.010	Defined - §15.12.030
Inspections - §5.20.110	MEAT MARKET	MEETINGS
Necessary Facilities - §5.20.060	Business Registration Certificate - §5.04.525	Conduct at Meetings and Relating to City Business - §2.58.050
Permit - §5.20.020	MEATS	Conduct, City Council - Generally - §2.58.030
Appeal - §5.20.040	Deposit into Rubbish Receptacles Prohibited - §8.21.060	Conduct, Mayor's - Generally - §2.58.040
Application - §§5.20.040, 5.20.050	MECHANICAL ENGINEER	Continuances; fee - §2.58.100
Display - §5.20.080	Business Registration Certificate - §5.04.525	Disruptions: Prohibiting disruptive conduct at meetings - §2.58.060
Exceptions - §5.20.030	MECHANICAL SHOPS	Hearings, Quasi-Judicial - §2.58.120
Expiration - §5.20.160	Trespass - §9.52.020	Holidays - §2.58.080
Fee - §5.20.040	MEDIAN ISLAND - §9.62	
Issuance - §5.20.070	Distribution or Exchange of Objects Prohibited - §9.62.050	
Nontransferable - §5.20.070		

[Return to Municipal Code Contents]

Meetings of Boards, Commissions and Committees, - §2.58.020

Meetings of Mayor and City Council - §2.58.010

Disruptions, Willful - §2.58.070

Public Participation in - §2.58.110

Ralph M. Brown Act, Familiarity with- Required - §2.58.090

MEMBERS

Defined - §§2.32.020

MERCURY

Discharge into Storm Drains - §8.80.010

MERIDIAN AVENUE

Speed Limit

40 mph - §10.52.030

MESSENGER SERVICE

Business Registration Certificate - §5.04.340

METAL

Accumulation a Nuisance - §8.18.010

MEYERS ROAD

Verdemont Area Infrastructure Fee - §15.73.030

MILL STREET

Speed Limit

40 mph - §10.52.030

45 mph - §10.52.040

MINOR(S)

Defined - §5.36.010

Harmful Matter - §9.70.010

Obscene Matter - §9.70.020

Possession of Marker Pens and Spray Can Tips - §8.69.090

Unlawful to Direct Traffic - §10.08.010

MIRAMONTE AVENUE

Speed Limit

35 mph - §10.52.020

MISDEMEANORS

Penalty - §1.12.010

MOBILE HOME

Defined - §8.90.040

MOBILE HOME OWNER

Defined - §8.90.040

MOBILE HOME PARK OWNER

Defined - §8.90.040

MOBILE HOME PARKS

Code Enforcement, City Responsibility - Ch. 15.55, §§15.55.020, 15.55.030

Adequate Personnel - §15.55.040

Fees - §15.55.050

Forms - §15.55.090

Hearings - §15.55.100

MOBILE HOME RENTS

Ch. 8.90

Adjustments - §§8.90.100, 8.90.270, 8.90.290, 8.90.300

Ceiling - §8.90.080

Adjustments - §§8.90.090, 8.90.100

City Manager - §8.90.110

Decision Final - §8.90.310

Exemptions - §8.90.050

Liberal Construed - §8.90.360

Net Operating Income - §§8.90.230, 8.90.240

Operating Expenses - §§8.90.200, 8.90.210

Petition

By Landlord - §8.90.130

By Tenant - §8.90.120

Registration - §8.90.060

Termination of Tenancy - §8.90.330

MOBILE HOME SALES

Business Registration Certificate - §5.04.525

MOBILE HOME SPACE

Defined - §8.90.040

MOBILE SOURCE AIR POLLUTION

Ch. 17.08

Administration of Vehicle Registration Fee - §17.08.050

Air Quality Improvement Trust Fund - §17.08.050

MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS

Defined - §17.08.040

MODEL AIRPLANE

Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015

Parks, Restrictions in - §12.80.130

MONTH

Defined - §§1.04.010, 3.44.010

MONUMENT

Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015

MORGAN ROAD

Speed Limit

35 mph - §10.52.020

MOTEL

Business Operator Permit - §§5.82.020, 5.82.030

MOTION PICTURE PERMITS

Special Event Permits - §19.70.025

MOTOR FUEL

Compliance With Law - §5.64.030

Price Display - §5.64.010

Size of Sign - §5.64.020

[Return to Municipal Code Contents]

MOTOR TRUCK
Defined - §10.04.010
Parking in Residence District Prohibited - §10.16.120

MOTOR VEHICLE
Defined - §§5.24.010, 10.04.010
Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
Muffler Required - §10.56.020
Parks, Restrictions in - §12.80.130
Public Nuisance - §8.30.020
Repair Shop, Business Registration Certificate - §5.04.525
Sales - §5.04.525

MOTORCYCLE
Defined - §10.04.010
Moving Vehicle, Clinging to - §10.24.160
Muffler Required - §10.56.020

MOUNT VERNON AVENUE
Speed Limit
35 mph - §10.52.020
40 mph - §10.52.030

MOUNTAIN AVENUE
Speed Limit
35 mph - §10.52.020

MOUNTAIN VIEW AVENUE
Speed Limit
35 mph - §10.52.020
40 mph - §10.52.030

MS (MAIN STREET OVERLAY) ZONE
Ch. 19.19
Development Standards - §19.19.040
Establishment of - §19.02.060

Uses permitted and conditionally permitted same as underlying zone - §19.19.030
MUFFLER
Defined - §10.56.020
Motorcycle - §10.56.010
Required - §10.56.020
Motor Vehicle - §10.56.010
Required - §10.56.020
Stationary Engine - §8.51.010

MULTIFAMILY RESIDENTIAL HOUSING
Increased Cost of Municipal Services - §5.04.526

MULTIPLE PERMIT APPLICATIONS
§19.31.020

MUNICIPAL IMPROVEMENT ACT OF 1913
Bonds - §12.94.020
Development Services Director - §2.14.030

MUNICIPAL PARKING FACILITY
Defined - §10.24.200A
Driving Regulated - §10.24.200
Parking Regulated - §10.24.200B
Police Officers Excepted - §10.24.200H
Riding Bicycle, Roller Skate or Skateboard, Prohibited - §10.24.200G
Exceptions - §10.24.200
Speed Limit, 10 mph - §10.24.200E

MUNICIPAL UTILITY CHARGES
Collection - §13.28.010
Delinquent - Ch. 13.28
Collection - §§13.28.020, 13.28.100
Description of Parcel - §13.28.030

Hearing - §§13.28.040 - 13.28.060
Lien - §13.28.080
Notice - §13.28.040
Report - §13.28.070
Separate Bills - §13.28.120
Tax Bill - §§13.28.090, 13.28.110

MUSIC
Sound Vehicle - §8.57.070

MUSIC MACHINES
Business Registration Certificate - §5.04.285
Notice to City Clerk - §5.04.290

MUSIC STORE
Business Registration Certificate - §5.04.525

MUSIC TABLES
Business Registration Certificate - §5.04.285
Notice to City Clerk - §5.04.290

MUST
Defined - §1.04.010

-N-

NAPTHA
Discharge into Storm Drains - §8.80.010

NARCOTICS
Ch. 9.95
Administrative procedures - §9.95.030
Civil Remedies Available - §9.95.070
Definitions - §9.95.010
Duties of the landlord - §9.95.020
Enforcement - §9.95.050
Penalties - §9.95.060
Recovery of possession by landlord - §9.95.040

[Return to Municipal Code Contents]

Severability - §9.95.080
NATIONAL DEFENSE PROPERTY
 Trespass - §9.52.020
NATIONAL ELECTRICAL CODE
 Adopted by Reference - §15.04.020
 Amendments:
 CATV Installation - §15.04.225
NATIONAL INCIDENT MANAGEMENT SYSTEM
 §2.46.080
NEGLECTED OR ABANDONED ORCHARD
 Defined - §8.18.020
NEIGHBORHOOD PREFERENTIAL PARKING PERMIT
 §10.16.180
NET OPERATING INCOME
 Defined - §8.90.180
NEW CONSTRUCTION
 Defined - §15.57.020
NEWS MEDIA
 Defined - §12.64.015
NEWSPAPER
 Defined - §8.15.020
NIMS
 National Incident Management System - §2.46.070
NINTH (9TH) STREET
 Speed Limit
 40 mph - §10.52.030
 45 mph - §10.52.040
NO PARKING
 Crosswalk, Within 20 Feet of - §10.16.020
 Driveway - §10.16.020
 Hospitals - §10.36.010
 Police Stations - §10.36.010

Railroad Crossing, Within 50 Feet of - §10.16.020
 Red Curb - §§10.16.020, 10.16.090
 Sidewalk - §10.16.020
 Stop Sign, Within 30 Feet of - §10.16.020
 Theaters - §10.36.010
 Traffic Hazards - §10.16.020
 Traffic Signal, Within 30 Feet of - §10.16.020
 Upon any Roadway to Wash, Grease or Repair a Vehicle - §10.16.100
 Exception - §10.16.100
 Within Business District - §10.16.100
NOISE CONTROL
 Acts, Prohibited - §8.54.020
 Animal Noises - §8.54.020
 Automobile
 Body Work - §8.54.020
 Fender Work - §8.54.020
 Repair - §8.54.020
 Bells - §8.54.020
 Controlled Hours of Operation - §8.54.050
 Cost Recovery for Second Response - §8.54.040
 Disturbances from Construction
 Activity - §8.54.070
 Exemptions - §8.54.060
 Ambulances - §8.54.060
 Fire - §8.54.060
 Police - §8.54.060
 Horn - §8.54.020
 Impoundment, Issuance of Written Notice and - §8.54.030
 Intent - §8.54.010
 Issuance of Written Notice and Impoundment - §8.54.030
 Motorcycle - §10.56.010

Muffler Required - §10.56.020
 Motor Vehicle - §10.56.010
 Muffler Required - §10.56.020
 Musical Instrument - §8.54.020
 Penalty, Violation- - §8.54.080
 Phonograph - §8.54.020
 Pile Driver - §8.54.020
 Pneumatic Hammer - §8.54.020
 Power Saw - §8.54.020
 Prohibited Acts - §8.54.020
 Public Nuisance - §8.30.020
 Purpose - §8.54.010
 Radio - §8.54.020
 Severability - §8.54.090
 Shouting - §8.54.020
 Hawkers - §8.54.020
 Peddlers - §8.54.020
 Vendors - §8.54.020
 Singing - §8.54.020
 Sound-amplifying Device - §9.48.020
 Sound-making Device - §9.48.020
 Sound Vehicle - Ch. 8.57
 Steam Shovel - §8.54.020
 Time - §8.54.020
 Trains - §8.54.020
 Trucks - §8.54.020
 Unlawful - §8.54.010
 Violation-Penalty - §8.54.080
 Whistling - §8.54.020
 Written Notice and Impoundment, Issuance of - §8.54.030
 Yelling - §8.54.020

[Return to Municipal Code Contents]

NOISY ANIMALS

Declaration of a Noisy Animal as a Public Nuisance - §6.02.020
Findings - 6.02.010
Fines and Limits; Appeal - §6.02.040
Noisy Animal Warning Notice - Other Penalties and Violations - §6.02.050

NONCOMMERCIAL HANDBILL

Defined - §8.15.020
Posted Against - §8.15.100
Private Premises - §8.15.110
Public Places, Distributing in - §8.15.070
Vacant Premises, Placing on - §8.15.090
Vehicles, Placing on - §8.15.080

NONPROFIT ORGANIZATIONS

Business Registration Certificate - §5.04.630
Defined - §5.36.010

NORTHPARK BOULEVARD

Speed Limit
40 mph - §10.52.030

NOTICE TO CLEAN PREMISES

Appeal to Fire Commission - §8.18.040
Contents - §8.18.040
Fire Chief - §8.18.030

NUISANCE

(See also Nuisance Abatements and Public Nuisance)

Appeal - §§8.30.022, 8.30.025, 8.30.030
Combustible and Noncombustible Materials, Accumulation - Ch. 8.18

Abatement of - §8.18.050

Cost of Lien - §8.18.060

Urgent - §8.18.080

Defined - §8.82.020

Hearing - §8.30.030

Notice

Hearing - §8.30.030

Method of Giving - §8.30.022

Remove - §§8.30.020(I), 8.30.070,

Protest - §8.30.045

Public - Ch. 8.30

Urgent Public, Defined - §8.18.080

Weeds - Ch. 8.30

NUISANCE ABATEMENTS

(See also Nuisance and Public Nuisance)

§8.30.021

Appeal - §8.30.022(E)

Assessments - 8.30.022

Commencement of Proceedings - §8.30.022

Emergency - §8.30.022

Lien on Parcel - §§8.18.060, 8.30.055

Order - §8.30.025

Penalties - §8.30.070

Property Owner - §§8.30.025, 8.30.041, 8.30.043, 8.30.045, 8.30.050, 8.30.055, 8.30.070

Protest - §8.30.045

Contractor, Authority to call - §8.30.021

NURSERY (PLANTS)

Business Registration Certificate - §5.04.525



OATH

Defined - §1.04.010

OBSCENE MATTER

Display, Sell, Offer to Sell in Place Where Minors are Not Excluded - §9.70.010

OBSERVATION WELL

Defined - §13.24.020

OCCULTIST

Business Registration Certificate - §5.04.525

OCCUPANCY

Certificate of - Ch. 15.20
(See also Certificate of Occupancy)

Defined - §§3.55.010, 15.20.020

OCCUPANT

Defined - §§1.04.010, 15.20.020, 15.25.020

OCCUPATION, CERTIFICATES OF

CH. 19.34

ODOR, OBNOXIOUS

§19.20.030

OFFICIAL INDICIA

Use For Private or Personal Purpose - Ch. 9.04

OFFICIAL SEAL

Use For Private or Personal Purpose - Ch. 9.04

OFFICIAL TRAFFIC CONTROL DEVICE

Defined - §10.04.080

OFFICIAL TRAFFIC SIGNALS

Defined - §10.04.090

OFF-STREET PARKING FACILITY

Defined - §10.04.095

OFF-STREET PARKING ORDINANCE

Citation - §12.84.010

Findings - §12.84.020

OHIO AVENUE
Verdemont Area Infrastructure
Fee - §15.73.030

OILED STREET
Defined - §12.04.010

OLD CITY
Ch. 1.24

OLIVE AVENUE
Verdemont Area Infrastructure
Fee - §15.73.030

ONE-WAY STREETS
AND ALLEYS
Notice of - §10.12.020

OPERATOR
Defined - §§3.55.010,
5.24.010, 10.04.010

OPERATOR'S PERMIT
Fee - §5.82.040

OPTICIAN
Business Registration
Certificate - §5.04.525

OPTOMETRIST
Business Registration
Certificate - §5.04.525

ORANGE STREET
Speed Limit
35 mph - §10.52.020

ORCHARD
Defined - §8.18.020
Neglected or Abandoned,
Defined - §8.18.020

ORDINANCES
Action by Mayor - §1.08.030
Charter Amendments -
§1.08.060
Effective Date - §1.08.090
Ministerial Acts - §1.08.070
Presented to Mayor -
§1.08.020
Readoption - §1.08.040
Resolution Used Instead -
§§12.84.200, 12.90.110

Validity Presumed - §1.08.080
Violation, Each Day Separate
Offense - §1.12.020

OSTEOPATH
Business Registration
Certificate - §5.04.525
Notice of Treatment of
Wounded Person - §8.09.010

OSTEOPATHIST
Business Registration
Certificate - §5.04.525

OUTDOOR ATHLETIC
RECREATION AREAS,
SPORTS CENTERS AND
SPORTS FACILITIES
No Smoking - §8.73.040

OUTDOOR SALES AND
DISPLAYS
Ch. 5.22
Exemptions - §5.22.050
Limited Displays - §5.22.040
Limited Outdoor Displays
Permitted - §5.22.040
Permit - §5.22.010
Fee - §5.22.020
Issuance - §5.22.030

OVERSIZE STRUCTURE
Defined - §8.66.010
Moving - Ch. 8.66
Lights - §8.66.060
Permit - §8.66.020
Application - §8.66.030
Fees - §8.66.050
Issuance - §8.66.040
Reflectors - §8.66.060
Surety Bond - §8.66.070
Warning Flags - §8.66.060

OWNED BY THE CITY
Defined - §10.04.100

OWNER
Defined - §§1.04.010,
13.20.160, 15.20.020,
15.24.030, 15.25.020

-P-

PACKING BOXES
Public Nuisance - §8.30.010

PAINT STORE
Business Registration
Certificate - §5.04.525

PAINTING
Vivid and Garish - 8.30.010

PAINTING HOUSE NUMBERS
Business Registration
Certificate - §5.04.560

PALM AVENUE
Speed Limit
45 mph - §10.52.040
Verdemont Area Infrastructure
Fee - §15.73.030

PALMYRA DRIVE
Commercial Vehicles
Prohibited - §10.24.190

PANIC ALARM
Defined - §8.81.020

PAPER
Accumulation a Nuisance -
§8.18.010

PARADES
Defined - §19.70.036 D (1)
Interference With -
§19.70.036 D (3)
Permit - §19.70.036 D
Appeal - §19.70.036 D (9)
Application process -
§19.70.036 D (4)
Conditions to permit-
§19.70.036 D (6)
Contents of -
§19.70.036 D (5)
Denial - §19.70.036 D (7)
Deposit - §19.70.036 D (12)
Indemnification Agreement -
§19.70.036 D (13)
Insurance -
§19.70.036 D (14)

[Return to Municipal Code Contents]

Revocation -
 §19.70.036 D (11)

Unlawful to Drive Through -
 §10.24.140

PARALLEL PARKING
 §10.16.040

PARK
 Defined - §§8.15.020,
 10.04.110, 12.80.020,
 12.98.020

Garbage, Deposit of -
 §12.44.060

Refuse, Deposit of -
 §12.44.060

Water, Drainage onto -
 §12.44.040

PARK OWNER
 Defined - §8.90.040

PARKING AND BUSINESS
 IMPROVEMENT AREA TAX
 Ch. 3.64

Boundary - §3.64.010

Collection - §3.64.040

Fund - §3.64.050

Penalties - §3.64.100

Rates - §3.64.020

Uses - §3.64.030

PARKING AUTHORITY
 §12.84.750

Bonds - §12.84.760

PARKING CITATIONS
 §10.44.020

PARKING CONTROL
 CHECKERS
 Enforce Parking Regulations -
 §10.16.150

Immobilize Vehicles -
 §10.16.150

PARKING DISTRICT
 LAW OF 1951
 §12.84.380

PARKING DISTRICTS
 Administration - §12.84.350

Enlargement - §12.84.420

Need Not Include all Parking
 Places - §12.84.170

Off-Street Parking -
 §§12.84.330 to 12.84.350

Off-Street Parking Areas -
 §10.16.280

Tax Levy - §12.84.370

PARKING FACILITIES
 Defined - §5.40.020

PARKING LAW OF 1949
 §12.84.750

PARKING LIMITATIONS
 Abandoned Vehicles (72
 Hours) - §10.16.230

Angle - §10.16.030

Boards and Commissions -
 §§10.16.170, 10.16.190

Bus Stop - §10.16.080

Conference Vehicle Parking
 Permit - §12.08.100

Central City Mall - §10.16.210

Code Compliance Officers
 May Enforce - §10.16.150

Emergency Vehicle Parking
 Permit - §12.08.090

Exceptions - §10.16.180

Fire Hydrant, Within 15 Feet of
 - §12.52.020

Left-Side - §10.16.040

Municipal Parking Facility -
 §10.24.200

Narrow Streets - §10.16.110

No Parking - §10.16.020

Commercial Vehicles -
 §10.16.020

Crosswalk, Within 20 Feet
 of - §10.16.020

Driveway - §10.16.020

House Car - §10.16.020

Motor Truck of More than 1
 Ton in Residence District -
 §10.16.120

Recreational Vehicles
 Excepted - §10.16.120

Railroad Crossing, Within 50
 Feet of - §10.16.020

Red Curb - §§10.16.020,
 10.16.090

Residence District, Motor
 Truck of More than 1 Ton -
 §10.16.120

Recreational Vehicles
 Excepted - §10.16.120

Sidewalk - §10.16.020

Stop Sign, Within 30
 Feet of - §10.16.020

Traffic Hazards -
 §10.16.020

Traffic Signal, Within 30 Feet
 of - §10.16.020

Upon any Roadway to
 Wash, Grease or Repair a
 Vehicle - §10.16.100

Exception - §10.16.100

Within Business District -
 §10.16.100

Permits - §10.16.180

Conference Vehicle Parking
 Permit - §12.08.100

Preferential Permit -
 §10.16.180

Car Pooling - §10.16.180

Neighborhood - §10.16.180

Removal of Ignition Key -
 §10.16.140

Parallel - §10.16.040

Parking Control Checkers May
 Enforce - §10.16.150

San Bernardino Baseball
 Stadium

Premises - §10.16.270

Spaces - §10.16.060

[Return to Municipal Code Contents]

Storage of Vehicles on Streets Prohibited (72 Hours) - §10.16.110	12.84.550, 12.84.600 to 12.84.720, 12.84.790	Resolution Instead of Ordinance - §12.84.200
Police Officers and Superintendent of Public Buildings May Tow - §10.16.110	Commission - §12.84.440	Resolution of Intention - §§12.84.470, 12.84.480, 12.84.500, 12.84.510
Notice to DMV - §10.16.110	Defined - §12.84.020 A	Special Assessment - §12.84.050
Notice to Registered Owner - §10.16.110	Disposition of Property - §12.84.300	Taxes - §§12.84.020 B, 12.84.050
Street Sweeping - §10.16.200	Engineers - §12.84.020 B	Time Between Actions - §12.84.180
Taxicab Stands - §10.16.080	Final Determination of Necessity - §12.84.090	PARKING, OFF-STREET
Time - §10.16.010	Hearing - §§12.84.530, 12.84.560	CH. 19.24
Green Curbs - §10.16.070	Improvement District - §12.84.480	Dimensional Requirements - §19.24.060
Other Provisions - §10.16.130	Disapproval - §12.84.580	Handicapped Parking Requirements - §19.24.050
Twenty-Minute Parking - §10.16.070	Effective Date - §12.84.590	Number of Parking Spaces Required - §19.24.040
Unimproved Residential Surface - §15.24.040	Zones - §12.84.490	Parking Structures - §19.24.040
PARKING LOT	Incidental Uses - §12.84.290	Wheel Stops/Curbs - §19.24.040
Failure to Remove Ignition Key Where No Attendant - §10.16.140	Intention to Proceed - §12.84.040	Loading, Off-Street - Ch. 19.26
Includes Parking Places - §12.84.020 A	Majority Protest - §§12.84.160, 12.84.390, 12.84.570	Number of Loading Spaces Required - §19.26.030
PARKING PLACE COMMISSION	Overruled by Council - §§12.84.390, 12.84.570	PARKS
§12.84.440	Notice of Hearing - §§12.84.070, 12.84.520	(See also Public Parks)
PARKING PLACES	Objections - §12.84.080	Litter - §8.15.060
Administer - §§12.84.020 B, 12.84.280, 12.84.380	Parking Districts - §§12.84.170, 12.84.330 to 12.84.350	PARKS AND RECREATION FACILITIES
Assessments - §§12.84.380, 12.84.730	Parking District Law of 1951 - §12.84.380	§19.30.320
Bonds - §12.84.230	Petition, Not Required - §12.84.150	PARKS, RECREATION, AND COMMUNITY SERVICES, DIRECTOR OF
Public Property - §12.84.210	Power to Improve Property for - §12.84.020 B	Defined - §§12.96.010; 12.40.010
Residential Property Exempt - §§12.84.450, 12.84.740	Preliminary Determination of Necessity - §12.84.060	Notices to Appear - §9.90.010
Without Bonds - §12.84.310	Property, Disposition of - §12.84.300	Remaining in Park After Hours, Authority For - §12.68.020
Attorneys - §12.84.020 B	Protests - §12.84.060	PARKWAY
Bonds - §§12.84.040, 12.84.060, 12.84.220 to 12.84.270, 12.84.380, 12.84.400, 12.84.460, 12.84.480, 12.84.540,	Publication of Notice - §12.84.190	Defined - §10.04.120
	Public Property, Assessment of - §12.84.210	

[Return to Municipal Code Contents]

PARTNERSHIPS

Business Registration
Certificates - §5.04.026

PASSAGEWAYS, CITY

Obstructions, Free From -
§12.44.030

PASSENGER LOADING ZONE

Defined - §10.04.130

PASTEBOARD

Accumulation a Nuisance -
§8.18.010

PAWNBROKERS

Ch. 5.56

Business Registration
Certificate - §5.04.350

Daily Report - §5.56.010

Blanks - §§5.56.020, 5.56.030

Defined - §5.04.350

Fictitious Name - §5.56.050

Hides, Bones, Fertilizer
Sacks, Possession Unlawful -
§5.56.090

Identification of Person
Leaving Property - §5.56.040

License - §5.56.070

Application - §5.56.080

PAYROLL, CITY

§2.10.030

PEACE OFFICER

Diversion of Traffic -
§10.24.220

**PEACE OFFICER STANDARDS
AND TRAINING**

Adherence to Standards -
§2.36.020

California Commission on -
§§2.36.020, 2.36.030

Qualification for Aid -
§2.36.010

PEACOCKS

Keeping - §6.16.030

PEDDLER

Business Registration
Certificate - §5.04.370

Foodstuffs - §5.04.375

Defined - §5.04.375

PEDESTRIAN

Defined - §10.04.140

Scramble System at
intersections - §10.28.050

Standing in Middle of Sidewalk
Prohibited - §10.28.010

Traffic Control Signals,
Application to - §10.28.040

Walking on New Sidewalk
Prohibited - §10.28.020

PENALTY, ENFORCEMENT

§15.24.060

PEPPER AVENUE

Speed Limit

40 mph - §10.52.030

45 mph - §10.52.040

PERCHLORATES

Discharge into Storm Drains -
§8.80.010

PERMIT

Defined - §§12.80.020

**PERMITS, ADMINISTRATIVE
OR DEVELOPMENT**

CH. 19.44

Expiration of - §19.44.050

Modification of - §19.44.070

Time Extension for -
§19.44.080

Required When -- §19.44.030

Revocation of - §19.44.090

PERMITS, CONDITIONAL USE

CH. 19.36

Application - §19.36.020

Project Review - §19.36.030

Hearings and Notice -
§19.36.040

PERMITS, DEVELOPMENT

CH.19.32

(see also Permits,
Administrative and
Development)

Fees - §19.32.030

Filing of Application -
§19.32.020

PERMITS, MINOR USE

CH. 19.36

PERMITS, TEMPORARY USE

CH. 19.70

Application and Permit
Issuance - §19.70.040

Condition of Site Following
Temporary Use - §19.70.070

Conditions of Approval -
§19.70.060

Development and Operational
Standards for -

Special Event Permits -
§19.70.036

Temporary Use Permits -
§19.70.035

Exemptions - §19.70.030

Permitted Uses –

Temporary Use Permits -
§19.70.020

Special Event Permits -
§19.70.025

Prohibited Uses - §19.70.031

Revocation - §19.70.080

PEROXIDES

Discharge into Storm Drains -
§8.80.010

PERRIS HILL PARK ROAD

Speed Limit

40 mph - §10.52.030

PERSON

Defined - §§1.04.010,
3.44.010, 3.55.010, 5.40.020,
5.44.010, 8.15.020, 8.57.010,
10.04.010, 12.80.020, ,
13.20.165, 13.24.020,

[Return to Municipal Code Contents]

13.36.010, 14.08.010,
15.20.020, 15.24.030,
15.25.020, 15.48.020,
15.73.020

PERSON IN CHARGE
Defined - §8.82.020

PERSONAL CULTIVATION OF
CANNABIS - CH. 8.99

PERSONAL PROPERTY
Defined - §1.04.010

PERSONS FINANCIALLY
INTERESTED
Defined - §5.44.030

PEST CONTROL SERVICE
Business Registration
Certificate - §5.04.525

PESTICIDES
Discharge into Storm Drains -
§8.80.010

PET STORE
Business Registration
Certificate - §5.04.525

PETITIONS
Off Street Parking Places, Not
Required - §12.84.150

PETROLEUM TANKS AND
RESERVOIRS
Trespass - §9.52.020

PHOTOGRAPHERS
Business Registration
Certificate - §5.04.525

PHYSICAL CULTURE AND
HEALTH CLUBS
Business Registration
Certificate - §5.04.525

PHYSICAL THERAPIST
Business Registration
Certificate - §5.04.525

PHYSICIAN
Business Registration
Certificate - §5.04.525
Notification of Treatment of
Wounded Persons - §8.09.010

PIGEONS
Conditions - §6.06.020
Definitions - §6.06.010
Permit - §6.06.030

PILLS
Distribution of Samples -
§8.06.010

PINE AVENUE
Speed Limit
50 mph - §10.52.050

PIONEER MEMORIAL
CEMETERY
Endowment Care - §2.44.030
Maintenance - §2.44.020
Rates - §2.44.030
Record of Burials - §2.44.040
Sales Prices - §2.44.030

PLANNED LOCAL DRAINAGE
FACILITIES FUND
Ch. 3.38
Drainage Fee - §3.38.040

PLANNERS I
Authority to Arrest and Issue
Citations - §9.90.010

PLANNERS II
Authority to Arrest and Issue
Citations - §9.90.010

PLANNING AIDES
Authority to Arrest and Issue
Citations - §9.90.010

PLANNING COMMISSION
Duties - §2.22.020
General - Ch. 2.17
General Plan - §2.22.020
Master Plan - §2.22.050
Members - §2.22.010

PLANT NURSERY
Business Registration
Certificate - §5.04.525

PLANTS
Height of - §12.40.120

Corner Lot - §12.40.120
Driveway, near - §12.40.120

PLAYGROUNDS
Defined - §8.73.010
Prohibition - §8.73.010

PLUMBING
Backflow Prevention Devices -
Ch. 13.12
Check Valves - §13.12.020
Cross Connections - Ch. 13.12
Pressure Vacuum Breakers -
§13.12.020

PLUMBING INSPECTOR
No Permit Without Contractor's
License - §5.04.545

POCKET VETO
§1.08.030

POLES
Fire Hydrant, Within 5 Feet of,
Prohibited - §12.52.030

POLES, OVERHEAD WIRES
AND ASSOCIATED OVERHEAD
STRUCTURES
Defined - §13.36.010

POLICE ASSISTANTS
Authority to Arrest and Issue
Citations - §9.90.010

POLICE DEPARTMENT
(See Also Chief of Police)
Ch. 2.81
Appointment - §2.81.010
Duties - §2.81.020
Investigations
Purchasing Exemption -
§3.04.010
Notification by Automobile
Wreckers - §5.28.010
Records of Registered
Bicycles to be Maintained -
§10.48.070

POLICE DOGS
Tease or Harass - §6.12.010

[Return to Municipal Code Contents]

POLICE OFFICERS

Authority to Arrest and Issue Citations for Violation of Bicycle Regulations - §10.48.090
Defined - §10.04.150
Diversion of Traffic - §10.24.220
False Report to - Ch. 9.16
Impoundment of Bicycles for Violation - §10.48.110
May Enforce Parking Regulations - §10.16.150
May Tow Vehicle Parked More Than 72 Hours or on Public Property - §10.16.110
Notice to DMV - §10.16.110
Notice to Registered Owner - §10.16.110
Municipal Parking Facility, Exempted From Regulations - §10.24.200
Nuisance, Abatement of Water Drained onto Public Property as - §12.44.050
Obedience to When Directing Traffic - §10.08.010
Traffic Regulations, Enforcement of - §10.24.170

POLICE RESERVE

Ch. 2.38
Appointment by Chief - §2.38.020
Arrest, Power of - §2.38.090
Badge - §2.38.060
Baton - §2.38.080
Civil Defense - §2.38.110
Compensation - §2.38.010
Control by Chief - §2.38.020
Establishment - §2.38.010
Firearms - §2.38.080
Gender - §2.38.030
Identification Card - §2.38.060

Impersonation - §2.38.120
Qualifications - §2.38.030
Rules and Regulations - §2.38.040
Termination - §2.38.070
Traffic, Power to Direct - §2.38.090
Uniform - §2.38.100
Workers' Compensation - §2.38.050

POLITICAL

Defined - §5.40.020

POLLUTION

Defined - §§13.20.170, 13.24.020

POOL ROOM

Business Registration Certificate - §5.04.140
Gambling - §5.32.040
Investigation Fee - §5.32.100
License - §5.32.010
Open to Public View - §5.32.080
Owner - §5.32.060
Permit - §5.32.010
Application - §5.32.020
Conditions - §§5.32.030, 5.32.090
Revocation - §5.32.110
Suspension - §5.32.110
Profanity - §5.32.050
Signs - §5.32.070
POSTED BOUNDARY
Trespass - §9.52.040
POSTED PROPERTY
Defined - §9.52.010
POSTING OF SIGNS
No Smoking and No Vaping - §8.97.100
POWER PLANT
Trespass - §9.52.020

PRECEDING

Defined - §1.04.040

PREMISES

Defined - §§8.82.020

PRESSURE VACUUM BREAKERS

§13.12.020

PRESUMPTIONS

Open Container of Alcohol and Odor of Alcohol, Presumption of Consuming Alcohol - §9.32.015

PRIMARY ELECTION

Dates - §2.56.010
Election at - §2.56.060

PRINCIPAL PLANNERS

Authority to Arrest and Issue Citations - §9.90.010

PRINTED MATTER

Accumulation a Nuisance - §8.18.010

PRINTING, CENTRAL

Finance Director - §2.10.030
Purchasing Agent - §2.06.020

PRIVATE PATROL SYSTEM

Business Registration Certificate - §5.04.345

PRIVATE POLICE SYSTEM

Business Registration Certificate - §5.04.345

PRIVATE POST OFFICE SERVICE

Business Registration Certificate - §5.04.525

PRIVATE PREMISES

Defined - §8.15.020

PRIVATE PURPOSE

Defined - §9.04.020

PRIVATE ROAD OR DRIVEWAY

Defined - §10.04.010

[Return to Municipal Code Contents]

PRIZES

Defined - §5.36.010

PROBATIONERS

Not City Employees - §1.20.020

Work on Public Property - Ch. 1.20

PRODUCE STORE

Business Registration Certificate - §5.04.525

PROHIBITION OF SMOKING AND INHALING IN UNENCLOSED AREAS -§8.97.050

PROJECTILE

Discharge Unlawful - §9.84.010

Exception - §9.84.010

PROPERTY

Causing Erosion, Public Nuisance - §8.30.010

Defined - §§1.04.010, 12.04.010

Maintenance - Ch. 15.24

Requirements - §15.24.040

Commercial - §15.24.050

Industrial - §15.24.050

Multi-Residential - §15.24.050

Poorly Maintained, Public Nuisance - §8.30.010

Power to Acquire - §12.84.020 B

By Condemnation, Purchase, Gift, Lease, etc. - §12.84.020 B

PROPERTY LINE

Defined - §12.36.010

PROPERTY MAINTENANCE

§12.44.070

PROPERTY OF GRANTEE

Defined - §14.08.010

PROPERTY TAXES

County Collection - §3.40.010

Property Values - §3.40.020

PROPERTY, PERSONAL

Defined - §1.04.010

PROPERTY, REAL

Defined - §1.04.010

PROPERTY, SURPLUS

Finance Director - §2.10.030

Purchasing Agent - §2.06.020

PROPERTY, UNCLAIMED

Defined - §2.70.010

Forfeited Property - §2.70.060

Police Department - §2.70.050

Duties - §2.70.050

Public Auction - §2.70.030

Proceeds - §2.70.040

PROSECUTIONS

Purchasing Exemption - §3.04.010

PROSPECT HOLE

Defined - §12.04.010

PROSPECT WELL

Defined - §13.20.175

PROSTITUTION

Venereal Disease - §8.50.010

PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE AND OTHER SYNTHETIC DRUGS

§9.98

Definition - §9.98.020

Penalties - §9.98.090

Possession of Prohibited - §9.98.050

Provision, Sale and/or Distribution Prohibited - §9.98.030

Public Nuisance - §9.98.060

Revocation of Business License - §9.98.080

PUBLIC AREA

Injure or Impair Natural Beauty or Usefulness - §12.40.110

PUBLIC BUILDINGS

Bicycles Prohibited in - §8.93.010

Exceptions - §8.93.020

PUBLIC BUILDINGS, SUPERINTENDENT OF

Central City Mall, Parking Limitations - §10.16.210

Issue Preferential Parking Permit - §10.16.180

Boards and Commission, Permits - §10.16.190

Car Pooling Permits - §10.16.180

Neighborhood Permits - §10.16.180

Tow Vehicles Parked More Than 72 Hours or Parked on Public Property - §10.16.110

Notice to DMV - §10.16.110

Notice to Registered Owner - §10.16.110

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

(See State Employees' Retirement System)

PUBLIC GROUNDS

Speed Limit, 15 mph - §10.24.180

PUBLIC IMPROVEMENTS

Defined - §15.73.030

PUBLIC NUISANCE

(See also Nuisance and Nuisance Abatement)

Abandoned Objects - §8.30.010

Animals - §8.30.010

Broken Windows - §8.30.010

Buildings - §8.30.010

Dangerous Buildings - §15.28.150

[Return to Municipal Code Contents]

Debris - §8.30.010
Defined - §8.30.010
Dust - §8.30.010
Garbage and Refuse Cans - §8.30.010
Graffiti - Ch. 8.69
Hazardous Substances - §8.30.010
Junk - 8.30.010
Landscaping, Exterior - §8.30.010
Lumber - §8.30.010
Motor Vehicles - §8.30.010
Noise - §8.30.010
Order - §§8.30.060, 8.30.090
 Recordation - §8.30.100
Packing Boxes - §8.30.010
Painting, Vivid and Garish - §8.30.010
Property
 Causing Erosion - §8.30.010
 Poorly Maintained - §8.30.010
Psychoactive Bath Salts, Psychoactive Herbal Incense and other Synthetic Drugs - §9.98.060
Service Stations, Vacant - §8.30.010
Signs - §8.30.010
 Carnival - §8.30.010
 Circus - §8.30.010
 Election - §8.30.010
 Vacant Commercial Property - §8.30.010
Smoking Cannabis in Public Places §8.97.130
Storage Tanks - §8.30.010
Synthetic Drugs - §9.98.060
Trash - §8.30.010
Trees - §8.30.010
Vegetation - §8.30.010

Water, Drainage onto Street, Alley, Way, Highway, Park or Public Place - §12.44.050
 Abatement by Marshal, Policeman, or Director of Public Services - §12.44.050
Weeds - §8.30.010
PUBLIC PARK DEVELOPMENT AND RECREATION FUND
 CH. 3.32
PUBLIC PARK, STREET, ALLEY, HIGHWAY, OR OTHER PUBLIC PLACE
 Defined - §9.32.010
 Garbage, Deposit of - §12.44.060
 Rubbish, Deposit of - §12.44.060
 Storage of Vehicles on Streets (72 Hours) or Other Public Property Prohibited - §10.16.110
 Police Officers and Superintendent of Public Buildings May Tow - §10.16.110
 Notice to DMV - §10.16.110
 Notice to Registered Owner - §10.16.110
 Water, Drainage onto - §12.44.040
PUBLIC PLACES, SMOKING CANNABIS IN - CH. 8.97
PUBLIC PARKS
 (See also Parks)
 Alcohol - Ch. 9.32; §12.80.130
 Amplified Sound, Restricted - §12.80.130
 Animals, Capture or Injure - §12.80.130
 Bathe or Pollute Waters - §12.80.130
 Bicycles, Unicycles, Tricycles, Restricted - §12.80.130

Buildings, Exclusive Use of - §12.80.030
Boisterous Conduct - §12.80.130
Camp - §12.68.020; §12.80.130
Classes - §12.80.050
Closure - §12.68.020
Deface - §12.80.130
Firearms, Air Guns, Slingshots, Bow and Arrow, Restricted - §12.80.130
Fires, Restricted - §12.80.130
Garbage, Trash, Refuse, Restricted - §12.80.130
Golf, Restricted - §12.80.130
Hours of Use - §12.68.020
Male Entering Female Toilet - §12.80.130
Model Airplanes, Restricted - §12.80.130
Motor Vehicles, Restricted - §12.80.130
Number of People, Permit for 25 or More - §12.80.040
Permits - §§12.80.030, 12.80.040, 12.80.050
Removal of Wood, Turf, Grass, Soil, Rock, Sand, Gravel - §12.80.130
Regulations - §12.80.130
Reserved Areas, Interference With - §12.80.130
Roller Skate - §12.80.130
Trees, Injury of, Restricted - §12.80.130
Vehicles, Operation of - §12.68.010
PUBLIC PLACE
 Defined - §12.04.010
 Handbills, Distributing - §8.15.070

[\[Return to Municipal Code Contents\]](#)

PUBLIC PROPERTY

Assessments

Assessment Districts -
§12.90.110

Parking Improvements -
§12.84.210

Political Signs - §16.12.120

Posting Notice on - §8.15.130

Probationers Work on
- Ch. 1.20

Report of Damage to -
§10.40.010

Confidential - §10.40.020

Signs Projecting Over -
§12.44.110

PUBLIC RESTROOMS

Parks, Male Entering Female
Restroom - §12.80.130

PUBLIC RIGHTS-OF-WAY/ EASEMENTS

§19.30.290

PUBLIC SCHOOLS

(See Schools, Public)

PUBLIC SERVICES, DEPARTMENT OF

Ch. 2.15

Establishment - §2.15.010

PUBLIC SERVICES, DIRECTOR OF

Abatement of Nuisance -
§§8.18.040, 8.18.050,

Inventory - §8.18.070

Lien on Parcel - §§8.18.060,
8.30.022

Sale - §8.18.070

Bus Stops, Marking -
§10.36.010

Commercial Vehicles on
Certain Streets, Notice
Prohibiting - §10.24.190

Conference Vehicle Parking
Permits - §12.08.100

Crosswalks, Marking -
§10.36.020

Curb House Numbers

Business License required -
§12.32.050

Defined - §12.40.010

Duties - §2.15.020

Emergency or Temporary
Traffic Signals - §10.12.010

Graffiti - §§8.69.030 to
8.69.080

Loading Zones, Marking -
§10.36.010

Nuisance

Abatement of Water Drained
onto Public Property as -
§12.44.050

One-Way Streets and Alleys,
Notice of - §10.12.020

Parking Limitation due to
Street Sweeping - §10.16.200

Parking Time Limitations,
Notice of - §10.16.010

Parking Space Markings -
§10.16.060

Pedestrian Scrambler
System - §10.28.050

Speed Limit Signs -
§10.52.060

Street Trees

Care, Regulations
Regarding - §12.40.130

Petition to Change Variety -
§12.40.040

Removal - §§12.40.050,
12.40.060,
12.40.070, 12.40.100

Permit - §§12.40.070,
12.40.080, 12.40.090

Warning and Control Devices
for Street Improvement
Projects, Placement and
Maintenance of - §10.12.010

Weeds, Notice to Abate -
§8.30.023

Weight Limitations, Notice of -
§10.24.190

PUBLIC STREET

Defined - §12.04.010

Obstructions, Free From -
§12.44.030

Water, Drainage onto -
§12.44.040

PUBLIC UTILITIES

Drainage Facilities - §3.75.010

PUBLIC UTILITY POLE

Posting Notice on - §8.15.130

PUBLIC UTILITY PROPERTY

Report of Damage to -
§10.40.010

Confidential - §10.40.020

Trespass - §9.52.020

PUBLIC WORKS CONTRACTS

Ch. 12.24

Prevailing wages - §12.24.030

PUMPING STATION

Trespass - §9.52.020

PURCHASING AGENT

Ch. 2.06

Central Printing - §2.06.020

City Manager May Also
Perform Duties - §3.04.115

Duties - §§2.06.020, 3.04.020

Mail - §2.06.020

Surplus Property - §2.06.020

PURCHASING SYSTEM

Ch. 3.04

Annual Audit - §3.04.090

Available Funds - §3.04.060

Emergency Purchases -
§3.04.075

Estimates of
Requirements - §3.04.030

Exemptions

Approved by Mayor and
Council - §3.04.010

Board ups - §3.04.010

Demolitions - §3.04.010

[Return to Municipal Code Contents]

Election Supplies - §3.04.010
 Governments - §3.04.010
 Investigations - §3.04.010
 Less Than \$500 - §3.04.010
 Litigation - §3.04.010
 Previous Bid - §3.04.010
 Prosecution - §3.04.010
 Formal Contract Procedure - §3.04.070
 Bid Procedure - §3.04.070
 Local Bid Preference - §3.04.125
 Negotiated Purchases - §3.04.070
 Open Market Purchases - §3.04.080
 Purchase Orders - §3.04.050
 Rejection of Bids - §3.04.070
 Requisitions - §3.04.040
 Services - §3.04.085
 Split Purchases - §3.04.120
 Surplus Supplies - §§3.04.100, 3.04.110

-Q-

-R-

RABBITS
 Keeping - §6.03.040

RABIES
 Confinement or Destruction of Suspected Animals - §6.08.170
 Unlawful to Conceal - §6.08.200
 Vaccination
 Dogs - §§6.08.100, 6.08.110
 Exemption - §6.08.120
 Other Animals - §6.08.150

RADIO BROADCASTING PLANT
 Trespass - §9.52.020

RADIOACTIVITY OR ELECTRICAL DISTURBANCE
 §19.20.030

RAILROAD BRIDGE
 Trespass - §9.52.020

RAILROAD COMPANIES
 Horn - §8.87.030
 Smoke Emission - §8.87.040
 Tracks, Maintenance of - §8.87.010
 Whistle - §8.87.030

RAILROAD CROSSING
 No Parking Within 50 Feet of - §10.16.010

RAILROAD RIGHTS-OF-WAY
 Trespass - §9.52.020

RAILROAD SHOPS
 Trespass - §9.52.020

RAILROAD STATION
 Trespass - §9.52.020

RAILROAD TRACK
 Maintenance of - §8.87.010
 Trespass - §9.52.020

RAILROAD TUNNEL
 Trespass - §9.52.020

RAILWAY GATES
 Driving Through or Under Prohibited - §10.32.060

RAILWAY TRAIN
 Blocking Street for More Than 8 Minutes - §10.32.030
 Speed Limits on City Streets - §§10.32.040, 10.32.050

RALSTON AVENUE
 Commercial Vehicles Prohibited - §10.24.190

REAL ESTATE BROKER
 Business Registration Certificate - §5.04.525

REAL ESTATE BUSINESS
 Business Registration Certificate - §5.04.095

REAL PROPERTY TRANSFER TAX
 Ch. 3.48
 Exemptions - §§3.48.040, 3.48.050, 3.48.060, 3.48.070, 3.48.080, 3.48.090
 Refunds - §3.48.110

RECALL ELECTIONS
 §2.56.160

RECKLESS DRIVING OF ANIMALS
 On Streets and Alleys - §10.24.120

RECONSTRUCTION
 Defined - §15.57.020

RECORD SHOP
 Business Registration Certificate - §5.04.525

RECREATIONAL ACTIVITY
 Defined - §9.49.010
 Permit for - §9.49.040
 Unlawful in Regional Shopping Center - §9.49.030

RECYCLING, MANDATORY COMMERCIAL & MULTI-FAMILY AND ORGANIC
 - §8.24.090

RECYCLING PROGRAM, CONSTRUCTION AND DEMOLITION DEBRIS
 - §8.24.100

RECYCLING SERVICE
 Business Registration Certificate - §5.04.525

RED CURB
 Bus Stop - §10.36.010
 Hospitals - §10.36.010
 No Parking - §§10.16.010, 10.16.090, 10.36.010
 Police Stations - §10.36.010
 Theaters - §10.36.010

REDEVELOPMENT AGENCY
 Defined - §5.40.020

[Return to Municipal Code Contents]

REDLANDS BOULEVARD
 Speed Limit
 40 mph - §10.52.030
 45 mph - §10.52.040

REFUSE
 Accumulation a Nuisance - §8.18.010
 Cans, Public Nuisance - §8.30.010
 Defined - §8.15.020
 Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
 Parks - §12.80.130

REGIONAL SHOPPING CENTER
 Defined - §9.49.010

REGISTERED SEX OFFENDERS, REGULATION OF
 CH. 9.97
 Definitions - §9.97.020
 Prohibitions - §9.97.030

RELIGIOUS
 Defined - §5.40.020

RENT
 Collection for Buildings Ordered Vacated - §8.05.010
 Defined - §8.90.040

RENT ADJUSTMENTS
 Defined - §8.90.040

RENTAL AGREEMENT
 Defined - §8.90.040

RENTAL CARS
 Business Registration Certificate - §5.04.520

RENTAL HOUSING
 Ch. 15.25
 Appeals - §15.25.070
 Inspections
 Annual - §15.25.040
 Interior - §15.25.050

Reinspection - §15.25.060

RENTAL HOUSING UNIT
 Defined - §15.25.020

REPAIR SHOPS (GENERAL)
 Business Registration Certificate - §5.04.525

REPORT
 Defined - §15.37.020

RESERVE POLICE OFFICERS
 Authority to Arrest and Issue Citations for Violation of Bicycle Regulations - §10.48.090

RESERVOIR
 Trespass - §9.52.020

RESIDENCE DISTRICT
 Defined - §10.04.010
 Parking of Motor Trucks of More than 1 Ton Prohibited - §10.16.120
 Recreational Vehicles excepted - §10.16.120

RESIDENT
 Defined - §8.90.040

RESIDENTIAL CLEANING
 Business Registration Certificate - §5.04.210

RESIDENTIAL PROPERTY
 Excepted From Parking Place Assessments - §§12.84.450, 12.84.740

RESIDENTIAL RENTAL SPACE
 Defined - §8.90.040

RESIDENTIAL RENTING OR LEASING
 Business Registration Certificate - §5.04.525

RESIDENTIAL ZONES
 Ch. 19.04
 Affordable Housing or Amenities required - §19.04.030
 Guest House Design Standards - §19.04.030

Maximum Units allowed per zone - §19.04.030
 Minimum Dwelling Size Standards - §19.04.030
 Minimum space required per building - §19.04.030

RE (Residential Estate) Zone -
 Establishment of - §19.02.060
 Description of - -§19.04.010

RL (Residential Low) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

RS (Residential Suburban) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

RU (Residential Urban) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

RM (Residential Medium) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

RMH (Residential Medium-High) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

RH (Residential High) Zone
 Description of - -§19.04.010
 Establishment of - §19.02.060

Uses
 Permitted - §19.04.020
 Requiring Development Permit- §19.04.020
 Requiring Fence Permit- §19.04.020

[Return to Municipal Code Contents]

Prohibited- §19.04.020
RESOLUTIONS
Action by Mayor - §1.08.030
Charter Amendments -
§1.08.060
Effective Date - §1.08.090
Fees Set by - §3.70.010
Ministerial Acts - §1.08.070
Pocket Veto - §1.08.030
Presented to Mayor -
§1.08.020
Readoption - §1.08.040
Underground Utility District -
§13.36.030
Used Instead of Ordinance -
§§12.84.200, 12.90.110
Validity Presumed - §1.08.080

RESOURCE
Defined - §15.37.020

RESTAURANT
Business Operator Permit -
§5.82.020
Business Registration
Certificate - §5.04.525

RETAIL FOOD MERCHANTS
Business Registration
Certificate - §5.04.525
Defined - §5.04.525

RETAIL LIQUOR
Business Registration
Certificate - §5.04.525

RETAIL MERCHANTS (OTHER
THAN FOOD)
Business Registration
Certificate - §5.04.525
Defined - §5.04.525

REVENUE BOND LAW OF 1941
§§12.84.410, 12.84.770,
12.84.780

REWARDS
§1.04.100

RIALTO AVENUE
Speed Limit
45 mph - §10.52.040
RIGHT-OF-WAY PERMITS –
WIRELESS FACILITIES - CH.
12.05
Applications - §12.05.060
Breach; Termination of Permit
- §12.05.090
Conditions of Approval -
§12.05.080
General Standards for
Wireless Facilities in the Public
Rights-of-Way - §12.05.050
Infrastructure Controlled By
City - §12.05.100
Nondiscrimination- §12.05.110

RIGHT TURNS
Establishment of - §10.12.010
Obedience to Signs -
§10.12.030
On Red - §10.12.040

RIGHT-OF-WAY
IMPROVEMENTS
Defined - §15.73.030

ROADWAY
Coasters, Toy Vehicles and
Similar Devices Prohibited on -
§10.24.100
Defined - §§10.04.010,
12.36.010

ROAMING SIDEWALK
VENDING/VENDOR
Defined - §5.30.020

ROBBERY ALARM
Defined - §8.81.020

ROCK AND OIL
Defined - §12.04.010

ROCKS
Accumulation a Nuisance -
§8.18.010
Landscape Maintenance
Assessment Districts, in -
§12.90.015

RODEO
Special Event Permit -
§19.70.025
ROLLER RINK
Business Registration
Certificate - §5.04.525
ROLLER SKATES
Business Districts, Prohibited
on Sidewalks in - §10.24.090
Moving Vehicle, Clinging to -
§10.24.160
Municipal Parking Facility,
Prohibited - §10.24.200
Exception - §10.24.200
Parks, Restrictions in -
§12.80.130
RSH (RESIDENTIAL STUDENT
HOUSING) ZONE
Establishment of -
§19.02.060
RUBBISH
Accumulation a Nuisance -
§§8.18.010, 8.21.090
Burning Prohibited -
§§8.21.010, 8.21.020
Business Registration
Certificate - §5.04.415
Contract With City for Removal
- §§8.21.110, 8.21.120
Defined - §§8.15.020,
Deposit on Public Park, Street,
Alley, Highway, Public Place -
§12.44.060
Fees - §§8.21.130
Receptacles -
City to Provide - §8.21.030
Construction - §8.21.050
Cost - §8.21.100
Damage to - §8.21.160
Prohibited Discharge -
§§8.21.060
Removal of - §8.21.170
Use Required - §8.21.040

[Return to Municipal Code Contents]

Removal by City Only -
§§8.21.070, 8.21.080,
8.21.150

Vehicles to Remove -
§8.21.140

RULES

Defined - §§2.32.020

-S-

SACKS

Accumulation a Nuisance -
§8.18.010

SAFETY ZONE

Defined - §10.04.010

Establishment of - §10.12.010

SALES AND USE TAX

Ch. 3.56

Sales Tax

Enjoining Collection -
§3.56.110

Exemptions - §3.56.060

Imposition - §3.56.030

Seller's Permit - §3.56.050

State Statutes - §3.56.040

Amendments - §3.56.100

Use Tax

Enjoining Collection -
§3.56.110

Exemptions - §3.56.090

Imposition - §3.56.070

State Statutes - §3.56.080

Amendments - §3.56.100

SALES TAX

Enjoining Collection -
§3.56.110

Exemptions - §3.56.060

Imposition - §3.56.030

Seller's Permit - §3.56.050

State Statutes - §3.56.040

Amendments - §3.56.100

SALES, TEMPORARY

Business Registration
Certificate - §5.04.245

SALT

Street, Unlawful to Deposit on
- §12.44.020

SAN BERNARDINO AVENUE

Speed Limit
45 mph - §10.52.040

SAN BERNARDINO BASEBALL STADIUM PREMISES

Parking Limitations -
§10.16.270

SAN BERNARDINO CIVIC PLAZA ACCESS LOOP

Weight Limitation, 10,000 Lbs.
- §10.24.190

SAN BERNARDINO MUNICIPAL CODE

Adoption of - §1.01.010

Amendments - §1.01.050

Citation - §1.01.020

Construction - §1.04.080

Headings - §1.01.060

Interpretation - §§1.04.030,
1.04.040

Repeal Does Not Revive -
§1.04.090

SAN BERNARDINO OFF- STREET PUBLIC PARKING IMPROVEMENT AND FINANCE PROCEDURAL ORDINANCE

Citation - §12.84.010

Findings - §12.84.020

SANITARY SEWERS

§19.30.080

SANTA ANA RIVER TRAIL COMMISSION

Repealed - §2.27

SATELLITE HORSE RACE WAGERING

City Share of Proceeds -
§5.72.010

Exemption - §5.72.020

SATURDAYS

City Holidays - §2.54.010

SAWDUST

Accumulation a Nuisance -
§8.18.010

SCALE WEIGHING DEVICE, AUTOMATIC

Business Registration
Certificate - §5.04.150

SCHEDULED EVENT

Costs - §8.82.030

Defined - §8.82.020

Extraordinary Fees - §8.82.040

SCHOOL SITE RESERVATIONS

§19.30.340

SCHOOLS

Public, Vending Near (1200
Feet) - §12.60.010

Sound Vehicle Within 300 Feet
of - §8.57.030

SCRAMBLE SYSTEM

Traffic Control for Pedestrians
at Intersections - §10.28.050

SCRAP METAL

Accumulation a Nuisance -
§8.18.010

SEAL, OFFICIAL

Use For Private or Personal
Purpose - Ch. 9.04

SEASONAL ATHLETIC EVENTS

Business Registration
Certificate - §5.04.525

SECCOMBE LAKE PARK

Ch. 12.76

Boats - §12.76.030

Fishing - §12.76.045

Fowl Protected - §12.76.040

Name - §12.76.010

Swimming Prohibited -
§12.76.020

[Return to Municipal Code Contents]

SECOND (2ND) STREET

Speed Limit
35 mph - §10.52.020

SECONDARY USE

Defined - §13.20.180

SECONDHAND DEALER

Ch. 5.56
Daily Report - §5.56.010
Blanks - §§5.56.020, 5.56.030
Fictitious Name - §5.56.050
Hides, Bones, Fertilizer
Sacks, Possession Unlawful -
§5.56.090
Identification of Person
Leaving Property - §5.56.040
License - §5.56.070
Application - §5.56.080

SECURITY GUARD
PERSONNEL, CAROUSEL
MALL

Authority to Arrest and Issue
Citations - §9.90.010
Solicitation in Mall - §5.40.090

SECURITY GUARDS, PRIVATE

Business Registration
Certificate - §§5.04.345,
5.04.525

SELF-SERVICE DISPLAY

Defined - §8.73.030
Prohibition - §8.73.030

SELLER FROM BOOTH OR
STAND

Business Registration
Certificate - §5.04.370

SELLING

Business Registration
Certificate - §5.04.360

SEMINAR, TEMPORARY

Business Registration
Certificate - §5.04.245

SEMS

Standardized Emergency
Management System -
§2.46.070

SENIOR PLANNERS

Authority to Arrest and Issue
Citations - §9.90.010

SERVICE

Defined - §13.20.185

SERVICE CONNECTION

Defined - §13.20.190

SERVICE ORGANIZATIONS

Contracts for Precinct Boards -
§2.56.105

SERVICE STATIONS

Vacant, Public Nuisance -
§8.30.010

SERVICE USER

Defined - §3.44.010

SERVICE USERS TAX

Application - §3.44.065
Assessment - §3.44.110
Debt of Service Provider -
§3.44.080
Delinquent Taxes - §3.44.070
Duty to Collect - §3.44.090
Electricity Users Tax -
§3.44.050
Exemptions - §§3.44.020,
3.44.025, 3.44.144
Finance, Director of -
§3.44.100
Gas Users Tax - 3.44.060
Liability of Service User -
§3.44.080
Low-Income - §§3.44.140,
3.44.144
Records - §3.44.120
Refunds - §§3.44.130,
3.44.135, 3.44.140

SEWER FUND

Board of Water
Commissioners May Draw
Upon - §3.08.010

SEWER, PUBLIC

Water Mains, Separation From
- §13.24.190

SHALL

Defined - §§1.04.010,
8.15.020, 10.04.160,
15.73.020,19.66.060

SHAMPOOING

Business Registration
Certificate - §5.04.525

SHAVINGS

Accumulation a Nuisance -
§8.18.010

SHEEP

Keeping - §§6.03.020

SHOE REPAIR SHOP

Business Registration
Certificate - §5.04.525

SHOE SHINING OR
POLISHING STAND

Business Registration
Certificate - §5.04.525

SHOE STORE

Business Registration
Certificate - §5.04.525

SHOPPING CARTS

Ch. 5.26
Definitions - §5.26.020
Disposal - §5.26.040
Impound - §5.26.070
Purpose - §5.26.010
Removal of shopping carts
from public property -
§5.26.030
Tag tampering prohibited -
§5.26.050
Unauthorized removal or
possession of shopping carts -
§5.26.060

SHOWS, TEMPORARY

Enclosed Mall or Shopping
Center, Business Registration
Certificate - §5.04.507

[Return to Municipal Code Contents]

SHRUBS	Regulations - §12.93.020	Nonconforming - §19.20.120
Accumulation a Nuisance - §8.18.010	Hearing - §12.92.070	Off-Site - §19.20.080
SICK	Notice - §§12.92.040, 12.92.050, 12.92.060	Off-Site Electronic Message Center Signs - §19.20.080
Business of caring for, Business Registration Certificate - §5.04.525	Standing in the Middle Prohibited - §10.28.010	Permanent Flags - §19.20.090
SIDEWALK(S)	Stop Before Entering From Alley or Driveway - §10.20.030	Permit Required - §19.22.040
Business Districts, Coasters, Toy Vehicles, Roller Skates, Skateboards and Similar Devices Prohibited On - §10.24.090	SIDEWALK VENDING - CH. 5.30	Political - Ch. 16.12 (See Political Signs)
Construct, Duty to - §12.92.050	SIERRA WAY	Posting on Public Property - §8.15.130
Assessment - §12.92.070	Speed Limit	Prohibited - §19.20.060
Hearing - §12.92.070	35 mph - §10.52.020	Projection over Public Property - §12.44.110
Notice - §§12.92.040, 12.92.050, 12.92.060	40 mph - §10.52.030	Regulations - §19.20.150
Construction and Repair - Ch. 12.92	SIGHT DISTANCE	Street Banners - Ch. 16.16
Defined - §§1.04.010, 10.04.010, 12.36.010, 12.90.010	Driveways - §12.40.120	Tear down posted - §9.52.050
Display of Goods, Wares or Merchandise - §12.44.090	Intersections - §§12.30.020, 12.40.120	Temporary - §19.20.070
Removal - §12.44.100	SIGHT RESTRICTION	Vacant Property - Ch. 8.38
Litter, Keeping Free of - §8.15.050	Defined - §12.30.010	Commercial Property, Public Nuisance - §8.30.010
Maintain, Duty to - §12.92.040	SIGHT TRIANGLE	Identification - §8.38.010
Assessment - §12.92.070	Defined - §12.30.010	Removal - §8.38.030
Hearing - §12.92.070	SIGNS	Restricted - §8.38.020
Notice - §§12.92.040, 12.92.050, 12.92.060	Abandoned - §19.20.100	SIXTH (6TH) STREET
New	Carnival, Public Nuisance - §8.30.010	Speed Limit
Driving Over - §10.24.130	Circus, Public Nuisance - §8.30.010	35 mph - §10.52.020
Walking on - §10.28.020	Election, Public Nuisance - §8.30.010	SKATEBOARDS
No Parking on - §10.16.010	Enforcement of Traffic Rules Without Signs - §10.12.050	Business Districts, Prohibited on Sidewalks in - §10.24.090
Obstructions, Free From - §12.44.030	Exempt - §19.20.040	Municipal Parking Facility
Repair, Duty to - §12.92.040	Freeway - §19.20.080	Prohibited - §10.24.200
Assessment - §12.92.070	Illegal, Removal of - §19.20.130	Exception - §10.24.200
City Participation - §12.93.010	Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015	SKATES
	Multi-Tenant Center Identification Pylon Sign (aka Pedestal Sign) - §19.22.150	Business Districts, Prohibited on Sidewalks in - §10.24.090
	No Smoking and No Vaping - §8.97.100	SKUNKS
		Quarantine - §6.11.010
		SLED
		Moving Vehicle, Clinging to - §10.24.160

[Return to Municipal Code Contents]

SLINGSHOT
 Landscape Maintenance
 Assessment Districts,
 Restrictions in - §12.90.015
 Parks, Restrictions in -
 §12.80.130
 SLOPES
 Uniform Building Code -
 §§15.04.200, 15.04.223
 SMALL CLAIMS COURT
 City Manager - §2.02.090
 SMOKE-FREE WORKPLACE
 LAW - §8.97.040
 SMOKING
 Distance Required - §8.97.070
 Outdoor Athletic Recreation
 Areas, Sports Centers and
 Sports Facilities - §8.73.040
 Playgrounds - §8.73.020
 Prohibited at City Parks -
 §8.73.050
 Related Restrictions,
 Additional - §8.97.080
 Self-Service Displays -
 8.73.030
 Theaters - §5.80.020
 In Booth - §5.80.120
 Tot Lot Sandbox - §8.73.010
 SMOKING AND INHALING IN
 CITY VEHICLES AND ON CITY
 CAMPUSES, PROHIBITION OF
 - §8.97.050
 SMOKING AND INHALING
 IN ENCLOSED PLACES,
 PROHIBITION OF - §8.97.040
 SMOKING CANNABIS IN
 PUBLIC PLACES - CH. 8.97
 SOLAR ACCESS
 EASEMENTS - §19.30.350
 SOLAR ENERGY DESIGN
 STANDARDS
 - §19.20.030
 SOLICIT
 Defined - §5.40.020

SOLICITING
 Business Registration
 Certificate - §5.04.360
 SOLICITING TORT CLAIMS
 CH. 9.08
 SOLICITOR(S)
 Business Registration
 Certificate - §5.04.595
 Defined - §§5.04.375,
 5.04.595
 Foodstuffs - §5.04.375
 SOLVENTS
 Discharge into Storm Drains -
 §8.80.010
 SONORA DRIVE
 Commercial Vehicles
 Prohibited - §10.24.190
 SOUND VEHICLE
 Ch. 8.57
 Defined - §8.57.010
 Exceptions - §8.57.020
 Identification - §8.57.060
 Prohibition - §8.57.030
 Arrowhead - §8.57.030
 Church Street - §8.57.030
 Commercial Advertising -
 §8.57.080
 Court Street - §8.57.030
 “D” Street - §8.57.030
 “E” Street - §8.57.030
 “F” Street - §8.57.030
 Fifth Street - §8.57.030
 Fourth Street - §8.57.030
 Highland Avenue -
 §8.57.030
 Hospital - §8.57.030
 Hours - §8.57.030
 School - §8.57.030
 Sunday - §8.57.030
 Third Street - §8.57.030
 Registration - §8.57.040

Changes - §8.57.050
 Regulations
 Auditorium - §8.57.070
 Churches - §8.57.070
 Coliseum - §8.57.070
 Courthouses - §8.57.070
 Emergency Vehicles -
 §8.57.070
 Hall - §8.57.070
 Hospitals - §8.57.070
 Hours - §8.57.070
 Human Speech - §8.57.070
 Incite Riot - §8.57.070
 Moving Vehicle - §8.57.070
 Music - §8.57.070
 Profanity - §8.57.070
 Schools - §8.57.070
 Sunday - §8.57.070
 Volume - §8.57.070
 SOUND-AMPLIFYING DEVICE
 §9.48.020
 SOUND-MAKING DEVICE
 §9.48.020
 SOURCE FACILITIES
 Defined - §13.24.020
 SOW
 Keeping - §6.03.030
 SPACE
 Defined - §8.90.040
 SPACE RENT
 Defined - §8.90.040
 SPECIAL ASSESSMENT
 INVESTIGATION, LIMITATION
 AND MAJORITY PROTEST
 ACT OF 1931
 Parking Places - §§12.84.060,
 12.84.090, 12.84.120
 SPECIAL ASSESSMENTS
 (See Assessments)
 SPECIAL ELECTIONS
 §2.56.170

[Return to Municipal Code Contents]

Alternate Procedure - §2.56.171	Establishment of - §19.02.060	Electric Avenue 40 mph - §10.52.030
Uncontested - §2.56.175	PP (Public Park) Zone	Eucalyptus Avenue 40 mph - §10.52.030
Vacancy of Mayor or Council seat, to fill - §2.03.	Description of - §19.10.010	5th Street 40 mph - §10.52.030 50 mph - §10.52.050
SPECIAL EVENT PERMITS -§19.70.025	Establishment of - §19.02.060	Foothill Dr. 40 mph - §10.52.030
SPECIAL GAS TAX STREET IMPROVEMENT FUND	SP (Specific Plan) District	40th Street 40 mph - §10.52.030 45 mph - §10.52.040
Ch. 3.20	Description of - §19.10.010	48th Street 35 mph - §10.52.020
Restricted Use - §3.20.030	Establishment of - §19.02.060	4th Street 40 mph - §10.52.030
SPECIAL PUBLIC HEALTH FUND	UBP (University Business Park) Zone (UBP-1, UBP-2, UBP-3)	"G" Street 35 mph - §10.52.020
Ch. 3.28	Establishment of - §19.02.060	Gilbert Street 35 mph - §10.52.020
SPECIAL PURPOSE ZONES	Uses	Golden Avenue 40 mph - §10.52.030
CH. 19.10	Permitted - §9.10.030	"H" Street 35 mph - §10.52.020
Existing Single-Family Homes Built Prior to June 03, 1991 May Remain - §§19.10.010; 19.10.030	Not Permitted- §9.10.030	Hallmark Parkway 50 mph - §10.52.050
OS (Open Space) Zone	SPEED LIMITS	Highland Avenue 40 mph - §10.52.030
Description of - §19.10.010	Arden Avenue 40 mph - §10.52.030	Hill Dr. 30 mph - §10.52.010 35 mph - §10.52.020
Establishment of - §19.02.060	Arrowhead Avenue 35 mph - §10.52.020 40 mph - §10.52.030	Hospitality Lane 35 mph - §10.52.020
PCR (Public/Commercial Recreation) Zone	Atlantic Avenue 35 mph - §10.52.020	Hunts Lane 45 mph - §10.52.040
Description of - §19.10.010	Baseline Street 40 mph - §10.52.030 45 mph - §10.52.040 55 mph - §10.52.055	Industrial Parkway 50 mph - §10.52.050
Establishment of - §19.02.060	Central Avenue 40 mph - §10.52.030	Inland Center Drive 40 mph - §10.52.030
Golf Courses- §§19.10.010; 19.10.030	California Street 40 mph - §10.52.030	
Sporting Facilities and Stadiums -§19.10.010	"D" Street 45 mph - §10.52.040	
PF (Public Facility) Zone	Del Rosa Avenue 40 mph - §10.52.030 45 mph - §10.52.040	
Description of - §19.10.010	"E" Street 40 mph - §10.52.030	
Establishment of - §19.02.060		
PFC (Public Flood Control) Zone		
Description of - §19.10.010		

[Return to Municipal Code Contents]

“K” Street
 35 mph - §10.52.020
 Kendall Drive
 45 mph - §10.52.040
 50 mph - §10.52.050
 Little Mountain Drive
 45 mph - §10.52.040
 Lynwood Drive
 40 mph - §10.52.030
 Macy Street
 40 mph - §10.52.030
 Marshall Boulevard
 35 mph - §10.52.020
 Massachusetts Avenue
 35 mph - §10.52.020
 Medical Center Drive
 35 mph - §10.52.020
 40 mph - §10.52.030
 Meridian Avenue
 40 mph - §10.52.030
 Mill Street
 40 mph - §10.52.030
 45 mph - §10.52.040
 Miramonte Avenue
 35 mph - §10.52.020
 Mount Vernon Avenue
 35 mph - §10.52.020
 40 mph - §10.52.030
 Mountain Avenue
 35 mph - §10.52.020
 Mountain View Avenue
 35 mph - §10.52.020
 40 mph - §10.52.030
 Municipal Parking Facility
 10 mph - §10.24.200E
 9th Street
 40 mph - §10.52.030
 45 mph - §10.52.040
 Northpark Boulevard
 40 mph - §10.52.030

Orange Street
 35 mph - §10.52.020
 Palm Avenue
 45 mph - §10.52.040
 Pepper Avenue
 40 mph - §10.52.030
 45 mph - §10.52.040
 Perris Hill Park Road
 40 mph - §10.52.030
 Pine Avenue
 50 mph - §10.52.050
 Public Grounds
 15 mph - §10.24.180
 Railway Trains on City Streets
 - §10.32.040; §10.32.050
 Redlands Boulevard
 40 mph - §10.52.030
 45 mph - §10.52.040
 Rialto Avenue
 45 mph - §10.52.040
 San Bernardino Avenue
 45 mph - §10.52.040
 2nd Street
 35 mph - §10.52.020
 Sierra Way
 35 mph - §10.52.020
 40 mph - §10.52.030
 Sterling Avenue
 40 mph - §10.52.030
 3rd Street
 40 mph - §10.52.030
 30th Street
 45 mph - §10.52.040
 Tippecanoe Avenue
 45 mph - §10.52.040
 21st Street
 35 mph - §10.52.020
 27th Street
 35 mph - §10.52.020

University Parkway
 50 mph - §10.52.050
 Valencia Avenue
 40 mph - §10.52.030
 45 mph - §10.52.040
 Victoria Avenue
 45 mph - §10.52.040
 Waterman Avenue
 40 mph - §10.52.030
 45 mph - §10.52.040
 50 mph - §10.52.050
SPORTING GOODS
 Business Registration
 Certificate - §5.04.525
SPRAY PAINT CANS
 Inaccessibility to Public -
 §8.68.010
 Possession of Tips by
 Minors -§8.69.090
SPRINKLER SYSTEM
 Landscape Maintenance
 Assessment Districts,
 Disturbing in - §12.90.015
STAIRWAYS, CITY
 Obstructions, Free From -
 §12.44.030
**STANDARDIZED EMERGENCY
 MANAGEMENT SYSTEM**
 §2.46.070
STATE
 Defined - §1.04.010
**STATE EMPLOYEES’
 RETIREMENT SYSTEM**
 Contract - §§2.48.010,
 2.48.020
STATUTE OF LIMITATIONS
 Assessment Districts -
 §12.90.110
 Assessments for Curbs,
 Gutters, Driveways and
 Sidewalks - §12.92.090
 Claims Against the City -
 §3.16.040

[\[Return to Municipal Code Contents\]](#)

Landscape Frontages - §12.96.090

STEER
 Keeping - §6.03.020

STERLING AVENUE
 Speed Limit
 40 mph - §10.52.030

STOCK CAR RACING
 Business Registration Certificate - §5.04.525

STOCKS
 Broker - §5.04.200
 Business Registration Certificates - §5.04.026

STOP
 At Stop Sign - §10.20.020
 Defined - §10.04.170
 When Emerging From Alley or Driveway - §10.20.030

STOP OR STAND
 Defined - §10.04.180

STOP SIGN
 Erection - §10.20.010
 No Parking Within 30 Feet of - §10.16.010
 Obedience to - §10.20.020

STOP WORK ORDER
 §15.04.251

STORAGE TANKS
 Public Nuisance - §8.30.010

STORE
 Defined - §12.98.020

STORM DRAINAGE RETENTION
 - §19.30.090

STORM DRAINS
 Discharge Into - §8.80.010

STRAW
 Accumulation a Nuisance - §8.18.010

STREET BANNERS
 Ch. 16.16
 Application - §16.16.010
 Defined - §16.16.010
 Deposit - §16.16.040
 Erection - §16.16.050
 Locations - §16.16.010
 Permits - §§16.16.010, 16.16.020, 16.16.030
 Duration - §16.16.030
 Granting - §16.16.020
 Removal - §16.16.050

STREET BENCHES
 Business Registration Certificate - §5.04.540
 Bus Stops - §5.04.540
 Liability Policy - §5.04.540
 Mayor and Council Approval - §5.04.540

STREET CUTS
 Backfill, Maintenance of - §12.04.170
 Barricades - §12.04.180
 City Costs - §12.04.060
 Deposits - §12.04.080
 Maps - §12.04.200
 Methods - §12.04.150
 Permits - §§12.04.070, 12.04.100, 12.04.110
 Duration - §12.04.130
 Power of City to Regulate - §12.04.050
 Prospect Hole, Permit - §12.04.080
 Refilling - §12.04.160
 Security Required - §12.04.090
 Exception - §12.04.120
 Redevelopment Agency Agreement - §12.04.090
 Work Done Diligently - §12.04.190

STREET GRADES
 Ch. 12.36
 Construction of Buildings Below, Unlawful - §12.36.030

STREET LINE
 Defined - §12.36.010

STREET OR HIGHWAY
 Defined - §10.04.010
 Failure to Remove Ignition Key - §10.16.140
 New, Driving Over - §10.24.130
 Reckless Driving of Animals - §10.24.120
 Storage of Vehicles on, Prohibited (72 Hours) - §10.16.110
 Police Officers and Superintendent of Public Buildings May Tow - §10.16.110
 Notice to Registered Owner - §10.16.110

STREET SWEEPING
 Parking Limitations - §10.16.200

STREET TREES
 (See also Trees)
 Ch.12.40; §19.30.100
 Care, Duty of - §12.40.130
 Damaged, Public Nuisance - §12.40.130
 Public Works, Director of - §12.40.130
 Injure - §12.40.110.
 Master Plan - §12.40.020
 Conformance With - §12.40.020
 Petition for Change - §12.40.040
 Obstruction at Intersections - §§12.30.030, 12.30.050

[Return to Municipal Code Contents]

Public Nuisance - §12.40.130
 Development Services, Director of §12.40.130
 Posting Notice on - §8.15.130
 Pruning - §§12.40.070, 12.40.080
 Removal - §§12.40.050, 12.40.060; 12.40.070
 Permit - §§12.40.070, 12.40.080, 12.40.090

STREET(S)
 Burning Rubbish in Prohibited - §8.21.020
 Clock on or overhanging, Permit - Ch. 12.72
 Defined - §§1.04.010, 5.76.020, 12.36.010, 12.92.010, 12.98.020, 14.08.010
 Deposits, Unlawful on - §12.44.010
 Salt, Unlawful to Deposit on Street - §12.44.020
 Obstructions, Free From - §12.44.030
 Water, Drainage onto - §12.44.040

STRUCTURE
 Defined - §15.37.020

SUBDIVISION MAPS
 CH. 19.66
 Accompanying Data and Reports -§19.66.120
 Application -§19.66.020
 Content and Form -§19.66.110
 Department Review -§19.66.130
 Division of Land –
 4 or Less Parcels -§19.66.080
 5 or More Parcels -§19.66.070
 Effect of Annexation -§19.66.040

Exclusions -§19.66.030
 Expiration -§19.66.160
 Extension of Time -§19.66.140
 Extensions -§19.66.170
 Fees -§19.66.050
 Minor Amendments -§19.66.180
 Vesting Tentative Map –
 Amendments -19.66.250
 Application -§19.66.210
 Citation and Authority -§19.66.190
 Expiration -§19.66.230
 Filing and Processing -§19.66.220
 Rights of a -§19.66.240
 Waiver of Parcel Map Requirements -§19.66.090

SUBDIVISION REGULATIONS
 CH. 19.30
 Block Standards- §19.30.030
 Deferred Improvement Agreements- §19.30.160
 Design- §19.30.170
 Improvements
 Required- §19.30.020
 Supplemental- §19.30.360
 Standards
 Improvement- §19.30.050
 Lot- §19.30.060
 Median - §19.30.070

SUBSCRIBER
 Defined - §§8.81.020, 14.08.010

SUNDAY
 Sound Vehicle on - §8.57.030

SUNWEST LANE
 Weight Limitation, 10,000 Lbs. - §10.24.190

SUPERINTENDENT OF STREETS
 Defined - §12.92.010

SUPPLIES, COMMERCIAL
 Accumulation a Nuisance - §8.18.010

SURFACE MINING AND LAND RECLAMATION
 CH. 19.68
 Annual Report Requirements -§19.68.140
 Appeals -§19.68.170
 Fees -§19.68.180
 Incorporation by Reference -§19.68.040
 Inspections -§19.68.150
 Interim Management Plans -§19.68.130
 Mineral Resource Protection -§19.68.020
 Planning Commission, Review by -§19.68.100
 Reclamation, Standards for -§19.68.070
 Responsibility, Statement of -§19.68.080
 Vested Rights -§19.68.060
 Violations and Penalties -§19.68.160

SURGEON
 Business Registration Certificate - §5.04.525
 Notice of Treatment of Wounded Person - §8.09.010

SURPLUS PROPERTY
 Finance Director - §2.10.030
 Purchasing Agent - §2.06.020

SURPLUS SUPPLIES
 §§3.04.100, 3.04.110

SURVEY
 Defined - §15.37.020

SWAP MEET
 Business Registration Certificate - §5.04.500
 Defined - §5.04.500
 Street Vending - §5.30.020

[Return to Municipal Code Contents]

SWEAR

Defined - §1.04.010

SWIMMING

Seccombe Lake,
Prohibited in - §12.76.020

**SWIMMING POOL SUPPLIES
AND EQUIPMENT**

Business Registration
Certificate - §5.04.525

SWIMMING POOLS

Ch. 15.48
Barriers for - §15.04.114
Doors - §15.48.040
Exemptions - §15.48.080
Fence - §15.48.030
Existing Pools - §15.48.100
Gates - §15.48.040
Rear Lot Line - §15.48.050
Soils Engineering Reports -
§15.48.070

SWORN

Defined - §1.04.010

SYNTHETIC DRUGS - §9.98

Definition - §9.98.020
Penalties - §9.98.090
Possession of Prohibited -
§9.98.050
Provision, Sale and/or
Distribution Prohibited -
§9.98.030
Public Nuisance - §9.98.060
Revocation of Business
License - §9.98.080

-T-

TANKS, STORAGE

Public Nuisance - §8.30.010

TANNING SALON

Business Registration
Certificate - §5.04.525

TASK FORCE

Defined - §15.37.020

TAXES

Electricity Users Tax -
§3.44.050
Fireworks License Tax -
§8.60.090
Gas Users Tax - §3.44.060
Parking and Business
Improvement Area - §2.47.020
Parking Places - §§12.84.020
B, 12.84.050, 12.84.370
Property - Ch. 3.40
Real Property Transfer Tax -
Ch. 3.48
Service Users Tax - Ch. 3.44
Transporting Persons for Hire -
§5.24.020
Uniform Local Sales and Use
Tax - Ch. 3.56
Use Tax - Ch. 3.57
Additional transactor's permit
not required when - 3.57.090
Exemptions and Exclusions
- 3.57.090
Limitations on Collection of -
3.57.070
Place of Sale - 3.57.040
Rate - 3.57.050

TAXICABS

Advertising - §5.76.170
Amendments - §5.76.080
Authorized Service Only -
§5.76.100
Availability of Service -
§5.76.180
Business Registration
Certificate - §5.04.520
Cruising - §5.76.190
Cruising Ordinance, Exception
From - §10.24.210
Direct Route - §5.76.320
Drivers - §5.76.280
Investigation - §5.76.290
Equipment Inspection -
§5.76.330

Identification of Vehicles -
§5.76.300

Identity Lights - §5.76.310

Increase in Service -
§5.76.060

Insurance - §5.76.150

Loitering - §5.76.190

Notice - §5.76.450

Numbering of Vehicles -
§5.76.160

Passenger Limit - §5.76.320

Permit - §5.76.030

Cancellation - §5.76.110

Exceptions - §5.76.030

Fee - §5.76.040

Hearings - §5.76.050

Issuance - §5.76.050

Petition - §5.76.040

Plates, Display of -
§5.76.130

Revocation - §5.76.110

Suspension - §5.76.110

Transfer - §5.76.070

Refusal to Pay Fare -
§5.76.270

Rates - §§5.76.200, 5.76.240

Discrimination Prohibited -
§5.76.250

Display - §5.76.260

Reports - §5.76.120

Standby Time - §5.76.350

Taximeter - §5.76.340

Taxistands - §5.76.400

Application Fee - §5.76.430

Authorized Use Only -
§5.76.420

Maintenance Fee -
§5.76.440

Parking Limitations -
§10.16.080

Permits - §5.76.400

Revocation - §5.76.410

[Return to Municipal Code Contents]

Waiting Time - §5.76.350
TAXIMETER
Defined - §5.76.020
TAXISTAND
Application Fee - §5.76.430
Authorized Use Only -
§5.76.420
Defined - §5.76.020
Maintenance Fee - §5.76.440
Parking Limitations -
§10.16.080
Permits - §5.76.400
Revocation - §5.76.410
TCC (TRICITY CORPORATE
CENTRE OVERLAY) ZONE
CH. 19.11
TD TRANSIT OVERLAY
DISTRICT ZONE -
CH 19.19A
Establishment of -
§19.02.060
Parking - §19.19A.080
Subdivision Standards -
§19.19A.090
Uses, Permitted and
Conditionally Permitted -
§19.19A.060
TEACHER
Private Dancing School,
Business Registration
Certificate - §5.04.525
TELEMARKETING
Business Registration
Certificate - §5.04.504
TELEPHONE COMPANIES
Business Registration
Certificate - §5.04.525
TELEPHONE OR TELEGRAPH
Lines, Fire Hydrant, Within 5
Feet of, Prohibited -
§12.52.030
Poles, Permits - §12.12.040

Underground Utilities -
Ch. 12.12
TELEPHONE OR TELEGRAPH
PLANT
Trespass - §9.52.020
TELEPHONE SOLICITATION
Business Registration
Certificate - §5.04.504
TELEVISION PRODUCTION
PERMITS
See Special Event Permits
§19.70.025
TEMPORARY
Defined - §§5.04.505,
5.04.507
TEMPORARY BUSINESSES
Hearing - §5.04.497
Penalty - §5.04.498
Prohibited - §5.04.495
Property Owner Responsible
for - §5.04.496
Seizure - §5.04.497
TEMPORARY DRIVER'S
PERMIT
Defined - §5.76.020
TEMPORARY EMPLOYMENT
SERVICES
Business Registration
Certificate - §5.04.525
TEMPORARY EVENT PERMIT
Street Vending - §5.30.020
TENANCY
Defined - §8.90.040
TENANT
Defined - §§1.04.010,
8.90.040
TEST HOLE
Defined - §13.24.020
THEATERS
Adult Movies - §5.80.210
Apprentice Operator -
§5.80.080

Automatically Operated Safety
Devices - §5.80.130
Chief Electrical Inspector -
§5.80.100
Defective or Damaged Film -
§5.80.170
Electrician - §5.80.070
Fire Extinguishers - §5.80.030
Hazardous Conditions -
§5.80.150
Motion Picture Operator -
§5.80.060
Apprentice - §5.80.080
Permit - §5.80.080
Revocation - §5.80.090
Unlawful to Employ
Unauthorized Person -
§5.80.160
Open Flame
Booth - §5.80.120
Performance - §5.80.180
Permit - §5.80.220
Appeal - §5.80.220
Exceptions - §5.80.100
Expiration - §5.80.050
Renewal - §5.80.050
Projection Rooms - §5.80.140
No Unauthorized
Person - §5.80.140
Open Flame in - §5.80.120
Rewinding Film - §5.80.110
Smoking - §5.80.120
Rewinding Film - §5.80.110
Safety Inspection - §5.80.010
Smoking - §5.80.020
In Booth - §5.80.120
Stage and Theater
Electrician - §5.80.060
Permit - §5.80.070
THERM
Defined - §13.20.195

[Return to Municipal Code Contents]

THERMAL GROUND WATER
 Defined - §13.20.200

THIRD (3RD) STREET
 Speed Limit
 40 mph - §10.52.030

THIRTIETH (30TH) STREET
 Speed Limit
 45 mph - §10.52.040

THIRTY-NINTH (39TH) STREET
 Commercial Vehicles
 Prohibited - §10.24.190

THROUGH HIGHWAY
 Defined - §10.04.010

TIME
 Computation of - §1.04.070
 Hours of Business -
 §§2.52.010, 9.12.040
 Hours Polls Open - §2.56.110

TIPPECANOE AVENUE
 Speed Limit
 45 mph - §10.52.040

TITLE OF OFFICE
 Use of - §1.04.020

TOBACCO
 Self-Service Displays -
 §8.73.030

TOLUENE
 Discharge into Storm Drains -
 §8.80.010

TORT CLAIMS,
 Soliciting - Ch. 9.08

TOT LOT SANDBOX AREA
 Defined - §8.73.010
 Prohibition - §8.73.010

TOWING OF VEHICLES
 Parked on Street More
 Than 72 Hours or on Public
 Property - §10.16.110
 Notice to DMV - §10.16.110
 Notice to Registered Owner -
 §10.16.110

TOY VEHICLE
 Business Districts, Prohibited
 on Sidewalks in - §10.24.090
 Moving Vehicle, Clinging to -
 §10.24.160
 Roadway, Prohibited on -
 §10.24.100

TRADE SCHOOL
 Business Registration
 Certificate - §5.04.525

TRAFFIC
 Accident, Report of Damage to
 Public or Public Utility Property
 - §10.40.010
 Confidential - §10.40.020
 Direction by Police Reserves -
 §2.38.090
 Diversion by a Peace Officer -
 §10.24.220
 Engineer
 Defined - §12.30.010
 Loading Zones - §10.16.050
 Hazards, No Parking -
 §10.16.010
 Lane Closures - §12.04.055
 Barricades - §12.04.055
 Encroachment Permit -
 §12.04.055
 Emergency Closures -
 §12.04.055
 Exemptions - §12.04.055
 Streets to Which Applicable -
 §12.04.055
 Minor, Unlawful to Direct -
 §10.08.010
 Exception - §10.08.010
 Obedience to Police When
 Directing - §10.08.010
 Pedestrians, Application
 to - §10.28.040
 Signals
 Installation and Maintenance
 - §10.10.010

No Parking Within 30 Feet of
 - §10.16.010
 Unlawful for Minor to Direct -
 §10.08.010
 Exception - §10.08.020

TRAFFIC SAFETY FUND
 Ch. 3.24

TRANSFER TAX, REAL
 PROPERTY
 Ch. 3.48
 Exemptions - §§3.48.040,
 3.48.050, 3.48.060, 3.48.070,
 3.48.080, 3.48.090
 Refunds - §3.48.110

TRANSIENT
 Defined - §3.55.010

TRANSIENT LODGING TAX
 Ch. 3.55
 Action to collect - §3.55.120
 Amendments - §3.55.170
 Appeal - §3.55.050
 Collection of tax - §3.55.030
 Definitions - §3.55.010
 Determination of tax by City
 Clerk - §3.55.060
 Enforcement - Citing
 authority - §3.55.150
 Exemptions - §3.55.035
 Hotel registration - §3.55.080
 Immediate payment of tax
 on cessation of business -
 §3.55.090
 Liens - §3.55.110
 Penalties - §3.55.050
 Prerequisite for suit -
 §3.55.160
 Records - §3.55.070
 Refunds - §3.55.045
 Reports and remittances -
 §3.55.040
 Retention and inspection of
 records - §3.55.130
 Severability - §3.55.180

[Return to Municipal Code Contents]

Sale or ownership transfer of hotel - §3.55.100	Inspection Fee - §15.34.050	Gas Compressor Plant - §9.52.020
Tax Imposed - Rate - Revenue measure - §3.55.020	Exceptions - §15.34.030	Gas Generating Plant - §9.52.020
Violation - Penalty - §3.55.140	TREES, STREET	Gas Holder - §9.52.020
TRANSIENT MERCHANTS	(See also Trees)	Gas Main - §9.52.020
Hearing - §5.04.497	Ch.12.40; §19.30.100	Gas Tank - §9.52.020
Penalty - §5.04.498	Care, Duty of - §12.40.130	Giant Powder - §9.52.020
Prohibited - §5.04.495	Damaged, Public Nuisance - §12.40.130	Gun Powder - §9.52.020
Property Owner Responsible for - §5.04.496	Public Works, Director of - §12.40.130	Industrial Plants - §9.52.020
Seizure - §5.04.497	Injure - §12.40.110.	Inflammable Substance - §9.52.020
TRANSPORTATION FOR HIRE	Master Plan - §12.40.020	Lands Enclosed by Fence - §9.56.010
Defined - §5.24.010	Conformance With - §12.40.020	Lands Under Cultivation - §9.56.010
TRANSPORTING PERSONS FOR HIRE	Petition for Change - §12.40.040	Mechanical Shops - §9.52.020
Ch. 5.24	Obstruction at Intersections - §§12.30.030, 12.30.050	Motor Vehicle Trespass - Ch. 9.56
Tax - §5.24.020	Public Nuisance - §12.40.130	National Defense Property - §9.52.020
Exemptions - §§5.24.020, 5.24.150, 5.24.160, 5.24.170	Development Services, Director of §12.40.130	Petroleum Tanks and Reservoirs - §9.52.020
TRASH	Posting Notice on - §8.15.130	Posted Boundary - §§9.52.040, 9.56.010
Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015	Pruning - §§12.40.070, 12.40.080	Power Plant - §9.52.020
Parks - §12.80.130	Removal - §§12.40.050, 12.40.060; 12.40.070	Public Utility Property - §9.52.020
Public Nuisance - §8.30.010	Permit - §§12.40.070, 12.40.080, 12.40.090	Pumping Station - §9.52.020
TRAVEL AGENCY	TRESPASS	Radio Broadcasting Plant and Station - §9.52.020
Business Registration Certificate - §5.04.525	Dam - §9.52.020	Railroad Bridge - §9.52.020
TREES	Dynamite - §9.52.020	Railroad Rights-of-way - §9.52.020
Dead, Accumulation a Nuisance - §§8.18.010, 8.30.010	Electrical Distributing Station - §9.52.020	Railroad Shops - §9.52.020
Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015	Electrical Generating Plant - §9.52.020	Railroad Station - §9.52.020
Parks, Unlawful to Injure - §12.80.130	Electrical Receiving Plant - §9.52.020	Railroad Track - §9.52.020
Posting Notice on - §8.15.130	Electrical Transmission Line - §9.52.020	Railroad Tunnel - §9.52.020
Removal or Destruction of -Ch. 15.34	Explosive Substance - §9.52.020	Remaining Without Consent - §9.52.070
Permit - §15.34.020		Reservoir - §9.52.020
Application - §15.34.040		Telephone or Telegraph Plant - §9.52.020

[Return to Municipal Code Contents]

Unlawful - §9.52.020
 Exceptions - §§9.52.030, 9.52.070

TRICYCLES
 Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
 Parks, Restriction in - §12.80.130

TRUCK ROUTES
 §10.24.040

TURNING MARKERS
 Establishment of - §10.12.010
 Obedience to - §10.12.030

TWENTY FIRST (21ST) STREET
 Speed Limit
 35 mph - §10.52.020

TWENTY SEVENTH (27TH) STREET
 Speed Limit
 35 mph - §10.52.020

-U-

U- HAUL VEHICLES
 Business Registration Certificate - §5.04.520

UNDERGROUND RESERVOIR
 Defined - §13.20.205

UNDERGROUND UTILITIES
 City, Responsibility - §13.36.100
 District, Defined - §13.36.010
 Exceptions - §§13.36.050, 13.36.060
 Notice - §13.36.070
 Property Owners, Responsibility - §13.36.090
 Public Hearing - §13.36.020
 Resolution - §13.36.030
 Telegraph and Telephone Poles - Ch. 12.12
 Time - §13.36.110

Utility Companies, Responsibility - §13.36.080

UNDERTAKER
 Business Registration Certificate - §5.04.525

UNICYCLE
 Landscape Maintenance Assessment Districts, Restrictions in - §12.90.015
 Parks, Restrictions in - §12.80.130

UNIFORM ADMINISTRATIVE CODE
 Adopted by Reference - §15.04.020
 Amendments
 Fees - §§15.04.081, 15.04.085
 Pre-Permit Inspections - §15.04.083

UNIFORM BUILDING CODE
 Adopted by Reference - §15.04.020
 Amendments
 Appeals - §15.04.070
 Bonds - §15.04.180
 Definitions - §15.04.120
 Driveways - §15.04.222
 Enforcement - §15.04.125
 Fees - §15.04.080
 Fences - §15.04.075
 Final Reports - §15.04.220
 Grading - §§15.04.163, 15.04.210
 Improvement Inspection - §15.04.179
 Improvement Permit - §15.04.130
 Improvement Plans - §15.04.167
 Fees - §15.04.175
 Retaining Walls - §15.04.221
 Slopes - §§15.04.200, 15.04.223

Welding Work - §15.04.100

UNIFORM BUILDING ORDINANCE
 Ch. 15.04

UNIFORM BUILDING SECURITY CODE
 Adopted by Reference - §15.04.020

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
 Adopted by Reference - §15.04.020
 Amendments
 Abatements - §15.28.020
 Appeals - §15.28.020
 Enforcement - §15.28.020
 Hearings - §15.28.020
 Notice of Pendency - §15.28.170
 Incorporated - §15.28.010
 Nuisance - §15.28.150
 Securing Dangerous Buildings From Entry - §15.28.140
 Utilities - §15.28.160

UNIFORM HOUSING CODE
 Adopted by Reference - §15.04.020

UNIFORM LOCAL SALES AND USE TAX
 Ch. 3.56
 Sales Tax
 Enjoining Collection - §3.56.110
 Exemptions - §3.56.060
 Imposition - §3.56.030
 Seller's Permit - §3.56.050
 State Statutes - §3.56.040
 Amendments - §3.56.100
 Use Tax
 Enjoining Collection - §3.56.110
 Exemptions - §3.56.090

[Return to Municipal Code Contents]

Imposition - §3.56.070
 State Statutes - §3.56.080
 Amendments - §3.56.100
UNIFORM MECHANICAL CODE
 Adopted by Reference -
 §15.04.020
UNIFORM PLUMBING CODE
 Adopted by Reference -
 §15.04.020
**UNIFORM SWIMMING POOL,
 SPA AND HOT TUB CODE**
 Adopted by Reference -
 §15.04.020
UNIFORMS
 Police Reserves - §2.38.100
UNIMPROVED STREET
 Defined - §12.04.010
UNIT(S)
 Defined - §15.25.020
UNIVERSITY PARKWAY
 Speed Limit
 50 mph - §10.52.050
UNLAWFUL NOISES
 §9.48.020
UNREASONABLY
 Defined - §9.48.010
UNREINFORCED MASONRY
 Extension - §§15.12.100,
 15.12.110, 15.12.120,
 15.12.130
 Order - §15.12.040
 Appeal - §15.20.040
 Public Nuisance - §15.12.040
 Vacant Unreinforced Masonry
 Buildings - §15.12.300
 Vacation - §15.12.040
**UNREINFORCED MASONRY
 BEARING WALL**
 Defined - §15.12.030
UNSCHEDULED EVENT
 Defined - §8.82.020

Extraordinary Fees -
 §8.82.040
URBAN LOT SPLIT
 19.04.030(2)
URGENT PUBLIC NUISANCE
 Defined - §8.18.080
URINATION
 Where Prohibited - §9.28.010
USE TAX
 Ch. 3.56; Ch. 3.57
 Additional transactor's permit
 not required when - 3.57.090
 Enjoining Collection -
 §3.56.110
 Exemptions - §3.56.090
 Exemptions and Exclusions -
 3.57.090
 Imposition - §3.56.070
 Limitations on Collection of -
 3.57.070
 Place of Sale - 3.57.040
 Rate - 3.57.050
 State Statutes - §3.56.080
 Amendments - §3.56.100
USER
 Defined - §§13.20.210,
 13.24.020, 14.08.010
USER FEES
 Emergency Medical Services -
 §3.72.020
 Video Production Services -
 §3.73.020
USER SERVICE PIPELINE
 Defined - §13.20.215
UTILITIES, UNDERGROUND
 §19.30.110
**UTILITIES,
 UNDERGROUNDING OF**
 §19.20.030
UTILITY
 Defined - §13.36.010

Discontinuance of in
 Dangerous Buildings -
 §15.28.160
UTILITY USERS TAX
 (See Service Users Tax)
U-TURNS
 Establishment of - §10.12.010
 Obedience to Signs -
 §10.12.030
 -V-
VACANCIES
 Defined - §8.90.040
 Department Head -
 Ch. 2.68
 Assumption of Duties -
 §2.68.010
 Highest Ranking Officer -
 §2.68.010
 Temporary Absence -
 §2.68.020
 City Council - §2.03.010
 Mayor - §2.03.010
**VACANT BUILDING BOARD-
 UP STANDARDS - §15.05.300**
VALENCIA AVENUE
 Speed Limit
 40 mph - §10.52.030
 45 mph - §10.52.040
VARIANCE
 Water Supply System -
 §13.24.050
VARIANCES
 CH. 19.72
 Application - §19.72.020
 Burden of Proof - §19.72.070
 Expiration of - §19.72.080
 Hearings and Notice -
 §19.72.040
 Precedents - §19.72.060
 Revocation - §19.72.110
 Time Extension - §19.72.090

[Return to Municipal Code Contents]

VEGETABLES

Deposit into Rubbish Receptacles Prohibited - §8.21.060

VEGETATION

Accumulation a Nuisance - §§8.18.010, 8.30.010

VEHICLE

Abandoned

Defined - §10.04.025

Parking (72 Hours) - §10.16.230

Public Nuisance - §8.30.010, Ch. 8.36

Abatement - §8.36.080

Administrative Costs - §8.36.070

Lien on Property - §8.36.150

Notice - §8.36.090

Parking (72 Hours) - §10.16.230

Private Property, Entering - §8.36.060

Public Hearing - §8.36.100

Appeal - §8.36.120

City Manager - §§8.36.100, 8.36.110

Removal - §8.36.130

Notice to DMV - §8.36.140

Backing into Intersections or crosswalks - §10.24.150

Conducting Business, Used in - §5.04.620

Defined - §10.04.010

Facilities Management, Director of, May Immobilize - §10.16.150

Handbills, Placing on - §8.15.080

Hire, for, Business Registration Certificate - §5.04.520

Leasing, Business Registration Certificate - §5.04.525

Moving, Clinging to - §10.24.160

Parking Control Checkers May Immobilize - §10.16.150

Parks, Operation in - §12.68.010

Public Nuisance - §8.30.010

Storage on Streets, Prohibited (72 hours) - §10.16.110

Police Officers and Superintendent of Public Buildings May Tow - §10.16.110

Notice to DMV - §10.16.110

Notice to Registered Owner - §10.16.110

Weight Limitations - 10,000 Lbs. - §10.24.190

Access Loop - §10.24.190

Airport Drive - §10.24.190

Arrowhead Avenue - §10.24.190

Businesscenter Drive - §10.24.190

Commercenter Circle - §10.24.190

Commercenter East - §10.24.190

Commercenter West - §10.24.190

Diners Court - §10.24.190

San Bernardino Civic Plaza - §10.24.190

Sunwest Lane - §10.24.190

VEHICLE REPAIR SHOP

Business Registration Certificate - §5.04.525

VEHICLE WRECKING

Business Registration Certificate - §5.04.525

VENDING MACHINE SALES

Business Registration Certificate - §5.04.150

VENDING, SIDEWALK

CH. 5.30

VENEREAL DISEASE

Ch. 8.50

Order for Testing - §8.50.010

Prostitution - §8.50.010

VERDEMONT AREA

Defined - §15.73.030

VERDEMONT AREA INFRASTRUCTURE FEES

Deferral - §15.73.065

Fund - §15.73.070

Imposition - §15.73.050

Persons Subject - §15.73.040

Refunds - §15.73.090

Time of Payment - §15.73.060

Use of Fees - §15.73.080

VERDEMONT AVENUE

Verdemont Area Infrastructure Fee - §15.73.030

VETERANS

Business Registration Certificate - §5.04.626

VICIOUS AND POTENTIALLY DANGEROUS DOGS

Appeal - §6.09.050

Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous or Vicious - §6.09.070

Death, Sale, Transfer or Permanent Removal; Notice - §6.09.110

Definitions - §6.09.020

Destruction; Non-Destruction, Conditions; Enclosures - §6.09.150

Determination and Orders; Notice; Compliance - §6.09.040

Findings - §6.09.010

Fines and Limits - §6.09.170

[Return to Municipal Code Contents]

Hearing on Declaration of Dog as Potentially Dangerous or Vicious - §6.09.030
Keeping and Controlling Vicious Dogs - §6.09.140
Keeping and Controlling Potentially Dangerous Dogs - §6.09.100
Muzzling and Vaccination - §6.09.090
Posting Property - §6.09.120
Potentially Dangerous Designation Maintained in Registration Records - §6.09.080
Prohibition of Owning, Possessing, Controlling or Having Custody - §6.09.160
Removal From List of Potentially Dangerous Dogs - §6.09.130
Seizure and Impoundment Pending Hearing - §6.09.060
Severability - §6.09.180
VICTORIA AVENUE
Speed Limit
45 mph - §10.52.040
VIDEO PRODUCTION SERVICES
Authority - §3.73.010
User Fees - §3.73.020
-W-
WAITING TIME
Defined - §5.76.350
WAIVER OF DIRECT ACCESS RIGHTS
§19.30.370
WALLS
§19.30.120
WALLS, FENCES AND
Barbed Wire - §19.20.030
Electrification - §19.20.030
Height and Type Limits - §19.20.030

Height Determination - §19.20.030
Landscape Maintenance Assessment Districts, Disturbing in - §12.90.015
Not Requiring a Building Permit - §15.04.075
Retaining - §15.04.221
Swimming Pools - §§15.48.030, 15.48.100
Uniform Building Code - §15.04.075
WALNUT AVENUE
Verdemont Area Infrastructure Fee - §15.73.030
WARDS
Boundaries - Ch. 1.16
1st Ward - §1.16.020
2nd Ward - §1.16.030
3rd Ward - §1.16.040
4th Ward - §1.16.050
5th Ward - §1.16.060
6th Ward - §1.16.070
7th Ward - §1.16.080
WASHERS
Installation and Operation - Ch. 15.68
WASTE MATERIAL
Accumulation a Nuisance - §8.18.010
Combustible, Accumulation a Nuisance - §8.18.010
WASTEPAPER
Burning Prohibited - §8.21.020
WASTEWATER FACILITIES
Ch. 13.32
WATER
Drainage onto Street, Alley, Way, Highway, Park - §12.44.040
Rates - §2.28.040
Service Outside City Limits - §2.28.030

WATER COMMISSIONERS, BOARD OF
Ch. 2.28
Rates - §2.28.040
Rules and Regulations - §2.28.010
Violation - §2.28.020
Sewer Fund, May Draw Upon - §3.08.010
Wells - Ch. 13.04
WATER DEPARTMENT, SUPERINTENDENT OF
Fire Hydrant, Permission to Use - §12.52.010
WATER HYGIENE STANDARDS ADVISORY COMMITTEE
§13.24.070
WATER RECLAMATION, DIRECTOR OF
Authority to Arrest and Issue Citations- §9.90.010
WATER SUPPLY
§19.30.130
WATER SUPPLY SYSTEM
CH. 13.24
Backflow - §13.24.200
Construction - §13.24.090
Cross-connection - §13.24.200
Denial - §13.24.060
Design - §13.24.090
Health Hazards - §13.24.220
Investigation - §13.24.030
Modifications - §13.24.150
Monitoring - §13.24.160
Standards - §13.24.090
Operation - §13.24.090
Permit - §13.24.100
Conditions - §13.24.110
Denial - §13.24.130
Revocation - §13.24.140
Temporary - §13.24.120
Wells - §13.24.240
[Return to Municipal Code Contents]

- Application - §13.24.250
- Conditions - §13.24.260
- Denial - §13.24.270
- Quantity - §13.24.180
- Reports - §13.24.040
- Revocation - §13.24.060
- Sewers, Separation From - §13.24.190
- Suspension - §13.24.060
- Treatment Facilities - §13.24.210
- Variance - §13.24.050
- Water Hygiene Standards Advisory Committee - §13.24.070
- Water Quality Standards - §§13.24.170, 13.24.360
 - Failure to Meet Standards - §13.24.230
- Well, Approval - §13.24.380
 - Site - §13.24.310

WATER WELL

- Abandonment - §13.24.390
- Defined - §13.24.020
- Disinfection - §13.24.350
- Inspections - §13.24.370
- Location - §13.24.320
- Log - §13.24.330
- Permit - §13.24.240
 - Application - §13.24.250
 - Conditions - §13.24.260
 - Denial - §13.24.270
- Reuse - §13.24.400
- Site, Approval - §13.24.310
- Standards for Construction - §§13.24.290, 13.24.340

WATER WELL CONTRACTOR AND DRILLING MACHINE OPERATOR

- Defined - §13.20.220
- Licensing - §13.24.280

WATER WISE LANDSCAPE PROGRAM

- Action on Application - §17.06.070
- Administration - §17.06.050
- Applicability - §17.06.030
- CEQA Exemption - §17.06.160
- Certificate of Completion - §17.06.110
- Definitions - §17.06.020
- Failure to Timely Complete Installation - §17.06.120
- False Statement in Required Documents - §17.06.140
- Fire Hazard Prohibited - §17.06.090
- Program Requirements - §17.06.060
- Purpose and Intent - §17.06.010
- Severability - §17.06.150
- Temporary Limited Exemption from Specified Code Provisions - §17.06.080
- Water Wise Landscape Program - §17.06.040
- Withdrawal from Program - §17.06.130
- Yard Sign - §17.06.100

WATERMAN AVENUE

- Speed Limit
 - 40 mph - §10.52.030
 - 45 mph - §10.52.040
 - 50 mph - §10.52.050

WEAPONS

- Defined - §8.65.070
- Destruction - §8.65.010
- Alternatives - §8.65.030
- Evidence, Retained as - §8.65.060
- Lost or Stolen - §8.65.020
- Notice to Department of Justice - §8.65.040

- Temporary Custody - §8.65.050

WEEDS

- Accumulation a Nuisance - §§8.18.010, 8.30.020
- Defined - §8.30.015

WEIGHT LIMITATIONS, CERTAIN STREETS

- §10.24.190
- 10,000 Lbs. - §10.24.190
- Airport Drive - §10.24.190
- Arrowhead Avenue - §10.24.190
- Businesscenter Drive - §10.24.190
- Commercenter Circle - §10.24.190
- Commercenter East - §10.24.190
- Commercenter West - §10.24.190
- Diners Court - §10.24.190
- San Bernardino Civic Plaza
 - Access Loop - §10.24.190
 - Sunwest Lane - §10.24.190

WELDING

- Uniform Building Code - §15.04.100

WELDING OPERATORS

- Qualification of - §15.04.100

WELDING SHOP

- Business Registration Certificate - §5.04.525

WELL DRILLING MACHINE

- Defined - §13.20.230

WELL(S)

- Ch. 13.04; §19.30.140
- Abandonment - §13.24.390
- Defined - §§13.20.225, 13.24.020
- Disinfection - §13.24.350
- Inspections - §13.24.370

[Return to Municipal Code Contents]

Location - §13.24.320
 Log - §13.24.330
 Measurement of Water - §13.04.010
 Permit - §13.24.240
 Application - §13.24.250
 Conditions - §13.24.260
 Denial - §13.24.270
 Record of Wells - §§13.04.020, 13.04.030
 Reuse - §13.24.400
 Site, Approval - §13.24.310
 Standards for Construction - §§13.24.290, 13.24.340
WHEELCHAIR PASSENGER TRANSPORTATION VEHICLE
 Defined - §5.76.020
WHITE CURB
 Passenger Loading Zone - §10.36.010
WHOLESALE SALES
 Business Registration Certificate - §5.04.525
WIND EROSION
 §19.30.150
WINDOWS, BROKEN
 Public Nuisance - §8.30.010
WIRELESS FACILITIES
 Right-Of-Way Permits — See Ch, 12.05
WOOD, USED
 Accumulation a Nuisance - §8.18.010
WORKERS' COMPENSATION
 Claims, Processing - §3.08.010
 City Treasurer - §3.08.020
 Director of Emergency Services - §3.08.020
 Director of Finance - §3.08.020

Director of Human Resources - §3.08.020
 Police Reserve - §2.38.050
WOUNDED PERSONS
 Notification to Chief of Police of Treatment of - §8.09.010
WRECK SALE
 Business Registration Certificate - §5.04.265
WRESTLING EXHIBITION, TEMPORARY
 Business Registration Certificate - §5.04.160
WRITTEN
 Defined - §1.04.010

-X-

XYLENE
 Discharge into Storm Drains - §8.21.010

-Y-

YARD
 Burning Rubbish in Prohibited - §8.21.020
YARD SALES - §8.14
 Definitions - §8.14.010
 Frequency, Duration, Hours and Permissible Dates - §8.14.020
 Personal Property, Display of - §8.14.030
 Signs - §8.14.040
 Exemptions
 Estate Sale - §8.14.050
 Non-Profit Organization - §8.14.060
 Violation – Penalty - §8.14.070
YEAR
 Defined - §1.04.010
YELLOW CURB
 Loading Zone - §10.36.010

-Z-

ZONES
 Please see Listings for Individual Zones:
 A (Airport Overlay) District
 Ch. 19.12
 Airport District (AD)-I
 Airport District (AD)-II
 Airport District (AD)-III
 Airport District (AD)-IV
 Airport District (AD)-V
 Airport Zone - Ch. 19.12A
 Commercial Zones
 Ch. 19.06
 CO (Commercial Office) Zone
 CG-1 (Commercial General) Zone
 CG-2 (Commercial General-2) Zone
 CG-3 (Commercial General-3) Zone
 CR-1 (Commercial Regional-Malls) Zone
 CR-2 (Commercial Regional-Downtown) Zone
 CR-3 (Commercial Regional-Tri-City/Club) Zone
 CR-4 (Commercial Regional-Auto Plaza) Zone
 CH (Commercial Heavy) Zone
 CCS-1 (Central City South-1) Zone
 CCS-2 (Central City South-2) Zone
 CCS-3 (Central City South-Flood Control Channel) Zone
 FP (Flood Plain Overlay) Zone - Ch. 19.16

[Return to Municipal Code Contents]

Freeway Corridor (FC) zone

Ch. 19.14

HM (Hillside Management
Overlay) Zone- Ch. 19.17

HP (Historic Preservation
Overlay) Zone - Ch. 19.18

Industrial Zones

Ch 19.08

OIP (Office Industrial
Park) Zone

IL (Industrial Light) Zone

IH (Industrial Heavy) Zone

IE (Industrial
Extractive) Zone

MS (Main Street Overlay)
Zone - Ch. 19.19

Residential Zones

Ch. 19.04

RE (Residential Estate)
Zone

RS (Residential
Suburban) Zone

RU (Residential
Urban) Zone

RM (Residential
Medium) Zone

RMH (Residential
Medium-High) Zone

RH (Residential
High) Zone

RSH (Residential Student
Housing) Zone

Special Purpose Zones

Ch. 19.10

OS (Open Space) Zone

PCR (Public/Commercial
Recreation) Zone

PF (Public Facility) Zone

PFC (Public Flood
Control) Zone

PP (Public Park) Zone

SP (Specific Plan) District

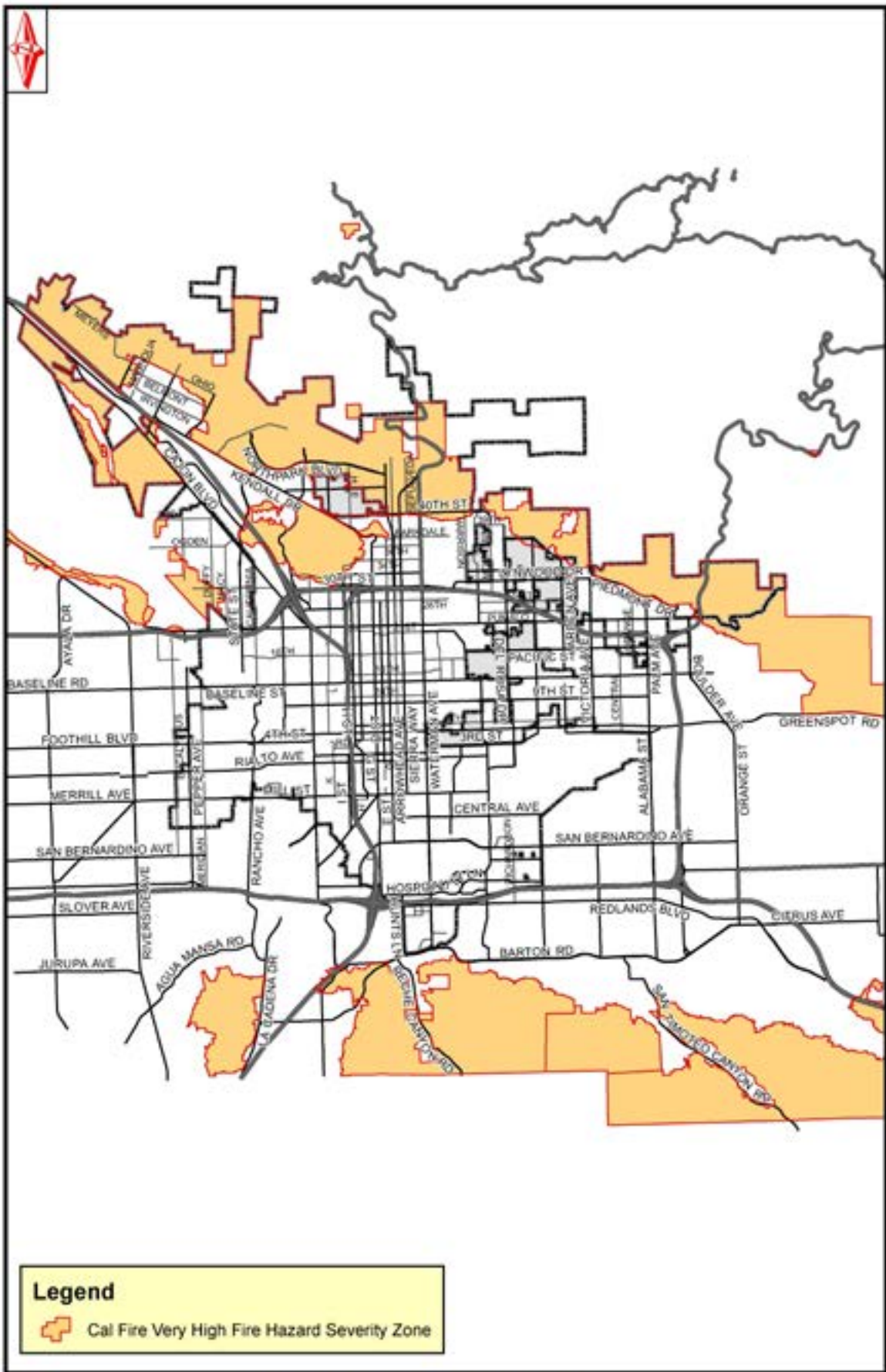
UBP (University
Business Park) Zone
(UBP-1, UBP-2, UBP-3)

TCC (Tri-City Corporate
Centre Overlay) Zone

Ch. 19.11

TD Transit Overlay
District Zone - Ch. 19.19A

ZONING MAP AMENDMENTS -
CH. 19.74



**CITY OF SAN BERNARDINO
DEPARTMENT OF PUBLIC WORKS
TRAFFIC DESIGN POLICIES AND PROCEDURES
Issue Date June 30, 1991**

DIVISION I	AUTHORITY
DIVISION II	DESIGN CRITERIA
DIVISION III	GUIDELINES AND FORMAT FOR REPORTS
DIVISION IV	GUIDELINES AND FORMAT FOR PLANS
DIVISION V	REVIEW AND APPROVAL
DIVISION VI	CHECKLIST

DIVISION I — AUTHORITY

This policy paper is prepared to serve as a guide for the preparation of traffic reports, traffic related improvement plans and to assist the developer in preparing information and plans that meet the criteria of the City of San Bernardino.

It does not replace the Standard Drawings and is not intended to be all inclusive. It provides the minimum level expected on a project, but all projects must be based on sound engineering judgement and be acceptable to the Director of Public Works/City Engineer.

Authority for the traffic policy is contained in the City of San Bernardino municipal Code in the following sections:

- Section 2.14
- Section 3.26
- Title 10
- Title 12
- Development Code

In addition to the above, the City of San Bernardino has adopted a General Plan with the Circulation Element, area plans, overlay zoning, the "Standard Specifications for Public Works Construction" (Green Book), Caltrans Standard Specifications and its own Standard Drawings for Public Works Improvements. Also, the City uses as a standard reference the Manual of Uniform Traffic Control Devices, the ITE Trip Generation Report, the ITE Parking Report, Caltrans Traffic Design Manual, 1985 Highway Capacity Manual, AASHTO manuals, WATCH manual, CAPSSI and PASSER programs and its own transportation planning program, based on TRANPLAN.

The referenced code sections also refer to many varied resolutions and ordinances adopted by the Mayor and common Council in which fees are established, including a traffic systems fee, for services or-impacts.

This authority is established as the minimum requirement of the City of San Bernardino with all material subject to the review and approval of the Director of Public Works/City Engineer for conformance to acceptable design practices and sound engineering judgement. All plans and reports must receive approval of the Director of Public Works/City Engineer prior to approval of the project and for the recordation of any maps.

DIVISION II – DESIGN CRITERIA

A. Design

- 1 Street widths shall be per the adopted City Standards and Circulation Element of the Master Plan of Streets.
- 2 City standard travel lane widths should be as follows:

a	Traffic Lane on arterial or collector	12 feet
b	Traffic Lane on arterial or collector adjacent to curb	14 feet
c	Traffic Lane on residential street	10 feet
d	Left Turn Lane	12 feet
e	Two-way Turning Lane	12 feet
f	Parking Lane	8 feet
- 3 The minimum acceptable lane width in the City shall not be less than 10 feet unless written approval is obtained from the Director of Public Works/City Engineer.
- 4 In areas where there is a raised median island, no openings shall be permitted in the median other than at street intersections. Medians are established for the control of traffic.
- 5 Transitions between differing curb widths or as required for pavement joints shall conform with standard Caltrans computational methods as detailed in Section 6-25 of the Caltrans Design Manual.
- 6 Sight distance at intersections shall be as detailed in Ordinance MC-783 and per Exhibit "A". No fencing, planting materials or obstructions that cause a sight obstruction of any kind will be permitted to be over 30 inches high, as measured from the flow line of the curb and gutter, in the front or side yard setback area - or in the sight distance areas as detailed in Exhibit "A1.
- 7 Plantings or signs in median islands must be checked for visual obstructions resulting from temporary alignment of the proposed improvements.

B. Traffic Reports

As a part of the project review process, the Environmental Review Committee or the Development Review Committee may identify concerns for the need for a traffic study and report. The Traffic

Engineer under the authority of the Director of Public Works/City Engineer will make the final decision on the need for a traffic study or report as a condition of the development. These reports are made necessary by the size, configuration or impact of the proposed development.

Listed below are some basic criteria that may be used to assess the probability of having to complete a traffic report as a part of the project review process. It is not a complete or exhaustive list, but is intended to give guidelines as to when such an extensive report is to be prepared and to assist in the development of such a report by indicating the necessary components of the submitted report.

1 General Criteria

- a Any project that adds more than 10% additional trips to the adjacent street system at full build out of the project. No allowance will be made for attraction or capture trip ends.
- b Any project that generates more than 500 daily trip ends residential, or 1000 trip ends commercial or industrial, as determined by the average trip rate as contained in the ITE Trip Generation Report.
- c Any project that has the potential to degrade the existing street system or signal system to level of service D or lower during peak hour using operational analysis on any selected movement.
- d Any project that generates more than 40% of its total traffic in the form of truck traffic.
- e Any project that intensifies the usage of the site above the level currently allowed by zoning codes and requires a CUP, zone change or other discretionary permit.
- f Any project that has a peak hour volume exceeding 75 trip ends.

2 Report Contents

Traffic Reports submitted for review and approval must contain the following items as a minimum:

- a Total number of trips anticipated from the project based on the average trip generation rates as contained in the ITE Trip Generation Report for total build out of the project.

- b Project traffic on the adjacent street system projected for five (5) years or to project build out, whichever is longer.
- c Traffic projections on the adjacent street system for both the project and "normal" background growth (5.0% per year or as detailed in the General Plan) with consideration to approved projects for the specific area.
- d Traffic projections shall include the additional impact of undeveloped land within 1,500 feet or as detailed in the General Plan.
- e Impacts on adjacent intersections using an intersection capacity analysis.
- f Trip distribution and assignment analysis with justification on the percentages for directional travel and/or turning movements.
- g Analysis of pedestrian movement and/or generation and need for additional crossings or facilities.
- h Parking requirements and information on peak loading of the transportation network if applicable.
- i Existing and proposed signal phases, progression and/or coordination.
- j Traffic counts. Traffic counts must be current (within one year) and must be machine counts of suitable length for analysis of the project.
- k Recommendations and conclusions of the report with the proposed mitigation measures listed in priority order.
- l Signal warrants shall be established using existing traffic at the intersection plus the project traffic, using a minimum of an 8-hour actual count at the intersection.

DIVISION III – GUIDELINES AND FORMAT FOR REPORTS

A. Reports

Generally, traffic reports will be submitted under separate cover in an acceptable 8-1/2 x 11 inch format. Reports are generally typewritten with diagrams for traffic distribution assignment or intersection analysis. The report needs to be properly identified and related to the project by

reference to the Review of Plan Number, Tract Number, CUP number, Parcel Map, variance or other identifying City reference numbers in addition to the project description.

The report must be signed by a Registered Civil Engineer and carry the seal and original signature of the engineer preparing the report and taking responsibility for the information contained therein.

A preliminary review with the City Traffic Engineer is encouraged. Focused reports may be justified but must be coordinated with the City Traffic Engineer on larger projects or those that wish to use the Tranplan model.

In general, the following should be included in the report:

- a Identification of project and reference to city identification numbers such as CUP, RP or Tract.
- b Seal and original signature of engineer preparing report and taking responsibility for the report.
- c Executive summary of the project and report contents. This should be one half page or less.
- d Identification of existing traffic and transportation system and level of service.
- e Traffic to be generated by development.
- f Projected background growth and combined total of growth plus development with level of service listed for intersections.
- g Identified impacts on transportation system from any source. Identify degradation of system below level of service C.
- h Mitigation measures recommended to address impacts of the development or development plus background growth.
- i Conclusion which covers the alternatives of no project, project with existing traffic and project with existing traffic and background growth.
- j Submittal shall be made to the Director of Public works/City Engineer. Three copies of drafts shall be submitted. Three copies of the final report shall be submitted after

- notification by the Traffic Engineer that the report is acceptable.
- k All backup data used in the preparation of the report shall be included in the submittals.
- l A listing of all assumptions used in the report with special identification of any unusual conditions from the project or area identified.

DIVISION IV – GUIDELINES AND FORMAT FOR CONSTRUCTION PLANS

- 1 Sheet size is 24 x 36 inches.
 - 2 Plan to show the following (minimum)
 - a Vicinity Map
 - b North Arrow
 - c Scale
 - d Existing improvements and proposed signing marking and signal improvements.
 - e Legend - Topo and Construction
 - f General Notes
 - g Engineer's Signature
 - h License number and expiration date
 - i Details
 - j Stationing and Dimensions.
 - 3 Submit 2 sets of plans for checking
- C General Notes (on all Plans)**
- 1 All work shall be in accordance with the Standard Specifications for Public Works Construction (Green Book), latest edition, with all supplements and City of San Bernardino Standard Drawings.
 - 2 Approval of this plan by the City of San Bernardino does not constitute a representation as to the accuracy of the location or of the existence or nonexistence of any underground utility pipe or structure within the limits of this project. The Contractor shall assume full responsibility for the protection of all utilities within the limits of the project. Contractor shall contact Underground Service Alert 48 hours prior to start of work.

- 3 Inspection shall be by the City of San Bernardino Department of Public Works. All requests for inspection shall be made at least 24 hours in advance of the proposed construction.
- 4 All existing pavement markings that are being relocated or removed shall be removed by sand blasting. No black-over painting of lines is permitted in the City.
- 5 During the period of construction, the Contractor shall furnish, erect and maintain such warnings, signs, stop signs, barricades and other safety measures in conformance with the W.A.T.C.H manual or other City reference manuals listed.

D Additional notes that may be used as warranted by specific projects.

- 1 The Contractor shall provide safe and continuous passage for local pedestrian and vehicular traffic at all times.
- 2 Should any of the existing utilities, or any other facilities, conflict with the proposed improvement the Contractor shall notify the Engineer and await the relocation and/or provide an alternate design.
- 3 The Contractor shall so conduct his operations as to offer the least possible obstruction and inconvenience to the public.
- 4 In accordance with generally accepted construction practices, the Contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work and the Contractor shall fully comply with all state and Federal laws, rules, regulations, and orders relating to safety to the public and workmen.
- 5 Dust shall be controlled at all times by approved methods.
- 6 Public streets shall be kept clean and free from dirt and/or debris. The Contractor shall be responsible for all costs incurred in street cleaning necessitated by his operations.
- 7 Full street closure will not be permitted unless prior written approval is obtained from the Director of Public Works/City Engineer. Detour plans must be submitted for approval for all street closures and may be required for other types of detours under some circumstances. 48 hour notice will be required to the City and affected property owners prior to any closure.

- 8 On arterial streets, all full lane closures will require submittal of detour plans and/or signing plans with prior written approval by the Director of Public Works/City Engineer.

E Notes to Traffic Striping Plan.

- 1 Materials shall comply with Sub. Sec. 210-1.6, "Paint for Traffic Striping, Marking and Curb Marking", of the Standard Specification for Public Works Construction (Greenbook) latest edition or equal supplement.
- 2 Traffic Paint shall be Fast Dry, Solvent Borne, Low Volatile Organic Compound (VOC) 250 unless otherwise specified.
- 3 Thermoplastic paint when specified shall be ReflectORIZED Alkyd.
- 4 New striping applications shall be done in two (2) coats.
- 5 Traffic control shall be according to the Work Area Traffic Control Handbook (WATCH) manual latest edition.
- 6 Raised Pavement Markers (RPM) when specified shall be consistent with CALTRANS Standard Specification Sec. 85, "Pavement Markers", latest edition.

Any such additional notes that may be required for the completion of the plans and construction.

DIVISION V -- REVIEW AND APPROVAL

Reports or plans shall be submitted to the Department of Public Works for review and approval. Plans and reports need to be submitted in a timely manner to insure adequate review and comment prior to Environmental Review, Development Review or submission to the Planning Commission or Mayor and Common Council.

Generally, traffic reports require a minimum of two (2) weeks of review time before the scheduled meeting. Items continued pending submission of the report still require two weeks review time. Failure of the developer or his agent to submit in a timely manner will result in the continuance of the matter to the next regular meeting.

Two copies need to be submitted for review to the Public Works Department. Additional copies may be required by other departments for file copies. Materials must be submitted to the Director of

Public Works/City Engineer and it shall be the responsibility of the City to insure the City Traffic Engineer receives his copy. Consultants may wish to discuss the traffic report or obtain information from the City Traffic Section during the preparation phase of their project. They should contact the Traffic Engineer or Traffic Engineering Section directly for information and/or design criteria.

DIVISION VI — CHECKLIST

Show on plans:

- | | |
|---|---|
| <input type="checkbox"/> Vicinity map | <input type="checkbox"/> North Arrow |
| <input type="checkbox"/> Scale | <input type="checkbox"/> Existing Improvements |
| <input type="checkbox"/> Proposed Signing | <input type="checkbox"/> Proposed Signal |
| <input type="checkbox"/> Legends | <input type="checkbox"/> General Notes |
| <input type="checkbox"/> Engineer's Signature | <input type="checkbox"/> Engineer's License No. |
| <input type="checkbox"/> Details | <input type="checkbox"/> Stationing |
| <input type="checkbox"/> Dimensions | <input type="checkbox"/> Right-of-Way |
- Street Names in conformance with approved maps
- Pavement markings in accordance with standards
- Sight distance per policy guidelines
- Intersection separation in accord with policy
- Quantities of signs and striping shown or provided
- Driveway location in relation to BCR checked
- Traffic report submitted if required
- Mitigation measures listed in report shown

FEES AND PERMITS

- Pay plan check fee
- Pay permit fee

City of San Bernardino
Department of Public Works/City Engineer
Traffic Design Policies and Procedures

Issued June 30, 1991

_____ Inspection Fee

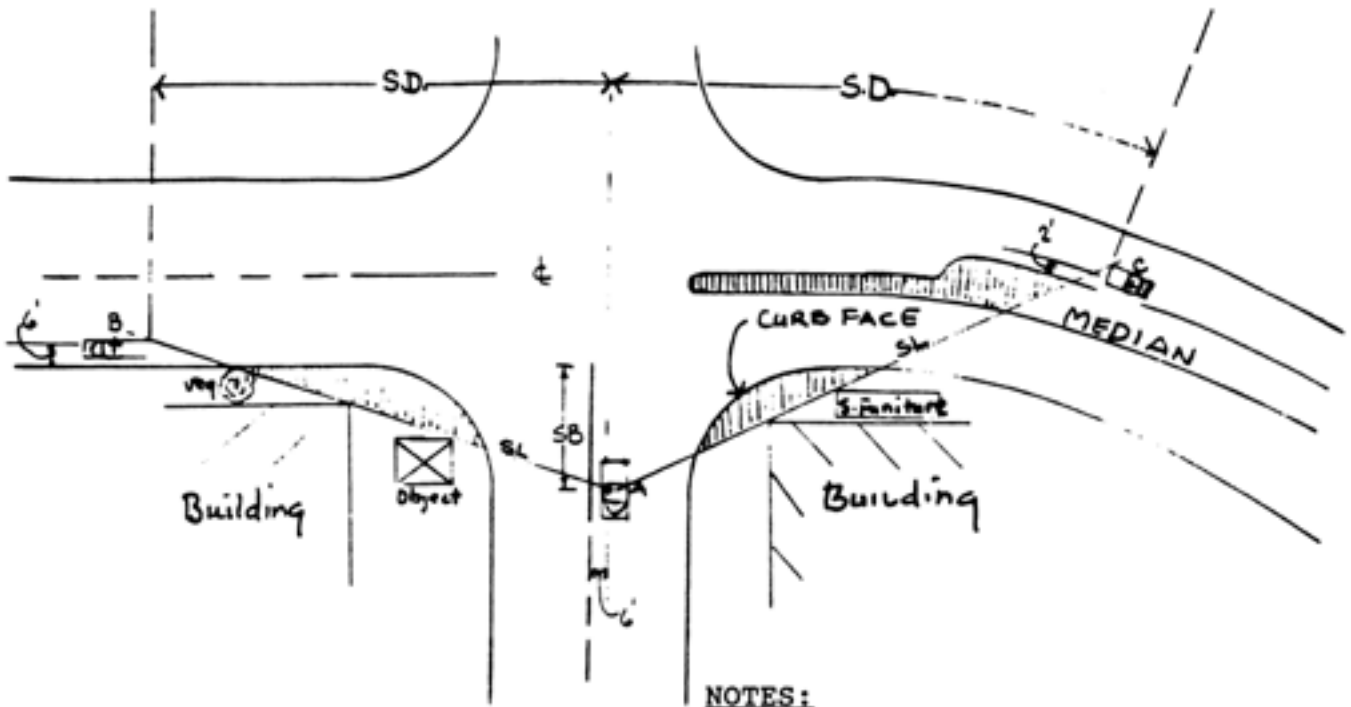
_____ Pay mitigation fee if required

_____ Traffic Systems Fee

_____ Permit issued

_____ Other department notified

_____ Plan approved by City Engineer



NOTES:

- 1) SB = 18' at intersections
SB = 10' at driveways
(Under special conditions lesser SB. Values may be approved by Traffic Engineer)
- 2) V = Speed (MPH) = 85th Percentile i.e., prevailing speed or as determined by Traffic Engineer
- 3) S.D. = Minimum Sight Distance
- 4)

Speed (MPH)	Minimum Sight Distance (feet)
30	300
35	350
40	400
45	450
50	500
55	550
- 5) SL = Line of Sight
- 5) ///// = Area of Limited Use

- (a) There shall be no obstruction within the limited use area. Area of limited use shall be determined geophysically using appropriate distances given in the Minimum Sight Distance Table (4).
- (b) Obstructions shall include, but not be limited to, any signs or objects higher than 2.5' measured from pavement within the area of limited use. Example, block walls, utility vents, and cabinets, sign street furnitures, mature landscaping, etc.
- (c) Developer's Engineer shall evaluate and show sight lines at proposed intersections/driveways, grading plans, tentative tract maps and landscaping plans where sight distance is questionable.
- (d) Where existing sign, vegetation or objects constitute a sight distance hazard, property owner or occupant shall be notified/-required to meet minimum sight distance requirements within 15 days and maintain same thereafter.

**Refer to the City of San Bernardino Traffic Engineering Policy Paper for further detail.

SIGHT DISTANCE REQUIREMENTS AT CONTROLLED INTERSECTIONS AND DRIVEWAYS