Bradbury Municipal Code
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ARTICLE I - GENERAL PROVISIONS

CHAPTER 1 - CODE ADOPTION

1100. Adoption.
There is adopted by the City of Bradbury the "Bradbury Municipal Code", consisting of all the ordinances of the City of Bradbury of a general and permanent nature adopted through the date of adoption of this ordinance, together with those secondary codes adopted by reference as authorized by law, of which code and secondary codes one copy has been and now is filed in the office of the City Clerk of the City of Bradbury, to which reference is hereby made, and such code is hereby incorporated herein as though at this point set forth in full, and the same is hereby adopted by the City Council of the City of Bradbury by such reference under provisions of Section 50022.2 et seq. of the Government Code of the State of California.

1101. Title.
This Code shall be known as the "Bradbury Municipal Code" and it shall be sufficient to refer to said code as the "Bradbury 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 "Bradbury Municipal Code." Further, reference may be had to the titles, chapters, sections and subsections of the "Bradbury Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code.

1102. Codification Authority.
This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City of Bradbury, codified pursuant to the provisions of Section 50022.1 et seq. of the Government Code of the State of California.

1103. Reference Applies to All Amendments.
Whenever a reference is made to this code as the "Bradbury Municipal Code" or to any portion thereof, or to any ordinance of the City of Bradbury, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1104. Construction.
The provisions of this Code and all proceedings under it are to be construed with a view to affect its objects and to promote justice.

1105. Repeal Shall Not Revive Any Ordinances.
The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

1106. 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.

1107. 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.

1108. Effect of Code on Past Actions.
None of the ordinances of the City of Bradbury shall be repealed by the adoption of this code, nor shall any of said ordinances be affected in any manner whatsoever, except that all ordinances compiled and codified into this code shall henceforth be known by code section number and by be amended as such.

1109. Effective Date.
This Code shall become effective on the date the ordinance codified herein adopted this code as the "Bradbury Municipal Code" shall become effective.

1110. 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 Council declares that it would have passed this code, and each section, subsection, sentence, clause or 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.

CHAPTER 2 – RULES OF CONSTRUCTION

1200. Construction.
Unless the provisions of the context otherwise require, the general provisions, rules of construction and definitions in this chapter shall govern the construction of this code. The provisions of this code and all proceedings under it are to be construed with a view to affect its objects and to promote justice.

1201. Scope.
Section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof.

1202. Reference to Acts or Omissions within the City.
This code shall refer only to the omission or commission of act within the territorial limits of the city and to that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property.

1203. Prohibited Acts.
Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

1204. Acts by Deputy.
Whenever a power is granted to, or a duty is imposed upon a public officer, or employee, the power may be exercised, or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise.

1205. Writing Defined.
Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

1206. Reference to Amendments.
Whenever a reference is made to any portion of this code, or to any ordinances of the city, the reference applies to all amendments and additions now or hereafter made.

1207. Service of Notice.
Whenever a notice is required to be given under this code, unless different provisions herein are otherwise specifically made, such notice may be given 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 such person to be notified, at his last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

1208. Proof of Service.
Proof of giving any notice may be made by the certificate of any officer or employee of the city, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this code, or other provisions of law applicable to the subject matter concerned.

1209. Tenses, Gender and Number.

1. The present tense includes the past and future tenses, and the future, the present.
2. The masculine gender includes the plural, and the plural, the singular.
3. The singular number includes the plural, and the plural, the singular.

1210. Definitions.

1. "Administrative Officer" or "City Manager" means the appointed official of the city who occupies the position as the chief administrative officer of the city.
2. "City" is the City of Bradbury.
3. "Council" is the city council of this city.
4. "County" is the County of Los Angeles.
5. "Goods" includes wares or merchandise.
6. "Oath" includes affirmation.
7. The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance of the city.
8. "Operate" includes carry on, keep, conduct or maintain.
9. "Owner" applied to a building or land includes any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such building or land.
10. "Person" includes any person, firm, association, organization, partnership, business trust, company, or corporation and any municipal, political or governmental corporation, district, body or agency, other than this city.
11. "Sale" includes any sale, exchange, barter or offer for sale.
12. "Shall" is mandatory and "May" is permissive.
13. "State is the State of California.
14. "Street" includes all public thoroughfares, highways, avenues, lanes, alleys, courts, places, squares and other public ways which have been dedicated or are open to public use, including sidewalks, parkways and curbs, and such other public property so designated by state law.
15. "Tenant" or "Occupant" applied to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.

CHAPTER 3 - PENALTY PROVISIONS

1300. Violation, Penalty.
No person shall violate any provision, or fail to comply with any of the requirements of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than five hundred dollars ($500), or by imprisonment in the ~~city or~~ county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and shall be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by this city, summarily abated as such, and each day such condition continues shall be regarded as a new and separate offense.

1301. Arrest - Notice to Appear.
If any person is arrested for the violation of any section of this code and such person is not immediately taken before a magistrate, as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare, in duplicate, a written notice to appear in court, containing the name and address of such person, the offense charge, and the time and place where such person shall appear in court.

1302. Appearance - Time Limitation.
The time specified in the notice to appear shall be not less than five (5) days after such arrest.

1303. Appearance - Place.
The place specified in the notice to appear shall be either:

1. Before a judge of a justice court or a municipal court judge within the county who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or
2. Upon the demand of the person arrested, before a judge or the municipal court of the Los Angeles judicial district, or before a judge of a justice court or a municipal court in the judicial district in which the offense is alleged to have been committed; or
3. Before an officer authorized to receive a deposit of bail.

1304. Appearance - Promise.
The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure a release, must give his written promise so to appear in court by signing the duplicate notice, which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody.

1305. Notice - Filing - Bail Depositing.
The officer shall, as soon as practicable, file a duplicate notice with the magistrate specified in such notice. The defendant may, prior to the date upon which he promise to appear in court, deposit with the magistrate the amount of bail set by such magistrate. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited and may at his discretion order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the treasury of the county for distribution in the manner provided by law.

1306. Appearance - Failure - Warrant.
A warrant shall not issue on such charge for the arrest of a person who, pursuant to the provisions of this chapter, has given such written promise to appear in court unless and until he

has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law.

1307. Appearance - Failure - Misdemeanor.
Every person willfully violating his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

1308. Warrant - Issuance.
When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 1 305 hereof, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised. If a person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense, such magistrate shall issue and have delivered for execution a warrant for his arrest. When such person violated his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

CHAPTER 4 - CITY SEAL

1400. Adoption.
The City hereby adopts an official seal, a facsimile of which is set forth in this section:

1401. Use.
The impression of the seal shall be made and used upon all official documents executed by the City or its duly authorized officials.

1402. Custodian.
The City Clerk shall be the custodian of the seal.

ARTICLE II - ADMINISTRATION

CHAPTER 1 - CITY COUNCIL

2100. Council Meetings.
There shall be one regular meeting of the City Council during each calendar month and such meeting shall be held on the third Tuesday thereof at the hour of 7:30 p.m. provided, however, that if the date of any such regular meeting falls on a holiday, said regular meeting shall be held at the hour of 7:30 p.m. on the next succeeding day which is not a holiday.

2101. Council Chambers.
The regular meeting place of the City Council shall be 600 Winston Avenue, Bradbury, California.

2102. Councilmembers, Compensation.
Upon the submission of an itemized account, any councilmember may be reimbursed for his actual and necessary expenses incurred in the performance of official duty, but no compensation of salary as such shall be paid to any councilmember.

2103. Councilmembers, Elections by Districts.
Pursuant to the provisions of Government Code Section 34870 et seq., Councilmembers shall be elected by districts. There are five City Council Districts, the boundaries of which are described in the report entitled “City of Bradbury Councilmanic District Boundary Report 2005” which is on file in the Office of the City Clerk and incorporated into this Code by reference.

2104. Robert's Rules of Order.
In all matters and things not otherwise provided for herein, the proceedings of the council shall be governed by Robert's Rules of Order, 1915 revised edition.

2105. Council Reorganization.
The City Council shall reorganize and select one of its members as Mayor, and one as Mayor Pro Tempore, on the following occasions:

1. In even numbered years, on the Tuesday next following the general municipal election held during the month of April; and
2. In odd numbered years, at the first regular meeting held during the month of April; or
3. At such other times as a majority of the council shall so order.

CHAPTER 2 - CITY MANAGER

2200. Office Created.
The office of City Manager is created and established. The City Manager shall be appointed by the City Council solely on the basis of his/her executive and administrative qualifications and ability, and shall hold office at and during the pleasure of the City Council.

2201. Eligibility.
Residence in the city, at the time of appointment, shall not be required as a condition of appointment. No person elected to membership on the City Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed after he/she has ceased to be a member of the City Council.

2202. Bond.
The City Manager shall furnish a corporate surety bond to be approved by the City Council in such sum as may be determined by the City Council and shall be conditioned on the faithful performance of the duties imposed on the City Manager herein prescribed.

2203. Compensation.
The City Manager shall receive such compensation as the City Council shall from time to time determine, and said compensation shall be a proper charge against such funds of the city that the City Council shall designate. The City Manager shall be reimbursed for all sums necessarily incurred or paid by him/her in the performance of his/her duties, or incurred when traveling on business pertaining to the city under direction of the City Council. Reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested has been presented to the City Council, and by said City Council duly approved.

2204. Powers and Duties - Generally.
The City Manager shall be the administrative head of the City government under the direction and control of the City Council, except as otherwise provided in this Chapter. He/she shall be responsible for the efficient administration of all the affairs of the city which are under his/her control.

2205. Powers and Duties - Designated.
In addition to his general powers as administrative head, and not as a limitation thereon, it shall be the duty of the City Manager and he/she shall have the power:

1. **Enforce Laws.** To see that all laws and ordinances of the City are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;
2. **Attend Meetings.** To attend all meetings of the City Council and Planning Commission unless excused therefrom by said Council or Commission, except when his/her removal is under consideration by the City Council;
3. **Recommend.** To recommend to the City Council for adoption such measures and ordinances as he/she deems necessary or expedient;
4. **Advise Council.** To keep the City Council at all times fully advised as to the financial conditions and needs or the city;
5. **Prepare Budget - Accounting.** To prepare and submit to the City Council on or before June first of each year the annual budget for the city for the next succeeding fiscal year;

6. **Investigate Complaints.** To investigate all complaints in relation to matters concerning the administration of the City governments and in regard to the service maintained by public utilities in the City, and to see that all franchises, permits and privileges granted by the city are faithfully performed and observed;
7. **Supervision of Property.** To 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.
8. **Time.** To devote his/her full working time to the duties of this office and the interests of the City;
9. **Other Duties.** To perform such other duties and exercise such other powers as may be delegated to him/her from time to time by Ordinance or Resolution of the City Council;
10. **Public Calamity.** To act pursuant to the authority of Section 41601 of the Government Code and Section 38791 of the Health and Safety Code of the State of California relating to times of great public calamity;
11. **Public Safety.** To establish any and all public safety functions and necessary rules and regulations;
12. **Power of Appointment and Removal.** It shall be the duty of the City Manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the City, except the City Treasurer, City Clerk and City Attorney, subject to all applicable personnel ordinances, rules and regulations.

CHAPTER 3 - OTHER OFFICERS AND EMPLOYEES

2300. Assessor and Tax Collector.

Pursuant to the authority granted by Section 51501 of the Government Code of the State of California, the assessment and tax collection duties performed by the City Assessor and Tax Collector hereby are transferred to the Assessor and Tax Collector of the County of Los Angeles.

1. **Abolishment of Offices.** The offices of City Assessor and Tax Collector are hereby abolished.
2. **Transfer of Duties.** Pursuant to the authority granted by Section 51507 of the Government Code of the State, the duties of the City Assessor, other than the assessing of City property, and the duties of the Tax Collector, other than the collection of taxes, hereby are transferred to and shall be performed by the City Clerk, or such officer of the County of Los Angeles as may by contract with the City be designated and authorized to perform such duties.

2301. City Treasurer.

(A) The City Treasurer shall be appointed by the City Council to perform the duties prescribed by law. Starting in April 2008 and every two years thereafter, the City Treasurer shall be appointed for a term of two years. If a vacancy occurs other than by expiration of a term, such vacancy shall be filled by appointment by the City Council for the remainder of the unexpired term. In the event that an appointment is not made, the City Treasurer then in office shall continue to hold office until his or her successor is appointed and sworn. Notwithstanding any other provisions of this Section, the City Treasurer shall be subject to removal at any time, with or without cause, by motion of the City Council adopted by at least three (3) affirmative votes.

(B) In addition to the duties prescribed by law, the City Treasurer shall:

1. Review demands and warrants prior to presentation to the City Council for approval, making a specific comparison between the receipts and invoices and the warrants.
2. Prepare and sign an interoffice memorandum to the Mayor and Members of the City Council stating that the demands and warrants have been reviewed by the City Treasurer prior to the presentation of the demands and warrants to the City Council for approval.
3. Be present at City Council meetings for the approval of the demands and warrants. If the City Treasurer is unable to be present at the City Council meeting, the City Treasurer will provide the City Clerk with a signed written statement stating any concerns with the demands and warrants.
4. Serve in an independent capacity to check the City's internal financial control procedures by verifying cash balances on hand at the end of each month, and by reviewing the monthly financial reports of receipts, disbursement and fund balances.
5. Serve as an alternative source of review of expenses, receipts and disbursements to permit a thorough separation of functions, and to serve in such capacity in cases when it would be difficult or impossible to obtain separation of functions between the person authorizing and receiving payment.
6. Provide an annual report for the City Council regarding its investments. The report may include the following information:
   (a) Verification that the City is investing according to the guidelines provided in the City investment policy.
   (b) A list of recommendations regarding the City's investments to ensure that the City receives the best return consistent with the requirements of state law.
7. Review the monthly investment report.
8. Participate in the review of the City Budget.

2302. City Clerk.
The City Clerk shall be appointed to serve at the pleasure of the City Council and shall perform the duties prescribed by law. Any applications required to be filed with the City or fees required to be paid to the City, pursuant to the provisions of this Code, shall be filed with or paid to the City Clerk, unless otherwise provided by this Code.

2303. Official Bonds.
The City Clerk and City Treasurer are hereby each required to execute to the City an official bond in a penal sum as set by Resolution of the City Council. Such bond, renewal, or substitute thereof shall be maintained and kept in force by the incumbent of said office during the entire time that he occupies said office. The premiums on such bond shall be paid by the City. The term of such bond shall not exceed one year.

2304. Offices and Positions.
The offices and positions in the City employment, other than those created or established by State law or by this Code, shall be fixed and established by resolution of the City Council.

2305. Compensation. Officers and Employees.
The salaries and compensation of officers and employees of the City shall be as fixed and determined by the City Council, except those fixed herein.

2306. Appointment.
The City Treasurer, City Clerk and City Attorney shall be appointed by, and serve at the pleasure of, the City Council.

CHAPTER 4 - DEPARTMENTS, BOARDS AND COMMISSIONS OF THE CITY

PART 1 - PLANNING COMMISSION

2410. Planning Commission Created.
A Planning Commission for the City is hereby created.

2411. Members.
The Planning Commission of the City of Bradbury shall consist of a total of five (5) members, comprised of one person from each of the councilmanic districts prescribed in Exhibits "A" and "B" to preceding Section 2103, who shall be qualified electors of the City of Bradbury and who may be persons who hold an office or a position with the City. Upon the expiration of a term, successors shall be appointed for a term of two (2) years. If a vacancy shall occurr other than by expiration of a term, it shall be filled by appointment for the unexpired portion of the term. Members of the Planning Commission shall be appointed by the respective member of the Council from the district for which the Member of the Planning Commission is to be selected, with the approval of the City Council. Vacancies to the Planning Commission from Districts 1, 3 and 5 shall be filled at the first regular council meeting in March, 1979 and every two (2) years thereafter. Vacancies to the Planning Commission from Districts 2 and 4 shall be filled at the first regular council meeting in September, 1980 and every two (2) years thereafter. In the event that appointments are not so made, the Members of the Planning Commission then in office shall continue to hold office until their successors are appointed and sworn. Members of the Planning Commission currently holding office at the date of adoption of this Ordinance shall continue to hold office until their successors are appointed as provided for herein.

2412. Commission Meetings.
There shall be one regular meeting of the Planning Commission during each calendar month and such meeting shall be held on the fourth Wednesday thereof at the hour of 7:30 p.m. provided, however, that if the date of any such regular meeting falls on a holiday, said regular meeting shall be held at the hour of 7:30 p.m. on the next succeeding day which is not a holiday.

2413. Absence from Meetings.
If a member of the Planning Commission shall be absent from three (3) successive regular meetings of said Commission, without cause, the office of such member shall be deemed to be vacant and the term of such member *ipso facto* terminated and the Planning Commission shall immediately inform the City Council of such termination.

2414. Absence for Cause.
An absence due to illness or unavoidable absence from the City and written notice thereof to the Planning Commission on or before the day of any regular meeting by said Commission shall be deemed absence for cause.

2415. Organization.
The Planning Commission shall elect its chairman at its first regular meeting in the month of April of each year from among its appointed members for a term of one (1) year and, subject to other provisions of law, may create and fill such other offices as it may determine. The Planning Commission shall hold at least one regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of the resolutions, transactions, findings and determinations, which record shall be a public record.

2416. Duties.
Said City Planning Commission shall perform the duties and shall have all the rights, powers and privileges specified and provided for in this Code or by State law.

2417. Removal.
Notwithstanding any other provision of this Part, any member of the Planning Commission shall be subject to removal at any time, with or without cause, by motion of the City Council adopted by a least three (3) affirmative votes.

CHAPTER 5 - CITY FUNDS AND RECORDS

PART 1 - CITY FUNDS

2512. Special Gas Tax Street Improvement Fund.
There is hereby created in the City treasury a special fund to be known as the "Special Gas Tax Street Improvement Fund."

1. **Deposits.** All moneys received by the City from the State of California under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvements of streets or highways other than State highways shall be paid into said fund.
2. **Expenditures.** All moneys in said fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of Article 5, Chapter 1, Division 1, of the Streets and Highways Code.

2513. Cash Bond Fund.
A special fund is hereby created in the City treasury to be known as the "Cash Bond Fund" into which fund shall be deposited all cash bonds accepted by the City Council pursuant to the provisions of this Code or any other ordinance or resolution of said City under the terms of which a cash bond is deposited with the City guaranteeing the faithful performance of any agreement with the City. Funds may be withdrawn from said Cash Bond Fund only upon warrant drawn and approved in the normal manner and upon certification by the proper officer having supervision of the performance of such agreement as to the partial completion or final completion and acceptance of the work to be performed under any such agreement.

PART 2 - CLAIMS, DEMANDS AND WARRANTS

2520. Person to Present Claim.
No City officer shall, except for his own service, present any claim, account or demand for allowance against the City, or in any way, except in the discharge of his official duty, advocate the relief asked in the claim or demand made by any other person. Any person may appear before the City Council and oppose the allowance of any claim or demand made against the City.

2521. Claims to be Itemized.
The City Council shall not hear or consider or allow or approve any claim, bill or demand against the City unless the same be itemized giving names, dates, and particular services rendered, character of process served and upon whom, distance traveled, character of work done, the number of days engaged, materials and supplies furnished, when and to whom and in what quantity furnished, the price therefore, and other pertinent details as the case may be. Salaries and wages of officers and employees of the City shall not be considered to be claims, accounts, bills or demands against the City hereunder.

2522. Presenting and Filing.
Claims and demand arising out of tort and all claims and demands not founded upon contract shall set forth the time and place the claim arose, the public property, officers or employees alleged to be at fault, the nature and extent of the injury or damage claimed, and full details as to the nature of the claim, shall be signed and verified to be correct by the claimant or someone authorized by him, and shall be filed with the City Clerk within one hundred (100) days after the accident or even occurred. All other claims and demands shall be presented in writing to and filed with the City Clerk within one (1) year after the least item of the account or claim accrued and need not be signed or verified. Unless so presented and filed, no such claim or demand shall be approved, allowed or paid and the City shall not be liable upon any suit or action based upon any such claim or demand which is not filed in the form and within the time herein provided.

2523. Suit.
Any claim or demand against the City or against any City officer is his official capacity, payable out of any City fund under control of the City Treasurer shall be filed and presented to the City Council as herein provided before any suit may be brought thereon. No suit may be brought on any claim until it has been rejected in whole or in part. If the City Council refuses or neglects to allow or reject a claim for forty-five (45) days after it is filed with the City Clerk, the claimant may treat such refusal or neglect as finals action and rejection on the 45th day.

2524. Claim Form.
All claims shall be made in duplicate in the manner and with the contents required by the Government Code of the State of California.

2525. Audit. Method of Approval.
Each claim or demand shall be presented to the City Clerk who shall audit the same to determine the accuracy of such demand, whether or not the same is a proper charge against the City, and the appropriation and availability of funds for the payment thereof. He shall prepare a register of audited demands in the form of a resolution, ready for adoption by the City Council, pursuant to Section 2526, setting forth all demands which should be approved and allowed, and shall attach at least one (1) copy thereof his affidavit certifying as to the accuracy of the demands and the appropriation and availability of funds for the payment thereof. Such register of audited demands then shall be submitted to the City Council for approval or rejection. The City Clerk shall prepare a separate written list of all claims or demands which he fails to approve and which he believes should be rejected in whole or in part, together with his reasons therefore, and such list shall be submitted separately to the City Council.

2526. Disposition of Claims.
If the City Council finds that any audited claim or demand is not a proper charge against the City, it shall be rejected by resolution or minute action, and the fact of rejection shall be plainly endorsed upon the claim by the City Clerk, If any audit claim or demand or register of audited demands is approved, the same shall be allowed by resolution setting forth as to each claim the name of the claimant, a brief statement of the claim, the amount allowed, and a designation of the fund out of which it is to be paid. Any claim may be allowed in part and rejected in part by the City Council.

2527. Approved and Allowed.
If any register of audited demands or any claim or demand be approved and adopted by the City Council by resolution as aforesaid, the City Clerk shall endorse upon a copy of such resolution a certificate setting forth the fact that it is a true copy of a resolution adopted by the City Council and the date of adoption and shall attest the same with his signature and shall deliver the said copy so certified to the Mayor as soon as can practicably be done after the adoption of such resolution.

2528. Warrant.
If any claim or demand be approved and allowed by the City Council as aforesaid, the Mayor shall draw a warrant upon the City Treasurer for the same, specifying the purpose for which drawn and the fund from which payment is to be made. The City Clerk shall countersign the warrant.

2529. Sufficient Money in Treasury.
Except as otherwise provided by law, no warrant shall be drawn or evidence of indebtedness issued unless there be at the time sufficient money in the treasury legally applicable to the payment of the same.

2530. Acceptance by Treasurer.
Upon presentation to the Treasurer of any warrant drawn and signed as aforesaid, the Treasurer shall accept the same by his signature, and the said warrant shall thereupon become a check in payment of the claim or demand for which it is drawn and shall be delivered to be claimant.

CHAPTER 6 - TAX PROCEDURE LAW

2600. Adoption of Tax Procedure Law.
From and after the effective date of this Chapter, the duties of assessing property and of collecting taxes, provided by law to be performed by the Assessor and Tax Collector of the City, shall be performed by the County Assessor and the County Tax Collector of the County of Los Angeles, State of California, in accordance with the provisions of Sections 51500 through 51519 of the Government Code of said State.

CHAPTER 7 - PURCHASE AND DISPOSAL OF EQUIPMENT, SUPPLIES AND SERVICES

PART 1 - GENERAL REGULATIONS

2700. Purpose.
The purpose of this chapter is to maximize the purchasing value of public funds in procurement of goods and services needed for City purposes, and to provide safeguards for maintaining a procurement systems of quality and integrity.

2701. Application.
Except as otherwise provided in this chapter, this chapter applies to contracts for the procurement of equipment, supplies and services. When the procurement involved the expenditure of funds provided to the City from other governmental entities, the procurement shall be conducted in accordance with any law or shall prevent any public agency from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

2702. Definitions.

(1) **Brand Name or Equal Specification.** A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance and other salient characteristics needed to meet City requirements, and which provides for the submission or equivalent products.

(2) **Brand Name Specification.** A specification limited to one or more items identified by manufacturers' names or catalog numbers, or for goods and services which are substantially similar in specification.

(3) **Business.** Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

(4) **Equipment.** Any machinery, tools, computer or printing devices or other products which are used over a long period of time and are not consumed in the course of their useful life.

(5) **Invitation for Bids.** All documents, whether attached or incorporated by reference, utilized for soliciting bids.

(6) **Person.** Any business, individual, union, committee, club, other organization or group of individuals.

(7) **Procurement.** The buying, purchasing, renting, leasing or otherwise acquiring of any personal property or services. It also includes all functions that pertain to the obtaining of any supply or service, including description of requirements, selection, and solicitation of sources, preparation and awards of contract and contract administration.

(8) **Services.** The furnishing of labor, time or effort, not involving the delivery of a specific end product other than advice reports or plans which are incidental to the required performance.

(9) **Specification.** Any description of the physical or functional characteristics or of the nature of an item of equipment, a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply or service for delivery.

(10) **Supplies.** Any description of the physical or functional characteristics or of the nature of an item of equipment, a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply or service for delivery.

(11) **Surplus Equipment or Supplies.** An item of equipment or supply which is worn out, obsolete or unsuitable for City use.

2703. Purchasing Officer - Office Established.
The City Manager is hereby designated as the Purchasing Officer with the following duties:

(1) Procure or supervise the procurement of all equipment, supplies and services needed by the City;
(2) Delegate authority to other City employees to purchase equipment, supplies or services, and to dispose of surplus supplies if such delegation is deemed necessary for the effective procurement or disposal of those items;
(3) Sell, trade or otherwise dispose of surplus equipment or supplies belonging to the City;
(4) Establish and maintain programs to develop specifications, contract administration and inspection and acceptance, in cooperation with the public agencies using the equipment, supplies and services;
(5) Call for bids or give notice of the City's intention to purchase or dispose of property to any and all persons, or publish notices in any case, whether or not the same is required by the terms of this chapter; and it is further empowered to invite bids by telephone, telegraph, FAX or by mail when deemed in the best interests of the City;
(6) Keep a record of all purchases made and the bids, if any, submitted thereon;
(7) Direct supervision over the City central stores and all other inventories of supplies belonging to the City;
(8) Establish and maintain procedures and specifications for the purchase of paper and paper products as defined in Public Contracts Code Section 12161 which give preference, whenever feasible, to the purchase of recycled paper and paper products containing recycled paper;
(9) Provide a preference to the suppliers of recycled paper or paper products equal to five percent (5%) of the lowest bid or price quoted by suppliers offering unrecycled paper and paper products; and
(10) Sign and approve all purchase orders written by the City.

PART 2 - PURCHASES OF EQUIPMENT SUPPLIES AND SERVICES BY THE CITY

2704. Consideration of Bids and Basis of Award.

Purchases shall be awarded on the basis of the bids which are most advantageous to the City. In most instances, the purchase will be awarded to the lowest responsible bidder. In determining whether a bid is most advantageous to the City, the Purchasing Officer, or City Council, may consider, in addition to price, the following factors:

(1) The ability, capacity and skill of the bidder to performs the contract or provide the service required;
(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
(4) The quality of performance of previous contracts or services;
(5) The previous and existing compliance by the bidder with the laws and ordinances;
(6) The previous and existing compliance by the bidder with the laws and ordinances;
(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
(9) The number and scope of conditions attached to the bid.

2705. Award to Lowest Responsible Bidder; Exceptions; Findings.

The purchase shall be awarded to the lowest responsible bidder in all instances where the lowest bidder also meets all of the criteria set forth in Section 2705.

In cases where the Purchasing Officer makes the purchase and, in the opinion of the Purchasing Officer, the most advantageous bid is not the lowest bid, the Purchasing Officer shall prepare and place on file with the City, a written statement of his finding and the reasons therefore, and shall make specific reference to the criteria the lowest bidder has failed to satisfy. Such statements shall be open to public inspection at all times during regular office hours.

2706. Brand Names or Equal Specifications.

Brand names or equal specifications may be used when the Purchasing Officer determines that:

(1) No other design or performance specification or qualified products list is available;

(2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;

(3) The nature of the product or the nature of the City's requirements makes use of a brand name or equal specification suitable for the procurement; or

(4) Use of a brand name or equal specification is in the City's best interests.

2707. Purchase of $500 or more must be in writing.

No award for supplies or services or the disposal of personal property where the total expenditure or value is Five Hundred ($500) Dollars or more shall be deemed an acceptance of any offer or bid unless and until the same be reduced to writing and signed by the Purchasing Officer and dispatched to the vendor or purchaser.

2708. Purchase of less than $2,500 may be informal.

Where the amount, or value, is less than Two Thousand Five Hundred ($2,500) Dollars, the purchase or disposal may be made by the Purchasing Officer without written bid and by informal price checking through telephone or mail inquiry, comparison or prices on file or otherwise. When informal bid procedure is used, at least three (3) vendors or service providers shall be contacted, unless the Purchasing Officer determines that less than three (3) vendors are reasonably available to provide goods or services to be purchased.

2709. Purchase of $2,500 or more, but less than $7,500, made by the Purchasing Officer through written bid solicitation.

Where the amount, or value involved, is at least Two Thousand Five Hundred ($2,500) Dollars, but less than Seven Thousand Five Hundred ($7,500) Dollars, the purchase, or disposal, shall be made by the Purchasing Officer through written bid solicitation which may be disseminated by mail, telephone, FAX, or any other means chosen by the Purchasing Officer.

2710. Purchase of $7,500 or more made by the City Council through competitive bid.

Where the amount, or value involved, is over Seven Thousand Five Hundred ($7,500) Dollars, the purchase, or disposal, shall be made by the City Council through competitive bid, upon notice as hereafter required by this chapter. The City Council may elect to make any purchase in any amount and waive the requirements of notice and competitive bids (except as the laws of the State of California otherwise require) in the following cases:

(1) By affirmative vote of three (3) City Council Members upon a determination that notice and competitive bids would not be likely to result in a lower price to the City form a responsible bidder, or would cause unnecessary expense or delay under the circumstances;

(2) By majority vote of City Council Members present at a City Council meeting determining that a purchase may be made through a governmental entity, as provided in this chapter, and that notice and competitive bids would not be likely to result in a lower price to the City from a responsible bidder, or would cause unnecessary expense or delay under the circumstances;

(3) By majority vote of those present at a City Council meeting upon a determination that the immediate preservation of the public peace, health or safety requires said purchase be made without competitive bids upon notice;

(4) By majority vote of those present at a City Council meeting upon a determination that there is only one source for the required supply or service based on a review of available sources by the Purchasing Officer and written recommendation therefore.

2711. Emergency Authority of Purchasing Officer.

(1) In an emergency requiring the immediate preservation of the public peace, health and safety, and precluding action by the City Council, the Purchasing Officer may purchase supplies or services, even though the amount thereof may exceed Two Thousand Five Hundred ($2,500) Dollars, without competitive bids upon notice.

(2) Within fifteen (15) days of the emergency purchase, at a meeting of the City Council, the Purchasing Officer shall submit to the City Council a written statement of the circumstances of such emergency, a description of the supplies or services purchases, and the prices thereof.

2712. Waiver of Informalities: Rejection of Bids.

Where the Purchasing Officer, City Manager or City Council are required to make purchases upon competitive bids, said Officer, Manager or City Council may waive any informalities or minor irregularities, or may reject any and all bids if said Officer, Manager or City Council deems such rejection to be in the best interest of the City. Said rejection shall be at the sole discretion of the Officer, Manager or City Council, as the case may be and upon rejection of bids may:

(1) give subsequent notice for new competitive bids, or
(2) postpone said purchase or disposal to a future date or indefinitely.

2713. Purchase through a Governmental Entity.

Purchase may be made on behalf of the City through any governmental entity (including, but not limited to, the State of California or the County of Los Angeles) pursuant to authority granted by any statute or ordinance or pursuant to contractual arrangement between the City and said governmental entity. The City is hereby authorized and empowered to enter into contracts with other governmental entities providing for purchase to be made on behalf on the City.

2714. Competitive Bids (Notice).

Where notice is required, notice shall be given by:

(1) Posting the notice in the same manner as all other notices of the City are posted.
(2) Publishing notice in a newspaper of general circulation within the City on at least one occasion at least ten (10) days prior to the date set for the final receipt of bids. If the publication schedule of all newspapers of general circulation in the City are such that notice by publication cannot be given in time, or if there is no newspaper of general circulation in the City on the date of the notice, then the Purchasing Officer may select any newspaper of general circulation in Los Angeles County for the publication.

    The notice shall give such information as to the proposed purchase, or disposal, as the Purchasing Officer deems sufficient, but shall include the following:

    (a) A general description of the equipment, supplies or services to be purchased or personal property to be disposed;
    (b) Date, time and place of bid opening;
    (c) Whether bid deposit or bond and faithful performance bond will be required; and
    (d) Any other terms and conditions required of the vendor or the items to be procured.

<u>2715.</u> <u>Competitive Bids.</u>

Where competitive bids are required, they shall be submitted in writing in a sealed envelope to the Office of the City Clerk no later than the final time and date for receipt of bids as set forth in the notice of publication. Where competitive bids are required, the purchase, or disposal, shall be made on the basis of three (3) or more of said bids, unless the City Clerk shall certify in writing that less than three (3) prospective vendors, or purchasers, have submitted bids or that, to the best of the Officer's knowledge, there are less than three prospective vendors from whom the supplies or services are available and that bids were invited from said vendors. Any bid may be withdrawn by a written request signed by the bidder and received by the City Clerk prior to the final time and date for the receipt of bids.

(1) **Opening.** Bids shall be opened in public at the time and place stated in the public notices.
(2) **Tabulation.** A tabulation of all bids received shall be posted for public inspection.

2716. Bid Deposits; Faithful Performance Bonds.
When deemed necessary by the Purchasing Officer, City Manager or City Council, any bidder may be required to submit a bid deposit, faithful performance deposit, or a time and materials deposit. A bond may be substituted for any such purpose for which a deposit is required. The amount of the deposit or bond **(is)** determined by the Purchasing Officer, City Manager or City Council, who shall also be the sole judge of whether or not the surety is sufficient. A successful bidder (and his surety, if a bond is furnished) shall be liable for any damages upon said bidder's failure to enter into a contract with the City, or upon said bidder's failure to perform his bid.

2717. Requests for Proposals (RFP).
The Purchasing Officer shall be empowered to utilize the request for sealed proposal method (RFP) for purchase of equipment, supplies or services upon the following conditions:

(1) With City Council approval, if the amount or value involved is more than Seven Thousand Five Hundred ($7,500) Dollars; or
(2) Without City Council approval, if the amount or value involved is less than Seven Thousand Five Hundred ($7,500) Dollars.

In either situation described in subsection (1) or (2) hereinabove, the Purchasing Officer shall determine that the use of competitive bidding is not practical or advantageous to the City because one or more of the following conditions exist:

(a) Price is not a primary consideration,
(b) Quality, availability or capability is overriding in relation to price in procurement or research, development, technical supplies or services;
(c) Delivery and installation, post service sale service or maintenance, reliability, warranties or availability of replacements are overriding in relation to price, or need to be evaluated in relation to prices;
(d) Any of the considerations set forth in Section 2705 are overriding in relation to price or need to be evaluated in relation to price;
(e) The need to evaluate the utilization of a fixed price or cost-type contract;
(f) The need to evaluate whether the marketplace will respond better to a solicitation permitting a range of alternative proposals or evaluation and discussions of them before entering the contract;
(g) The service sought is exempt from the requirement of competitive bidding.

Proposals shall be solicited through a request for proposals.

2718. Notice of Request for Proposals.
For any RFP in excess of Seven Thousand Five Hundred ($7,500) Dollars, notice shall be given as required by Section 2715 of this chapter.

2719. Receipt of Proposals.
No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.

2720. Evaluation Factors.
The request for proposals shall state the factors to be evaluated by the City in soliciting the successful proposals.

2721. Discussion with Responsible Offerors and Revisions to Proposals.
As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonable susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and

prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from the contents of proposals submitted by competing offerors.

2722. Award.
Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals.

2723. Rejection.
Without limitation to the applicability of any other provisions of this chapter, the Purchasing Officer, City Manager, or City Council may reject any and all proposals if said rejection is deemed in the best interest of the City. Upon rejection, the Purchasing Officer, City Manager or City Council may request new sealed proposals or utilized any alternative method set forth in this chapter.

2724. Preparation of Purchase Orders.
Prior to making any purchase in excess of $250.00, the Purchasing Officer shall prepare a purchase order. The Purchasing Officer shall forward the original purchase order to the vendor, retaining two copies for his purchase order file.

2725. Sufficient Funds Must Be Available.
No purchase order shall be issued unless there is a sufficient unencumbered appropriated balance in excess of all unpaid obligations to defray the amount of such order.

2726. Accounts Payable to Check Invoice.
Upon receipt of the vendor's invoice, the Purchasing Officer shall compare the same with the copy of the purchase order and the receiving report, and shall check the invoice for correctness of unit prices, discounts, transportation allowances, etc., and with reports of quality and quantity of goods received.

2727. Purchasing Officer's Inspection.
The Purchasing Officer shall inspect, or cause to be inspected, all deliveries of supplies or services to determine their conformance to specifications. The Purchasing Officer shall have the authority to require chemical, physical, or other tests of samples submitted with bids and samples of deliveries which are necessary to determine quality and conformance to the specifications.

PART 3 - SALE AND DISPOSAL OF UNNEEDED EQUIPMENT AND PROPERTY OF THE CITY

2728. Disposal of Unneeded Equipment Valued at $250 or Less.
Except as otherwise provided by State law or City Ordinance, the Purchasing Officer shall be empowered to dispose of personal property of the City which cannot be used by the City, at public or private sale, or by renting or destroying the same (all with or without notice, competitive bid or necessity of posting bid bonds, at the Purchasing Officer's discretion, and upon such terms as said Officer deems best), provided any single item of property involved does not exceed Two Hundred Fifty ($250) Dollars in current market value or salvage value.

2729. Deposit.
The Purchasing Officer may, in said Officer's discretion, require that a deposit in the amount of the bid or any fraction thereof accompany each bid upon disposal of personal property.

2730. Disposal of Unneeded Equipment Valued at More than $250.
In the event any single item of property exceeds Two Hundred Fifty ($250) Dollars current market value, the City Council may empower the Purchasing Officer to dispose of it (in accordance with the same terms and conditions, and subject to the same discretion and limitations as if it were under Two Hundred Fifty Dollars in value). Alternatively, the City Council may elect to sell, rent or

destroy the same in accordance with whatever provisions, and/or terms, and conditions the City Council may, in its discretion, elect.

2731. Filing of Claims.

Claims for loss, damage breakage, shortage or otherwise, claims for refund, claims for adjustment and claims for insurance or other indemnity shall be made promptly by the Purchasing Officer.

2732. Exclusions from Chapter.

The provisions of this chapter shall not apply:

(1) To public projects (governed by the provisions of the California Public Contract Code);
(2) To franchises governed by the provisions of the California Utilities Code or other statutes of the State of California;
(3) Where State or Federal law requires a different procedure;
(4) To franchises, rights and privileges granted for refuse disposal under Chapter 5100 et seq. of the Municipal Code and the Cable Franchise under Chapter 6500 et seq. of the Municipal Code;
(5) To the purchase of insurance;
(6) To the leasing, purchase or sale of land or any other interest therein;
(7) To the hiring or contracting for personnel whether temporary, seasonal or permanent employees;
(8) To the hiring of independent contractors to provide professional services to the City which cost less than $7,500 for the entire contract;
(9) To construction contracts other than public projects; and
(10) To the purchase of utilities, including but not limited to telephone service, gas, electricity or water.

CHAPTER 8 – PUBLIC PROJECT CONTRACTS

2800. Purpose.
The purpose of this chapter is to allow contracts for construction of public projects to be awarded through informal bidding procedures in accordance with the provisions of the Uniform Public Construction Cost Accounting Act (Public Contracts Code Section 22000 et seq.).

2801. Definitions.
For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

(1) "Public Project" shall have the meaning set froth in Public Contracts Code Section 22002, as that statute now exists or may be amended in the future.
(2) "City Manager" shall mean the City Manager or the designee thereof.
(3) "Commission" shall mean the California Uniform Construction Accounting Commission.

2802. Contracting Procedures.
Public Projects of thirty thousand dollars ($30,000) or less may be performed by City employees by force account, by negotiated contract or by purchase order. Public projects of one hundred and twenty-five thousand dollars ($125,000) or less may be let to contract by informal procedures as set forth in this chapter. Public projects or more than one hundred and twenty-five thousand dollars ($125,000) shall, except as provided in Section 2807, be let by formal bidding procedure in accordance with the Uniform Public Construction Cost Accounting Act.

2803. List of Qualified Contractors.
The City Manager shall maintain a list of qualified contractors indentified according to categories of work. Such list shall comply with the minimum criteria for development of such list, as determined from time to time by the Commission.

2804. Notice Inviting Informal Bids.
With respect to public projects let to contract by informal procedures, unless the product or service is proprietary, the City Manager shall mail a notice inviting informal bids to either:

(i) all contractors on the list for the category of work being bid;
(ii) all construction trade journal specified by the Commission pursuant to Public Contracts Code Section 22036; or
(iii) all contractors on the list for the category of work being bid and all construction trade journals specified by the Commission pursuant to the Public Contracts Code Section 22036.

All mailing of notices pursuant to this section shall be completed not less than ten (10) calendar days before bids are due.

2805. Contents of Notice.
The notice inviting informal bids shall describe the project in general terms, how to obtain more detail information about the project, and shall state the time and place for the submission of bids.

2806. Delegation of Authority to Award Contracts.
The City Manager is hereby delegated the authority to award contracts pursuant to this chapter. This authority shall vest solely in the City Manager, and shall not vest in any designee thereof.

2807. Procedure When All Bids Exceed One Hundred Twenty-Five Thousand Dollars ($125,000)
This section shall govern the award of contracts when all bids received are in excess of one hundred and twenty-five thousand dollars ($125,000). The City Council may, by passage of a resolution by a four-fifths vote, award the contract at one hundred and thirty-seven-thousand five

hundred dollars ($137,500) or less to the lowest responsible bidder, if it determines the City's cost estimate was reasonable.

ARTICLE III - PUBLIC SAFETY

CHAPTER 1 - TRAFFIC REGULATIONS

PART 1 - DEFINITIONS

3110. Definitions of Words and Phrases.

Whenever any word or phrase used in this Chapter is not defined herein, but is now defined in the Vehicle Code of the State of California, such Vehicle Code definition is incorporated herein and shall be deemed to apply to such word or phrase used herein as though such definition were set forth herein in full. The words and phrases hereinafter defined, when used in this Chapter, shall for the purpose of this Chapter, have the meaning respectively ascribed to them in this Part.

1. **Article** shall mean Article III of the Bradbury Municipal Code, unless otherwise indicated.
2. **Deputy Sheriff** shall mean a duly appointed and compensated Deputy of the Sheriff of Los Angeles County, California, or any other officer authorized by Ordinance of the City of Bradbury, or statute of the State of California to direct or regulate traffic, or to make arrests for violations of traffic ordinances and statutes.
3. **Driveway** shall mean a way or place within the City of Bradbury in private ownership and used for vehicular traffic by the owner thereof and those having express or implied permission from the owner, but not by other members of the public.
4. **Pedestrian** shall mean any person afoot.
5. **Police Department** shall include, when applicable, the Los Angeles County Sheriff's Department and the California Highway Patrol, and the officers thereof respectively.
6. **Private Road or Roads** shall mean a way or place within the City of Bradbury maintained without expenditure of public funds by the various property owners within the City of Bradbury as shown on a subdivision map or record of survey map on record in the office of the County Recorder of Los Angeles County, California. The term "road" includes as a part thereof the term "roadway" hereinafter defined. The City Council of the City of Bradbury finds and declares that the roads and ways shown on the map hereinafter set forth as part of this Section, designated as Exhibit "A" to this Section are "roads" as defined herein.
7. **Roadway** shall mean the paved or improved portion of any road.
8. **Section** shall mean a section of this Article, unless otherwise defined.
9. **Stop.** When required, means complete cessation of movement.
10. **Stop or Stand.** When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Deputy Sheriff or official traffic control device.
11. **Street** shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.
12. **Vehicle** shall mean a device by which any person or property may be propelled, moved or drawn on any road or highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
13. **Vehicle Code** shall mean the Vehicle Code of the State of California, as currently in effect, including all amendments thereto.

PART 2 - TRAFFIC ENFORCEMENT

3120. Authority of Deputy Sheriffs and Members of the Los Angeles County Fire Department.

1. It shall be the duty of the office of the Sheriff of Los Angeles County, through his deputies, to enforce all traffic laws of the City of Bradbury or statutes applicable to traffic in the City of Bradbury.
2. Deputy Sheriffs are hereby authorized to direct all traffic in the City of Bradbury by voice, hand or other signal in conformance with the traffic laws of the City of

Bradbury and statutes applicable to traffic in the City of Bradbury provided, however, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, Deputy Sheriffs may direct traffic as conditions require, notwithstanding the provisions of the traffic laws of the City of Bradbury or other statutes applicable to traffic in the City of Bradbury.

3. Members of the Los Angeles County Fire Department, when at the scene of a fire, or when in the course of their official duties, or to protect the persons or equipment of the Los Angeles County Fire Department, may direct or assist Deputy Sheriffs in directing traffic within the City of Bradbury.

3121. State Aid for Officer Training.

The City of Bradbury declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522 of the California Penal Code.

3122. Standards for Recruitment and Training.

Pursuant to Section 13522 of the California Penal Code, the City of Bradbury, while receiving aid from the State of California pursuant to Chapter 1 of Title 4, Part 4, of said Penal Code, will adhere to the standards for recruitment and training established by the California Commission on Peace Officers Standards and Training.

3123. Required Obedience to Deputy Sheriff and Fire Department Officials.

No person shall willfully fail to or refuse to comply with any order of a Deputy Sheriff or member of the Fire Department of Los Angeles County made under the authority of Section 3120 hereof.

3124. Persons Other Than Those Authorized in Section 3120 Shall Not Direct Traffic.

No person other than a Deputy Sheriff, a member of the Los Angeles County Fire Department or a person deputized by a Deputy Sheriff or by the Los Angeles County Fire Department shall direct or attempt to direct traffic by voice, hand or other signal.

3125. Application of Traffic Regulations.

The regulations set forth in this Chapter shall apply to every person operating a vehicle of any nature whatsoever upon any road within the City of Bradbury and, except as to those provisions which by their very nature can have no application, shall apply to every person riding on or driving an animal on or walking on any road within the City of Bradbury.

3126. Exceptions for Emergency Vehicles.

The provisions of this Chapter regulating the operation, parking and standing of vehicles shall not apply to any Authorized Emergency Vehicle when such vehicle is operated in the manner specified in the Vehicle Code in response to an emergency call. Said exception shall not protect the driver of any Authorized Emergency Vehicle from the consequence of his willful neglect of the safety of others.

3127. Other Exceptions.

The provisions of this Chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a City Department or of a public or private utility while necessarily in use for construction or repair work, or to any vehicle owned by or under contract to the United States of America while in use for the collection, transportation or delivery of the United States Mail.

3128. Report of Damage to Certain Property.

1. The driver of a vehicle or the person in charge of an animal involved in an accident resulting in damage to any property of the City of Bradbury or of a public utility, including but not limited to any fire hydrant, telephone pole, electric power pole or resulting in damage to any ornamental shade tree or traffic control device or other property of a like nature located in or along any road shall, within twenty-four (24) hours after such accident, make a written report of such accident to the City Clerk of the City of Bradbury.

2. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of the vehicle or animal involved in such accident and in the case of a vehicle, the license number of such vehicle, and shall briefly describe the property damaged in such accident.
3. A driver involved in an accident shall not be deemed in violation of this Section during such time as he is physically incapable of making a report if such driver shall make the report required in Subdivision 1 of this Section within twenty-four (24) hours after regaining ability to make such report.

PART 3 - TRAFFIC CONTROL DEVICES

3130. Installation of Traffic Control Devices.

1. The City Council shall have the power to place and maintain or cause to be placed and maintained such official traffic control devices and signs as may be required under this Chapter or under the statutes of the State of California to make effective the provisions of this Ordinance.
2. The City Council shall have the power to place and maintain or cause to be placed and maintained such official traffic control devices or signs as may be required under the Vehicle Code to comply with or make effective upon roads within the City of Bradbury the provisions of the Vehicle Code.
3. The City Manager shall place and maintain markings and devices controlling, regulating or directing traffic whenever required by the Vehicle Code of the State of California, of this Chapter, or by the order of the City Council.

3131. Effect of Absence of Traffic Control Devices.

No provision of the Vehicle Code or of this Chapter which, to be effective, requires the posting of signs shall be enforced against an alleged violator unless the required signs are in place and are clearly legible so as to be seen by an ordinarily observant person.

3132. Required Obedience to Official Traffic Control Devices.

The driver of a vehicle shall obey the instructions of any official traffic control device placed in accordance with this Chapter unless otherwise directed by a Deputy Sheriff.

3133. Defacing, Damaging and Removing of Official Traffic Control Devices.

No person shall, without the authority of the City Council, deface, damage or remove any official traffic control device placed and maintained in accordance with this Chapter.

3134. Center Line and Lane Line Marking.

The City Council shall have the power to mark or cause to be marked center lines and lane lines upon the surface of any roadway to limit the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of roadway.

3135. Distinctive Roadway Markings.

The City Council shall have the power to place and maintain or cause to be placed and maintained, distinctive roadway markings as described in the Vehicle Code on those roads or parts of roads where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking. Such marking shall have the same effect as similar markings placed on streets and highways by the State Department of Public Works pursuant to the provisions of the Vehicle Code.

3136. Authority to Remove, Relocate or Discontinue Traffic Control Devices.

The City Council shall have the power to remove, relocate or discontinue the operation of or cause to be removed, relocated, or discontinued any traffic device required by State law or this Chapter whenever it shall determine, in any particular case, that the conditions which warranted or required the installation of such device no longer exist or obtain.

PART 4 - STOP SIGNS

3140. Erection of Stop Signs.
Whenever by Ordinance or Resolution the City Council shall designate or describe any road or portion thereof as a through road or any intersection as an intersection at which all vehicles are required to stop before entering, the City Council shall place and maintain or cause to placed and maintained a stop sign at each and every road intersection with such through road or portion thereof so designated and at all entrances to intersections at which all vehicles are so required to stop. Every such stop sign shall conform with the provisions of Section 21400 of the Vehicle Code.

3141. Obedience to Stop Signs.
The driver of any vehicle upon approaching any entrance of a through road or intersection signposted with a stop sign as provided in Section 3140 hereof shall stop at a limit line if marked, otherwise before entering the crosswalk on the near side of the intersection or, if none, then before entering such through road or intersection.

3142. Defacing, Damaging and Removing of Stop Signs.
No person shall, without the authority of the City Council, deface, damage or remove any stop sign placed and maintained in accordance with this Chapter.

PART 5 - DRIVING UNDER THE INFLUENCE OF LIQUOR AND RECKLESS DRIVING.

3150. Driving under the Influence of Drugs or Intoxicating Liquor.
No person who is under the influence of drugs or intoxicating liquor shall drive a vehicle upon any road in the City of Bradbury.

3151. Reckless Driving.
No person shall drive any vehicle upon any road in the City of Bradbury with willful or wanton disregard for the safety of persons or property.

PART 6 - PEDESTRIANS

3160. Pedestrian's Right-of-Way at Intersections.
The driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway at an intersection, within a marked or unmarked crosswalk.

3161. Pedestrians to Walk on the Left Side of Roadways.
No pedestrian shall walk on any roadway ~~otherwise~~ other than close to his left-hand edge of the roadway.

3162. Intoxicated Pedestrians.
No pedestrian who is intoxicated to such an extent as to create a hazard to himself and others shall walk upon any roadway.

PART 7 - DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING

3170. Driving of Right Side of Roadway - Exceptions.
Upon all roadways of sufficient width, a vehicle shall be driven upon the right half on the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

2. When placing a vehicle in a lawful position for, and when such vehicle is lawfully making a left-hand turn.
3. When the right half of a roadway is closed to traffic while under construction or repair.

3171. Passing Vehicles Proceeding in Opposite Directions.
Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except where a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

3172. Overtaking Vehicle Proceeding in Same Direction.
The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible sound and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

3173. Limitations on Overtaking on Left.
No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When the center line of the roadway is marked with a distinctive roadway marking in accordance with Section 3135 hereof.
2. When approaching the crest of a grade or upon a curve in the roadway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach in the opposite direction.

3174. Following Too Closely.
The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the conditions of, the roadway.

3175. Following Fire Department Vehicles.
No vehicle except an authorized emergency vehicle or a vehicle of a duly authorized member of a fire department shall follow within three hundred (300) feet of any vehicle of a fire department which is responding to an emergency or fire call.

3176. Meeting or Passing School Bus.
The driver of any vehicle upon any road meeting or overtaking from either direction any school bus equipped with signs as herein required which has stopped upon a road for the purpose of receiving or discharging any school children when such school bus displays a flashing red light signal visible from front and rear shall bring such vehicle to a stop immediately before passing said school bus and shall not proceed past such school bus until said red flashing signal ceases operation.

Every school bus, when operated for the transportation of school pupils, shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight (8) inches in height. Upon every such sign shall the letter be of proportionate width. No vehicle, other than a school bus, shall display such a sign.
Every school bus, when operated for the transportation of school children, shall be equipped with a flashing red light signal system of a type to be approved by the Department of California Highway Patrol and mounted as prescribed by the Department of the California Highway Patrol. The driver of a school bus shall operate this signal at all times when children are unloading from a school bus to cross a road or when a school bus is stopped for the purpose of loading children who must cross a road intersection or place where traffic is controlled by a Deputy Sheriff or official traffic signal. Such signal shall not be operated at any other time.

PART 8 - TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

3180. Required Positions and Method of Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. **Right Turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. **Left Turns.** The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

3181. Turning Movements and Required Signals.

1. No person shall turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein in the event any other vehicle may be affected by such movement.
2. Any signal of intention to turn right or left shall be given continuously during the last one hundred (100) feet traveled by the vehicle before turning.
3. No person shall stop or suddenly decrease the speed of a vehicle on a roadway without first giving an appropriate signal in the manner provided in this Article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

3182. Signals by Hand and Arm or Signal Device.

The signals herein required shall be given either by means of a hand and arm or by signal lamp or mechanical signal device of a type approved by the Department of Motor Vehicles, but when the body of a vehicle or the body or load on any vehicle in a combination of vehicles projects twenty-four (24) inches or more to the left of the center of the steering wheel, or under any conditions when a hand or arm signal would not be visible both to the front and rear of such vehicle or vehicles must be equipped with and said signals must be given by. **(Note: this sentence is incomplete and doesn't make sense)**

3183. Method of Giving Signals.

All signals herein required given by hand and arm shall be given from the left side of a vehicle in the following manner and such signals shall indicate as follows:

1. **Left Turn.** Hand and arm extended horizontally beyond the side of the vehicle.
2. **Right Turn.** Hand and arm extended upward beyond the side of the vehicle.
3. **Stop or Sudden Decrease of Speed Signal.** Hand and arm extended downward beyond the side of the vehicle.

PART 9 - RIGHT OF WAY

3190. Vehicle Approaching or Entering Intersection.

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different roadway.
2. When two vehicles enter an intersection from different roadways at the same time, the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right.

3. This Section shall not apply at intersection controlled by traffic control signals or stop signs, or to vehicles approaching each other from opposite directions, when the driver of one of such vehicles is intending to or is making a left turn.

3191. Vehicle Turning Left at Intersection.

1. The driver of a vehicle intending to turn to the left at an intersection shall yield the right of way to any vehicle which has approached or is approaching the intersection from the opposite direction and which is so close as to constitute a hazard at any time during the turning movement.
2. Said driver turning left having so yielded and having given a signal when and as required by this code may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the driver making the left turn.

3192. Vehicle Entering Through Roadway.

1. The driver of any vehicle shall stop as required by Section 3141 of this Chapter at the entrance to a through roadway and shall yield the right of way to other vehicles which have entered the intersection from the through roadway or which are approaching so closely on the through roadway as to constitute an immediate hazard.
   A driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on the through roadway shall yield the right of way to the vehicle so about to enter or cross the through roadway.
2. The driver of any vehicle shall stop as required by Section 3141 in obedience to a stop sign within an intersection erected as authorized by Section 3140 of this Chapter, and after such stop shall yield the right of way to other vehicles on that part of any roadway protected by any said stop sign which are so close as to constitute an immediate hazard.
   A driver having so yielded may proceed and the drivers of all other vehicles approaching on that part of the roadway protected by the stop sign shall yield the right of way to the vehicle so about to enter or cross such protected part of the roadway.

3193. Vehicle Entering Road from Driveway.

The driver of a vehicle about to enter or cross a road from any driveway shall yield the right of way to all vehicles approaching on said roadway.

3194. Conduct of Drivers and Pedestrians on Approach of Authorized Emergency Vehicles.

Upon the immediate approach of an authorized emergency vehicle sounding a siren and having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicles:

1. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and thereupon and remain in such position until such authorized emergency vehicle has passes, except when otherwise directed by a Deputy Sheriff.
2. All pedestrians upon the roadway shall remain in a place of safety or proceed to the nearest curb or place of safety until such authorized emergency vehicle has passed, except when otherwise directed by a Deputy Sheriff.

3195. Equestrian Crossing.

The City Council may post and maintain, or cause to be posted and maintained, signs indicating the intersection of a road and a bridle path or trail to be an equestrian crossing. The driver of a vehicle shall yield the right of way to any horseback rider crossing a roadway at an equestrian crossing so designated.

3196. Caution in Passing Animals.
The driver of any vehicle approaching any horse drawn vehicle, any ridden animal or any livestock, shall exercise proper control of his vehicle and shall reduce speed or stop as may appear necessary or as may be requested by any person driving or riding any animal or by any person in charge of any such livestock, in order to avoid frightening and to safeguard any such animal or livestock and to insure the safety of any person driving or riding such animal or in charge of such livestock.

PART 10 - STOPPING, STANDING OR PARKING

3200. Stopping, Standing or Parking of Vehicle on Roadway.
No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main traveled portion of a road when it is practicable to stop, park or so leave such vehicle off such part or portion of said road but in every event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon said road. This Section shall not apply to the driver of any vehicle which is disabled in such a manner and to such an extend that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on the main traveled portion of a road.

3201. Stopping, Standing or Parking of Vehicles Prohibited in Certain Places.
No person shall stop, park or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Deputy Sheriff or Fire Department official in any of the following places:

1. Within an intersection;
2. On a crosswalk;
3. Within fifteen (15) feet of a driveway entrance to any fire station, provided that this paragraph shall not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle;
4. In front of a private driveway;
5. Alongside or opposite any excavation or obstruction when such stopping, standing or parking would obstruct traffic;
6. On the roadway side of any vehicle stopped, parked or standing at the edge of the road.

3202. Stopping, Standing or Parking on City Streets During Certain Hours.
No person shall park any motor vehicle or leave standing any motor vehicle between the hours of 4:00 a.m. and 5:00 a.m. on those certain public streets within the City of hereinafter set forth:

1. Mount Olive Drive.
2. Mount Olive Lane.

3203. Stopping, Standing or Parking in Front of a Fire Hydrant.
No person shall stop, park or leave any vehicle within fifteen (15) feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity. This Section does not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

3204. No Parking Areas.
No person at any time shall park any motor vehicle or stop any motor vehicle except as may be necessary to comply with an order or command of any enforcement officer on any streets or portions of streets hereinafter set forth:

1. Bradbury Hills Lane, both sides, for the entire length thereof.
2. Bradbury Hills Road, both sides, for the entire length thereof.
3. Bradbury Road, east side only, for the entire length thereof.

4. Lemon Avenue, north side only, for the entire length thereof.
5. Mount Olive Drive northerly of Woodlyn Lane to the City Limits.
6. Royal Oaks Drive North, both sides, for the entire length thereof.
7. Winston Avenue, both sides, for the entire length thereof.
8. Woodlyn Lane, within gated area, both sides, for the entire length thereof.

3205. Moving a Vehicle from One Place to Another on a Road.
Whenever any Deputy Sheriff finds a vehicle standing upon a road in violation of Section 3200, 3201 or 3202 hereof, such Deputy Sheriff may move such vehicle or require the driver or another person in charge of such vehicle to move the same to the nearest available position off the paved or improved or main traveled portion of such road.

3206. Display of Warning Device when Vehicle Disabled.
When any vehicle is disabled on the pared or improved portion of any road, a warning signal consisting of flares, red lanterns, warning lights or reflectors of a type approved by the Department of Motor Vehicles shall be immediately placed at a distance of approximately one hundred (100) feet to the rear of such disabled vehicle. Said warning signals shall be displayed continuously during the time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person or vehicle on the road at a distance of five hundred (500) feet while such vehicle remains disabled upon the paved or improved portion of a road.

3207. The Stopping, Standing or Parking of Utility Vehicles.
The foregoing restrictions in this Chapter prohibiting the stopping, standing or parking of vehicles shall not apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether privately, municipally or publicly owned, used in the construction, operation, removal or repair of utility or public utility property or facilities, when such vehicle is stopped, standing or parked at the site or work involving the construction, operation, removal or repair of such utility or public utility of facilities upon, in, over, under or adjacent to a road, or of a vehicle, whether privately, municipally, or publicly owned, engaged in authorized work on the road; provided that warning devices are displayed as hereinafter specified:

1. During daylight such warning shall consist of:
   (a) a warning flag or barricade striping on the front and rear of such vehicle, or
   (b) a warning flag, sign, or barrier on the roadway not more than one hundred (100) feet or less than fifty (50) feet in advance of the vehicle and not more than one hundred (100) feet or less than fifty (50) feet to the rear thereof.
2. During the period from a half hour after sunset to the half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person or vehicle on the road at a distance of five hundred (500) feet, such warning devices shall consist of:
   (a) one or more lights or fuses on the vehicle giving warning to approaching traffic from each direction, or
   (b) a warning light, flare, fuse or reflector on the roadway not more than fifty (50) feet in advance of the vehicle and not more than fifty (50) feet to the rear thereof.

3208. Racing.
No person, while operating any automobile, motorcycle or other motor vehicle upon any road within the City, shall engage in any race, contest or game of "follow the leader", "hare and hound" or other similar game or contest.

3209. The Parking of Oversize Vehicles on Public Streets.
(A) Except as provided in paragraphs (B) and (C) of this section, no person shall park or leave standing upon any public street or highway within the City of Bradbury any oversize vehicle at any time. For the purposes of this section, the term “oversize vehicle” shall mean any vehicle or combination of vehicles which exceeds twenty

(20) feet in length, or eighty (80) inches in width, or eighty-two (82) inches in height, or 35112 of the Vehicle Code as may be amended.

(B) Notwithstanding the provision of paragraph (A), this section shall not apply to any person who is actually engaged in the loading or unloading of any noncommercial oversize vehicle or is actually engaged in making emergency repairs thereon. Further, this section shall not apply to any commercial oversize vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on a public street or highway within the City or delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon a public street or highway within the City for which a building permit has previously been obtained.

(C) Notwithstanding the provisions of paragraph (A), an oversize vehicle may be parked in a residential zone if a three (3) day parking pass is issued pursuant to this paragraph. The purpose of the oversize vehicle parking pass is to give owners of oversize vehicles an opportunity to park adjacent to their residences for loading and unloading and to allow out-of-town visitors to park in front of the residence which they are visiting for a limited time period during the hours otherwise prohibited by paragraph (A) of this section. The provisions of this paragraph shall not supersede any covenants, conditions and restrictions or other private agreements. The terms of such oversize parking passes shall be as follows:

1. Oversize vehicle parking passes shall be issued by the City Manager or the designee thereof, or the Los Angeles county Sheriff's Department. Any bona fide resident may obtain an oversize vehicle parking pass to park such vehicle in front of his or her residence. Any out-of-town visitor of a residence may obtain an oversize vehicle parking pass authoring the visitor to park such vehicle in front of such residence. For purposes of this section, "out-of-town visitor" shall mean any person who permanently resides in a city other than Bradbury.
2. To obtain an oversize vehicle parking pass, each applicant shall furnish his or her name and address, the license number of the oversize vehicle, the date of issuance and the day the parking pass is valid. Such pass shall be placed in the interior of the vehicle in such a manner as to be clearly visible to traffic enforcement officers.
3. The oversize vehicle parking pass shall be issued in card form and shall include the identifying license number of the oversize vehicle and the location at which the applicant desires to park the vehicle.
4. The oversize vehicle parking pass shall be valid for a maximum of three (3) days. Upon expiration of an oversize vehicle parking pass issued under this section, the applicant may apply for and be granted a new oversize vehicle parking pass if the applicant still qualifies under the conditions set forth herein. In no event shall more than two (2) oversize vehicle parking passes be issued to an applicant within a thirty (30) day period.
5. The City Council shall, by resolution, establish a fee for issuance of an oversize vehicle parking pass.

(D) Violation of this section is hereby deemed to be a misdemeanor and is punishable according to the provisions of Section 1300 of this Code. Furthermore, pursuant to Section 22651 of the Vehicle Code, any oversized vehicle parked or left standing on a public street or highway in the City in violation of this section may be removed from the street or highway upon which such vehicle is parked or left standing.

PART 11 - MISCELLANEOUS RULES

3210. Unattended Vehicles.
No person driving or in control of or in charge of a motor vehicle shall permit it to stand on any road unattended without first effectively setting the brakes thereon and stopping the motor thereof.

3211. Coasting Prohibited.
No vehicle other than a bicycle shall be permitted to coast down grade on any road. No motor vehicle, when traveling on down grade upon any road, shall coast with the gears of such vehicle in neutral.

3212. Throwing Lighted Substance from or upon Roads or Highways.
Except for flares placed in conformity with Section 3206 of this Chapter, no person in any vehicle and no pedestrian shall willfully or negligently throw from or upon any road any lighted cigarette, cigar, ashes, or any other flaming or glowing substance.

3213. Throwing Garbage, Etc. on Road Prohibited.
No person shall place, deposit or dump or cause to be placed, deposited or dumped any garbage, swill, cans or bottles, papers, ashes, refuse, carcass of dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter in or upon any road including any portion of the right of way thereof.

3214. Putting Glass, Etc. on Road Prohibited.
No person shall throw or deposit upon any road any glass, bottle, ~~glass~~, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon such road.

3215. Limitation on Person Authorized to Operate Vehicle on Roads.
No person shall operate any vehicle, other than a bicycle, on any road unless such person hold a valid operator's or chauffeur's license issued by the Department of Motor Vehicles of the State of California, unless such person is exempt from the requirement of holding such a license under the provisions of the Vehicle Code. The holder of any instruction permit, temporary license, limited term license or student license issued by the Department of Motor Vehicles shall have the same driving privileges on the roads in the City of Bradbury as such holder has upon a street or highway by virtue of such instruction permit, temporary license, limited term license or student license.

3216. Operations of Certain Vehicles Prohibited.
No vehicle designed to be propelled by human power or by force of gravity, other than a bicycle, shall be operated on any road.

3217. Equipment.
No vehicle shall be operated on any road unless such vehicle is equipped in the manner provided by the Vehicle Code for operation on a public street or highway.

3218. Registration.
No person shall operate, nor shall any owner knowingly permit to be operated upon any road any vehicle unless said vehicle is registered in the manner provided by the Vehicle Code for the operation of vehicles on a public street or highway.

PART 12 - MAXIMUM SPEEDS

3220. Basic Speed Limit.
No person shall drive a vehicle on any street or road at a speed greater than is reasonable or prudent having due regard for the traffic on the surface and width of the street or roadway and in no event at a speed which endangers the safety of persons or property or which is in excess of the maximum speed limit set forth in Section 3221.

3221. Twenty-Five Mile Zone.
No persons shall operate any vehicle on any street or road in the City of Bradbury at a speed in excess of twenty-five miles per hour (25 mph).
Except: No person shall operate any vehicle on Woodlyn Lane at a speed in excess of fifteen miles per hour (15 mph).

3222. Exceeding Speed Limit Not Negligence as Matter of Law.
In any civil action proof of speed in excess of the limit provided in Section 3 221 hereof shall not establish negligence as a matter of law, but in all such actions it shall be necessary to establish as a fact that the operation of a vehicle at such excess speed constituted negligence.

PART 13 - SCHEDULE OF THROUGH STREETS OR ROADS AND STOP INTERSECTIONS

3230. Through Streets.
In accordance with the provisions of Section 3141 hereof, and when signs are erected giving notice thereof, in accordance with the provisions of Sections 3140 hereof, drivers of vehicles shall stop at the entrance or entrances of intersections with the following streets or roads: **(missing)**

3231. Stop Intersections.
In accordance with the provisions of Section 3141 hereof, and when signs are erected giving notice thereof, in accordance with Section 3140 hereof, drivers of vehicles shall stop at all entrances, unless otherwise indicated, to the following intersections:

1. Barranca Road and Lemon Avenue.
2. Winston Avenue and Royal Oaks Drive.
3. Woodlyn Lane and Royal Oaks Drive.
4. Lemon Avenue, eastbound at Winston Avenue, and on Winston Avenue northbound, at Lemon Avenue.
5. Mount Olive Drive, northbound at Mount Olive Lane and Mount Olive Drive, southbound at Mount Olive Lane; and Mount Olive Drive, northbound at Woodlyn Lane; and Mount Olive Drive, southbound at Woodlyn Lane.

PART 14 - PROCEDURE UPON ARREST

3240. When Person Arrested to be Given Notice to Appear.
If any person is arrested for a violation of a Section of this Chapter and such person is not immediately taken before a magistrate as prescribed in the State Penal Code, the arresting officer shall prepare in duplicate a written notice to appear in court, which shall contain the name and address of such person, the license number of his vehicle, if any, the offense charged and the time and place when and where such person shall appear in court.

1. The time specified in said notice to appear must be at least ten (10) days after such arrest.

3241. Willful Failure to Appear.
Any person willfully violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he has originally arrested.

3242. Magistrate to Issue Warrant.
When a person signs a written promise to appear at the time and the place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail, other than a magistrate, and fails to do so on or before the date on which he promises to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

PART 15 - PENALTIES

3250. Penalties.
Any person violating any provisions of the within Chapter shall be guilty of a misdemeanor punishable by a fine of not more than five hundred ($500) or by imprisonment in the County Jail for not more than six (6) months or by both such fine and imprisonment.

PART 16 - SEVERABILITY AND REPEAL

3260. Severability Clause.
If any provision of this Chapter of the application thereof to any person or circumstances is held to be invalid, the remainder of this Chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

CHAPTER 2 - IMPOUNDING OF VEHICLES

3300. Abandoned Vehicles.
Any vehicle abandoned upon any public or private property shall be removed and disposed of in accordance with the applicable provisions of Chapter 10 of Division 11 of the Vehicle Code of the State of California.

CHAPTER 3 - FIRE CODE

3400. Adoption of Fire Code.
Except as hereinafter provided in this Chapter, Title 32, Fire Code, of the Los Angeles County Code, as adopted by the Los Angeles County Board of Supervisors on November 27, 2007, adopting the California Fire Code, 2007 Edition (Part 9 of Title 24 of the California Code of Regulations), is hereby adopted by reference and shall constitute and may be cited as the Fire Code of the City of Bradbury.

In the event of any conflict between provisions of the California Fire Code, 2007 Editions, Title 32 of the Los Angeles County Code, or any amendment to the Fire Code contained in the Bradbury Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 32 of the Los Angeles County Code, along with a copy of the California Fire Code, 2007 Edition, has been deposited in the office of the City Clerk of the City of Bradbury and shall be at all times maintained by the Clerk for use and examination by the public.

3401. Interpretation.
Whenever in said Fire Prevention Code of the County of Los Angeles reference is made to the unincorporated territory of the County of Los Angeles, or similar phrases refer to said unincorporated territory, these references and phrases shall be construed to refer to the incorporated territory of the City of Bradbury.

3402. Continuation of Permits.
Any permit heretofore issued by the County of Los Angeles, pursuant to the Fire Prevention Code of said County, and affecting or relating to things to be done within the City of Bradbury, shall remain in full force and effect, according to its terms.

3403. Declaration of Fire Hazard.
The City of Bradbury, by reason of its location in the foothills, the density of growth, both wild and cultivated, the character and nature of the activities carried on within the City and the limited water facilities within the area, is readily subject to brush fires and other types of uncontrolled conflagrations dangerous to life and property. In order to protect against such danger as much as possible, it is necessary that accumulations of waste paper, hay, grass, straw, weeds, not be permitted to remain in any building or on any premises, yard, vacant lot, lot or open space - all weeds, grass, vines or other growth within a distance of thirty (30) feet of any building, or improvement, when the same endangers property or is liable to combust, shall be cut down and/or removed by the owner or occupant of the property. Further, in order to protect against such danger of brush fires or uncontrolled conflagrations dangerous to life and property, any flammable vegetation, flammable rubbish, trash or refuse shall be cleared away from fences or other combustible structures, patios, terraces, porches, swimming pool areas and the like where people tend to congregate, and from public and private roadways within the City, and such regulations as are hereinafter set forth in Sections 3404, 3405 and 3406 are necessary for the preservation of the public peace, health, safety and general welfare of the citizens of Bradbury.

3404. Nuisances Declared.
No person shall, and it is declared a nuisance for any person to:

1. Allow or permit the accumulation of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or house demolition debris or rubbish of any kind to remain in any building or on any premises, yard, vacant lot or open space.

2. Allow or permit flammable vegetation to grow, remain or collect, or to allow or permit flammable rubbish, trash or refuse to be, remain or collect within:
   (a) Ten (10) feet from any fence constructed of combustible material.

(b) Thirty (30) feet from any structure other than a fence, lanai, patio, terrace, porch, or swimming pool; provided that the Fire Chief may require such clearance to be as great as two hundred (200) feet where such clearance is found by him to be necessary to the public safety.

(c) Fifteen (15) feet from any public or private thoroughfare, road (except any private road regularly and continuously closed from use by barricade, gate or other similar means), trail, or right-of-way, including any private driveway, which clearance shall otherwise conform with the requirements of the Los Angeles County Fire Code.

(d) Thirty (30) feet from the center line of the traveled portion of any vehicular easement serving two or more properties under separate ownership.

No person shall, and it is hereby declared a nuisance for any person to, permit any flammable vegetation to grow, remain, or collect upon any vertical embankment abutting a public road or private vehicular easement serving two or more properties under separate ownership within fifteen (15) feet of the existing road bed and, in the event there is such a vertical embankment, abutting any public road or such private vehicular easement, which embankment is in excess of ten (10) feet in height, then the provisions of subparagraphs (c) and (d) shall not be applicable.

No person shall, and it is hereby declared a nuisance for any person to, permit or allow any tree limb or branch to remain or extent over a public roadway, or such private vehicular easement, if such limb or branch is less than ten (10) feet above such roadbed.

No person shall, and it is hereby declared a nuisance for any person to, permit or allow any building to remain on any lot or parcel of ground (however legally described) in violation of Section 9300 of the Title 32 Los Angeles Fire Code.

3405. Notice to Correct.

In the event any of the conditions prohibited by Section 3404 exist, the City Council, by Resolution, may instruct the Street Superintendent or other designee to give notice to the owner of the property upon which such condition exists, to correct such prohibited condition, and if the owner fails to correct such condition, the City may cause the same to be done and make the expense of such correction a lien upon the property upon which such condition exists.

3406. Procedure.

The notice provided for in Section 3405 for correcting the condition, the manner of assessing the cost for doing the work, the method of imposing the lien and enforcing the lien and the collection of the cost of doing the work in the event it is done by the City, and all procedures in connection therewith, shall be as provided in Chapter 13 of Part 2, Division 3, Title 4 of the Government Code of the State of California or otherwise provided by law.

3407. Fire Zone No. 4.

1. There is hereby established in the City of Bradbury "Fire Zone No. 4" which shall be subject to the restrictions set forth in Section 6403 of the Los Angeles County Building Code, adopted by the City of Bradbury in Section 8100 of the Bradbury Municipal Code.
2. The boundaries of Fire Zone No. 4 are hereby described as set forth in Exhibit "A" of this Section attached hereto and made part hereof.

3408. Penalties.

Every person who violates any of the provisions of the Code is guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction shall be punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

CHAPTER 4 - EMERGENCY PREPAREDNESS

3500. Purpose.
The declared purposed of this Chapter are to provide for the preparation and carrying out of plans within the City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons.

3501. Definition.
As used in this Chapter, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City causes by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including 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.

3502. Disaster Council Membership.
The Bradbury Disaster Council is hereby created and shall consist of the following:

(A) The Mayor, who shall be chairman.
(B) The director of emergency services, who shall be vice chairman.
(C) The assistant director of emergency services.
(D) Such chiefs of emergency services as are provided for in a current emergency plan of the City, adopted pursuant to this Chapter.
(E) Such representatives of civic, business, labor, veteran, 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.

3503. Disaster Council Powers and Duties.
It shall be the duty of the Bradbury Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairman or, in his absence from the City or inability to call such meeting, upon call of the vice chairman.

3504. Director and Assistant Director of Emergency Services.

(A) There is hereby created the office of director of emergency services. The City Manager shall be the director of emergency services.
(B) There is hereby created the office of assistant director of emergency services, who shall be appointed by the director.

3505. Powers and Duties of the Director and Assistant Director of Emergency Services.

(A) The director is hereby empowered to:
    (1) Request the City Council to proclaim the existence of 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.
    (2) Request the Governor to proclaim a "state of emergency' when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
    (3) Control and direct the effort of the emergency organization of the City for the accomplishment of the purposes of this Chapter.
    (4) Direct cooperation between, and coordination of, services and staff of the emergency organizations of the City 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) Designate the order of succession of that office, to take effect in the event the director is unavailable to attend meetings, and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

(B) 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 Director of the State Office of Emergency Services, or the existence of a "state of war emergency", the director is hereby empowered:

(1) to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

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

(3) to require emergency services of any City officer or employee and , in the event of the proclamation of an "emergency" in the County of Los Angeles or the existence of a "state of emergency", to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4) to requisition necessary personnel or material of any City department or agency; and

(5) to execute all of his ordinary power as City Manager, all of the special powers conferred upon by this Chapter or by Resolution or emergency plan pursuant hereto adopted by the City Council, and all of the powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(C) The assistant director shall, under supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the City and shall have such other powers and duties as may be assigned by the director.

3506. Emergency Organizations.

All officers and employees of the City together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 3505 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 of Bradbury.

3507. Emergency Plan.

The Bradbury Disaster Council shall be responsible for the development of the City of Bradbury Emergency Plan, which plan shall provide for the effective mobilization of all the resources of the City, both public and private to meet any condition constituting a local emergency, state of emergency, or state of war emergency and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take the effect upon adoption by resolution of the City Council.

3508. Expenditures.

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

3509. Punishment of Violations.

It shall be a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500.00) or by imprisonment for not to exceed six month, or both, for any person, during an emergency, to:

(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 Ordinance, or in the performance of any duty imposed upon him by virtue of this Ordinance.

(B) Do any act forbidden by any lawful rule or regulation issued pursuant to this Ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of the City, or to prevent, hinder, or delay the defense or protection hereof.

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

CHAPTER 5 – FLOODPLAIN MANAGEMENT

3500. Title.
This Chapter shall be known as the City of Bradbury Floodplain Management Ordinance.

3510. Statutory Authorization.
The Legislature of the State of California has in Government Code Sections 65302, 65560 an d 65800 conferred upon local Government unites authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Bradbury does hereby adopt the following floodplain management regulations.

3520. Statement of Purpose.
It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Protect human life and health;
(B) Minimize expenditure of public money for costly flood control projects;
(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(D) Minimize prolonged business interruptions;
(E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
(F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
(G) Ensure that potential buyers are notified that property is in an area of special flood hazards; and
(H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

3530. Definitions.
Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year.

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Building" – see "Structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, minim, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment and materials.

"Flood or flooding" means:

1. a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; or mudslides (i.e. mudflows) which are proximately caused by flooding as defined herein and are akin to a river or liquid and lowing mud on the surfaces of normally dry land areas, as

when earth is carried by a current of water and deposited along the path of the current.

2. the collapse of 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 unusual and unforeseeable event which results in flooding as defined in this definition.

"Floodplain or flood-prone area" means any land areas susceptible to being inundated by water from any source – see "Flooding."

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operations of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Governing Body" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of is citizenry.

"Historic structure" means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservations programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservations programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into tow or more manufactured home lots for rent or sale.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commended on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"One-hundred-year flood" or "100-year-flood" – see "Base flood."

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light-duty-truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement or other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, weather or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the marked value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the marked value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless or the actual repair work performed. The term does not, however, include either:

1. any project for improvement or a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

3541. Lands to which this Ordinance Applies.

This ordinance shall apply to all areas identified as flood-prone within the jurisdiction of the City of Bradbury.

3542. Basis for Establishing Flood-Prone Areas.

The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from other Federal or state agencies or other source to identify flood-prone areas within the jurisdiction of the City of Bradbury. This data will be on file at City Hall, 600 Winston Avenue, Bradbury, California.

3543. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

3544. Abrogation and Greater Restrictions.
This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3545. Interpretation.
In the interpretation and application of this ordinance, 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 statues.

3546. Warning and Disclaimer of Liability.
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be fee from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3547. Severability.
This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

3550. ADMINISTRATION

3551. Establishment of Development Permit.
A development permit shall be obtained for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may be determined whether such construction or other development is within flood-prone areas.

3552. Designation of the Floodplain Administrator.
The City Manager is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions. The City Manager may assign the review of Floodplain issues to the City Engineer or Building Official in writing, but shall retain final authority to determine compliance with the provisions of this section.

3553. Duties and Responsibilities of the Floodplain Administrator.
The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review. Review all development permit applications to determine that
   1. permit requirements of this ordinance have been satisfied;
   2. all other required state and federal permits have been obtained; and
   3. the site is reasonably safe from flooding.
B. Review and Use of any other Base Flood Data. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood date available from other Federal or state agency or other source.

3560. PROVISIONS FOR FLOOD HAZARD REDUCTION

3561. Standards of Construction.
If a proposed building site is in a flood-prone area, all new construction and substantial improvements, including manufactured homes, shall:

A. Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

A. Be constructed
   1. with materials and utility equipment resistant to flood damage;
   2. using methods and practices that minimize flood damage;
   3. 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.

3562. Standards for Subdivisions or other Proposed New Development.

If a subdivision proposal or other proposed new development, including manufactured home parks or subdivisions, is in a flood-prone area, any such proposals shall be reviewed to assure that:

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
   1. infiltration of flood waters into the systems; and
   2. discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

ARTICLE IV - PUBLIC PEACE AND WELFARE

CHAPTER 1 - AMPLIFIERS

4110. Permit Required.
No person shall use any amplifying system or loudspeaker upon any public or private street without having first obtained a permit therefore from the City Council. The permit shall not be approved as to any activities constituting a public nuisance.

CHAPTER 2 - DISORDERLY CONDUCT

4120. Intoxication. In Private.
No person shall be in any private house or on any private premises, in the City in a state of drunkenness or intoxication to the annoyance of any other person.

4121. Profanity.
No person shall use vulgar, profane, or indecent language on any public street or other public place or place of business open to public patronage.

4122. Gambling Prohibited.
It shall be unlawful for any person to deal, play, carry on, open or conduct any game or contest played with cards, dice, or any other device, for money, checks, credit or thing of value; nor shall any person bet at any of said prohibited games. This Section shall not be deemed or construed as prohibiting any act made unlawful by any section of the Penal Code of the State of California, including, but not limited, to Sections 320, 320a, 330 and 337a thereof.

4123. Injuring Public Property.
No person shall injure, destroy or remove any ornament, improvement, building or structure in any public park or street of the City.

CHAPTER 3 - CHARITABLE SOLICITATIONS

4130. Soliciting.
No person, without first having applied for an received a permit from the City Manager as provided in this Chapter, shall make any appeal to the public for charity or charitable or religious purpose, either by soliciting or collecting gifts, contributions, donations or subscriptions or by promoting or conducting any sale, bazaar or exhibition or by any other means whatsoever at any place or to any person in the City.

4131. Selling or Soliciting Tickets.
No person, without first having applied for and received a permit from the City Manager as provided in this Chapter, shall sell or solicit for or on behalf of any person, firm, association or corporation, by telephone, or otherwise, for the sale of any ticket or right to admission to any amusement, show, entertainment, lecture or other enterprise not regularly carried on for private profit or gain by such person, firm, association or corporation at a fixed place of business in the City, or solicit any contribution or gift in connection with any such amusement, show, entertainment, lecture or other enterprise, where such sale or solicitation is for other than a charitable purpose and is made to persons other than the bona fide members of the firm, association or corporation, causing such solicitation or sale ~~is~~ <u>to be</u> **(?)** made and where, in connection with any such amusement, show, entertainment, lecture, or other enterprise it is represented, advertised, held out, implied or made to appear that such sale, solicitation, contribution or gift or any part of the proceeds therefrom shall belong to, or be devoted or used for the benefit of any person, firm, association or corporation.

4132. Application for Permit.
Any person desiring to do any of the acts mentioned in Section 4130 or 4131 shall file an application with the City Manager. Said applications shall set forth the following information:

1. Name and address of the applicant. Whether the applicant is affiliated with or working for any other organization than the one for which this solicitation is intended.
2. Location of national, state and local headquarters, if any.
3. The names and addresses of all persons directly interested in or who in any manner will be engaged in the work.
4. The exact purpose for which the proceeds of the solicitation, sale, bazaar, exhibition, promotion, amusement, show, lecture, entertainment or other enterprise or any part thereof, are to be used, including the manner in which and the amount of any compensation intended to be paid to any person, firm, association or corporation out of such proceeds.
5. The total amount which is sought to be raised.
6. The bank or place where all or any part of the funds raised by such activity will be placed on deposit or invested.
7. What records of funds received will be kept and where. Where such records will be open to the public.
8. Whether the uniform or identification worn or carried resembles that of any other group in this area conducting a similar type of activity.
9. Such other information in respect to the character and past and proposed activity of the applicant and the parties directly interested in or engaged in the work as may be necessary to enable the City Manager to make a full and complete investigation.

4133. Investigation.
The City Manager, upon receipt of an application complying with the requirements of Section 4132 and containing the information required thereby, shall conduct such investigation as he may deem necessary.

4134. Permit Granting or Denying.
Should the City Manager, after a complete investigation of the applicant and of the representations contained in the application, be of the opinion that the applicant has not stated true facts in his application, or that if a permit should be granted to the applicant a fraud in all probability would be perpetrated upon the public, the said City Manager may refuse to issue a permit to such applicant.

Should be City Manager be satisfied that the application is truthful, that the applicant is acting in good faith and that in all probability a fraud would not be perpetrated upon the public, a permit shall be issued to such applicant for such period of time as the applicant may request. Provided however, that no permit shall be valid for a period of more than six (6) months from the date of issuance; and provided further that, as a condition to granting such permit, the City Manager may require the applicant to file a bond with the City Clerk in the sum of One Thousand dollars ($1,000) in a form approved by the City Attorney and conditioned that if the principal thereof shall fail to devote, pay or use the entire proceeds or the percentage thereof specified in the application, derived from the activity mentioned in the application to the person, firm, association or corporation for or on whose account of benefit such activity was conducted or carried on, then the surety will pay the same to such person, firm, association or corporation, to the amount of such bond.

4135. Exception.
No permit shall be required for the solicitation of gifts, contributions, donations or subscriptions, or the promotion of any bazaar, sale or exhibition or any other act of appeal to the public for a charity, made by the members of any religious or charitable organization which has been in existence in, and which regularly has maintained headquarters or a place of worship in the City of Bradbury for a period of at least five (5) years next preceding the date on which such activity shall be begun; provided that the City Manager has issued a permit authorizing the conducting or carrying on of such activity by such organization. Applications for such permits shall be made to the City Manager within sixty (60) days from the effective date of this section and shall be issued by him in accordance with the standards provided in Section 4134. Such permits shall be valid until revoked by the City Manager.

4136. Permits. Revocation.
Any permit issued may be revoked if the permittee is not operating in accordance with the application pursuant to which such permit was issued or if further activity of said permittee would operate to defraud the public. Such revocations may be made by a registered letter signed by the City Clerk at the direction of Chief of Police and directed to the address of the applicant as stated upon the application pursuant to which the permit was issued. Said permit shall become null and void on and after the third day from the date after which said letter is deposited in the United States Mail in the City of Bradbury.

4137. Solicitation by Mail.
No permit shall be required for any solicitation through the United States Mail

4138. Telephone Solicitation.
No person shall use or cause to be used a telephone to accomplish any of the acts as set forth in Sections 4130 or 4131, unless such person is a bona fide member of an organization in whose name a permit has been issued pursuant to the provisions of this Chapter and provided further that such person making such solicitation does not receive any compensation therefore.

CHAPTER 4 - PEDDLERS AND SOLICITORS

4140. Peddlers and Solicitors.

No person shall go upon any private premises within the City for the purpose of selling any goods, wares, merchandise, services or other thing of value for the purpose of soliciting or taking orders for any goods, wares, merchandise, services or other thing of value, unless the occupant of said premises specifically has requested the presence of such person upon such premises for such purpose.

CHAPTER 5 - CURFEW FOR MINORS

4150. Minors. Loitering.
No person under the age of eighteen (18) years shall loiter in or about any public street, avenue, alley, park or other public place in the City, between the hour of 10 p.m. of any day and the time of sunrise of the following day unless accompanied by his parent or legal guardian having legal custody and control of such person, or by the spouse over twenty-one (21) years of age of such person. The word "loiter" shall mean to idle, to loaf, to stand idly by, or to walk, drive or ride about aimlessly without lawful purpose.

4151. Responsibility of Parent.
No parent, guardian, or other person having the legal care, custody or control of any person under the age of eighteen (18) years, shall knowingly aid, abet or encourage such minor to violate the provisions of Section 4150 thereof.

4152. Infractions.
Notwithstanding any other provisions of this Code, when a person under the age of 18 years is charged with a violation of this Code, and a peace officer issues a notice to appear in Superior Court to that minor, the charge shall be deemed an infraction unless the minor requests that a petition be filed under Section 601 or 602 or the Welfare and Institutions Code.

4153. Daytime Loitering by Minors.
It is unlawful for any minor under the age of 18 years who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any unsupervised place during the hours of 8:30 a.m. and 1:30 p.m. on days when school is in session. This section does not apply:

a) When the minor is accompanied by his or her parent, guardian, or other adult person having the care or custody of the minor; or
b) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or
c) When the minor is going or coming directly from or to his or her place of gainful employment, or to or from a medical appointment; or
d) To students who have permission to leave school campus for lunch or school-related activity and have in their possession a valid, school-issued, off-campus permit.

4154. Minor Curfew Loitering or Willful Misconduct - Cost Recovery.

1. **Determination by Court.** When, based on a finding of civil liability or criminal conviction for violations of curfew, daytime loitering (truancy), or willful misconduct in violation of Welfare and Institutions Code Section 602, a minor under 18 years of age is detained for a period of time in excess of one (1) hour, and said detention required the supervision of the juvenile offender by Law Enforcement employee(s), 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 such personnel over and above the services normally provided by said department.

2. **Determination by Director of Safety.** As determined by the Director of Safety or his or her designee, the parent(s) or legal guardian(s) of a minor committing any public offense amounting to an act of willful misconduct in violation of Welfare and Institutions Code Section 602, where police personnel provide services relating to the detention, processing, or supervision of minors that are over and above the normal services usually provide by the Law Enforcement Department, may be assessed and billed for the cost of providing such personnel for such services beyond those normally provided by said department.

3. **Appeal.** Any person receiving a bill for Law Enforcement services pursuant to this Chapter may, within fifteen (15) days after the billing date, file a written request appealing the imposition of said charges. Any billing sent pursuant to this Section shall inform the billed party of the right to appeal said billing. Any appeal regarding such billing shall be heard by the City Manager, or his or her designee, as the hearing officer. Within ten (10) days after the hearing, the hearing officer shall give written notice of the decision to the appellant. Upon the filing of a request for an appeal, payment of the bill for the police services shall be suspended until notice of the decision of the hearing officer. If the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty (30) days after notice of the decision of the hearing officer.

CHAPTER 6 - EXPLOSIVES

4160. Explosions.

No person shall discharge or explode gun powder, dynamite, torpedoes, aero-bombs, or any other type of explosive, manufactured or designed to cause explosions, without first having obtained a permit therefore from the City Council of the City of Bradbury.

CHAPTER 7 - FALSE REPORTS AND ALARMS

4170. False Reports.

No person shall make to the police department or fire department of the City any false, misleading or unfounded report for the purpose of interfering with the operation of the police or fire department or with the intention of misleading any member of either of the departments.

4171. Adoption of the Los Angeles County Burglary and Robbery Alarm Ordinance.

That certain code entitled "Los Angeles County Burglary and Robbery Alarm", adopted by Ordinance No. 11821 of the County of Los Angeles consisting of a published compilation of rules, regulations, and standards adopted by the County of Los Angeles, an agency of the State of California, three (3) printed copies of which, printed as a code in book form, whereby the Council ordered filed and actually have been filed in the office of the City Clerk, and which, as so on file, hereby are referred to, and by this reference expressly incorporated herein and made a part hereof, as fully and for all intents and purposes, as though set forth herein at length, shall be, and the same hereby adopted and established as the rules, regulations, standards and provisions pertaining to the Burglary and Robbery Alarm Ordinance and the preventing, eliminating or minimizing of burglary and robbery false alarms for the safety of life and property within the City of Bradbury referred to as the Burglary and Robbery Alarm code of, and for, the City of Bradbury.

CHAPTER 8 - FIREARMS

4180. Discharge of Firearms.
No person shall shoot or discharge within the City of any gun, pistol, or other firearm, or any air-gun or pistol, or spring gun or pistol, without first having obtained a written permit from the Chief of Police **(?)**; provided, however, that the provisions of this Section shall not apply to any duly authorized peace officer, while acting in the scope and course of his employment as such peace officer, or to any occupant of premises while shooting on his own premises any predatory animal, bird or creature in the protection of persons or property, or any person over the age of eighteen (18), or under the age of eighteen (18), if under the supervision of their parent or guardian, while shooting an air-gun or spring gun on their own premises in such a manner as to not endanger life or property of others.

4181. Threats with Replica Firearms.
Replica Firearms and Firearms Definitions:

a) As used in this Chapter, the term replica firearm shall include any device or object made of plastic, wood, metal or any other material which is a facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm as that term is used under the provisions of Sections 12001, 12001.5, 12020 (d)(1), and 12570 of the State Penal code.

b) For purposes of this Chapter, the meaning of the term firearm shall be the same as the meaning of that term under the State Dangerous Weapons Control laws and shall include air rifles, pellet guns or BB guns.

4182.
Every person who, except in self defense, in the presence of any other person, draws, exhibits or brandished a replica firearm or who simulates a firearm in a rude, angry and threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel and causes the victim to reasonably believe that the person is actually in possession of an operable firearm, is guilty of a misdemeanor.

CHAPTER 9 - FIREWORKS

4190. Fireworks Defined.
The term "fireworks" as used in this Chapter shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or explosive containing any other devices, any tablets or substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission Regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the use of which shall be permitted at all times.

4191. Manufacture, Sale and Discharge of Fireworks.
It shall be unlawful for any person to manufacture, store, possess, offer for sale, expose for sale, sell, use or discharge any fireworks within the corporate limits of the City; provided, however, that nothing contained in this Chapter shall be deemed or construed to prohibit the sale, transportation, storage, possession, use or discharge of any fireworks where the same is prohibited by any provision of state law.

CHAPTER 10 - ANIMALS AND POUND SERVICE

4200. Adoption of Animal Control Ordinance.
There are hereby adopted by reference, except as hereinafter provided in this Chapter, that certain ordinance entitled "The Animal Control Ordinance", designated as "TITLE 10 - ANIMALS" of the Los Angeles County Code, which ordinances shall be and become the Animal Control Ordinance of the City of Bradbury, regulating the care, custody and control of animals with the City of Bradbury.

A copy of said ordinance of the County of Los Angeles has been and is now on file in the office of the City Clerk, and except as otherwise provided in this Chapter, is hereby incorporated as if herein set forth in full.

4201. Definitions.
Whenever any of the following names or terms are used in said ordinance of the County of Los Angeles, each such name or term shall be deemed construed to have the meaning ascribed to it in this section, as follows:

(A) "County", "County of Los Angeles" or "unincorporated territory" shall mean the City of Bradbury.
(B) "Board of Supervisors" shall mean the City Council of the City of Bradbury.

4202. Amendments.
The following provisions of said Ordinances of the County of Los Angeles are hereby amended to read as follows:

(A) Section 701 of the Animal Control Ordinance, designated as Ordinance No. 9454 of the County of Los Angeles, is hereby amended to read as follows:
"701. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to be or to run at large upon any highway, private street, lane, alley court whether public or private, or upon any public or private property or premises, other than those of the person owning or having charge, care, custody, or control of such dog, in the City of Bradbury, unless such dog be restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a competent person."
(B) Section 702 of the Animal Control Ordinance, designated as Ordinance No. 9454 of the County of Los Angeles, is hereby deleted in its entirety.

4203. Fees.
For every fee established by said ordinance of the County of Los Angeles, the amount of such fee, including penalty fee, shall be as adopted, from time to time, by resolution of the City Council of the City of Bradbury.

4204. Violations of Penalty.
Every person who violates any of the provisions of the Animal Control Ordinance is guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Ordinance is committed, continued or permitted, and upon conviction shall be punishable by a fine not exceeding five hundred dollars ($500), or imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

4205. Adoption of Los Angeles County Dangerous Dog Ordinance.
There is hereby adopted by reference that certain Ordinance of the County of Los Angeles Board of Supervisors numbered 87-0191. Such Ordinance shall be the ordinance relating to dangerous dogs, as that term is defined therein. A true and correct copy of said Ordinance is attached hereto, marked Exhibit "A", and incorporated herein by this reference.

Violations of this Section shall be punishable offenses as stated in Section 10.04.060 of said Ordinance, which is adopted by reference, as part of Ordinance No. 87-0191.

4206. Keeping of Bees.

The Los Angeles County Animal Control Ordinance, adopted by reference in Section 4200 hereof, is hereby amended to include the following restrictions on the keeping of bees within the city limits of the City of Bradbury:

(A) Bees may only be kept and maintained on occupied parcels of at least two (2) acres in size.

(B) A maximum of four (4) hives, not exceeding exterior dimensions of twenty (20) inches by sixteen (16) inches by ten (10) inches, may be maintained on any parcel. Each such hive shall consist of not more than two (2) broad chambers and not more than three (3) "super" boxes.

(C) Hives shall be located at least seventy-five (75) feet from any pool, patio or dwelling unit.

(D) Bees shall be kept and maintained only for the use of the resident of the parcel. Commercial beekeeping is prohibited.

(E) Each such hive, maintained in the City of Bradbury, shall be inspected by the owner thereof not less than once a week.

(F) All hives, maintained in the City of Bradbury, shall be registered with the State of California.

4207. Inoculation of Horses.

(A) All horses kept, or boarded, for any length of time, in the City of Bradbury shall be inoculated against West Nile Virus, and the certificate for such inoculations shall be maintained on the property where the horse is located and shall be immediately produced upon request by any official of the City enforcing the provisions of this ordinance.

(B) Any horse, for which the certificate cannot be provided, shall be removed from the City of Bradbury immediately.

(C) The penal provisions of Section 4204 shall apply to the enforcement of this Section 4207.

CHAPTER 11 - MISCELLANEOUS

4300. Capping of Wells.
Every person who digs, drills, excavates, constructs owns or controls any abandoned water well or abandoned oil well, and every person owning or having possession of any premises on which any such abandoned well exists, shall cap or otherwise close the mouth of or entrance to such well in such a manner that such capping or covering cannot be removed by accident or inadvertence or such persons shall fill such a well.

4301. Littering of Streets or Property.
No person shall deposit or throw onto any street, way, alley, or thoroughfare, whether public or private, or onto any private property of another, any paper, ashes, trash, rubbish, or refuse of any kind or nature whatsoever.

4302. Noise.
No person shall make, cause or permit any loud or unusual noise emanating from any activity carried on on real property owned or occupied by such person, which has the effect of disturbing the peace and quiet of the neighborhood, or which directly causes an unreasonable interference with the use, enjoyment, and/or possession of any real property owned or occupied by any other person.

4303. Reporting Transactions of Certain Chemicals.

(A) Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person shall submit a report to the Sheriff of all of those transactions:
  (1) N-methylephedrine
  (2) N-methelpseudoephedrine
  (3) N-ethylephedrine
  (4) N-ethylpseudoephedrine
  (5) Chloroephedrine

4304. Identification of Purchaser, Penalties.

(A) Any manufacturer, wholesaler, retailer, or other person shall, prior to selling, transferring, or otherwise furnishing any substance specified in Section 4303, obtain proper identification from the purchaser.

(B) For the purposes of this section, "proper identification" means a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser, and includes the residential or mailing address of the purchaser, other than post office box number, and motor vehicle license number of any motor vehicle owned or operated by the purchaser, a letter of authorization from the business for which any substance listed in Section 4303 is being furnished, which included the business license number and address of the business, a full description of how the substance is to be used, and the signature of the purchaser. The person selling, transferring, or otherwise furnishing any substance listed in Section 4303 shall affix his or her signature as a witness to the signature and identification of the purchaser.

(C) Violation of this Section is a misdemeanor.

4305. Reports to Sheriff - Time Requirements.
Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance specified in Section 4303 to any person shall, not less than twenty-one (21) days prior to delivery of the substance, submit a report of the transaction, to the Los Angeles County Sheriff, including the identification information specified in Section 4304(B). However, the Sheriff may authorize the submission of the reports on a monthly basis with respect to repeated,

regular transactions between the furnisher and the recipient involving the same substance if the Sheriff determines that either of the following exist:

(A) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance, and the recipient of the substance.

(B) The recipient has established a record of utilization of the substance for lawful purposes.

4306. Penalties.

(A) Any person specified in Section 4305 who does not submit a report as required or who knowingly submits a report with false or fictitious information shall be punished by imprisonment in the County jail not exceeding six (6) month, or by a fine not exceeding five hundred dollars ($500.00), or by both the fine and imprisonment.

(B) Any person specified in Section 4305 who has previously been convicted of a violation of Subsection A shall, upon a subsequent conviction thereof, be punished by imprisonment in the County jail not exceeding one (1) year, or by a fine not exceeding one thousand dollars ($1,000.00), or by both the fine and imprisonment.

4307. Exemptions.

This section shall not apply to any of the following:

(A) Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist or veterinarian.

(B) Any physician, dentist, podiatrist or veterinarian who administers or furnishes substance to his or her patients.

(C) Any manufacturer or wholesaler licensed by the California State Board of Pharmacy, who sells, transfers, or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist or veterinarian.

(D) Sales consistent with Federal law of any proprietary product containing substances listed in paragraphs (1), (2), (3), (4) and (5) of Section 4303.

ARTICLE V - HEALTH AND SANITATION

CHAPTER 1 - SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION

5100. PART I – DEFINITIONS.

The following words and phrases, for the purpose of this Chapter, are defined and shall be construed as hereunder set out:

(a) **"Act"** shall mean the California Integrated Waste Management Act of 1989, Public Resources Code Sections 4000, et seq., as it now exists or may subsequently be amended.

(b) **"Authorized Collector"** shall mean any person who has been issued a Collector Agreement to provide solid waste and/or recyclable materials collection services in the City.

(c) **"City"** shall mean the City of Bradbury.

(d) **"City Employee"** shall mean an employee or authorized agent of the City of Bradbury.

(e) **"City Manager"** shall mean the City Manager of the City, or his/her designee.

(f) **"Collection"** shall mean the operation of gathering together and/or transporting by means of a motor vehicle any classification of solid waste or recyclables within the City.

(g) **"Collector Agreement"** shall mean an agreement to collect or dispose of solid waste or recyclables in the City entered into pursuant to Section 5101.

(h) **"Construction/Demolition Waste (C & D)"** shall mean construction and demolition debris, including concrete, brick, wood and other rubble and debris resulting from construction and demolition of buildings and other improvements.

(i) **"Container"** shall mean the toters, carts, cans, bins, roll-offs, plastic bags or other custom containers that the Authorized Collector provides for the purpose of holding solid waste or recyclable materials for collection.

(j) **"Designated Collection Location"** shall mean the place where the residential householder shall place, and from where the Collector is to collect, solid waste and recyclables in containers designated for that purpose.

(k) **"Disposal"** means the complete operation of treating and/or disposing of solid waste after the collection thereof.

(l) **"Garbage"** shall mean all discarded food, offal, and animal and vegetable waste not fit for human consumption resulting from the preparation of food. Garbage shall not include market refuse or rendering waste.

(m) **"Green Waste"** shall mean leaves, grass clippings, brush, branches and other forms of organic materials generated from landscapes or gardens, separated from other solid waste.

(n) **"Hazardous Waste"** shall mean and include waste defined as hazardous by Public Resources Code Section 40141 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its infectious characteristics, may do either of the following: (i) cause or significantly contribute to, and increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous Waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United Stated Government empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous. "Hazardous Waste" shall not include hazardous wastes generated in small quantities at residential premises. "Hazardous Waste" shall include the following:

(1) "Hazardous Waste" pursuant to Section 40141 of the California Public Resources Code; regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code; all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by Sections 25110.02, 25115 and 25117 or the California Health and Safety Code (the California Hazardous Waste Control Act), California Health and Safety Code Section 25100 et seq., and future amendments to or recodification of such statutes or regulation promulgated thereunder, including 23 California Code of Regulations Sections 2521 and 2522;

(2) Materials regulated under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended (including, but not limited to, amendments thereto made by the Solid Waste Disposal Act Amendments of 1980), and related federal, State and local laws and regulations;

(3) Materials regulated under the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq., as amended, and related federal, State and local laws and regulations, including the California Toxic Substances Account Act, California Health and Safety Code Section 25300 et seq;

(4) Materials regulated under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq., as amended, and regulations promulgated thereunder;

(5) Materials regulated under any future additional or substitute federal, State or locals laws and regulations pertaining to the identification, transportation, treatment, storage or disposal of toxic substances or hazardous waste.

(o) **"Manure"** shall mean the waste droppings from any herbivorous animal.

(p) **"Miscellaneous Debris"** shall mean any and all trash, rubbish debris or other abandoned or discarded material not otherwise defined as rubbish, garbage, market refuse, rendering waste, or manure.

(q) **"Officer"** shall mean the president, vice-president, treasurer or other duly designated representative of a Collector.

(r) **"Person"** shall include, without limitation, any individual, firm, co-partnership, general partnership, limited partnership, joint venture, association, entity, corporation, or any other group or combination thereof acting as a unit.

(s) **"Public Agency"** shall mean any governmental agency or department thereof, whether federal, state, or local.

(t) **"Recyclable Materials"** shall mean materials suitable for recycling, as the City Council may designate from time to time.

(u) **"Recycling"** means the process of collecting, sorting, cleanings, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public resources Code Section 40201.

(v) **"Residential Householder"** shall mean any person holding and occupying residential premises, whether or not the owner, singly or with his or her family, residing within the territorial limits of the City.

(x) **"Residential Premises"** shall mean any residential property in the City.

(y) **"Rendering Waste"** shall mean dead animals, hides, fat, or bones of animals, grease, meat scraps, and other similar materials being collected or transported to a rendering plant for processing.

(z) **"Rubbish"** shall mean and include without limitation the following items: all waste and refuse capable of burning readily, including straw, packing materials, leather, rubber, clothing, bedding, books, rags and all other similar articles which will burn by contract with flames or ordinary temperature; and ashes, crockery, china, pottery, metal wire and other similar materials which are rejected by the owner or producer thereof.

(aa) **"Solid Waste"** shall mean all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises including garbage, trash, refuse, paper, rubbish ashes, demolition and construction wastes, discarded home appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 49503, excluding: liquid wastes and abandoned vehicles. "Solid Waste" does not include the following:

(1) agricultural wastes comprise of animal wastes;

(2) asbestos, including friable materials that can be crumbled with pressure and are therefore likely to emit fibers, being a naturally occurring family of carcinogenic fibrous mineral substances, which may be a hazardous waste if it contains more than one percent (1%) asbestos;

(3) ash residue from the incineration of solid wastes, including municipal waste, infectious waste described in item (8) below, wood waste, sludge, and agricultural wastes described in item (1) above;

(4) auto shredder "fluff" consisting of upholstery, paint, plastics, and other non-metallic substances which remain after the shredding of automobiles;

(5) large dead animals;

(6) hazardous wastes, explosives, ordnance, highly flammable substances and noxious materials;

(7) industrial solid or semi-solid wastes resulting from industrial processes and manufacturing operations, including cement kiln dust, ore process residues and grit or screening removed from a waste water treatment facility;

(8) infectious wastes which have disease transmission potential and are classified as hazardous wastes by the State Department of Health Services, including pathological and surgical wastes, medical clinic wastes, wastes from biological laboratories, syringes, needles, blades, tubings, bottles, drugs, patient care items such as linen or personal or food service items from contaminated areas, chemicals, personal hygiene wastes, and carcasses used for medical purposed or with known infectious diseases;

(9) liquid wastes which are not spadeable, usually containing less than fifty percent (50%) solids, including cannery and food processing wastes, landfill leachate and gas condensate, boiler blowdown water, grease trap pumpings, oil and geothermal field wastes, septic tank pumpings, rendering plant byproducts, sewage slugde, and those liquid wastes which may be hazardous wastes;

(10) radioactive wastes under Chapter 7.6 (commencing with Section 25800) of Division 20 of the State Health and Safety Code and any waste that contains a radioactive material, the storage or disposal of which is subject to any other State or federal regulation;

(11) sewer sludge comprised of human (not industrial) residue, excluding grit or screenings, removed from a waste water treatment facility or septic tank, whether in a dry or semidry form;

(12) special wastes designed from time to time by the California Integrated Waste Management Board, including contaminated soil.

(bb) **"Solid Waste Enterprise"** shall mean any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste handling services.

(dd) **"Transportation"** shall mean the process of moving solid waste through the City by means of a motor vehicle.

(ee) **"Waste Disposal Facility"** shall mean any landfill, transfer station, incinerator, land reclamation project, recycling facility, or other similar site or facility which is used for or intended to be used for the transfer, consolidation, processing or disposal of solid waste or recyclables.

PART II – COLLECTOR AGREEMENTS

5101. Authorization by City Council; Contract Requirement.

The City Council may authorize, by contract, a solid waste enterprise to provide solid waste handling services for residential users or customers. In the sole discretion of the City Council, the solid waste handling service may be authorized on an exclusive or non-exclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the City. No person shall collect and/or dispose of solid waste or recyclables in the City without having first entered into a Collector Agreement with the City. Such Collector Agreement shall be in addition to any business license or permit otherwise required by the City. All such Collector Agreements shall comply with all of the requirements of this Chapter.

5102. Contents of Collector Agreement.

The terms and provisions of any Collector Agreement for solid waste handling services may relate to or include, without limitation, the following subject matters:

1. The Nature, scope and duration of the Agreement.
2. The collection schedule, including the frequency, days and hours of collection.
3. The applicable rates, fees and charges for regular, special and emergency collection services, including the method of setting and adjusting same, and the responsibility for billing and collecting same.
4. Collection vehicles, including the permissible size and color, and any required identification, safety equipment, maintenance, inspection, and operational requirements.
5. The receipt, processing and reporting of customer inquiries and complaints.
6. The collection of solid waste from publicly-owned property and facilities.
7. Performance standards for the Collector's personnel and equipment.
8. Solid waste and recycling containers, including size, repair or replacement, handling, placement, obligations of the Collector to provide, and permissible charges therefore.
9. Standards and procedures for periodic performance reviews by the City.
10. Noise attenuation policies and procedures.
11. The maintenance by the Collector of an office for the conduct of business.
12. Policies and Procedures relating to the non-collection of solid waste, the composting of green waste, the collection of recyclable materials, and resource recovery.
13. Requirements relating to comprehensive liability insurance and workers' compensation insurance.
14. Requirements relating to the dissemination of information to the public concerning regular and special solid waste collection and recycling services.
15. Actions or omissions constituting breaches or defaults, and the imposition of applicable penalties, liquidated damages, and other remedies, including suspension, revocation or termination.
16. Requirements relating to performance bonds and to indemnification.
17. Requirements relating to affirmative action programs.
18. Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits, and inspection of records.
19. Requirements relating to the assignment, transfer and renewal of the Collector Agreement.
20. Requirements relating to compliance with and implementation of State and federal laws, rules or regulations pertaining to solid waste handling services, and to the implementation by the City of State-mandated programs, including, without limitation, the City's "Source Reduction and Recycling Element" and the City's "Household Hazardous Waste Element."
21. Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the Collector Agreement and which will, in the judgment and discretion of the City Council, best serve the public interest and protect the public health, safety and welfare.

5103. Transfer of Collector Agreement.
A Collector Agreement issued under this Chapter shall not be transferred, sold, assigned, relinquished, delegated or assigned to another person without the approval of the City Council. This restriction includes the transfer of ownership of the Authorized Collector or the conveyance of the Authorized Collector's stock to a new controlling interest.

5104. Revocation of Collector Agreement.
The City Council may revoke or suspend any Collector Agreement if the Collector has violated a provision of this Chapter or of the Collector Agreement or any other applicable law, ordinance, or regulation of any public agency, in accordance with procedures set forth in the Collector Agreement. It is unlawful for any Collector to operate under Collector Agreement which has been revoked or suspended.

PART III – COLLECTION/MANDATORY SERVICE

5105. Mandatory Service.

(a) All solid waste and recyclables collected within the City for a fee, service charge, or other consideration, shall be collected by a solid waste enterprise under the provisions of a Collector Agreement awarded by the City Council

(b) No person, firm, corporation or solid waste enterprise, other than those referenced in paragraph (a) above, shall negotiate or contract for, undertake or receive, collect or transport solid waste from within the City for a fee, service charge or other consideration therefore, except as specifically provided herein.

(c) Each residential property owner and householder in the City shall at all times utilize the services of the Authorized Collector and pay the fees approved by the City Council for the collection of solid waste and/or recyclables from such premises as shall be owned by the owner and shall at all times comply with City policies and programs with regard to solid waste recovery, reduction of solid waste and recycling of solid waste. No person shall enter into an agreement for solid waste or recycling which is not a Collector, except as otherwise provided in this Chapter.

5106. Frequency of Collection.

(a) The collector shall collect and dispose of all solid waste placed for collection in compliance with this Chapter from each customer at least twice during the calendar week, or less if provided for in an approved Collector Agreement. Routes of collection shall be so arranged that collection from any premises will be made on the same day of each week. The Collector shall possess a sufficient number of vehicles including spares to maintain the collection schedule at all times.

(b) The schedule for collection of solid waste shall be submitted annually to the City for approval by the City Manager. No later than November 30 of each year, the Collector shall submit to the City its proposed collection schedule for the ensuing calendar year. The schedule shall indicate all regularly collection days which fall on a holiday and the collection day which is proposed to be substituted therefore (if any) so as to ensure that collection shall take place twice each week. Upon approval by the City Manager, the Collector shall mail a written notice to all customers of such schedule no later than December 31 of each year.

5107. Hours of Collection.

(a) No collection within the City shall be made between the hours of 6:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sunday.

(b) No delivery or removal of containers by a Collector may be made between the hours of 6:00 p.m. and 7:00 a.m. the next day.

(c) The City Manager may waive the requirements of this section when necessitated by conditions beyond the control of the Collector.

5108. Litter.
If the Collector releases, or permit or causes the release of any solid waste on public or private property in the City at any time, it shall forthwith clean up, contain, collect and remove same.

5109. Employees of Collector.
All field employees of the Collector shall wear name tags to enable identification while providing service to the public.

5110. Noise.
The Collector shall so conduct its operations as to offer the least possible obstruction and inconvenience to public traffic or disruption to the existing noise levels of the area within which collections are made.

5111. Ownership.
At such time as the solid waste or recyclables are placed for collection at the usual place of collection, the solid waste or recyclables are the property of the Collector.

5112. Unlawful Disposal.
It shall be unlawful at any time for any person, including the Collector, to burn, bury or dump any solid waste or recyclables within the City.

5113. Resource Recovery.
The Collector shall, at all times, comply with City policies and programs regarding solid waste recovery, reduction of solid waste and recycling of solid waste, including the City's Source Reduction and Recycling Element. Such policies and programs may be established by resolution of the City Council. Compliance with such policies and programs shall be a condition of any Collector Agreement issued pursuant to this Chapter.

PART IV – CONTAINERS

5114. Care of Containers.
No person shall throw Containers from any vehicle to the ground, or in any other way break or damage or roughly hand such Containers.

5115. Unauthorized Use of Containers.
No person other than the Collector who provides collection services at the premises, or the owner or employee of the owner of the Container, of the person upon whose premises such Container is located, or a City Employee, shall remove any material from a solid waste or recyclable Container.

5116. Tampering with Containers.
No person other than the owner or occupant of the premises where a Container is located, or the Collector who provides collection services at the premises where the Container is located, or a City Employee shall tamper with, or removed any Container or other equipment used for the storage of solid waste or recyclables.

5117. Containers for Garbage and Rendering Waste.
Any Container to be placed for collection containing garbage or rendering waste shall have a tightly fitting cover. The cover shall be used at all times.

5118. Unauthorized Setting Out of Containers.
No person occupying, using, or in charge of any premises shall set out or cause to be out for collection any solid waste or recyclables not originating on the premises.

5119. Containers at Residential Premises.
Every person owning, occupying or possession of any residential premises in the City shall provide sufficient Containers to accommodate the amount of solid waste generated by the premises. The Containers shall be provided by the Collector, and shall be constructed so as not

to permit the contents thereof to sift or pass through any opening therein other than the top, shall be maintained in a clean and sanitary condition by the householder and shall not contain any rough or jagged surfaces.

Any solid waste not susceptible to placement in a Container may be placed for collection at the same place and time as the Container if it is securely tied in bundles not heavier than thirty (30) pounds, not more than three (3) feet in length, nor more than eighteen (18) inches in diameter. Wooden boxes, crates, pallets, or cardboard boxes are to be broken down and stacked neatly at the depositor's solid waste collection point.

5120. Accumulation of Solid Waste Prohibited.
It shall be unlawful for any person owning, managing, or having the control of any premises or vacant lots or any person occupying a dwelling within the City to permit an accumulation of solid waste and/or recyclables to become or remain offensive, unsightly, or unsafe to the public health or safety or hazardous from fire, or to deposit, keep, or accumulate, or permit or cause any solid waste and/or recyclables to be deposited, kept, or accumulated, upon any property, lot or parcel of land, or any public or private place, street, lance, alley, or driveway, except as provided in this Chapter. No person occupying, owning, or in control of any premises shall permit solid waste and/or recyclables to accumulate, or to blow about in a manner which creates an unsightly appearance, or a health hazard. It shall be unlawful for any person to dispose of their solid waste into Containers at locations other than those that may be located upon property which they own, lease, rent, or at their own place of business.

5121. Container Storage Areas.
The residential householder of residential premises where a Container is placed shall provide a clean, safe and sanitary area for the storage thereof.

PART V – EXCLUSIONS

5122. Residential Householder Exclusion.
No provision of this Chapter shall prevent residential householders from collecting and disposing of occasional loads of solid waste generated in or on their residential premises, or from composting green waste, or from selling or disposing of recyclables generated in or on their residential premises; provided, however, that no residential householder shall employ or engage any solid waste enterprise, other than the Authorized Collector, to haul or transport such materials to a transfer station or landfill.

5123. Dwellings Under Construction.
Residential dwellings under construction and newly constructed residential dwellings, prior to occupancy, need not be served and for such period shall not be subject to the payment of the fees herein specified.

(a) Residential dwellings undergoing major alterations or repairs, but occupied, shall received regular service for collectible sold waste other than the construction debris and waste materials.

(b) Residential dwellings which remain unoccupied for four (4) full weeks or longer, or a calendar month, shall not be liable for the payment of the collection fees for such periods, provided the following conditions are complied with:

(1) The owner of the residential dwelling shall notify the City and the Collector, at their respective offices, of the vacancy. The notice shall be in writing and the effective date shall be one week after the date of the notification. Receipt of the notice shall be acknowledge and a reference number assigned to avoid misunderstanding;

(2) The owner shall notify the offices of the City and the Collector of the duration of the vacancy, if known, at the time of the discontinuance of the collection service; otherwise the owner shall notify promptly by mail or phone the date of non-occupancy or resumption of occupancy; and

(3) The premises described in the notice shall not be occupied during the period of the vacancy, and so solid waste of any type shall be produced during the period or collected from the residential unit.

5124. Gardener's Exclusion.

No provisions of this Chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings, and similar material not containing other solid waste when incidental to providing such gardening, tree trimming or similar services.

CHAPTER 2 - GENERAL SANITATION

5200. Adoption of Public Health Code.
The Public Health Code of the County of Los Angeles, the same being Ordinance No. 7583 of the County of Los Angeles as amended through and including September 14, 1973, is hereby adopted as the Public Health Code for the City of Bradbury (hereafter referred to as Health Code).

5201. Definitions.
Whenever said Health Code uses the following words or phrases, they, respectively, shall be deemed to have the following meanings:

1. The term "Health Officer" shall be deemed to refer to the Health Officer of the City of Bradbury, or such other public body, officer or official employed, authorized or designated to enforce the Health Laws and City Health Ordinance in the City of Bradbury;
2. The term "County of Los Angeles or the incorporated area of said county" shall be deemed to include in its true geographical location the area of the City of Bradbury;
3. The term "Board of Supervisors" shall be deemed to refer to the City Council of the City of Bradbury.

5202.
Three (3) copies of said Health Code have been deposited with the City Clerk, and shall be at all times maintained by said Clerk for use of and examination by the public.

5203. Penalty.
Violation of any provision of the Health Code shall be deemed a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the County Jail for not more than six (6) months, or both. Each day during any portion of which any violation or any provision of said Health Code is committed or permitted shall be deemed to be a separate offense.

ARTICLE VI - BUSINESSES AND PROFESSIONS

CHAPTER 1 - BUSINESS LICENSES

PART 1 - GENERAL

6100. Businesses and Professions.

For the purpose of this Chapter, certain words and phrases are defined and shall be construed as follows unless it is apparent from the context that a different meaning is intended:

1. Business shall mean and include any calling, location, profession, trade, occupation, exhibition or enterprise including, but not limited to, the following:
   - (a) **Contractors and Subcontractors.** Any person holding a California State License as a contractor shall be considered a contractor for purposes of this ordinance. Any contractor performing any job within the City requiring any building, plumbing, electrical, excavation or other similar type of permit, shall be deemed to be doing business within the City.
   - (b) **Home Occupation.** The term "home occupation" shall mean any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof. Such home occupation may include, but is not limited to, the following:
     1. Consultative professional occupations whose function is one of rendering a service and does not involve the dispensation of goods and products.
     2. The selling or otherwise disposing of agricultural services and products produced on the premises.
     3. Secondary business offices where the business has its principal office, staff and equipment located elsewhere.
     4. Farm management offices where an agricultural operation on the premises requires such an office.
     5. The giving of music lessons and similar occupations.
     6. The home office of a salesperson when all sales are done by written order with no commodities or displays on the premises. This subsection includes, but is not limited to, the sale of cosmetics and household appliances.
     7. Drafting, designing and the like, using only the normal drafting equipment.
     8. Computer operations: General date processing, design or sales. Hardware development or manufacture not permitted under this section. (Engineer designing computer not allowed on premises.)
     9. Child care, music lessons or general education tutoring lesson where such is done as a service.
     10. In addition to the above, home occupation shall include the criteria provided in Section 9111 (H) (3) (a-k) of this code.
   - (c) **Landscape Gardeners or Architects.** Any person who operates or conducts any services relative to the maintenance of any yard within the City, including but not limited to tree trimmers, gardeners and landscapers.
   - (d) **Light Agricultural Uses, Animals.** The use of animals for commercial purposes shall be limited to boarding, training, breeding, raising and grazing operations conducted entirely on the premises, exhibiting no manifestations of commercialism and not open to public visitation.
   - (e) **Moviemaking and Television Productions.** Any person conducting or operating any moviemaking or television production activities within the City.
   - (f) **Nurseries and Other Related Uses.** Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower

gardening; providing no roadside stands or sales offices shall be permitted nor shall there be permitted any retail sale from the premises or advertising signs of any nature.

(g) **Painter.** Any person who conducts or operates any painting service within the City.

(h) **Swimming Pool Maintenance.** Any person who conducts or operates any swimming pool maintenance within the City.

(i) **Private Patrol.** Any person conducting or operating a private patrol or night watch system or service within the City, excluding private area patrol.

(j) **Realtors.** Any person licensed as a real estate broker and any sales agent, or employee thereof, who operates or conducts real estate sales or purchases within the City.

(k) **Refuse Collection.** Any person conducting or operating any refuse collection service, including the collection of garbage, provided, however, that this phrase shall not be construed to refer to any person collecting garbage or refuse within the City when such collection is being made pursuant to a contract by such person with the City.

6101. Revenue Measure.

The purpose of this Chapter is solely to raise revenue for municipal purposes and is not intended for regulation.

6102. Substitute for Other Provisions.

Any person required by the Chapter to pay a license tax shall not be relieved from the payment of any license tax required by any other provisions of this Code and shall not be relieved from any regulations required by other provisions of this Code.

6103. License Required.

There is hereby imposed upon every business, as that term is defined in Section 6100 (1), being conducted within the City a license tax in the amount hereinafter prescribed.

No person shall transact and carry on any business in the City without first having procured a business license from said City to engage in such business or without complying with any and all applicable provisions of this Chapter. Failure to obtain a license when required may result in a misdemeanor conviction punishable by a fine and/or imprisonment.

Person as used in this ordinance shall mean and include all domestic and foreign corporations, partnerships of every kind, clubs, business or common law trusts, societies, and individuals transacting any business in the City.

6104. Exemptions.

Nothing contained in this Chapter shall be construed to require any person to obtain a license or pay the requisite tax therefore prior to doing business within the City is such requirement conflicts with the Constitution or applicable statutes of the United States or the State of California.

Any person claiming an exemption pursuant to this section shall file a sworn statement with the City Clerk of the City of Bradbury (hereinafter "City Clerk") stating the facts upon which exemption will subject the person to the taxes imposed by this ordinance and to a penalty pursuant to Section 6110, as discussed herein.

The City Clerk shall, upon a proper showing contained in the sworn statement, issue a license tax receipt to such person claiming exemption under this section.
The City Clerk, after giving notice and a reasonable opportunity for hearing to a person with a license tax exemption, may revoke any license tax receipt granted pursuant to the provisions of this section upon information that said person is not entitled to the exemption as provided herein.

6105. Application. Contents of License.
Every person required to have a license under the provisions of this Chapter shall make application for the same to the City Clerk and, upon the payment of the prescribed license tax, the City Clerk shall issue to such person a license which shall contain:

1. The name of the person to whom the license is issued;
2. The nature of the business;
3. The place where such business is to be transacted and carried on;
4. The date of expiration of such license; and
5. Such other information as may be necessary for the enforcement of the provisions of this Chapter.

6106. No License Transferable.
No license issued pursuant to this Chapter shall be transferable.

6107. Duplicate License.
A duplicate license may be issued by the City Clerk to replace any license previously issued hereunder under the payment to the City Clerk of a fee in the amount of five dollars ($5.00).

6108. Posting and Keeping Licenses.
All licenses must be kept and posted in the following manner:

1. Any license transacting, and carrying on business at a fixed place of business in the City, shall keep the license posted in a conspicuous place upon the premises for such business where such business is carried on.
2. Any license transacting, and carrying on business but not operating at a fixed place of business in the City, shall keep the license upon his person at all times while transacting and carrying on such business.

6109. License Tax. How and When Payable.

1. **How Payable.** The license tax shall be paid by mailing or delivering the same to the City Clerk.
2. **When Payable.** Unless otherwise specifically provided, annual license taxes due under this Chapter shall be due and payable in advance on the first day of January of each year.

6110. Penalties for Failure to Pay License Tax When Due.
Failure to pay a license tax when due will subject the person to a penalty of ten (10%) percent of said license tax on the last day of each month after the due date thereof providing that the amount of such penalty shall in no event exceed fifty (50%) percent of the amount of the license tax due. Such penalty shall be collected and the payment thereof shall be enforced in the same manner as other license taxes are collected and payment enforced.

6111. Term of License.
Every license issued pursuant to this Chapter shall expire on the 31st day of December following the date of its issuance.
(We have a policy stating license expires one year from date it was issued.)

6112. Enforcement.

1. **Duties of the City Clerk.** It shall be the duty of the City Clerk, and he/she hereby is directed to enforce each and all of the provisions of this Chapter, and the Sheriff shall render such assistance in the enforcement thereof as from time to time may be required by the City Clerk or the City Council.
2. **Procedure for Enforcement.** The City Clerk, upon hearing, after giving the licensee ten (10) days notice of the grounds for revocation or suspension and the time and place or hearing and requiring him to show cause why his license or licenses should not be revoked, may revoke or suspend any one or more of the licenses held by such licensee. Within three (3) days after the decision, the City Clerk shall notify the licensee thereof.

3. **Appeal.** Any person aggrieved by the decision of the City Clerk may appeal therefrom to the City Council in the manner provided in Section 6112 (a).
4. **Failure to Appeal.** In the event no appeal is taken by the licensee, the decision of the City Clerk revoking or suspending such license shall become final and conclusive on expiration of the time herein fixed for appeal.
5. **Appeal Procedure.** Unless a different appeal procedure for specific grievances is provided elsewhere in this title, the following procedures shall apply:
   (a) Any person aggrieved by any decision of the City Clerk or of any other officer of the City made pursuant to the provisions of this title may appeal therefrom to the City Council within fifteen (15) days after notice thereof, by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the City Council to be held within thirty (30) days from the date of receipt of such notice of appeal, giving the appellant not less than ten (10) days notice in writing of the time and place of hearing. The findings and determination of the City Council at such hearing shall be final and conclusive, and within five (5) days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant.
   (b) In the event no appeal is taken by the permittee, the decision of the City Clerk or other City officer shall become final and conclusive on expiration of the time herein affixed for appeal.

6113. License Tax a Debt.
The amount of any license tax and penalty imposed by the provisions of this Chapter shall be deemed a debt to the City. An action may be commended in the name of the City in any court of competent jurisdiction for the amount of any delinquent license tax and penalties.

6114. Evidence of Doing Business.
When any person shall by use of signs, circulars, cards, telephone book or newspaper advertisements hold out or represent that he or she is in business in the City, or when any person hold 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 given to the City Clerk that he or she is not conducting a business in the City after being requested to do so by the City Clerk, then these facts shall be considered prima facie evidence that he or she is conducting a business in the City.

If any section, subsection, sentence, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by 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 is would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional.

PART 2 - SCHEDULE OF LICENSE FEES

6120. Contractors.
For each general contractor doing business within the City, there shall be an annual license fee. For all contractors other than a general contractor, there shall be an annual license fee. The latter part includes, but is not limited to, the following: subcontractors, real estate brokers, pool maintenance workers, landscapers and gardeners.

Any person holding a California Sate license as a contractor will be considered a contractor for the purposes of this section.

Any contractor performing any job within the City requiring any building, plumbing, electrical, excavation or other similar type of permit, shall be deemed to be a contractor doing business within the City.

6121. Private Patrol.
For every person conducting, maintaining or operating a private patrol or night watch service within the City, there shall be an annual license fee.

6122. Refuse Collection.
For every person conducting, operating and maintaining any refuse collection service, including the collection of garbage, within the City, there shall be an annual license fee of one hundred fifty dollars ($150.00), provided, however, that there shall be no license fee due or collected from any person collecting garbage or refuse within the City when such collection is being made pursuant to a contract by such person with the City.

6123. Other Businesses.
For every person engaged in a business, occupation or profession not otherwise enumerated in this Part, there shall be an annual license fee.

6124. Moviemaking and Television Productions.
For every person conducting, maintaining or operating moviemaking or television production activities within the City, there shall be a daily license fee of one thousand dollars ($1,000.00) for the conduct of such activities on private or public property. The City Clerk is hereby authorized to waive a portion of the said License Fee to an amount no less than five hundred dollars ($500.00) per day where, because of the amount of time the activities would take, or because of the scope and/or location of the activities, a lower license fee is justified.

6125. Temporary Business.
For every business that does not conduct daily, permanent or continuous activities, there may be a license fee of one hundred fifty dollars ($150.00), subject to the authorization of the City Clerk.

6126. Amendment of Amount Due.
The City Council may, on an annual basis, amend by resolution the amount of license tax due.

CHAPTER 2 - REGULATION OF PARTICULAR BUSINESSES

PART 1 - PRIVATE PATROL SYSTEMS

6200. License Required.
No person shall carry on or conduct the business of a private patrol system within the City of Bradbury without first obtaining a permit or license therefore as required by this part. No person shall work as or carry on the duties of a private patrolman, within the City of Bradbury, without first having obtained a permit or license therefore as required by this part.

6201. State License Required.
Every person applying for a patrol system shall first procure a license from the State of California.

6202. Applications.
Applications shall be filed with the City Clerk. In addition to those items required in this part, any person desiring a permit to conduct a patrol system shall pay an application fee, and said application shall contain the following:

1. The name and address of the applicant.
2. If the applicant is a partnership, the name and address of all partners.
3. If the applicant is a corporation, the names and addresses of the corporate officers and manager, and a certified copy of the resolution authorizing such application.
4. The district or territory proposed to be served by the patrol system.
5. A description of the methods of operation.
6. The names and addresses of all patrolmen who are or will be owners, officers, or employees of the applicant.
7. A statement as to what offenses, if any, any person mentioned in paragraphs 1, 2 or 3 hereof, has been convicted, and of the time, place and circumstances thereof.
8. Such other information as the City Clerk may require.

6203. Evidence to be submitted.
With every application for a license to conduct a patrol system and with every application for a patrolman's license, the applicant shall produce evidence that:

1. If a corporation, that it is authorized to do business in the State of California, and has appointed a local agent who is a registered voter of the County upon whom process may be served.
2. He has a license issued pursuant to Section 7520 of the Business and Professions Code.

6204. Investigation by Sheriff.
Upon receipt of an application for a license to conduct a patrol system, the clerk shall refer the application to its Chief of Police. So long as the City contracts with the County for the performance of police functions within the City, "Chief of Police" as used in this part shall mean the Sheriff's Department of the County of Los Angeles. The Chief of Police shall investigate the character, fitness and qualifications of every person whose name appears on such application. He shall transit such application to the City Clerk and recommend that he:

1. Grant the license as applied for; or
2. Grant the license subject to certain conditions; or
3. Deny the license.

6205. Hearing Before City Council.
Upon receipt of the report of the Chief, the City Clerk shall set the application for hearing before the City Council at the next regular council meeting held at least five (5) days after the receipt of the report. The Chief shall also be notified of the time and place of said hearing.

6206. Notice of City Council Action.
The City Council shall inform the Chief and City Clerk of its final action on each application for a license to conduct a patrol system.

6207. Terms of License.
Every license to conduct a patrol system shall contain an accurate description of the area in which operations are permitted and the names of all patrolmen permitted to such license.

6208. Restricted to Area.
A license to conduct a patrol system shall not authorize any person either as patrolman, agent, or owner to patrol any territory outside of the area specified in the license of such patrol system.

6209. Application to Modify.
The holder of a license to conduct a patrol system at any time may file an application with the City Clerk either to change or increase his territory of operation or to add patrolmen, or both. If additional patrolmen are requested, such patrolmen shall file applications for patrolman permits as provided in Section 6221 hereof.

6210. Manner of Modification.
The City Council shall grant or deny applications to modify existing patrol system licenses in the same manner as the case of original applications.

6211. Personnel.
The operator of a patrol system shall neither employ nor utilize the services in any way of a patrolman whose name is not on the license of such operator, or who does not possess a patrolman's permit as provided herein.

6212. License Not to be Sold.
The holder of a patrol system license shall not sell or offer to sell any transfer or relinquishment of the privilege to operate a patrol system in territory assigned to him or for any consideration whatever agree to advocate, or not to oppose the granting of any other patrol system license.

6213. Change in Personnel.
The holder of a license to conduct a patrol system shall so inform the City Clerk within five (5) days after any patrolman no longer is an owner, member or employee of such licensee, and shall return the license and identification card of such patrolman to the Chief. The City Clerk shall remove such patrolman's name from the license of such patrol system.

6214. Bond Required of Applicant for Permit.
Upon the preliminary approval of an application for a private patrol permit by the Chief of Police, the applicant shall present the same to the City Clerk accompanied by a bond, with a good, sufficient and reliable surety satisfactory to the City Council, in the penal sum of five thousand dollars ($5,000.00), which bond shall insure to the benefit of any person who may suffer loss or damage by reason of any act of the applicant.

6215. Information Permittee to File with Police.
Every person to whom a permit for private patrol is issued under the provisions of this Chapter shall file with the Police Department the address of each piece or parcel of property which he is patrolling, together with the name and address of each person whose property the permittee is patrolling.

PART 2 - PRIVATE PATROLMAN'S PERMITS

6220. Patrolman Defined.
Patrolman does not include a person who guards the property of a single owner while such property is not open to the public and the entire salary of such person is paid by the owner and there exists only an employer-employee relationship, or a person who, as an employee, only

incidentally guards such property but whose main or principal duty is not that of guarding or protecting property.

6221. Patrolman's Permit Application.
Any applicant for a permit to act as a patrolman shall file a verified application with the City Clerk, accompanied by a fee to cover said application. The application form shall contain the following:

1. The name and address of the applicant.
2. A statement of all businesses and occupation engaged in for the last five (5) years, and the names and addresses of not less than three (3) persons to verify the statement.
3. A statement of what offenses, if any, the applicant has been convicted, and the time, place and circumstances thereof.
4. A complete set of fingerprints of the applicant taken by the Sheriff's Department of the County of Los Angeles.
5. The name and license number of the patrol system by whom he will be employed, or of which he is to be an owner or officer. If no such license has been granted, the applicant shall state when an application for such license has been filed.
6. Such other information as the City Clerk may require.
7. With every application for a patrolman's permit, the applicant shall also file a letter from the licensee of a patrol system, certifying that such licensee desires to employ such patrolman or that such patrolman is, or will be an owner or member of such patrol system.

6222. Action Upon Patrolman's Permit Application.
Upon receipt of the application for a permit, the City Clerk shall refer said application to the Chief and the Chief shall investigate the character and qualifications of said person. He shall transmit said application to the City Clerk and recommend that he:

1. Grant the permit as applied for, but in no event for more than twelve (12) months; or
2. Grant the permit subject to certain conditions or for less territory than applied for, or both; or
3. Deny the permit.

6223. City Council Decision.
The City Council shall grant or deny an application for a patrolman's permit by the same procedure, so far as applicable, as is provided herein for the granting or denial of a license to conduct a patrol system.

6224. Patrolman's Permit Fee.
Following approval of any patrolman's permit as provided herein but prior to issuance of the permit by the City, the applicant shall pay to the City Clerk a patrolman's permit fee.

6225. Duration of Patrolman's Permit.
Every patrolman's permit issued pursuant to the provisions of this Part shall expire one calendar year following the date of issuance unless said permit is renewed pursuant to the provisions of Section 6226 hereof.

6226. Renewal of Patrolman's Permit.
A request for a renewal of a permit must be filed prior to the date of expiration of any existing permit held by the patrolman. A request for renewal shall be filed on the form required by the City Clerk and shall be accompanied by a fee. A patrolman's permit shall be automatically renewed in accordance with the provisions of this section, if, during the preceding twelve (12) month period, he has not violated any of the provisions of this Part.

6227. Modification of Patrolman's Permit.
Upon written application by a patrolman holding a permit, accompanied by the written application of the patrol system which proposes to employ such patrolman, and upon satisfying the City Council to employ such patrolman, and upon satisfying the City Council by competent evidence that such patrolman is, or will be no longer employed by the patrol system formerly employing

such patrolman, the City Council may modify the patrolman's permit so as to designate the new employer and may modify the licenses of the patrol systems by removing such patrolman's name from the one license and adding it to the other license.

6228. Notice of Change of Employer.
Unless a patrolman applies to have his permit modified as provided in Section 6227 hereof, the City Council shall revoke the permit of such patrolman when he is no longer employed by the patrol system named in his license.

6229. Illegal Activities.
A patrolman shall not, either by himself or through the actions of another, harass, annoy, or commit a nuisance against, or injure the property of, or unnecessarily enter or otherwise trespass upon the property of any person whose property the patrol system or such patrolman is not employed to protect.

6230. Uniforms.
A patrolman shall not wear any uniform which is in imitation of, or can be mistaken for, an official Sheriff uniform or an official police uniform of the Police force of any city within the County of Los Angeles, or an official uniform of any state officer.

6231. Identification to be Carried.
While engaged in his duties as such, patrolman shall keep upon his person at all times, his permit issued by the City.

6232. Rank and Title.
A patrolman shall not assume or use a rank or title the same as or similar to any rank or title issued by the Sheriff or by any police department within the County of Los Angeles.

6233. Duty to Report.
Permittees shall not perform official police or investigation activities, but shall immediately report every violation of law and every unusual occurrence to the nearest Sheriff or police substation. A permittee shall make a full report of such violation or other occurrence without unnecessary delay to such substation.

6234. Persons Exempted from Provisions of Chapter.
Nothing in this Chapter shall apply or shall be deemed to apply to any person engaged in watching or caring for any one particular building or property, or to any private detective who is licensed by the state and who carries proper credentials for means of identification doing private investigation work other than private police patrol service for any private person.

PART 3 - MOVIEMAKING AND TELEVISION PRODUCTIONS

6250. Moviemaking or Television Production Defined.
Includes the transcribing onto film for commercial, educational or institutional purposes, together with the use of equipment and personnel customarily attendant to such activities.

6251. Conduct of Activities.
The activities of moviemaking or television production shall be conducted between the hours of 7:00 a.m. and sunset, Monday through Friday only, but excluding legal holidays.

6252. Permit Application.
Any applicant for a permit to conduct moviemaking or television production activities shall in addition to posting the license fees required by Section 6124, file the following:

1. Proof of written approval from the applicable private association, if any.
2. A bond in such amount as may be required by the applicable private association, if any.
3. A statement of conditions, if any, imposed by the Chief of Police.
4. A statement of conditions, if any, imposed by the Fire Chief.

5. Such bond as may be required by the City Manager.
6. A certificate of insurance liability in an amount prescribed by the City Manager.
7. Such other information as the City Manager may require.

6253. Action on Application.
Upon receipt of the application for permit, the fees required by Section 6124, and the documents enumerated in Section 6252, the City Manager shall grant the permit upon the conditions specified.

6254. Appeal.
Any person may appeal the permit conditions to the City Council prior to or subsequent to issuance.

6255. Modifications.
After issuance, the permit conditions may be modified at any time by the City Council upon a finding that such modification is necessary for the promotion of the public health, safety, interest and welfare.

CHAPTER 3 - SALES AND USE TAX

6301. Short Title.
This Chapter shall be known as the Uniform Local Sales and Use Tax Ordinance.

6302. Rate.
The rate of sales tax and use tax imposed by this Chapter shall be one (1%) percent.

6303. Operative Date.
This Chapter shall be operative on January 1, 1974.

6304. Purpose.
The City Council hereby declares that this Ordinance codified herein is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

1. 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;
2. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;
3. To adopt a sales and use tax ordinance which imposes a tax and provided a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;
4. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

6305. Contract with State.
Prior to the operative date, this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use ordinance; provided that if this City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this ordinance.

6306. Sales Tax.
For the privilege of selling tangible personal property at retail, a tax is hereby impose upon all retailers in the City at the rate stated in Section 6302 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this City on and after the operative date.

6307. 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. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

6308. Use Tax.

An exercise tax is hereby imposed on the storage, use or other consumption in this City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this City at the rate stated in Section 6302 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.

6309. Adoption of Provisions of State Law.

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

6310. Limitations on Adoption of State Law.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. The substitution, however, shall not be made when the word "State" is used as a part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the City, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of he substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203.

6311. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, and additional seller's permit shall not be required by this Chapter.

6312. Exclusions and Exemptions.

(a) The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.

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

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

(d) In addition to the exemptions provided in Sections 6636 and 6355.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or

property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government is exempted from the use tax.

6313. Exclusions and Exemptions.

(a) The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer. *(same as 6312a)*

(b) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any County or City in this state shall be exempt from the tax due under this ordinance. *(same as 6312b)*

(c) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of 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.

(d) 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 of such vessels for commercial purposes is exempted from the use tax.

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

(f) In addition to the exemptions provided in Sections 6636 and 6636.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government is exempted from the use tax.

6314. Amendments.

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this Chapter.

(a) Section 6312 shall be operative January 1, 1984.

(b) Section 6313 shall be operative on the operative date of any act of the Legislature of the State of California which amends Section 7202 of the Revenue and Taxation Code or which repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same language as that existing in subdivision (i) (7) and (i) (8) of Section 7202 as those subdivisions read on October 1, 1993.

6315. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suite, 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.

6316. Repeals.

Ordinance No. 132, as amended by Ordinance No. 51 and No 45, is hereby repealed; provided, however, that said ordinance, as amended, shall remain applicable for the purposes of the administration of said ordinance and the imposition of and the collection of tax with respect to the

sales of and the storage, use, or other consumption of tangible personal property prior to January 1, 1984, the making of refunds, effecting credits, the disposition of monies collected, and for the commencement or continuance of any action or proceeding under said ordinance.

CHAPTER 4 - REAL PROPERTY TRANSFER TAX

6400. Title.
This Chapter shall be known as the "Real Property Transfer Tax Ordinance of the City of Bradbury." It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California.

6401. Imposition of Transfer Tax.
There is hereby imposed on each deed, instrument or writing by which any lands tenements, or other realty sold within the City of Bradbury shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser of purchases, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars ($100.00), a tax at the rate of twenty-seven and one-half cents ($0.275) for each five hundred dollars ($500.00) or fractional part thereof.

6402. Payment of Tax.
Any tax imposed pursuant to Section 6401 hereof 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.

6403. Debt Security Exemption.
Any tax imposed pursuant to Section 6401 hereof shall not apply to any instrument in writing given to secure a debt.

6404. Governmental Exemption.
The United States or any agency or instrument thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this Chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from an other party liable therefore.

6405. Bankruptcy Exemption.
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 11 or the United State Code, as amended;
3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended;
4. Whereby a mere change in identity, form or place of organization is effected.

Subdivision 1 to 4, inclusive, of this section shall only apply if the making, delivery or filing or instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

6406. Tax Imposed.
Any tax imposed pursuant to this Chapter shall not apply to be making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if -

1. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79 of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
2. Such order specifies the property which is ordered to be conveyed;

3. Such conveyance is made in obedience to such order.

6407. Partnership Exemption.

1. 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 -
   (a) Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, and
   (b) Such continuing partnership continues to hold the realty concerned.
2. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this Chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.
3. Not more than one tax shall be imposed pursuant to this Chapter by reason of a termination described in subdivision 2, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

6408. 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.

6409. 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 of California.

6410. Effective Date.

This Chapter shall become operative upon the operative date of any ordinance adopted by the County of Los Angeles, pursuant to Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the State of California, or upon the effective date of this Chapter, whichever is the later.

CHAPTER 5 - COMMUNITY ANTENNA TELEVISION SYSTEMS

6500. Definitions.

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

1. "City" shall mean the City of Bradbury, a Municipal Corporation of the State of California, in its present incorporated form or in any later recognized, consolidated, enlarged or re-incorporated form.
2. "Council" shall mean the present governing body of the City or any future board constituting the legislative body of the City.
3. "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a CATV system in the City. Any such authorization, in whatever term granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City.
4. "Grantee" shall mean the person, firm or corporation to whom or which, a franchise, as hereinabove defined, is granted by the Council under this Chapter and the lawful successor, transferee or assignee of said person, firm or corporation.
5. "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the City.
6. "Property of grantee" shall mean all property owned, installed or used by a grantee in the conduct of a CATV business in the City under the authority of a franchise granted pursuant to this Chapter.
7. "CATV" shall mean a community antenna television system as hereinafter defined.
8. "Community Antenna Television System" shall mean a system of antenna, coaxial cables, wires, wave guides, or other conductors, equipment or facilities designed, constructed or used for the purpose of providing television or FM radio service by cable or through its facilities as herein contemplated. CATV shall not mean or include the transmission of any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television."
9. "Subscriber" shall mean any person or entity receiving for any purpose the CATV service of a grantee.
10. "Gross Annual Receipts" shall mean any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for television or FM radio signals or service received within the City. Gross Annual Receipts shall not include any taxes on services furnished by the grantee imposed directly on any subscriber or user by any City, State or other govern-mental unit and collected by the grantee for such governmental unit.

6501. Use of Telephone Facilities.

When and in the event that the grantee of any franchise granted hereunder uses in his CATV system ~~a~~ distribution channels furnished to the grantee of a telephone company pursuant to tariff or contract on file with a regulatory body having jurisdiction and said grantee makes no use of the streets independent of such telephone company furnished facilities, said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used herein, it shall be deemed to mean and include "licensee." No provision of this Chapter shall be deemed or construed as requiring the granting of a franchise hereunder to a telephone company furnishing such a channel service unless said telephone company is, or becomes, an operator or one of the operators of a CATV system, in which case

said telephone company shall be required to comply with this Chapter in the same manner as any other person, firm or corporation operating such system.

6502. Franchise to Operate.

A non-exclusive franchise to construct, operate and maintain a CATV system within all or any portion of the City may be granted by the Council to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this Chapter.

No provision of this Chapter may be deemed or construed as to require the granting of a franchise when in the opinion of the Council it is in the public interest to restrict the number of grantees to one or more.

6503. Uses Permitted by Grantee.

Any franchise granted pursuant to the provisions of this Chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the City, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on over, under, upon, across and along any public street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachment or other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms, corporation, including, but not limited to, any public utility or other grantee franchised or permitted to do business in the City.

No franchise granted hereunder shall be construed as a franchise, permit or license to transmit any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television," and no grantee shall directly or indirectly install, maintain or operate on any television set a coin box or any other device or means for collection of money for individual programs.

The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved as herein provided. No increase in the rates and charges to subscribers, as set forth in the schedule filed and approved with grantee's application, may be made without the prior approval of the Council expressed by resolution.

6504. Duration of Franchise.

No franchise granted by the City Council under this Part shall be for a term longer than fifteen (15) years following the date of acceptance of such franchise by the grantee or the renewal thereof.

Any such franchise granted hereunder may be terminated prior to its expiration by the Council in the event that said Council shall have found, after thirty (30) days notice of any proposed termination and public hearing, that:

1. the grantee has failed to comply with any provision of this Chapter or has, by act of omission, violated any term or condition of any franchise or permit issued hereunder; or
2. any provision of this Chapter has become invalid or unenforceable and the Council further finds that such provision constitutes a considerable material to the grant of said franchise; or
3. the City acquires the CATV system property of the grantee.

6505. Franchise Payments.

Any grantee granted a franchise under this Chapter shall pay to the City, during the life of such franchise, a sum equal to five percent (5%) of the gross annual receipts of the grantee. Such payment by the grantee to the City shall be made annually, or as otherwise provided in the grantee's franchise, by delivery of the same to the City Clerk.

The grantee shall file with the City, within thirty (30) days after the expiration of any calendar year or portion thereof during which such franchise is in force, a financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing in detail the

gross annual receipts, as defined herein, of grantee during the preceding calendar year or portion thereof. It shall be the duty of the grantee to pay to the City, within fifteen (15) days after the time for filing such statements, the sum hereinabove prescribed or any unpaid balance thereof for the calendar year or portion thereof covered by such statements.

In any year, or portion thereof, following the first full year service has been provided and during which payments under this section amount to less than six hundred dollars ($600.00) per year, the grantee shall the City as a minimum an amount equal to six hundred dollars ($600.00) per year.
The City shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recomputation of any and all amounts paid under this Chapter. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this Chapter or for the performance of any other obligation hereunder.

In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the consent of the City, the grantee shall pay to the City reasonable compensation and damages, of not less than one hundred percent (100%) of its total gross profits during said period.

6506. Limitations of Franchise.

1. Any franchise granted under this Chapter shall be non-exclusive.
2. No privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.
3. Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.
4. Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole, or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without the prior consent of the Council expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the office of the City Clerk within thirty (30) days after any such transfer or assignment. The said consent of the Council may not be arbitrarily refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with all provisions of this Chapter and provided, further, that no such consent shall be required for a transfer in trust, mortgage or other hypothecation as a whole to secure an indebtedness.
5. Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this Chapter or by any failure of the City to enforce prompt compliance.
6. Any right or power in, or duty impressed upon any officer, employee, department or board of the City shall be subject to transfer by the City to any other officer, employee, department, or board of the City.
7. The grantee shall have no recourse whatsoever against the City for any loss, cost, expense, or damage arising out of any provision or requirement of this Chapter or of any franchise issued hereunder or because of its enforcement.
8. The grantee shall be subject to all requirements of City laws, rules, regulations and specifications heretofore or hereafter enacted or established.
9. Any such franchise granted shall not relieve the grantee of any obligation involved in obtaining pole space from any department of the City, utility company, or from others maintaining poles in streets.

6507. Rights Reserved to the City.

1. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or modify or abridge, either for a term or in perpetuity, the City's right of eminent domain.
2. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any ordinance of the City, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirement of the City in its exercise of such rights or power, heretofore or hereafter enacted or established.
3. Neither the granting or any franchise hereunder nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any other person, firm or corporation, within all or any portion of the City.
4. There is hereby reserved to the City the power to amend any section or part of this Chapter so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee.
5. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.
6. The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under this Chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The City Manager is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this Chapter either on behalf of the City, the grantee, or any subscriber, in the best interest of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the City Manager may appeal the matter to the City Council for hearing and determination. The City Council may accept, reject or modify the decision of the City Manager and the City Council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of any grantee or from any provision of this Chapter.
7. The City reserves the authority to require the franchise to reimburse the City for costs in connection with investigation and award of any franchise.

6508. Permits, Installation and Service.

1. Within thirty (30) days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, or their associated microwave transmission facilities.
2. Within ninety (90) days after obtaining all necessary permits, license and authorizations, grantee shall commence construction and installation of the CATV system.
3. Within ninety (90) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated on the map accompanying the application for franchise, as provided in Section 6519 hereof, shall be provided within one (1) year from the date that service was first provided.
4. Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein shall be grounds for termination of such franchise, under and pursuant to the terms of Section 6504 hereof; provided, however, that the Council in its discretion may extent the time

for the commencement and completion of construction and installation for additional periods in the events the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control.

6509. Location of Property of Grantee.

1. Any poles, wires, cable lines, conduits or other properties or the grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the City Engineer acting in the exercise of his reasonable discretion.
2. The grantee shall not install or erect any facilities or apparatus in or on other public property, places or right-of ways, or within any privately owned area within the City which has not yet become a public street, but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the City Engineer.
3. In those areas and portions of the City where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground, then the grantee shall likewise construct, operate and maintain all of its transmission and distribution facilities underground. For the purpose of this subsection, "underground" shall include a partial underground system, e.g. streamlining. Amplifiers in grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground as approved by the City Engineer.

6510. Removal and Abandonment of Property.

1. In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of grantee's franchise or this Chapter, or the franchise has been terminated, canceled or has expired, the grantee shall promptly, upon being given ten (10) days notice, remove from the streets or public places all such property and poles of such system other than any which the City Engineer may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the City Engineer.
2. Any property of the grantee remaining in place thirty (30) days after the termination or expiration of the franchise shall be considered permanently abandoned. The City Engineer may extent such time not to exceed an additional thirty (30) days.
3. Any property of the grantee to be abandoned in place shall be abandoned in such manner as the City Engineer shall prescribe. Upon permanent abandonment of the property of the grantee in place, the property shall become that of the City, and the grantee shall submit to the City Engineer an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property.

6511. Changes Required by Public Improvements.

The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the City Engineer by reason of traffic conditions, public safety, street vacation, freeway and street construction, change of establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that the grantee shall in all such cases have the privileges and be subject to the obligations to abandon any property of the grantee in place, as provided in Section 6510 hereof.

6512. Failure to Perform Street Work.

Upon failure of the grantee to commence, pursue or complete any work required by law or by the provisions of this Chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the City Engineer, the City Engineer may, at his

option, cause such work to be done and the grantee shall pay to the City the cost thereof in the itemized amounts reported by the City Engineer to the grantee within thirty (30) days after receipt of such itemized report.

6513. Faithful Performance Bond.

1. The grantee shall, concurrently with the filings of and acceptance of award of any franchise granted under this Chapter, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at grantee's sole expense, a corporate surety bond in a company and in a form approved by the City Attorney, in the amount of twenty-five thousand dollars ($25,000.00), renewable annually, and conditioned upon the faithful performance of grantee, and upon the further condition that in the event grantee shall fail to comply with one or more of the provisions of this Chapter, or of any franchise issued to the grantee hereunder there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of said franchise or renewal by the grantee or from its exercise of any privilege therein granted. The bond shall provide that thirty (30) days prior to written notice of intention not to renew, cancellation, or material change, be given to the City.
2. Neither the provisions of this section, nor any bond accepted by the City pursuant thereto, nor any damages recovered by the City thereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issue hereunder or for damages, either to the full amount of the bond or otherwise.

6514. Indemnification of City.

1. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this Chapter furnish to the City and file with the City Clerk, and at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a liability insurance policy in the amount of one million dollars ($1,000,000.00), in a company approved by the City Manager and in a form satisfactory to the City Attorney indemnifying and saving harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, against all liability to others, including, but not limited to, any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise, irrespective of the amount of the comprehensive liability insurance policy required hereunder.
2. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this Part, furnish to the City and file with the City Clerk, and at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, in protection of the City, its officers, boards, commissions, agents and employees, in a company approved by the City Manager and a form satisfactory to the City Attorney, protecting the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of grantee under such franchise, with minimum liability limits of two hundred fifty thousand dollars ($250,000.00) for personal injury or death of two or

more persons in any one occurrence, and fifty thousand dollars ($50,000.00) for damage to property resulting from any one occurrence.

3. The policies mentioned in the foregoing paragraph shall name the City, its officers, board, commissions, agents and employees, as additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the City ten (10) days in advance of the effective date thereof; if such insurance is provided by a policy which also covers grantee or any other entity or person other than those above named, then such policy shall contain the standard cross-liability endorsement.

6515. Inspection of Property and Records.

1. At all reasonable times, the grantee shall permit any duly authorized representative of the City to examine all property of the grantee, together with any appurtenant property situated within or without the City, and to examine and transcribe any and all maps and other record kept or maintained by the grantee under its control which deal with the operations, affairs, transactions or property or the grantee with respect to its franchise. If any such maps or records are not kept in he City, or upon reasonable request made available in the City, and if the Council shall determine that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.
2. The grantee shall prepare and furnish to the City Engineer and the City Clerk at the times and in the form prescribed by either of said officers, such report with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, function or duties of the City or any of its officers in connection with the franchise.
3. The grantee shall at all times make and keep in the City full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets or other public places in the City.
4. The grantee shall file with the City Engineer, on or before the last day in March of each year, a current map or set of maps drawn to scale showing all CATV system equipment installed and in place in streets and other public places of the City.

6516. Operational Standards.

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In determining the satisfactory extent of such standards, the following among others shall be considered:

1. That the system be installed using all band equipment capable of passing the entire VHF and FM spectrum, and that it have the further capability of converting UHF for distribution to subscribers on the VHF band.
2. That the system, as installed, be capable of passing standard color TV signals without the introduction of material degradation on color fidelity and intelligence.
3. That the system and all equipment be designed and rated for 24-hour per day continuous operation.
4. That the system provides a nominal signal level of 2000 microvolts at the imput terminals of each TV receiver.
5. That the system signal-to-noise ratio is not less than 40 decibels.
6. That hum modulation of the picture signal is less than five percent (5%).
7. That the system use components having a VSWR of 1.4 or less.

6517. Miscellaneous Provisions.

1. When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Clerk.
2. The grantee shall pay to the City a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this Chapter. Such payment shall be made within thirty

(30) days after the City furnished the grantee with a written statement of such expenses by delivery of same to the City Clerk.

3. The grantee shall maintain an office within the City Limits or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers.
4. No person, firm or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge.

6518. Use of Utility Poles and Facilities: Agreement.

When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the City Clerk.

6519. Application for Franchise.

1. Application for a franchise hereunder shall be in writing, shall be filed with the City Clerk, and shall contain the following information:
   (a) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main officers, major stockholders and associates, and the names and addresses of parent and subsidiary companies.
   (b) A statement and description of the CATV system proposed to be constructed, installed, maintained or operated by the applicant; the proposed location of such system and its various components; the manner in which applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities or other public utilities will be used for such system.
   (c) A description, in detail, of the public streets, public places and proposed public streets within which applicant proposes or seeks authority to construct, install or maintain any CATV equipment or facilities; a detailed description of the equipment or facilities proposed to be constructed, installed or maintained therein; and the proposed specific location thereof.
   (d) A map specifically showing and delineating the proposed service area or areas within which applicant proposes to provide CATV services and for which a franchise is requested.
   (e) A statement or schedule in a form approved by the City Manager or proposed rates and charges to subscribers for installation and services, and a copy of proposed service agreement between the grantee and its subscribers shall accompany the application. For unusual circumstances, such as underground cable required, or more than one hundred fifty (150) feet of distance from cable to connection of service to subscribers, and additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by subscribers. For remote, relatively inaccessible subscribers within the City, service may be made available on the basis of cost of materials, labor and easements if required by the grantee.
   (f) A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility such as poles, lines or conduits.
   (g) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such

information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

(h) A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing applicants financial ability to complete the construction and installation of the proposed CATV system.

(i) The Council may at any time demand, and applicant shall provide such supplementary, additional or other information as the Council may deem reasonably necessary to determine whether the requested franchise should be granted.

2. Upon consideration of any such application, the Council may refuse to grant the requested franchise for a CATV system to any such applicant as may appear from said application to be in its opinion best qualified to render proper and efficient CATV service to television viewers and subscribers in the City. The Council's decision in the matter shall be final. If favorably considered, the application submitted shall constitute and form part of the franchise as granted.

3. Any franchise granted pursuant to this Chapter shall include the following conditions:
The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by the Municipal Code of the City of Bradbury and no other purpose whatsoever.
Inclusion of the foregoing statement in any such franchise shall not be deemed to limit the authority of the City to include any other reasonable condition, limitation or restriction which it may deem necessary to impose in connection with such franchise pursuant to the authority conferred by this Part.

6520. Franchise Renewal.

Any franchise granted under this Chapter is renewable on the application of the grantee, in the same manner and upon the same terms and conditions as required herein for obtaining the original franchise, except those which are by their terms expressly inapplicable; provided, however, that the Council may at its option waive compliance with any or all of the requirements of Section 6519 hereof.

6521. Acceptance and Effective Date of Franchise.

1. No franchise granted pursuant to the provisions of this Chapter shall become effective unless and until the all things required in this Chapter are done and completed, all of such things being hereby declared to be conditions precedent to the effectiveness of any such franchise granted hereunder. In the event any of such things are not done and completed in the time and manner required, the Council may declare the franchise null and void.

2. Within twenty-five (25) days after the effective date of the ordinance or resolution awarding a franchise, or within such extended period of time as the Council in its discretion may authorize, the grantee shall file with the City Clerk his written acceptance, in form satisfactory to the City Attorney, of the franchise, together with the bond and insurance policies required by this Chapter, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this Chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the City Attorney.

6522. Violations.

1. From and after the effective date of this Chapter it shall be unlawful for any person to establish, operate or to carry on the business of distributing to any person in this City any television signals or radio signals by means of a CATV system, unless a franchise therefore has first been obtained pursuant to the provisions of this Chapter and unless such franchise is in full force and effect.

2. From and after the effective date of this Chapter it shall be unlawful for any person to construct, install or maintain within any public street in the City, or within any other public property of the City, or within any privately owned area within the City which has not yet become a public street, but is designated or delineated as a proposed

public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this Chapter and unless such franchise is in full force and effect.

3. It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of taking or receiving television signals, radio or receiving television signals, radio signals, pictures, programs, or sound.
4. It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of enabling himself or others to receive any television signal, picture, program or sound, without payment to the owner of said system.
5. It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

6523. Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have enacted this Chapter and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this Chapter shall not abate, reduce or otherwise affect any consideration or other obligation required of the grantee of any franchise granted hereunder.

CHAPTER 6 – STATE VIDEO FRANCHISES

6600. Purpose and Application of this Chapter.
This Chapter is designed to regulate video service providers holding state video franchises and operating within the City of Bradbury. On January 1, 2007, the State of California became the sole authority with power to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"). Pursuant to DIVCA, the City of Bradbury is entitled to receive a franchise fee from all state franchises. In addition, the City is entitled to receive from all stated franchisees, fees to support public, educational, and government access channel facilities. DIVCA confirmed that the City may establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the City for violations of customer service standards. DIVCA precludes the City from adopting its own standards and grants all authority to adopt customer service standards to the state. DIVCA leaves unchanged the City's authority to regulate the City's current cable franchises and any City cable franchise(s) issued on or before January 1, 2008, until the expiration of any such franchise(s).

6601. State Franchise Required.
A. No person may construct, operate, maintain or repair a cable system or video service provider's network in the City without first obtaining a state franchise therefore.
B. A state franchise shall not convey rights other than as specified in this Chapter 6 or in the California Public Utilities Code or other applicable law; no rights shall pass by implication.
C. Except as otherwise provided by the California Public Utilities Code, a state franchise shall not include, or be a substitute for:

1. Compliance with generally applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;
2. Any permit or authorization, other than a state franchise, required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, and street cut permits; and
3. Any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.

D. Except as otherwise provided in the California Public Utilities Code, a state franchises shall not relieve a franchisee of its duty to comply with all laws, including the ordinances, resolutions, rules, regulations, and other laws of the City, and every state franchisee shall comply with the same. The City reserves its rights to the lawful exercise of police and other powers the City now has or may later obtain.
E. The City reserves the right to construct, operate, maintain or repair its own cable systems or video service provider network.

6602. State Video Franchise Fees and Fees for Public, Educational and Governmental (PEG) Access.
A. Any state video franchise holder operating within the boundaries of the City shall pay a fee to the City equal to five percent (5%) of the gross revenues of that state video franchise holder.
B. Effective the first on which the state franchisees begin operating within the boundaries of the City, each state franchisee shall pay a fee to the City equal to one percent (1%) of gross revenues ("PEG Access Facilities Fee") of that state video franchise holder to support public, education, and governmental (PEG) access channel facilities within the City.
C. The PEG Access Facilities Fee shall be paid quarterly no later than sixty (60) days following the quarter for which the payment is due. The PEG Access Facilities Fee is in addition to the franchise fee to be paid to the City by the State video service franchise holders.

D. Gross revenue, for the purposes of subsections A and B of this section, shall have the definition set froth in California Public Utilities Code Section 5860.

6603. Audit Authority.

Not more than once annually, the City Manager or the City Manager's designee may examine and perform an audit of the business records of a holder of a state video franchise to ensure compliance with Section 6601.

6604. Customer Service Penalties.

A. Any holder of a state video service franchise shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service.

B. The City will provide any holder of a state video franchise written notice of any material breach of applicable customer service and protection standards, and will allow the franchise holder at least thirty (30) calendar days from the receipt of the notice to remedy the specified material breach. A material breach that is not remedied by the state video franchise holder within the remedy period shall subject the state video franchise holder to the following penalties to the imposed by the City:

1. For the first occurrence of a material breach, a penalty of not more than five hundred dollars ($500) for each day of each material breach, not to exceed one thousand five hundred dollars ($1,500) for each occurrence of a material breach.
2. For the second violation of the same nature with twelve (12) months, a penalty of one thousand dollars ($1,000) for each day of each material breach, not to exceed three thousand dollars ($3,000) for each occurrence of a material breach.
3. For a third or further violation of the same nature with twelve (12) months, a penalty of two thousand five hundred dollars ($2,500) for each day of each material breach, not to exceed seven thousand five hundred dollars ($7,500) for each occurrence of a material breach.

C. Any notice and any penalty may be issued or imposed by the City manager, or the City Manager's designee. Any notice shall be in writing. Notices shall be transmitted by United States Postal Service certified or registered mail, return receipt requested and postage prepaid, or by private commercial delivery or courier service for same day or next business day delivery with delivery and receipt signature required.

D. The state video service franchise holder may appeal any finding of material breach or imposition of penalties to the City Council. Any appeal must be made within thirty (30) calendar days of receipt by the State video service franchise holder of the finding or material breach or the imposition of penalties, and must be submitted in writing to the City Clerk and the City Manager in order to be placed on a City Council agenda for consideration. Any appeal must contain a detailed explanation of why the applicant believes that the finding of material breach or the imposition of penalties was inconsistent with statutory requirements.

E. The City and any state video service franchise holder may mutually agree to extend the time periods specified herein. Any such agreement shall be in writing and executed by the City Manager, or the City Manager's designee, and an authorized representative of the state video franchise holder.

F. Any penalty imposed on the state video franchise holder shall be promptly paid to the City. As provided for in Section 5900(g) of the California Public Utilities Code, the City shall submit one-half of all penalties received from a state video franchise holder to the Digital Divide Account established in Section 280.5 of the California Public Utilities Code.

6605. Procedures for Appeal of Denial of an Encroachment Permit.

A. As provided for in Section 5885 of the California Public Utilities Code, the City shall either approve or deny an application from a state video service franchise holder for an encroachment permit within sixty (60) days of receiving a completed application.

B. An "encroachment permit" means any permit issued by the City relating to construction or operation of facilities relating to the provision of video service under a state video service franchise.

C. An application for an encroachment permit is considered complete when the applicant has complied with all statutory requirements, including the California Environmental Quality Act (CEQA) of the Public Resource Code.

D. Any City denial of an application for an encroachment permit shall be in writing and shall contain a detailed explanation of the reason for the denial.

E. An applicant whose application for an encroachment permit has been denied may appeal the denial to the City Council. Any appeal must be made within fourteen (14) calendar days of receipt by the state video service franchise holder of the denial, and must be submitted in writing to the City Clerk and the City Manager in order to be placed on the City Council agenda for consideration. Any appeal must contain a detailed explanation of why the applicant believes that the denial was inconsistent with statutory requirements.

ARTICLE VII - STREETS AND PUBLIC WORKS

CHAPTER 1 - STREETS

PART 1 - GENERAL

7100. Highway Permit Ordinance.
Subject to the changes and amendments hereinafter set forth in this Part, that certain ordinance, entitled "Highway Permit Ordinance", being designated as Ordinance No. 3597, enacted May 28, 1940, and as amended by Ordinance No. 9349 on May 23, 1967, by the County of Los Angeles is hereby adopted.

Three (3) full printed copies of said ordinance were ordered filed by the City Council and actually have been filed in the office of the City Clerk and as so filed are hereby referred to and incorporated herein by reference as if set forth in full.

7101. Fees.
For every fee established by Los Angeles County, the amount of such fee, including penalty fee, shall be as adopted from time to time, by resolution of the City Council of the City of Bradbury.

CHAPTER 2 - SANITARY SEWER AND INDUSTRIAL WASTE ORDINANCE

7200. Sanitary Sewer and Industrial Waste Ordinance.
There is hereby adopted as the Sanitary Sewer and Industrial Waste Ordinance of the City of Bradbury, except as it is hereinafter amended, Ordinance No. 6130 of the County of Los Angeles, as amended, and in full force and effect on June 19, 1970, entitled "An Ordinance Providing Regulation for Sanitary Sewers, and the Deposit of Discharge of Sewage and Other Waste Matter in the Unincorporated Territory of the County of Los Angeles."

Three (3) copies of said Ordinance No. 6130, as amended, of the County of Los Angeles, have been deposited with the City Clerk of the City of Bradbury and shall be at all times maintained by said City Clerk for use and examination by the public.

7201. Application to City.
Whenever in the said Ordinance No. 6130 reference is made to the unincorporated area of the County of Los Angeles, such area shall be deemed to include in its true geographical location the area of the City of Bradbury.

7202. Definitions.
Whenever any of the following names or terms are used in the said Ordinance No. 6130, each such name or term shall be deemed and construed to have the meaning ascribed to it in this Section as follows:

"Board" shall mean the City Council.

"County Engineer" shall mean the City Engineer.

"County Health Officer" shall mean the City Health Officer.

"County of Los Angeles" shall mean the City of Bradbury, except in such instances where the County of Los Angeles is a correct notation due to circumstances.

"County Sewer Maintenance District" shall mean the County Sewer Maintenance District, except in the instance where the territory concerned either is not within or has been withdrawn from a County Sewer Maintenance District. In any such instance "County Sewer Maintenance District" shall mean the City of Bradbury.

"Ordinance" means an ordinance of the City of Bradbury, except in such instance where the reference is to a stated ordinance of the County of Los Angeles.

"Public Sewer" means all sanitary sewers and appurtenances thereto, lying within streets or easements dedicated to the City, which are under the sole jurisdiction of the City.

"Trunk Sewer" means a sewer under the jurisdiction of a public entity other than the City of Bradbury.

7202. Amendments.
Said Ordinance No. 6130 as adopted by Section 7200 hereof is hereby amended as follows:

1. Section 5212 of said Ordinance No. 6130 is amended to read as follows: "Except as otherwise provided in this ordinance, all money received under Section 5201 shall be deposited with the County Treasurer and credited to the Special Sewer Maintenance Fund."
2. Section 5221 of said Ordinance No. 6130 is hereby repealed.
3. Section 5222 of said Ordinance No. 6130 is amended by adding the following paragraph: "All monies collected under this Section for sewer maintenance are to be submitted directly to the County Sewer Maintenance District for inclusion in the Maintenance District's Fund.
4. Section 5506 of said Ordinance No. 6130 is hereby amended by adding the following paragraph: "In the event the damaged public sewer is not a Sewer Maintenance District, the violator shall reimburse the City within thirty (30) days after the City Engineer shall render an invoice for the same. The amount when paid shall be deposited with the City Treasury."

CHAPTER 3 - STORM WATER AND URBAN RUNOFF POLLUTION PREVENTION MEASURES

7300. Purpose and Intent.

The purpose of this Chapter is to protect the health, safety and general welfare of the citizens of the City of Bradbury by:

1. regulating the discharge of non-stormwater fluids into the municipal storm water drainage system.
2. providing for the control of spillage, dumping, or disposal of contaminants, chemicals, or materials into the municipal storm water drainage system.
3. reducing pollutants in storm water and urban runoff to the maximum extent practicable.

7301. Definitions.

1. **Storm water runoff.** The flow of rain water.
2. **Non–storm water runoff.** The flow of any fluid that is not entirely composed of storm water.
3. **Storm drain system.** Those facilities which convey runoff fluids and suspended solids to the waters of the United States, including streets, alleys, roads, ditches, channels, curbs, gutters, catch basins, pipes, streams, creeks and rivers.
4. **Illicit discharge.** Any discharge into the storm drain system that does not meet the requirements of this Chapter.
5. **Illicit connection.** Any device which is connected to the storm drain system that conveys an illicit discharge.
6. **NPDES.** National Pollutant Discharge Elimination System.

7302. Illicit Discharges and Connections.

Unless such discharge or deposit is authorized by an NPDES permit or fully complies with a City–approved Storm Water Pollution Prevention Plan, no person or company shall cause or allow any discharge or deposit or cause or suffer to be discharged or deposited from any source in a manner which will or may cause or result in the pollution of any underground or surface waters by discharging in open channels, gutters, inlets, storm drains, swales, or flow across public property. No person shall discharge or cause to be discharged any sewage, contaminated waters, or vapors into open channels, gutters, inlets storm drains, swales, or flow across public property that have any one of the following characteristics:

Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; any ashes, cinders, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, manure, or any other solid or viscous substance capable of causing obstruction to the flow in storm drains or other interference with the proper operation of the storm drain works.

7303. Illicit Disposal.

No person or company shall spill, dump, dispose or place any illicit material into any storm drain system.

7304. Construction Sites Requiring a Building Permit and/or a Grading Plan.

1. Any person or company engaging in construction activity that requires an NPDES construction permit must demonstrate possession of such permit before grading and/or building permits can be issued. The NPDES permit shall be retained on site and shall be shown to City officers or inspectors at their request.
2. The following Best Management Practices shall apply to all construction sites:
   (a) Runoff sediment and construction waste from construction sites and parking areas shall not leave the site.

(b) Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the Building Official or his designated representative, a sediment barrier shall be installed.

(c) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed.

(d) The washing or concrete, oil, gas, or debris into public streets or storm drain systems is prohibited. Such activity shall be conducted on the construction site only, providing contaminants are disposed of properly.

7305. Penalties for Failure to Comply with this Chapter.

1. The violation of any provision of this Chapter, or failure to comply with any of the requirements of this Chapter, shall constitute a misdemeanor, except that notwithstanding any other provisions of this Chapter, any such violation constituting a misdemeanor under this Chapter may, at the discretion of the authorized enforcement officer, be charged and prosecuted as an infraction.
2. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by any authorized enforcement officer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by City.
3. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, a lien shall be placed upon and against the property. If the lien is not satisfied within three (3) months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.
4. If any violation of this Chapter constitutes a seasonal recurrent nuisance, the City Council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.
5. In any administrative or civil proceeding under this Chapter in which the City prevails, the City shall be awarded all costs of investigation, administrative overhead, out–of–pocket expenses, cost of suit and reasonable attorney fees.

7306. Fees.

Fees to be charges for plan checking, monitoring and any other activities carried out by the City under this Chapter shall be set by the City Council by resolution.

CHAPTER 4 - STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

7400. Title.

This Chapter shall be known as the "City of Bradbury Storm Water Management and Discharge Control Ordinance."

7401. Findings.

A. The federal Clean Water Act (33 U.S.C. Section 1251, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United Stated by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to storm water runoff discharge into storm drain systems.

B. Storm water and urban runoff flows from individual properties onto streets, then trough storm drains passing through the City.

C. The City of Bradbury is a co-permittee under the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles," issued by the California Regional Water Quality Control Board – Los Angeles," (Order No. 96-054), dated July 15, 1996, which also serves as a NPDES Permit under the Federal Clean Water Act (NPDES No. CAS614001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES Permit"), and, as a co-permittee under the Municipal NPDES Permit, the City is required to adopt ordinances and implement procedures with respect to the entry of non-storm water discharges into the Municipal Separate Storm Sewer System.

D. Part 1, Section I of the Municipal NPDES Permit requires the City effectively to prohibit non-storm water discharge from within its boundaries, into the storm sewer system and into watercourses, except where such discharges are: (1) In compliance with a separate individual or general NPDES permit; or (2) Identified and in compliance with Part 2.II.C (Non-Storm Water Discharges) of the Municipal NPDES Permit; or (3) Discharges originating from federal, state or other facilities which the City is pre-empted from regulating, and further provides that compliance with the terms of the Municipal NPDES Permit through the development and implementation of the programs described in the Municipal NPDES Permit will constitute compliance with the Discharge Prohibition therein.

E. Part 2, Section I.E. of the Municipal NPDES Permit requires the City to demonstrate by November 18, 2996 that is possesses the legal authority necessary to control discharges to and from those portions of the storm water system over which is has jurisdiction, so as to comply with the Municipal NPDES Permit and specifically to prohibit certain discharges identified in the Municipal NPDES Permit.

F. The Municipal NPDES Permit contemplates the development of a Countywide Storm Water Management Plan ("CSWMP") and then a Watershed Management Area Plan ("WMAP"), in which the City will participate, which will in turn require the development and the implementation of programs for, among other things, the elimination of illicit connections and illicit discharges, development planning, development construction, and public information and education requirements, and which may require the later adoption of additional legal authority to implement such programs as they are developed by the permittees and approved by the Regional Board.

G. In order to control, in a cost-effective manner, the quantity and quality of storm water and urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.

H. The City is a unique, largely built-out residential community where development consists of single-family residential homes on large estate-size lots; the only non-residential development in the City consists of a City administration building, several equestrian boarding and training facilities, public and private streets and trails, an a public school

campus. There are no commercial or industrial uses in the City and there is no land in the City zoned for such purpose.

I. Many streets, road, and trails in the City are privately owned and maintained privately or by the County of Los Angeles. Many natural watercourses are located on private property.

J. Areas of steep topography and unstable soil throughout the City make it hazardous for the City to encourage storm retentions on site if such retention will result in absorption of water in slide planes.

7402. Purpose and Intent.

A. The purpose of this Chapter is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving water of the County of Los Angeles and surrounding coastal areas by:

1. Reducing pollutants in storm water discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and urban runoff into the Santa Monica Bay; and
3. Regulating Non-Storm Water Discharges to the storm water system.

B. The intent of this Chapter is to protect and enhance the quality of watercourses, water bodies, and wetland within the City in a manner consistent with the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the Municipal NPDES Permit.

C. This Chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the storm water system over which it has jurisdiction as required by the Municipal NPDES Permit, and thereby fully and timely comply with the terms of the Municipal NPDES Permit while the CSWMP and the WMAP are being developed by the permittees under the Municipal NPDES Permit, and in contemplation of the subsequent amendment of this Chapter or adoption by the City of additional provisions of this Chapter to implement the subsequently adopted CSWMP and WMAP, or other programs developed under the Municipal NPDES Permit.

7403. Definitions.

Except as specifically provided herein, any term used in this Chapter shall have the same meaning as that term is defined in the Municipal NPDES Permit, then as such term is defined in the federal Clean Water Act, as amended, or the regulations promulgated thereunder. The following words and phrases shall have the following meanings when used in this Chapter:

A. "Area susceptible to runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.

B. "Authorized enforcement officer" means the City Manager or his or her designee.

C. "Best Management Practices (BMP's)" means activities, practices, facilities, or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. Examples of BMP's may include public education or outreach, proper planning of development projects, proper clean out of catch basin inlets, and proper sludge or waste handling and disposal, among others.

D. "City" means the City of Bradbury.

E. "Good Housekeeping Practices" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimized the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity or materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

F. "Illicit Connection" means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar types of connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

G. "Illicit Discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all Non-Storm Water Discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of the Municipal NPDES Permit.

H. "Material" means any substance, including but not limited to: garage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

I. "Municipal NPDES Permit" means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles" (Order No. 96-054), dated July 15, 1996, issued by the California Regional Water Quality Control Board – Los Angeles Region, and any successor permit to that permit.

J. Municipal Separate Storm Sewer System" or "MS4" means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities, publicly or privately owned, that are located within the City and used for the purpose of collecting, storing, transporting, or disposing of storm water.

K. "Non-Storm Water Discharge" means any discharge to a Municipal Storm Water System that is not composed entirely of storm water.

L. "NPDES Permit" means any waste discharge requirements issued by the Regional Board or the State Water Resources Control Boards as an NPDES Permit pursuant to Water Code § 13370 (other than the Municipal NPDES Permit).

M. "Pollutant" means any of those pollutants defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. §§ 1362(6)), or incorporated into California Code § 13373. Examples of pollutants include but are not limited to the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
5. Animal wastes (such as discharge from confinements facilities, kennels, pens, recreational facilities, stables, and show facilities); and
6. Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;

The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the Best Management Practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the Best Management Practices available.

N. "Regional Board" means the California Regional Water Quality Control Board – Los Angeles Region.

O. "Storm Water Runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semi-impervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

P. "Urban Runoff" means surface water flow produced by non-storm water resulting from residential, commercial, and institutional activities involving the use of potable and non-potable water.

7404. Construction and Application.

This Chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and act amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal NPDES Permit, and any amendment, revision or reissuance thereof.

7405. Prohibited Activities.

A. Illicit Discharges and Connections: It is prohibited to commence, establish, use, maintain, or continue any Illicit Connection to the Municipal Separate Storm Sewer System or any Illicit Discharges to the Municipal Separate Storm Sewer System. This prohibition against Illicit Connections applies to the use, maintenance, or continuation of any Illicit Connection, whether that connection was established prior to, or after the effective date of this ordinance.

B. Littering: It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to the thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, driveway, trail, storm drain, inlet, catch basin conduit or drainage structure, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Disposal of Landscape Debris: It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the Municipal Separate Storm Sewer System.

D. Non-Storm Water Discharges: The following Non-Storm Water Discharges into the Municipal Storm Water System are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Bard, the Regional Board's Executive Officer, or the State Water Resources Control Board:

1. The discharge of untreated waste water to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
2. To the maximum extent practicable, discharges to the MS4 from areas where repair or machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
3. Discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
4. Discharges of commercial swimming pool filter backwash to the MS4;
5. Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas to the MS4; provided, however, that non-industrial and non-commercial activities which incidentally generate urban runoff, such as the hosing of driveways, and the non-commercial hand-washing of cars, shall be excluded from this prohibition;
6. To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by the State's, or the City's, or Los Angeles County's health
7. Discharges from the washing out of concrete trucks into the MS4;
8. Discharges to the MS4 of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation; or
9. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

E. Discharges in Violation of the Municipal NPDES Permit: Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

7406. Exempted Discharges, Conditionally Exempted Discharges, or Designated Discharges

Discharges from those activities specifically identified in, or pursuant to, Part 2, Section II.C of the Municipal NPDES Permit as being Exempted Discharges, Conditionally Exempted Discharges, or Designated Discharges shall not be considered a violation of this Chapter, provided that any applicable BMP's developed pursuant to the Municipal NDPES Permit are implemented to minimize any adverse impacts from such identified sources.

7407. Requirements for Existing Properties; Good Housekeeping Provisions.

Owners and occupants of property within the City shall comply with the following requirements:

A. Septic Waste: No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where a discharge to streets or the MS4 may or does occur.

B. Use of Water: Runoff of water used for irrigation purposed shall be minimized to the maximum extend practicable. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extend practicable.

C. Storage of materials, machinery, and equipment: Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.

D. Removal and disposal of debris from commercial and institutional motor vehicle parking lots: Commercial and institutional motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to storm water shall be swept regularly or other equally effective measures shall be utilized to remove debris from such parking lots.

E. Food Wastes: Food wastes generated by non-residential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the Municipal Separate Storm Sewer System.

F. Best Management Practices: Best Management Practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical materials which have potential adverse impacts on water quality.

7408. Requirements for Commercial and Construction Activities.

Each commercial discharger, discharger associates with construction activity, or other discharger described in any general storm water permit addressing such discharges as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES Permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

7409. Enforcement.

A. Violations Deemed a Public Nuisance:

1. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.

2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
3. If any violation of this Chapter constitutes a seasonal and recurrent nuisance, the authorized enforcement officer shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this Chapter.

B. Concealment: Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation such of provision.

C. Civil Actions: In addition to any other remedies provided in this section, any violation of this Chapter may be enforced by civil action brought by the City. In any such action, the City may week, as appropriate, any or all of the following remedies:
1. A temporary and/or permanent injunction.
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation.
4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

D. Administrative Enforcement Powers: In addition to the other enforcement powers and remedies established by this Chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies:
1. Cease and Desist Orders: When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the officers may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (i) comply with the requirements, (ii) comply with a time schedule for compliance, and (iii) take appropriate remedial or preventive action to prevent the violation from recurring.
2. Notice to Clean: Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the roadway or trail abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the Municipal Separate Storm Sewer System or a non-storm water discharge to the MS4, he or she may give notice to the owner or occupant or the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

E. Penalties: Violation of this Chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1-5-1(A) of this Code. Each day that a violation continues shall constitute a separate offense.

F. Permit Revocation: To the extent the City makes a provision of this Chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

G. Remedies: Remedies specified in this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

7410. No Taking.

The provision of this Chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation.

7411. Urban Storm Water Mitigation Plan Required.

Project submitted to the City of Bradbury for approval by the Planning Department or the Building and Safety Department for new construction or redevelopment of a property in the City of Bradbury in the following classifications shall prepare an USWMP prior to the issuance of Grading or Building Permit for the project.

A. Subdivision into 10 or more Residential Lots.

B. Hillside Residential Property.

7412. Content of Urban Storm Water Mitigation Plan.

The USMWP required by this Section shall be prepared by a Registered Civil Engineer, Licenses Architect, Landscape Architect, or any other professional knowledgeable about Storm Water Management issues and shall evaluate and propose BMP's to address each source of pollutant identified by the project evaluation. As a minimum the designer shall address the BMP's listed in the Commercial Site Visit Program, for the proposed use of the site, as approved by the Regional Water Quality Control Board – Los Angeles by Resolution 98-08 on April 13, 1998. All USMWP's shall contain the following elements:

A. Peak storm water runoff rate. Peak runoff rate shall not exceed predevelopment levels.

B. Provide Storm Drain System Stenciling and Signage. All storm drain inlets from a project shall be clearly labeled to indicate that no dumping is permitted, drains to Ocean. Labels shall be maintained at least every three years.

C. Conserve Natural Areas. The development of properties shall preserve natural areas or pervious areas to the maximum extent practical. The pervious areas shall be used for treatment of runoff, as a recharge area, or as passive or active open space.

D. Proper Design of Trash Storage Area. Trash enclosure areas shall not be designed in the path of drainage nor shall roof drainage downspouts discharge to the trash enclosure.

E. Vehicle/Equipment Wash Area. If the project includes vehicle/equipment wash areas the design shall include roof to prevent rainwater from entering the area along with berms to prevent site drainage from entering the wash area. The wash area shall be connected to the Sanitary Sewer.

F. Proof of Ongoing Maintenance. The plan shall incorporate record keeping standards to document maintenance of Structural BMP's to assure ongoing operation of the systems. Records shall be maintained for three (3) years. The records shall be available for inspection upon request by the City Engineer or the designated agent.

7413. Project Specific Issues to be Addressed by the USWMP.

In addition to the six items listed in Section 7412 BMC, the following projects must also consider issues unique to the occupancy:

A. Residential Subdivisions of 10 or more Lots and Hillside Residential Properties

1. Mitigate Storm Water Runoff. The project shall use, to the greatest extend practicable, pervious surfaces for drainage structures, walkways, parking areas and recreation facilities. The project shall also evaluate the feasibility for reducing impervious surfaces, to the greatest extent practical, by reducing street widths, reducing sidewalk areas, and limiting impervious site improvements.

7414. Review of the Urban Storm Water Mitigation Plan by the City.

The City shall review the USWMP to assure that all elements of the plan have been addressed and that the applicant has identified the BMP's necessary to protect the MS4. The Director or his designee shall identify any deficiencies in the plan and return it to the applicant for modification. When the plan is found to comply with the provisions of this Section the grading or building permits may be issued for the projects. If, during construction, the plan is found to be deficient by the City or any other interested party, the applicant shall amend the plan to address the deficiency.

7415. Filing of the Urban Storm Water Mitigation Plan.

Upon acceptance of the USWMP by the City the applicant shall file a signed original of the plan with the County Recorder. The document shall contain sufficient legal description to identify the property covered and shall be binding on the applicant and all successors in interest to the

property. The form shall be provided by the City and shall only be amended or removed from title with the consent of the City.

7416. Waiver.

If after evaluating the issue related to a project the designer determines that all BMP's are impractical for their project, a waiver may be granted. The waiver for impracticability shall only be granted when all other structural or treatment BMP's have been considered and rejected as infeasible. The following situations will be recognized as ground for an impracticability waiver:

1. Extreme limitations of space for treatment on a redevelopment project.
2. Unfavorable or unstable soils conditions at a site to attempt infiltration.
3. Risk of ground water contamination because a known unconfirmed aquifer lies beneath the site or an existing or potential underground source of drinking water is less than 10 feet from the soil surface.

The Regional Water Quality Control Board – Los Angeles must approve any justification not identified above, upon application by the City before the City may approve a waiver for impracticality. A waiver granted by the City may be revoked by the Regional Board's Executive Officer for Cause with proper notice upon petition. Any waives granted for impracticability shall be filed as required by Section 7415.

7417. Public Education.

Storm Water and Urban Runoff Pollution Educational Program. The City Engineer along with other Departments, shall conduct an informational program to educate the public about the dangers of runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons that operate with tin City about the contents of this Chapter. The Public Education Program may be conducted in conjunction with the countywide NPDES educational effort.

7418. Inspection.

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever any officer authorized by the City Administrator to enforce this Chapter has reasonable cause to believe that there exists in any building or upon any premises a condition which constitutes a violation of the provisions of this Chapter, the officer may, in a manner prescribed by law, enter such building or premises at all reasonable times to inspect the same or perform any duty necessary to enforce this Chapter.

7419. Disclaimer of Liability.

The degree of protection required by the Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herewith are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Chapter shall not create liability on the part of the City, or any officer, employee, or agents thereof, and for damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

ARTICLE VIII - BUILDING REGULATIONS

CHAPTER 1 - BUILDING CODE

8100. Adoption of Building Code.
Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, as adopted by the Los Angeles County Board of Supervisors on November 27, 2007, adopting the California Building Code, 2007 Edition (Part 2 of Title 24 of the California Code of Regulations), is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Building Code of the City of Bradbury.

The provisions of the Building Code applying to dwellings, lodging houses, congregate residences, hotels, motels, apartment houses, or other uses classified as a Group R Occupancy, and including Chapters 1, 2, 98 and 99 of said Code, are and may be cited as the Housing Code of the City of Bradbury.

In the event of any conflict between provisions of the California Building Code, 2007 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the Bradbury Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 26 of the Los Angeles County Code and the California Building Code, 2007 Edition, have been deposited in the office of the City Clerk of the City of Bradbury and shall be at all times maintained by the City Clerk for use and examination by the public.

8101. Definitions.
Whenever any of the names or terms defined in this section are used in Title 26, Los Angeles County Building Code, 2007 Edition, each name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

"Board of Appeals" shall mean the Board of Appeals established by Section 105 of said Building Code.

"Board of Supervisors" shall mean the City Council of the City of Bradbury.

"Building Department" shall mean the Building Department of the City of Bradbury.

"Building Official" shall mean the Building Official of the City of Bradbury.

"City" shall mean the City of Bradbury, except in Section 103 of said Building Code.

"City Council" shall mean the City Council of the City of Bradbury.

"City Treasury" shall mean the General Fund of the City of Bradbury.

"County", "County of Los Angeles", and **"unincorporated territory"** shall mean the City of Bradbury.

"Electrical Code" shall mean Chapter 4 of Article VIII of the Bradbury Municipal Code.

"Fire Department" shall mean the Department of Forester and Fire Warden of Los Angeles County.

"Fire Code" shall mean Chapter 3 of Article III of the Bradbury Municipal Code.

"Fire Zone" shall mean the fire zone adopted by an ordinance creating and establishing fire zones or, where no such fire zones have been adopted by the City of Bradbury, shall be considered to be in Fire Zone No. 3.

"Health Code" shall mean Chapter 2 of Article V of the Bradbury Municipal Code.

"Health Officer" shall mean the health officer of the City of Bradbury.

"Mechanical Code" shall mean Chapter 2 of Article VIII of the Bradbury Municipal Code.

"Plumbing Code" shall mean Chapter 3 of Article VIII of the Bradbury Municipal Code.

8102. Amendments.
The following sections of Title 26, Los Angeles County Building Code, 2007 Edition, are amended as set forth below:

(A) Section 110.1 of Title 26, Los Angeles County Building Code, 2007 Edition, is amended by adding a new paragraph to Subsection (a) to read as follows:

"3. The Los Angeles County Flood Control District shall act as a consultant to the City Engineer in permit matters relating to flood control and flood hazard identification, avoidance and mitigation in all areas defined on maps furnished to the engineer.

The District shall provide the City Engineer with a series of maps delineating areas subject to flood, mud, and debris hazards. The maps shall be prepared by the District, shall be based on the best currently available information, and shall be updated at least annually.

The City Engineer shall consult with the District with respect to work requiring a building or grading permit in the hazard areas delineated on the maps.

The District shall prepare written reports, when requested by the City Engineer, of its examination of each building or grading permit application for work in hazard areas as delineated on the maps.

The reports shall be considered by the City Engineer in acting upon the application. The actions upon the applications shall be supported in writing.

The District may also act as a consultant whenever the City Engineer proposes to establish by ordinance floodways and water surface elevations regulating the locations of such proposed work."

(B) Section 6403 of Title 26, Los Angeles County Building Code, 2007 Edition, is amended by revising Subsection (b) to read as follows:

"6403.2 Roof Covering. Roof covering shall be Class A as specified in Section 1504.1. Tile roofs shall be fire stopped at the eave ends to preclude entry of flame or embers under the tile. Any repairs of an existing roof shall comply with this section."

Wood-shingle and wood-shake roofs are prohibited in Fire Zone 4 and in Very High Fire Hazard Severity Zones, regardless of Classification under UBC Standard No. 15-2.

(C) Section 1504 of Title 26, Los Angeles County Building Code, 2007 Edition, is amended by revising paragraph 1 of Section 1504.1 of the Building Code to read as follows:

"1. Any Class A, B and C Roofing assembly other than treated or untreated wood shakes or shingles."

(D) Section 9906 of Title 26, Los Angeles County Building Code, 2007 Edition, is amended to read as follows:

"Section 9906- BUILDING REHABILITATION APPEALS BOARD. In order to hear appeals provided for in Chapter 98 and in this Chapter, there shall be and is hereby created a Building Rehabilitation Appeals Board consisting of five members who are qualified to pass on matter pertaining to substandard buildings and property. The members of the Board shall be appointed by, and hold office at the pleasure of, the City Council of the City of Bradbury and may recommend such new legislation as deemed necessary. The Board shall adopt reasonable rules and regulations for conducting its investigations. The Building Official, as directed by the City Council, shall be an ex-officio nonvoting member and shall act as secretary. He shall keep a record of all proceedings and notify all concerned parties of the findings and decisions of the Board."

8103. Fees.

For every fee established by Title 26, Los Angeles County Building Code, 2007 Edition, the amount of such fee, including penalty fee, shall be as set forth in the Building Code, or as adopted, from time to time, by resolution of the City Council of the City of Bradbury.

8104. Certificate of Insurance.

If an applicant for a building or encroachment permit is required, as a condition for the issuance of such permit, to indemnify the City from any liability or responsibility for any damage or injury to persons or property occurring as a proximate result to activities undertaken pursuant to the permit applied for, the applicant shall, prior to the issuance of such permit, submit a certificate of

insurance with endorsement evidencing coverage of City of Bradbury and its agent, the County of Los Angeles, of not less than five hundred thousand ($500,000) for bodily injury and one hundred thousand ($100,000) for property damage liability to assure compliance with the foregoing indemnification.

8105. Violations and Penalties.

(a) **Compliance with Code.** A person shall not erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or perform any grading in the City or cause the same to be done, contrary to, or in violation of any of the provisions of this Code.

(b) **Penalty - Failure to Obtain Permit.** Any person, firm or corporation violating any of the provisions of Section 106.1 of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of Section 106.1 is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(c) **Penalty - Other Violations.** Any person, firm or corporation violating any of the provisions of this Code other than Section 106.1 shall be deemed guilty of an infraction, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Code other than Section 106.1 is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by (1) a fine not exceeding fifty dollars ($50) for a first violation; (2) a fine not exceeding one hundred dollars ($100) for a second violation of the same provision within one year; (3) a fine not exceeding two hundred fifty dollars ($250) for each additional violation of the same provision within one year.

CHAPTER 2 - MECHANICAL CODE

8200. Adoption of Mechanical Code.
Except as hereinafter provided, Title 29, Mechanical Code of the Los Angeles County Code, as adopted by the Los Angeles County Board of Supervisors on November 27, 2007, adopting the California Mechanical Code, 2007 Edition (Part 4 of Title 24 of the California Code of Regulations), is hereby adopted by reference and shall constitute and may be cited as the Mechanical Code of the City of Bradbury.

In the event of any conflict between provisions of the California Mechanical Code, 2007 Edition, Title 29 of the Los Angeles County Code, or any amendment to the Mechanical Code contained in the Bradbury Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 29 of the Los Angeles County Code and the California Mechanical Code, 2007 Edition, have been deposited in the office of the City Clerk and shall at all times be maintained by the City Clerk for use and examination by the public.

8201. Definitions.
Whenever any of the following names or terms are used in Title 29, Los Angeles County Mechanical Code, 2007 Edition, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

"Board of Appeals" or **"Board of Examiners of Plumbers"** shall mean the Board of Examiners of Plumbers and Gas Fitters of the County of Los Angeles established by Section 73 of the Los Angeles County Plumbing Code.

"Building Department" shall mean the Building Department of the City of Bradbury.

"Building Code", "Uniform Building Code" or **"Los Angeles County Building Code"** shall mean Chapter 1 of Article VIII of the Bradbury Municipal Code, entitled Building Code.

"Building Official" shall mean Building Official of the City of Bradbury.

"City" shall mean the City of Bradbury.

"Electrical Code" shall mean Chapter 4 of Article VIII of the Bradbury Municipal Code, entitled Electrical Code.

"Fire Code" or **"Los Angeles County Fire Code"** shall mean Chapter 4 of Article III of the Bradbury Municipal Code, entitled Fire Prevention Code.

"General Fund" shall mean the City Treasury of the City of Bradbury.

"Health Code" or **"Los Angeles County Health Code"** shall mean Chapter 2 of Article V of the Bradbury Municipal Code, an ordinance adopting the Los Angeles County Health Code.

8202. Fees.
Any person applying for a permit under this Chapter shall, at the time the application is made, pay to the City Building Department such fee set forth in the Mechanical Code, or such fee or fees as may be adopted by the City Council by resolution from time to time.

8203. Violations and Penalties.
It shall be unlawful for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction or cause the same to be done, contrary to or in violation of any of the provisions of this Code. Maintenance of equipment which was unlawful under this Code, if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, and upon conviction shall be punishable by a fine of not more than one

thousand dollars ($1,00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

CHAPTER 3 - PLUMBING CODE

8300. Adoption of Plumbing Code.
Except as hereinafter provided, Title 28, Plumbing Code of the Los Angeles County Code, as adopted by the Los Angeles County Board of Supervisors on November 27, 2207, adopting the California Plumbing Code, 2007 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby adopted by reference and shall constitute and may be cited as the Plumbing Code of the City of Bradbury.

In the event of any conflict between provisions of the California Plumbing Code, 2007 Edition, Title 28 of the Los Angeles County Code, or any amendment to the Plumbing Code contained in the Bradbury Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 28 of the Los Angeles County Code and the California Plumbing Code, 2007 Edition, have been deposited in the office of the City Clerk and shall be at all times maintained by the City Clerk for use and examination by the public.

8301. Definitions.
Whenever any of the names or terms defined in this section are used in Title 28, Los Angeles County Plumbing Code, 2007 Edition, as each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

"Administrative Authority", "Chief Plumbing Inspector" or **"Plumbing Inspector"** shall mean the County Engineer or the County of Los Angeles, except in Section 4 of said Plumbing Code.

"Board of Examiners of Plumbers and Gas Fitters" or **"Board of Examiners"** shall mean the Board of Examiners of Plumbers and Gas Fitters of the County of Los Angeles established by Section 73 of said Plumbing Code.

"City" shall mean the City of Bradbury.

"County", "County of Los Angeles", or "Unincorporated Territory" shall mean the City of Bradbury.

8302. Fees.
For every fee established by Title 28, Los Angeles County Electrical Code, 2007 Edition, the amount of such fee, including penalty fee, shall be as set forth in the Plumbing Code, or as adopted, from time to time, by resolution of the City Council of the City of Bradbury.

8303. Violations and Penalties.
Every person who violates any of the provisions of this Chapter is guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction shall be punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

8304. Use of Copper Tubing.
Section 203 (d) of the Los Angeles County Plumbing Code, 1990 Edition, as amended and effective in 1990 and adopted by reference by the City of Bradbury, is hereby amended to read as follows: "Copper tube for water piping shall have a weight of not less than Type K."

CHAPTER 4 - ELECTRICAL CODE

8400. Adoption of Electrical Code.
Except as hereinafter provided, Title 27, Electrical Code of the Los Angeles County Code, as adopted by the Los Angeles County Board of Supervisors on November 27, 2207, adopting the California Electrical Code, 2007 Edition (Part 3 of Title 24 of the California Code of Regulations), is hereby adopted by reference and shall constitute and may be cited as the Electrical Code of the City of Bradbury.

In the event of any conflict between provisions of the California Electrical Code, 2007 Edition, Title 27 of the Los Angeles County Code, or any amendment to the Electrical Code contained in the Bradbury Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 27 of the Los Angeles County Code and the California Electrical Code, 2007 Edition, have been deposited in the office of the City Clerk of the City of Bradbury and shall be at all times maintained by the Clerk for use and examination by the public.

8401. Definitions.
Whenever any of the following names or terms are used in Title 27, Los Angeles County Electrical Code, 2007 Edition, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

"Chief Electrical Inspector" shall mean the Building Official of the City of Bradbury.

"County", "County of Los Angeles", or "Unincorporated Territory" shall mean the City of Bradbury.

"Maintenance Electrician" shall mean a person holding a valid Certificate of Registration as Maintenance Electrician issued by the County of Los Angeles as set forth in Sections 82-4 (b) and 82-4 (c) of said Electrical Code.

"Special Inspector" shall mean a person holding a valid Certificate of Registration as Special Inspector issued by the Los Angeles County Code as set forth in Section 84-14 (a) of said Electrical Code.

8402. Fees.
For every fee established by Title 27, Los Angeles County Electrical Code, 2007 Edition, the amount of such fee, including penalty fee, shall be as set forth in the Electrical Code, or as adopted, from time to time, by resolution of the City Council of the City of Bradbury.

8403. Violations and Penalties.
Every person who violates any of the provisions of this Code is guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction shall be punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

CHAPTER 5 - SWIMMING POOLS

8500. Title.
This Chapter shall be known as the "Bradbury Swimming Pool Ordinance" and may be cited as such.

8501. Enforcement.
It shall be the duty of the City Manager to enforce the provisions of this Chapter.

8502. Swimming Pool Fencing.
Every person, firm or corporation in possession of land within the City of Bradbury, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or outside body of water having a depth of over eighteen inches (18") located within one hundred feet (100') of any structure used for dwelling purposes located upon any other parcel of property, or within one hundred feet (100') of any street, public or private, other than private driveways or mutual easements of access held by less than three (3) parties, shall maintain on the lot or premises upon which said swimming pool or body of water is situated, a fence or wall not less than five feet (5') in height with openings, holes or gaps therein no larger than four inches (4") in any dimension except for doors and gates; provided, however, that if a picket fence is erected or maintained, the horizontal dimension between the pickets shall not exceed four inches (4"). Said fence or wall shall completely enclose such pool or body of water. A residential structure or accessory building may be used as part of such enclosure. An incline from the ground level of the swimming pool downward of not less than 30º in slope and ten feet (10') in linear length, or other natural barriers, may be utilized as part of such enclosure upon the express approval of the Planning Commission. No fence or wall shall be erected or maintained that affords ladder like access. All gates and doors shall be self-latching and self-locking by means of a device located not less than four and one-half feet (4 1/2') above the ground. Any door which shall open directly from a garage to the area in which a swimming pool or body of water as defined herein is located when the garage door is open shall itself be self-locking and self-latching. All existing swimming pools shall comply with the provisions hereof within ninety (90) days following the effective date of this Chapter.

8503. Health Hazards.
All swimming pools or bodies of water within the City of Bradbury shall be so maintained as to not cause any public health hazard, including, but not limited to, the creation of mosquitoes.

8504. Notice to Correct Hazard.
In the event the City Manager, or the County of Angeles Health Department, as an agency of the City of Bradbury, shall determine the maintenance of any swimming pool or body of water constitutes a health hazard, the owner and/or occupant of the premises on which the particular swimming pool or body of water is located shall be given notice in writing at the address of the swimming pool or body of water to correct the situation within the said five-day period, the City Manager may commence public nuisance proceedings for said hazard pursuant to Chapter 23 or Article IX of this Code.

8505. Inspection and Approval.
All plans for construction of any swimming pool or body of water shall comply with the provisions of this Chapter. Final inspection and approval of all swimming pools or bodies of water shall be withheld until all requirements of this Chapter have been met.

8506. Zoning Regulations.
Any fence or wall erected for the purpose of complying with this Chapter shall conform to all zoning regulations of the City of Bradbury; provided further that no swimming pool or outside body of water shall be constructed where protective fencing required by this Chapter will be in conflict with said zoning regulations.

CHAPTER 6 - UNDERGROUND UTILITY FACILITIES

8600. Definitions.

Whenever in this Chapter the words or phrases hereinafter defined in this Section are used, they shall have the respective meanings assigned to them in the followings definitions:

1. "Commission" shall mean the Public Utilities Commission of the State of California.
2. "Underground Utility District" or "District" shall mean 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 4 of this Ordinance.
3. "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.
4. "Poles, overhead wires and associated overhead structures" shall mean 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.
5. "Utility" shall include all persons or entities supplying electric, communications or similar associated service by means of electrical materials or devices.

8601. Preamble.

The City Council finds and determines that henceforth all overhead utilities, where feasible based on cost and engineering, shall be placed underground.

8602. Public Hearing.

1. **Public Hearing by Council.** The City 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 (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearing all person interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.
2. **Report by City Engineer.** Prior to holding such public hearing, the City Engineer shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the City and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

8603. Council May Designate Underground Utility District 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 shall be accomplished, and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipments necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

8604. 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 8603 hereof, it shall be 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 said overhead facilities are required to be removed by such resolution, except as said 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 8609 hereof, and for such reasonable time required to removed said facilities after said work has been performed, and except as otherwise provided in this Ordinance.

8605. Exception, Emergency or Unusual Circumstances.

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period, not to exceed thirty (30) 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, utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

8606. Other Exceptions.

In any resolution adopted pursuant to Section 860 hereof, the City may authorize any or all of the following exceptions:

1. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.
2. Poles or electroliers used exclusively for street lighting.
3. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
4. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
5. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixtures and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.
6. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.
7. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
8. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

8607. Notice to Property Owners and Utility Companies.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 8603 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said 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, communications, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on files with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution, adopted pursuant to Section 8603, together with a copy of this Ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

8608. Responsibility of Utility Companies.

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 8603 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipments required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

8609. Responsibility of Property Owners.

1. Every person owning, operating, leasing, occupying or ~~tenting~~ renting a building or structure with a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 8608 and the termination facility on or within said 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 8603 hereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.
2. 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, to General Delivery, City of Bradbury. 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 (48) hours after the mailing thereof. If notice is given by mail to either the owner or the occupant of such premises, the City Engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place of said premises.
3. 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 the state that if said work is not completed within thirty (30) 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 benefitted and become a lien upon such property.
4. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer 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 said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such premises, which said time shall not be less than ten (10) days thereafter.
5. 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.

6. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.
7. If any assessment is not paid within five (5) 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 of each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent (6%) per annum.

8610. Responsibility of City.
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 8603 hereof.

8611. Extension of Time.
In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 8603 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

8612. Penalty.
It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued, or permitted by such person, and shall be punishable therefore as provided for in this Chapter.

8613. Constitutionality.
If any section, subsection, sentence, clause or phrase or this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Council hereby declares that it would have adopted the Chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any of or more sections, subsections, sentences, clauses or phrase be declared invalid.

CHAPTER 7 - WATER SERVICE REQUIREMENTS

8700. Water Service Requirements.

1. **Minimum Requirement.** With respect to water service, the following water service requirements are hereby established and shall require that any new construction of habitable structures and accessory buildings over 1,000 square feet of interior additions or remodeling of habitable structures or accessory buildings which adds over 1,000 square feet within the City of Bradbury and for which a permit is required to be issued:

Lot Size	**Any Lot**
Fire Flow Req.	**1,250 GPM**
Duration Req.	**Two Hours**
Fire Hydrant Spacing	**500 Feet**

2. **Service.** All such water service shall be connected to the existing domestic water service system.
3. Computation of available fire flow shall be based upon a minimum of twenty (20) pounds per square inch gauge of residual operation pressure remaining in the street main from which the flow is measured.
4. The City Council may reduce the 1,250 GPM fire flow requirement upon the recommendation of the Planning Commission in exceptional circumstances and where the applicant proves to the satisfaction of the Council that the condition set forth in Section 9211 of Chapter 4 of the Bradbury Zoning Code exist.

CHAPTER 8 - WATER FRANCHISE

Section 1. Definitions.
For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Provisions of this ordinance shall be construed in accordance with the laws of the State of California.

(a) **"City"** shall mean the City of Bradbury, a municipal corporation duly organized and existing under an by virtue of the laws of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or reincorporated form.
(b) **"Council"** shall mean the City Council of the City of Bradbury.
(c) **"Grantee"** shall mean the California-American Water Company to which this franchise is granted by the Council, and its lawful successors or assigns; and to whom or which has filed with the City an acceptance and bond as referred to in Section 9.
(d) **"Franchise Property"** shall mean all property retained by the Grantee in a street under authority of this franchise.
(e) **"Street"** shall mean the surface of, and the space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway, bike path, or drive, now or hereafter existing as such within the City.
(f) **"Person"** shall be any individual, association, co-partnership, or corporation.

Section 2. Nature and Extent of Franchise Grant.
The franchise hereby granted by the City authorized Grantee to lay, construct, install, operate, alter, repair, replace, reconstruct, maintain and use a system of water pipes and pipelines, mains, tubes, ditches, flumes, conduits, and all appliances, attachments, facilities, and appurtenances for transmitting and distributing water for domestic, commercial, industrial, and irrigation purposes, and for any and all purposes for which water can be used on, along, in, under, over, across, or upon any street within the boundaries of the City as the same shall now or hereafter exist.

Section 3. Duration of Grant.
This franchise shall become effective upon written acceptance thereof filed by the Grantee with the City Clerk accompanied by the performance bond and insurance policy required by Section 9 and 10. Such written acceptance, bond and insurance shall be filed by Grantee within thirty (30) days after the ordinance granting the franchise becomes effective, unless the time is extended by Council.
This franchise may be terminated by the City Council at any time after notice and hearing is given to the Grantee.
The Grantee shall not commence operation under this franchise until the happening of the following events:

(a) The written acceptance hereof by the Grantee accepting all of the terms and conditions of this franchise and agreeing to be bound thereby, delivered to the City Clerk in a form approved by the City Attorney.
(b) The filing of surety bond or bonds with the City Clerk, as required in Section 9 of this franchise, in the amount specified therein and in a form satisfactory to the City Attorney.

Section 4. Limitations Upon Grant.

(a) No privilege or exemption is granted or conferred by this franchise, except those specifically prescribed herein.
(b) The said franchise and privilege shall be subordinate to any existing franchise or lawful occupancy of any public highway, street, road, or other public property in connection with the purpose of said existing franchise or franchises or any extension thereof.

(c) This franchise is a privilege to be held in personal trust by the original Grantee. It cannot, in any event, be transferred in part, and it is not to be sold, transferred, leased, assigned, or disposed of as a whole, either by forced sale, merger, consolidation or otherwise, without prior written consent of the City (which consent shall not be unreasonably withheld) by express resolution, and then only under such conditions as may be therein prescribed; provided, however, that no such consent shall be required for any transfer in trust, mortgage, or other hypothecation, as a whole, to secure an indebtedness.

(d) There is hereby provided and reserved to the City every right and power which is required to be herein reserved or provided by any provision of law or of any ordinance of the City, and the Grantee by its acceptance of this franchise agrees to be bound thereby and to comply with any action or requirement of the City in its exercise of any such right or power.

(e) Neither the granting of this franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

(f) Time is of the essence for this franchise. The Grantee shall not be relieved of this obligation to promptly comply with any provision hereof by any failure of the City to enforce prompt compliance with the same or any.

(g) Any right or power conferred, or duty imposed upon any officer, employee, department or board of the City is subject to transfer by operation of law to any other officer, employee, department or board of the City.

Section 5. Franchise Grant and Compensation.

(a) By its acceptance of this franchise, the Grantee agrees and shall, during the life of this franchise, pay to the City a sum annually which shall be two percent (2%) of the gross annual receipts of Grantee derived from the sale of water within the limits of the City under this franchise during the immediately preceding calendar year.

(b) Commencing March, 1996, checks for all such payments shall be made payable to the City Treasurer, and shall be submitted to the City Treasurer on or before the last day of March of each year for the preceding calendar year, or portion thereof for which this franchise remained in effect.

(c) Each payment shall be accompanied by a statement, in duplicate, verified by a duly authorized representative of the Grantee, showing in such form and detail as the City Council may require from time to time, the facts material to a determination of the amount due.

Section 6. Inspection of Property and Records.

At all reasonable times and upon reasonable notice, the Grantee shall permit any duly authorized representative of the City to examine all franchise property, together with appurtenant property of the Grantee, situated within or without the City, and to examine, inspect, audit and transcribe any and all maps, records, or books kept or maintained by the Grantee or under its control in connection with the operations, affairs, transactions or property of the Grantee with respect to the Franchise Property. If any of such maps or records available are not kept in the City, or upon reasonable requests made available to the City, and if the authorized representative of the City shall determine that an examination thereof is necessary or appropriate to the performance of his duties, then all reasonable travel and maintenance expenses necessarily incurred in making such examination shall be paid by the Grantee.

Section 7. Duties and Liabilities of Grantee.

(a) Pay to the City, on demand, the cost of all repairs to public property made necessary by any of the operations of the Grantee under this franchise; construct, relocate, install and maintain all pipes, ditches, flumes, conduits, and appurtenances, for transmitting and distributing water for all purposes in accordance with and in conformity with all applicable laws, regulations and directives of the City.

(b) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations by Grantee under this franchise, as set forth in more detail in Section 10; and be liable to the City for all damages proximately resulting from the failure of said Grantee well and faithfully to observe

and perform each and every applicable provision of Division 3, Chapter 2, of the Public Utilities Code of the State of California (the "Franchise Act of 1937"), or any other obligation imposed by law.

(c) Permit City to audit at cost of Grantee the gross receipts of Grantee, not exceeding five (5) years in arrears.

Section 8. Forfeiture.

Any neglect, omission or refusal by the Grantee to comply with any conditions prescribed in this ordinance and the continuance of such neglect, omission or refusal of a period of ten (10) days after written demand for compliance to the Grantee, who has not begun the work of compliance of after beginning does not prosecute the work with due diligence to completion, the City Council may declare the franchise forfeited.

Section 9. Faithful Performance Bond.

(a) The Grantee shall, concurrently with the filing of an acceptance of award of this franchise, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of this franchise at its expense, a corporate surety bond, in a company approved and in a form satisfactory to the City Attorney, in duplicate, in the amount of Fifty Thousand Dollars ($50,000), and conditioned upon the faithful performance of Grantee and that in the event the Grantee shall fail to comply with any one or more of the provisions of this franchise, then there shall be recoverable jointly and severally from the principal and surety of such bond, any damages or loss suffered by the City as a result thereof, including the full amount of any compensations indemnification, or cost of removal or abandonment of property, as prescribed by this Ordinance, which may be in default, plus a reasonable allowance for attorneys fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of this franchise and thereafter until the grantee has liquidated all of its obligations with the City that may arisen from the acceptance of this franchise by the Grantee or from its exercise of any privilege herein granted. The bond shall provide that thirty (30) days prior to written notice of intention not to renew, cancellation or material change be given to the City

(b) Neither the provisions of this Section, any bond accepted by the City pursuant thereto, nor any damages recovered by the City thereunder, shall be construed to excuse faithful performance by the Grantee or limit the liability of the Grantee under this franchise or for damages, either to the full amount of the bond or otherwise.

Section 10. Indemnification.

At all times during the existence of this franchise, Grantee agrees to indemnify and hold harmless the City, its officers, agents, and employees from and against any and all claims, demands, losses, defense costs, or liability or any kind or nature which the City, its officers, agents, and employees may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, arising out of, or in any manner connected with Grantee's performance under the terms of this Agreement, excepting only liability arising out of the negligence of the City.

Without limiting Grantee's indemnification, it is agreed that Grantee shall maintain in force at all times during the existence of this franchise the following policy or policies of insurance covering its operations:

(a) Comprehensive General Liability, including contractual business automobile liability, all of which shall include coverage for both bodily injury and property damage with a combined single limit of five million dollars; and

(b) Worker's Compensation coverage at statutory limits. Grantee shall furnish to City certificates of insurance as to the same and which shall demonstrate that City is named as an additional insured under Grantee's comprehensive general liability policy. Said liability policy shall provide that it shall not be canceled, limited or not renewed except upon thirty (30) days prior written notice to the City Clerk.

Section 11. Location of Franchise Properties.
Franchise property shall be constructed or installed in the streets within the City only at such location and in accordance with the laws and regulations of the City. Construction or installation of franchise property in all other public places within the City shall be subject to the approval of and regulation by the Council. Relocation of franchise property shall only be done in accordance with the laws and regulations of the City.

Section 12. Removal or Abandonment of Franchise Property.

(a) In the event that the use of any franchise property is discontinued for any reason for a continuous period of twelve (12) months or that franchise property has been installed in any street without complying with the requirements of this franchise, or the franchise has been terminated, canceled or expired, the Grantee shall remove all such property from the Street as required by the ordinances and regulations of the City; and in the event of any such removal, the Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the City Community Development Director.

(b) Franchise property not ordered removed shall be abandoned as required by the ordinances and regulations of the City. Upon abandonment of any franchise property in place, the Grantee shall submit to the City Council an instrument satisfactory to the City Attorney, transferring to the City ownership of such property.

Section 13. Rights Reserved by City.

(a) There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any ordinance of the City, and the Grantee by its acceptance of this franchise agrees to be bound thereby and to comply with any reasonable action or requirement to the City in its exercise of any such right or power, heretofore or hereafter enacted or established.

(b) Neither the granting of this franchise nor any of the provisions contained herein shall be construed to prevent the City from granting any identical or similar franchise to any person or corporation other than the Grantee; provided, however, that so long as this franchise is in effect, City shall not grant any such franchise or enter into any such agreement with any other water utility which would serve any portion of the City served by Grantee under this franchise.

(c) If, at any time during the existence of this franchise, City shall exercise its right to the property of Grantee to the extent that such acquisition is authorized or permitted by law, in fixing the price to be paid by the City for acquisition of Grantee's property, no allowance shall be made for the value of the franchise granted by this ordinance, or for increased value of right-of-way, if any, resulting therefrom.

Section 14. Surrender of Other Franchises.
This grant is made in lieu of all other franchises, rights, or privileges owned by the Grantee, or by any successor of the Grantee, to any rights under this franchise, for transmitting and distributing water within the limits of the City, as said limits now or may hereafter exist. The acceptance of the franchise hereby granted shall operate as an abandonment of all such franchises, rights and privileges within the limits of this City, as such limits at anytime exist, in lieu of which this franchise is granted.

Section 15. Enforcement Remedies.

(a) If Grantee shall fail or refuse to comply with any of the provisions, conditions, obligation or duties set out in this franchise, City shall notify Grantee in writing to perform such obligations or duties. In the events that Grantee shall fail to comply with said notice within ten (10) days, the City may, at its option, proceed to perform the duties or obligations itself, provided that in cases of emergency, the City may proceed to perform the duties and obligations. All costs incurred by the City thereby shall be charged against the Grantee. If Grantee fails or refuses to pay the amount of such costs within thirty (30) days from the date that such costs are submitted to the said Grantee in writing, the City may proceed to collect such costs by an action at law.

(b) As a separate and alternate remedy, if the Grantee shall consistently fail or refuse to comply with any of the provisions set out in this franchise ordinance, the City may declare a forfeiture, and/or may sue Grantee for damages for such noncompliance, and/or may exercise any other rights or remedies provided by law.

Section 16. Severability.
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional, by any court or governmental agency of competent jurisdiction, and such portion shall be deemed a separate distinct and independent provision, such invalidity shall not affect the validity of this ordinance of any of the remaining portions thereof. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration or other obligation required of the Grantee by this franchise.

Section 17. Public Expenses.
The Grantee shall pay to the City a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of this franchise. Such payment shall be made within thirty (30) days after City shall have furnished Grantee with a written statement of such expense.

All ordinance or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed insofar as they conflict with this ordinance.

Title 9
Development Code

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TITLE 9.01
Development Code Purpose and Applicability

Chapter 9.01.010 - Purpose and Applicability of Development Code

Chapter Index:

9.01.010.010 - Title
9.01.010.020 - Purpose and Intent of Development Code
9.01.010.030 - Authority, Relationship to General Plan
9.01.010.040 - Applicability of Development Code
9.01.010.050 - Procedures for Interpretations
9.01.010.060 - Partial Invalidation of Development Code

9.01.010.010 - Title

The provisions hereof shall be referred to as the "Bradbury Development Code" or "Code" or "Zoning Code".

9.01.010.020 - Purpose and Intent of Development Code.

The purpose of the regulations contained in this Code is to classify, designate, regulate and restrict the use of buildings, land and structures, in order to permit the optimum use of land within the City; to serve the needs of residential, agricultural, water conservation and other purposes within the City; to regulate and limit the height, number of stories, size and location of buildings and other structures, hereafter designed, erected or altered; to regulate the size of yards and open spaces; to regulate and limit the density of population; to facilitate adequate provisions for community utilities and facilities, such as transportation, water, sewage, schools, parks and other public requirements; to lessen congestion on streets; and to promote the public health, safety, welfare and general prosperity with the aim of preserving a wholesome, serviceable and attractive community.

9.01.010.030 - Authority, Relationship to General Plan.

A. This Development Code is enacted based on the authority vested in the City of Bradbury by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Health and Safety Code.

B. This Development Code and the Zoning Map (Section 9.05.010.030) are the primary tools used by the City of Bradbury to implement the goals, objectives, and strategies of the Bradbury General Plan, which is the overall development policy document of the City, hereafter referred to as the "General Plan".

9.01.010.040 - Applicability of Development Code.

This Development Code applies to all land uses, structures, subdivision, and development within the City of Bradbury, as provided by herein.

A. New land uses or structures, changes to land uses or structures. Compliance with the requirements of this Development Code is necessary for any person or entity to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

B. Continuation of an existing land use. All uses allowed by reason of variances and conditional or special use permits heretofore issued by the City, shall be deemed to remain in full force and effect, subject to the provisions of Sections 9.02.060.020, 9.02.060.030, and 9.02.060.040. Notwithstanding any other provision hereof, no such use which is being lawfully exercised in compliance with all applicable laws and with the conditions of approval applicable thereto, shall be deemed to be non-conforming, for any purpose, except as herein specifically set forth.

C. Continuation of existing nonconforming uses. No use established or conducted, nor

any building or improvement existing or maintained, in violation of the former zoning regulations of this City, shall be deemed to have acquired a legal non-conforming status by reason of the adoption of these regulations.

D. Effect of Development Code changes on projects in progress. If, as of the effective date of these regulations, legislative or administrative action is in process pursuant to the provisions of the former zoning regulations of the City, such action shall be deemed to have been taken pursuant to the provisions of this Article, and shall be finally processed, insofar as possible, in accordance with the provisions hereof.

E. Other requirements may still apply. Nothing in this Development Code eliminates the need for obtaining any permit, approval or entitlement required by other provisions of the Municipal Code or complying with the regulations of any City department, or any County, regional, State, or Federal agency.

F. Conflicting requirements. Any conflicts between different requirements of this Development Code, or between this Development Code and another regulation, shall be resolved in compliance with Section 9.01.010.050 (Procedures for Interpretations).

G. Minimum Requirements. These regulations shall be deemed and construed to be the minimum requirements necessary for the promotion of the public health, safety, interest and welfare, unless the contest of a specific regulation clearly provides otherwise.

H. Reference to Other Laws. Whenever reference is made herein to other provisions hereof or other laws, that reference shall be deemed to apply to all amendments now, or hereafter, adopted.

I. Replacement of Previous Regulations. Insofar as the regulations contained in this Code are substantially similar to the former zoning regulations in effect as of the date of adoption hereof, these said provisions shall be construed as restatements and continuations of such regulations and not as new enactments.

9.01.010.050 - Procedures for Interpretations.

It shall be the duty of the City Manager, where reasonably necessary, to interpret the provisions of this Article to assure adherence to the City Council's purpose and intent in adopting the provisions contained in this Article. All such interpretations shall be reduced to written form, and shall be permanently maintained by the City Manager.

Any person who is aggrieved by any such interpretation may, in writing, within ten (10) days after the date of the City Manager's decision, request that such interpretation be reviewed by the Planning Commission. Upon receipt of such a request, the Planning Commission, at its next regularly scheduled meeting, shall review the interpretation as made, and shall approve, modify or disapprove the same. Any person aggrieved by the decision of the Planning Commission may, in writing, within ten (10) days after the date of the Planning Commission's decision, request that such decision be reviewed by the City Council. Upon receipt of such request, the City Council, at its next regularly scheduled meeting, shall review the decision and shall approve, modify or disapprove the same. The interpretation by the City Council shall be deemed final and conclusive.

9.01.010.060 Partial Invalidation of Development Code.

If any provision hereof or the application thereof to any person or property is held invalid for any reason, the remaining provisions hereof shall not be affected by such invalidity.

TITLE 9.02
Administration

Chapter 9.02.010 - Administrative Responsibility

Chapter Index:

9.02.010.010 - Purpose
9.02.010.020 - Responsibility for Administration
9.02.010.030 - City Council
9.02.010.040 - Planning Commission
9.02.010.050 - City Planner

9.02.010.010 - Purpose.

The administration section of the Development Code is established:

A. To identify each reviewing and approval authority in the City, their powers and duties and related information;

B. To identify clearly all steps necessary to obtain requisite City approvals relating to land uses and regulations set forth in the Development Code;

C. To establish procedures for filing applications for necessary permits and other approvals;

D. To set forth an appeal process.

9.02.010.020 - Responsibility for Administration

It shall be the duty of the City Manager to enforce the provisions of this Article.

9.02.010.030 - City Council.

The City Council is established through the incorporation of the City of Bradbury and it has the authority to hear and decide:

A. Applications for zone changes and zoning ordinance amendments;

B. Applications for Tentative Tract Maps and Parcel Maps;

C. Applications for General Plan Amendments;

D. Applications for Specific Plans and Specific Plan Amendments;

E. Environmental documents, including environmental impact reports, negative declarations and mitigated negative declarations related to the above listed applications;

F. Review and final authority on all appeals of Planning Commission actions.

9.02.010.040 - Planning Commission.

The Planning Commission is established through the provisions of this Code and it has the authority to:

A. Perform the duties and activities set forth in the State Planning Laws;

B. Review and decide applications for Significant Architectural Review, Neighborhood Compatibility, Variances, Conditional Use Permits, Lot Line Adjustments, and associated environmental documents;

C. Review and recommend to the City Council, approval, conditional approval or denial of applications for Tentative Tract Maps, Parcel Maps, General Plan Amendments, Specific Plans and Specific Plan Amendments, Zone Changes, Development Code Amendments, and associated environmental documents;

D. Review and decide decisions and appeals of decisions made by the City Planner;

E. Adopt rules as necessary to conduct its affairs and in keeping with the provisions of this Article. Meetings shall be held on a regular basis and open to the public. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and shall keep records of its own examinations and other official actions, which shall be filed in the Office of the City Clerk.

9.02.010.050 - City Planner.

The City Planner shall be the City Manager's designee to provide staff assistance to the Planning Commission. The City Planner shall have the authority granted to municipalities by the State Planning Act. The City Planner shall have the authority to:

A. Review and make recommendations to the Planning Commission and City Council on all planning applications, or other planning issues, or other issues as may be directed by the City Manager;

B. Review and report to the applicant on all Conceptual Plan applications concerning development proposals located within the City of Bradbury;

C. Review and approve or conditionally approve minor Architectural Review applications;

D. Review and make recommendations to the Planning Commission and City Council on all environmental documents.

Chapter 9.02.020 - Permit Implementation and Time Extensions

Chapter Index:

9.02.020.010 - Purpose
9.02.020.020 - Effective Date of Permits
9.02.020.030 - Applications Deemed Approved
9.02.020.040 - Performance Guarantees
9.02.020.050 - Time Limits and Extensions

9.02.020.010 - Purpose.

This Chapter provides requirements for the implementation or "exercising" of permits or entitlements specified by this Development Code, including time limits and procedures for granting extensions of time.

9.02.020.020 - Effective Date of Permits.

The decision of the Planning Commission shall be final and conclusive at midnight of the tenth (10th) day following the date of adoption of a resolution by the Commission. Upon the filing of an appeal, in the manner herein set forth, the decision of the Planning Commission shall be suspended and of no force and effect unless the City Council fails to render a decision within 120 days of the filing of an appeal. If no such Council decision is reached within that 120-day period, the Planning Commission decision shall be final.

9.02.020.030 - Applications Deemed Approved.

A permit application deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before a building permit is issued or a land use, not requiring a building permit, is established.

9.02.020.040 - Performance Guarantees.

An applicant may be required by conditions of approval to provide adequate security to guarantee the faithful performance of any or all conditions of approval imposed by the review authority. The City Manager or his/her designee shall be responsible for setting the amount of the required security.

9.02.020.050 - Time Limits and Extensions.

A. Review and report to the applicant on all Conceptual Plan applications concerning development proposals located within the City of Bradbury;

To ensure continued compliance with the provisions of this Chapter, each approved permit or entitlement shall expire one year from the date of approval, unless otherwise specified in the permit or entitlement, if the use has not been exercised. Time extensions may be granted by the review authority if a written request has been submitted by the applicant, and received by the City at least 30 days prior to the expiration of the permit. If a permit or entitlement has not been exercised within the established time frame, and a time extension has not been granted, the approval shall be deemed void.

B. Permit implementation - exercising the permit or entitlement.

Exercised, defined. An approved permit or entitlement shall be exercised before its expiration if the applicant has:

1. Obtained a building permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvements has commenced;

2. Obtained a grading permit and has completed a significant amount of on-site

grading, as determined by the City Manager;

3. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

C. Extensions of time.

Upon the filing of a request for an extension of time by the applicant at least 30 days before the expiration of the subject permit or entitlement, the review authority may grant an extension of time in which to exercise the permit or entitlement provided that the applicant has provided substantial evidence that he/she has made a good faith effort to establish the permit.

If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in seeking to establish the permit, the review authority may grant an extension of the time period not to exceed one year.

D. Hearing on expiration/extension.

If the matter originally required a noticed public hearing, the review authority shall hold a public hearing on the proposed extension of a permit or entitlement, and give notice to the owners of property within a 500 foot radius of the subject property.

Chapter 9.02.030 - Nonconforming Uses, Structures, and Parcels

Chapter Index:

9.02.030.010 - Purpose
9.02.030.020 - Restrictions on Nonconforming Uses
9.02.030.030 - Restrictions on Nonconforming Structures
9.02.030.040 - Loss of Nonconforming Status
9.02.030.050 - Exception. Conditional Use Permits
9.02.030.060 - Repair of Damage or Partially Destroyed Nonconforming Buildings or Structures on Nonconforming lots
9.02.030.070 – Amortization Period for Shade Coverings Existing As of January 1, 2007

9.02.030.010 - Purpose.

The following regulations shall apply to all nonconforming uses, buildings or structures, located within any zone in the City.

9.02.030.020 - Restrictions on Nonconforming Uses.

So long as a nonconforming use, building or structure exists upon any lot, no new use, building or structure may be established or constructed thereon, except as hereinafter expressly provided.

9.02.030.030 - Restrictions on Nonconforming Structures.

A. Continuation of Nonconforming Uses, Buildings and Structures. Each and every nonconforming use, building or structure may be continually utilized and maintained, subject to the provisions of this Chapter, provided that no alteration, addition or enlargement as to any such use, building or structure shall be permitted, except as otherwise expressly provided herein.

B. Repair and Maintenance.

1. Ordinary Repair and Maintenance. The ordinary repair and maintenance of a nonconforming building or structure shall be permitted, provided that the cost thereof shall not exceed, in any calendar year, an aggregate total of fifty (50) percent of the then assessed value of the building or structure.

2. Eminent Domain. The repair, reconstruction or remodeling of any building or structure shall be permitted where part of such building or structure is taken for any public use by condemnation, dedication or purchase by any agency having the power of eminent domain. Such reconstruction, alteration or repair shall be limited to that necessary to render the said building or structure reasonably safe for continued use.

3. Conforming Buildings. This Section shall not be construed to place any limitation upon any reconstruction, repair or remodeling deemed appropriate by the property owner where the building or structure is conforming, but the use thereof is not.

4. Partial Destruction. Where any nonconforming building or structure is damaged or partially destroyed by fire, explosion, Act of God, or any other casualty, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty, provided that:

   a. the aggregate total reconstruction cost does not exceed a sum equal to twice the then assessed value of the building or structure;

   b. all such construction and/or repair work shall be completed within a period of one (1) year from and after the date of the occurrence of the

casualty.

5. Assessed Value. For the purpose of this Section, "Assessed Value" shall mean the then assessed value of the building or structure as shown on the current assessment role in effect at the time of the occurrence of such casualty, or, the time of the maintenance and repair.

C. Permitted Alterations and/or Additions to Nonconforming Buildings and Structures. Nothing in this Chapter shall be deemed to prevent the extension, expansion, construction, reconstruction or enlargement (hereinafter "work") as to a nonconforming building or structure under any of the following conditions:

1. Elimination of Nonconformity. Such work shall be permitted in order to render the use, building or structure in conformity with the provisions hereof; or

2. Compliance with Laws. Such work shall be permitted in order to comply with any law enacted subsequent to the adoption of the provisions of this Chapter, other than zoning regulations; or

3. Nonconformity. Parking Facilities, Residential Uses. Such work shall be permitted as to any residential use which is nonconforming solely by reason of a lack of off-street parking facilities, without complying with the off-street parking requirements hereof if such work does not result in additional units being constructed upon the lot. If such work does not result in the addition of residential units, then compliance shall be had with the off-street parking requirements of this Article for all such units located upon such lot, including new or additional units.

4. Reconstruction. Such work shall be permitted to replace a nonconforming building or structure in its entirety, or in part at a cost that exceeds fifty (50) percent of its then assessed value, provided:

   a. That the new building or structure does not change or intensify the previous use; and

   b. That prior to the issuance of a building permit, the owner of the property shall submit a statement, in writing, to the City declaring that the accomplishment of any permitted work pursuant to this subparagraph shall not extend the termination date of the nonconforming use, building or structure to which the same relates, so that the new building or structure shall have the same termination date as the building or structure that was replaced.

D. Effect of Work. Accomplishment of any work permitted pursuant to Section 9.02.030.030(C), or repair or maintenance, permitted pursuant to Section 9.02.030.030(B) hereof, shall not be construed so as to extend the termination date of the nonconforming use, building or structure to which the same relates.

E. Exemption and Exceptions.

1. Buildings or Structures under Construction. Any building or structure for which a valid lawful building permit has been issued, and is in force prior to the operative date of these regulations, or any amendment hereto, which enactment has the effect of rendering said building or structure nonconforming, may be completed and utilized provided that the same is completed in accordance with the plans and specifications based upon which such building permit was issued.

2. Public Utilities Exempt. The foregoing provisions of this Chapter concerning the required removal of nonconforming buildings and structures partially destroyed, shall not apply to public utility buildings and structures when such buildings and structures pertain directly to the rendering of the service or distribution of a utility, such as steam electric generating stations, electric distribution

and transmission substations, communications equipment buildings, water wells and pumps, gas storage, metering and valve control stations; nor shall any provision of this Chapter be construed or applied so as to prevent the expansion, modernization or replacement of such public utility buildings, structures, equipment and facilities, as are used directly for the delivery of or distribution of the service, provided that this Section shall not exempt such uses from the provisions hereof covering nonconformity of such buildings, structures or uses, as to those not immediately related to the direct service to consumers, such as warehouses, storage yards and the like.

3. Public Acquisition. Whenever any lot, building or structure or portion thereof is rendered nonconforming, within the meaning hereof, solely by reason of:

   a. Dedication to, or purchase by, a public agency for any public purpose; or eminent domain proceedings;

   b. The same shall not be deemed nonconforming within the meaning of this Chapter, provided that if, subsequent to such acquisition, the buildings and/or structures located upon such lot are wholly destroyed, no reconstruction shall take place unless compliance is had with all of the provisions thereof.

9.02.030.040 - Loss of Nonconforming Status.

Nonconforming uses, buildings or structures shall be subject to abatement and termination of usage, in the manner hereafter described in this Section.

A. Termination: Violation of Law - Change of Use. Whenever any of the following facts are found by the City Council to exist with reference to a nonconforming use, building or structure, the same shall automatically be deemed abated and usage thereof shall forthwith be terminated, except as otherwise herein expressly provided:

1. Violation of any applicable law; or

2. A change from a nonconforming use to another nonconforming use; or

3. An increase or enlargement of the area, space or volume of the building, structure or land occupied by, or devoted to a nonconforming use, except as otherwise herein provided; or

4. A change from a nonconforming use to a conforming use; or

5. Abandonment of a Nonconforming Use. Whenever such use has been discontinued for any reason whatsoever for a period of six months or more, there shall arise a rebuttable presumption that there has been an intent by the owner to abandon such use.

B. Termination by Operation of Law. Nonconforming buildings, uses and structures shall be abated and such usage thereof shall be terminated upon the expiration of the periods of time indicated hereinafter in this subparagraph. Said periods of time shall be deemed to commence to run as of the date that such use, building or structure first became nonconforming by reason of the application thereto of the Zoning Regulations of this City:

1. Where the property is unimproved, except for structures of a type for which the City's building regulations do not require a permit, one (1) year; and

2. Where the property is unimproved except for buildings or structures which contain less than five hundred (500) square feet of gross floor area, three (3) years; and

3. Where the total assessed valuation of all improvements on the property at the time the improvement or use first became nonconforming by reason of the application of this Code is $500.00 or less, three (3) years; and

4. Signs:

   a. Billboards or outdoor advertising structures, ten years after date of construction, or five years after becoming nonconforming, whichever is later;

   b. Portable signs, banners, cloth signs and paper signs, 90 days;

   c. Painted wall and window signs, six months;

   d. All other signs, ten years after date of construction or five years after becoming nonconforming, whichever is later; and

5. A nonconforming use of a conforming building or structure, five (5) years; and

6. Nonconforming buildings and structures shall be abated, and the usage thereof terminated, within the periods of time as herein set forth, based on the building type as defined in the building regulations of the City, as follows:

   a. Type I and II Buildings - 25 years;

   b. Type III Buildings - 20 years;

   c. Type IV - 10 years;

   d. Type V - 15 years.

C. Order of Abatement. Where any one of these facts set forth in Subparagraph 1 hereof are found to exist by the City Council, or where it finds that the abatement period, as to a building, structure or use, as set forth in Subparagraph 2 hereof, has expired, it shall give a written Order of Abatement to the owner and to the person in possession of the property, if any. For the purposes of this Chapter, an owner shall mean any person with a legal or equitable interest in and to real property, except for the purposes of Section 9.02.030.040(B)(4)(b & c) only, when notification of the owner, as shown on the last equalized assessment rolls, and the occupant of the building shall be deemed to be adequate notice. Said Order shall be deemed final and conclusive, and shall be complied with, within thirty (30) days after the mailing thereof, in the absence of an appeal, as hereinafter provided.

D. Appeals. An appeal may be filed with the City Clerk within thirty (30) days after the mailing of such order by the City Manager at the direction of the City Council. Any person who is the owner, or has possession of the property to which such order relates, may file an appeal. Upon receipt of an appeal, the City Council shall conduct a hearing thereon; notice thereof shall be given in the manner prescribed in Section 9.02.040.030 herein. At the time and place set for the hearing, the City Council shall give the appellant a reasonable opportunity to be heard; said City Council may consider any applicable staff report in order to determine the question of whether the said use, building or structure has lost its nonconforming status pursuant to the provisions hereof. The City Council's decision shall be final and conclusive.

9.02.030.050 - Exception. Conditional Use Permits.

Notwithstanding the provisions of this Code, none of the uses set forth in Chapter 9.04.080 for which a Conditional Use Permit is required which were lawfully in existence as of the effective date of these regulations, shall be deemed "nonconforming" solely by reason of the application of Chapter 9.04.080 et seq. thereto, provided that:

A. If the buildings or structures utilized by any such use are, at any time, partially destroyed, within the meaning of Section 9.02.030.030 (B)(4) hereof; or

B. If there is any enlargement or expansion of such buildings, structures or uses, not otherwise permitted by Section 9.02.030.030(C) hereof; then such uses shall either be processed and granted as a conditional use permit hereof or be terminated.

9.02.030.060 - Repair of Damaged or Partially Destroyed Nonconforming Buildings or Structures on Nonconforming Lots.

A nonconforming building or structure or a building or structure on a nonconforming lot that is accidentally damaged or destroyed, such as by fire, earthquake or other calamity, including any building or structure containing a nonconforming use prior to the occurrence of such damage or destruction, may be reconstructed provided that each of the following are satisfied:

A. That such reconstruction shall comply with and is permitted by the Building Code;

B. That all such reconstruction shall be started within two (2) years from the date of damage and shall be pursued diligently to completion;

C. That reconstruction shall not extend the termination date for nonconforming uses specified in this Code and shall not increase or intensify the degree of nonconformity of the use; and

D. That the footprint and building envelope of the new building or structure shall be the same as that of the former building or structure which is being replaced. However, if the proposed structure or building exceeds or deviates from the footprint or envelope of the original structure, the building or structure shall be subject to all applicable requirements and discretionary approvals set forth in this Code.

9.02.030.070 Amortization Period for Shade Coverings Existing As of January 1, 2007.

A. Within the past five (5) years, some residents of the City have acquired shade coverings as a way to protect their recreational vehicles, campers or cars from the elements and have installed such shade coverings on their property. Prior to the time that these residents acquired these shade coverings, the City did not clearly enforce its regulations regarding such shade covering within the required setback As such, some residents relied upon the City's enforcement policies and have invested hundreds and even thousand of dollars for such shade coverings. Shade coverings cannot be deemed a legal nonconforming structure because they do not meet the definition of a structure and because no permits were obtained from the City prior to such shade coverings being installed on the specific properties. Such shade coverings also cannot be deemed a legal nonconforming use since the installation of such shade coverings in the required setback was not a legal use at the time that the shade coverings were installed.

B. The City wishes to provide a reasonable amortization period for such shade coverings that were installed on or before January 1, 2007 so that the residents who acquired such shade coverings and installed them within the required setbacks may have a reasonable time period in which to recover their investments before permanently removing the shade covering from their property.

C. The City hereby authorizes those residents who installed a shade covering on their property before January 1, 2007 maintain such shade covering on their property until January 1, 2011, provided that the following conditions are met:

1. The shade covering is maintained in its current location.

2. The shade covering is properly maintained, but is not replaced.

3. The shade covering does not represent a public nuisance or does not become a threat to the public health, safety or welfare.

D. Unless otherwise required to be removed based upon a violation of 9.02.030.070(C), all shade coverings within the required setbacks shall be permanently removed from the City on or before January 1, 2011. Any new or additional shade covering installed within the required setback on or after January 1, 2007 shall be deemed an illegal use within the City. (Ord No. 299)

Chapter 9.02.040 - General Plan, Development Code, and Zoning Map Amendments

Chapter Index:

9.02.040.010 - Purpose and Authority
9.02.040.020 - Initiation of Amendments
9.02.040.030 - Notice and Hearing
9.02.040.040 - Planning Commission Action on Amendments
9.02.040.050 - Council Action on Amendments

9.02.040.010 - Purpose and Authority.

The purpose of this chapter is to set forth the procedure for the initiating amendments to the development code and the zoning map whereby each parcel of land is classified. Pursuant to the State Planning Laws, the City has the authority to classify specific properties and to amend such classifications whenever the public interest, convenience and necessity so require.

9.02.040.020 - Initiation of Amendments.

Amendments to this Chapter may be initiated in any of the following ways:

A. By motion of the City Council; or

B. By motion of the Planning Commission; or

C. By the owner, or person in legal possession of any real property located within the City; or by any public agency having the power of eminent domain; or

D. By Council action taken pursuant to Section 65858 of the Government Code**.**

Amendments Initiated by Property Owners. The City Manager, or his/her designee, shall prepare a suitable application form, entitled "Application for Zone Change", and shall assist any applicant in preparing the Application Form. Any such application shall be accepted for filing by the City Clerk only upon the payment by the applicant of a filing and processing fee as determined by the City Council. Any applicant may, in writing, withdraw his request at any time during the processing of such request; provided, however, that there shall be no refund of any fees paid in connection therewith.

9.02.040.030 - Notice and Hearing.

The Planning Commission and City Council shall conduct hearings and provide notice in accordance with Section 9.04.020.030, and State law applicable to such proceedings. For any zoning classification or re-classification of specific property, notice of the time and place of all hearings before the Planning Commission or City Council shall be given by United States mail, postage prepaid, to the owners, as listed on the most recently equalized Assessors Roll of the County of Los Angeles, of property located within five hundred (500) feet of the external boundary of the portion for which the discretionary entitlement is sought.

9.02.040.040 - Planning Commission Action on Amendments.

After conducting a hearing on any proposed amendment, the Planning Commission shall take one of the following courses of action:

A. Recommend to the City Council that the requested amendment or change be granted in whole, or in part; or

B. Recommend to the City Council that the requested amendment or change be denied in whole, or in part.

The Commission's action shall be by resolution, adopted by not less than three (3) affirmative votes, which shall contain the facts upon which the determination was based. The City Clerk shall maintain the Commission's records and files relating to such matter.

9.02.040.050 - Council Action on Amendments.

Upon receipt by the City Clerk of a Commission recommendation the Clerk shall give the same type of notice of hearing before the Council, as is required for hearings before the Planning Commission. If the decision of the Council, after conducting a de novo hearing, is in any way contrary to the Commission's action, the said matter shall be referred to the Commission for a report before any final action is taken by the Council. If the Commission does not prepare and submit a report to the City Council within forty (40) days after such matter has been referred to it, the Commission shall have been deemed to approve the proposed action by the Council.

Chapter 9.02.050 - Appeals

Chapter Index:

9.02.050.010 - Purpose
9.02.050.020 - Appeal of Planning Commission Decision
9.02.050.030 - Council Review
9.02.050.040 - No Re-Application for 90 Days

9.02.050.010 - Purpose.

This Chapter provides procedures for the processing of an appeal of any decision rendered by the Planning Commission.

9.02.050.020 - Appeal of Planning Commission Decision.

The applicant, or any other person who owns real property or resides within 500 feet of the property lines of the property to which the application relates, and who is aggrieved by the decision of the Planning Commission may file a written letter of appeal with the City Clerk, together with a filing and processing fee prior to the Commission's action becoming final, appealing the decision of the Planning Commission to the City Council.

The City Council, by motion, carried by at least three votes (or written appeal of any one member of the Council) made at any time prior to effective date of the Planning Commission's resolution, may appeal to itself, any Planning Commission decision. No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the City Council; no refund of the filing fee shall be permitted in case of withdrawal.

9.02.050.030 - Council Review.

Upon the filing of an appeal, the City Clerk shall promptly set the matter for a public hearing before the City Council. The City Council shall conduct a de novo public hearing upon said matter, and thereafter, shall approve, conditionally approve or deny the same. In making its determination, the City Council shall follow the standards as set forth in Sections 9.04.070.040 or 9.04.080.040 hereof, whichever is applicable. In its discretion, the City Council may refer, prior to is decision, such matter to the Commission for a further report within a period of time specified by the City Council, with or without further public hearings before said Commission. If the Planning Commission fails to report within the time specified by the City Council, the Council thereafter may make its determination. The determination of the Council shall be by resolution, setting forth the facts as found by the Council supporting its action. The decision of the City Council shall be final and conclusive in all cases. Within five (5) days following the adoption of the resolution by the City Council, the City Clerk shall mail a copy thereof to the applicant and any other person requesting the same.

9.02.050.040 - No Re-Application for 90 Days.

After a final decision has been rendered by the Planning Commission, or on appeal to the City Council, no application for substantially the same application shall be accepted for a period of ninety (90) days following the date of such decision.

Chapter 9.02.060 - Revocations and Modifications

Chapter Index:

9.02.060.010 - Purpose
9.02.060.020 - Revocation of Variances and Conditional Use Permits
9.02.060.030 - Modification of Variances and Conditional Use Permits
9.02.060.040 - Expiration

9.02.060.010 - Purpose.

This Chapter provides procedures for securing revocation or modification of previously approved variances or conditional use permits.

9.02.060.020 - Revocation of Variances and Conditional Use Permits.

Upon recommendation by the City Manager, the body which granted a variance or conditional use permit, shall conduct a noticed public hearing, in the manner prescribed in Section 9.04.020.020, to determine whether such variance or conditional use permit should be revoked. This revocation procedure shall apply to permits or variances granted prior to as well as after the adoption of these regulations. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

A. That the variance or permit was obtained by fraud; or

B. That the use for which such approval was granted has ceased to exist; or has been voluntarily discontinued for a period of six months or more; or

C. That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any law; or

D. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

If the revocation hearing is conducted by the Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 9.02.050.020 et seq. hereof.

9.02.060.030 - Modification of Variances and Conditional Use Permits.

Any condition imposed upon the granting of a variance or conditional use permit, including such granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct a public hearing thereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable operation under the variance or conditional use permit as granted. If the modification hearing is conducted by the Commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 9.02.050.020 et seq. thereof.

9.02.060.040 - Expiration.

Any variance or conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the resolution approving such variance or conditional use permit, or, if no time is so specified, if the same is not exercised within one year from the date said variance or permit is granted; provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed by this Section, once, for a period not to exceed one year without a public hearing.

Chapter 9.02.070 - Enforcement of Development Code Provisions

Chapter Index:

9.02.070.010 - Purpose
9.02.070.020 - Enforcement Responsibility
9.02.070.030 - Violations
9.02.070.040 - Remedies are Cumulative

9.02.070.010 - Purpose.

This Chapter provides procedures which are intended to ensure compliance with the requirements of this Development Code and the conditions of land use permit approval.

9.02.070.020 - Enforcement Responsibility.

It shall be the duty of the City Manager to enforce the provisions of this article

9.02.070.030 - Violations.

A. Nuisance Abatement.

Any use, building or structure hereafter erected, built, maintained or used, contrary to the provisions of Chapter 9.06.060 et seq. of this Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred Dollars ($500) or by imprisonment in the County Jail for a period of not more than six (6) months, or both such fine and imprisonment.

B. Violations, Misdemeanor.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred Dollars ($500) or by imprisonment in the County Jail for a period of not more than six (6) months, or both such fine and imprisonment.

C. Separate Offenses.

Each person violating the provision of this Article, shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this Article is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this Article.

9.02.070.040 - Remedies are Cumulative.

All remedies contained in the Development Code for the handling of violations or enforcement of the provisions of the Code shall be cumulative and not exclusive of any other applicable provision of City, County, State or Federal law.

TITLE 9.03
Development Code Definitions

Chapter 9.03.010 - Definitions

Chapter Index:

9.03.010.010 - Purpose of Chapter
9.03.010.020 - Definitions of Specialized Terms and Phrases

9.03.010.010 - Purpose of Chapter.

This Chapter provides definitions for various land uses, and the development terminology used in this Development Code.

9.03.010.020 - Definitions of Specialized Terms and Phrases.

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

Definitions, "A"

The following definitions are in alphabetical order.

Abut, Adjoining or Contiguous shall mean, in reference to real property, two or more lots sharing a common boundary line; with reference to two or more objects, the same shall mean in immediate contact with each other.

Access shall mean the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property.

Accessory Use shall mean a use customarily incidental, related, but clearly subordinate, to a permitted principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve.

Adjacent shall mean two or more objects which are located in proximity to each other.

Applicant shall mean a person who has applied for a building permit, business license, zone variance, conditional use permit, code amendment, architectural review or other permit or license issued by the City.

Assessor shall mean the Tax Assessor of the County of Los Angeles.

Definitions, "B"

The following definitions are in alphabetical order.

Basement shall mean that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement is a story.

Building shall mean any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory shall mean a separate detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height shall mean, with reference to a building or structure, the vertical distance measured from the finished grade of a lot to the highest ridge beam of a building or structure located thereon.

Building, Main shall mean a building in which is conducted the principal use permitted upon the lot upon which it is situated.

Building Site shall mean the ground area of a lot excluding required front, side and rear yards.

Definitions, "C"

The following definitions are in alphabetical order.

Carport shall mean that portion of a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor is equal to or greater than the vertical distance from grade to ceiling. A cellar is not a story.

Centerline shall mean the centerline, as determined by the City Engineer, of any street, highway or alley.

City shall mean the City of Bradbury.

Clerk shall mean the City Clerk of the City of Bradbury.

Commission shall mean the Planning Commission of the City of Bradbury.

Council shall mean the City Council of the City of Bradbury.

County shall mean the County of Los Angeles.

Definitions, "D"

The following definitions are in alphabetical order.

Detached Living Quarter shall mean the same as guest house.

Dwelling, Single-Family shall mean a building designed or used for occupancy, as living quarters, by one family.

Dwelling Unit shall mean one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Definitions, "E"

The following definitions are in alphabetical order.

Educational Institution shall mean any public, private or parochial, elementary, junior high, high school, college or university giving general academic instruction in the several branches of learning, but excluding trade schools.

Electric Distribution Substation shall mean an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use.

Electric Transmission Substation shall mean an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations.

Engineer shall mean the City Engineer of the City.

Definitions, "F"

The following definitions are in alphabetical order.

Family shall mean a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Floor Area, Gross shall mean the total floor area of all the floors of a building.

Frontage, Street shall mean the length of the front line of a lot which abuts a street or highway.

Definitions, "G"

The following definitions are in alphabetical order.

Garage shall mean any building, with three enclosed sides and with a closeable access door or doors on the fourth side, which is used or intended to be used for automobile shelter and storage.

General Plan shall mean the general plan of the City of Bradbury adopted in accordance with the State Planning and Zoning Law.

Gender when consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade, Finished shall mean the level of the finished ground surface of a lot, immediately surrounding a building, measured at the exterior walls of the building.

Gradient shall mean the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

Guest House or Accessory Living Quarters shall mean living quarters within an accessory building which includes cooking and bathroom facilities and space sufficient for sleeping. Guest houses and accessory living quarters shall be subject to the requirements of Chapter 9.05.090.

Definitions, "H"

The following definitions are in alphabetical order.

Height. (See Building Height)

Highway shall mean the same as street.

Home Occupation shall mean an occupation carried on by the occupant of a dwelling as an accessory use to the customary residential purpose. The following criteria shall be determinative of a valid home occupation:

A. It shall not involve employment of help other than resident members of the family.

B. It shall not generate pedestrian or vehicular traffic beyond that normal to the residential zone in which it is located.

C. It shall not involve the use of commercial vehicles for pickup or delivery of materials from the premises (common carriers excepted).

D. It shall not involve the use of signs other than the minimum required by law.

E. It shall not involve more than 25 percent of the dwelling floor area, but in any event, not more than 200 square feet.

F. A home occupation may be conducted only within an enclosed dwelling unit. Garages or accessory buildings shall not be used for the conduct of any home occupation.

G. In no way shall the appearance of the structure or premises be so altered, or the conduct of the occupation within the structure or premises be such that the structure or premises may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds, or noises vibrations, etc.).

H. There shall be no connection or utilities or use of community facilities other than customary for residential purposes.

I. No motor power other than electrically operated motors shall be used in connection therewith, and the total combined horsepower of such electric motors shall not exceed three horsepower.

J. There shall be no stock-in-trade stored on the premises.

K. Not more than one vehicle shall be utilized for a home occupation. Such vehicle shall not be of a type not customarily used in conjunction with the residential use.

Definitions, "I"

The following definitions are in alphabetical order.

Definitions, "J"

The following definitions are in alphabetical order.

Definitions, "K"

The following definitions are in alphabetical order.

Kitchen shall mean any room or space within a building designed, intended to be used or used for the cooking or the preparation of food.

Definitions, "L"

The following definitions are in alphabetical order.

Landscaped Area shall mean an area upon which landscaping is required to be continuously maintained.

Landscaping shall mean the planting and maintenance of some combination of natural trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches.

Lot or Parcel of Land shall mean:

A. A parcel of real property which is shown as a lot in a subdivision approved pursuant to the provisions of the Subdivision Map Act; or

B. A parcel of real property, the dimensions and boundaries of which are defined by a recorded Record of Survey Map;

C. A parcel of real property shown on a Parcel Map, recorded pursuant to the provisions of the Subdivision Map Act; or

D. A parcel of real property lawfully created and dimensioned prior to the adoption of this Code.

E. No lot or parcel of real property shall be created after the effective date of this Code unless said parcel has street frontage or adequate access as required by this Code.

F. Two or more parcels utilized as a single building site or where a building permitted under a valid building permit straddles a lot line shall be considered a single lot.

G. No building permit shall be issued for an illegally created lot.

Lot, Area shall mean the total horizontal area within the boundary lines of a lot or parcel exclusive of any portion thereof which serves as an access easement to any other lot or building site.

Lot, Corner shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Lot, Depth shall mean the horizontal distance measured between the midpoints of the front and rear lot lines.

Lot, Interior shall mean a lot other than a corner or reversed corner, or through lot.

Lot, Key shall mean the first lot to the rear of a reversed corner, or through lot.

Lot Line, Front shall mean the lot line separating an interior lot from a street; in case of a corner or reversed corner lot, the lot line separating the narrowest street frontage of the lot from the street; in the case of a lot on which there is a public or private easement for street purposes, the same shall mean the line separating that portion of the lot encumbered by such easement from the remainder thereof.

Lot Line, Rear shall mean a lot line which is parallel or approximately parallel to, and most distant from the front lot line, and, in case of an irregular, triangular or gore-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.
Lot Line, Side shall mean any lot boundary line which is not a front or rear lot line.

Lot, Reversed Corner shall mean a corner lot, the side lot line which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through shall mean a lot, having frontage on two approximately parallel streets or highways.

Lot, Width shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Width, Average shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten-foot intervals, but excluding from such determination any prolongated portions of the lot used exclusively for access to a street or for a driveway.

Definitions, "M"

The following definitions are in alphabetical order.

May is permissive.

Map shall mean the Zoning Map of the City.

Definitions, "N"

The following definitions are in alphabetical order.

Non-conforming Building, Structure or Use

A. **Non-conforming Building or Structure** shall mean a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the zoning regulations of the City in effect as of the time of construction or alteration, but which does not conform to the regulations contained herein.

B. **Non-conforming Use** shall mean the utilization of any lot, structure, building or improvement lawfully established and in use prior to the time this Code becomes effective, or having had a non-conforming status under prior zoning regulations, but which utilization, due to the application of this Code thereto, or any amendment hereto, does not comply with all of the regulations currently applicable to the zone in which the use is located.

Definitions, "O"

The following definitions are in alphabetical order.

Oath includes affirmation.

Open Space shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners, occupants and their guests, of land adjoining or neighboring such open space.

Owner shall mean the person bearing legal title to real property.

Definitions, "P"

The following definitions are in alphabetical order.

Patio shall mean a private open space on the ground that is open to light and air on at least two sides; said space may be used to meet the open space requirements of the residential zones, if the minimum dimension is 10 feet.

Person shall mean any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, public utility, or any other group or combination acting as a unit, except the City of Bradbury.

Planning Commission shall mean the same as Commission.

Plural when consistent with the context, words in the plural include the singular.

Definitions, "Q"

The following definitions are in alphabetical order.

Definitions, "R"

The following definitions are in alphabetical order.

Record shall mean the recordation by the County Recorder of the County of Los Angeles.

Definitions, "S"

The following definitions are in alphabetical order.

School shall mean the same as educational institution, but excluding trade schools.

Secretary shall mean the secretary of the Commission.

Shall is mandatory.

Sign shall mean any device for visual communication, other than an outdoor advertising structure.

Singular when consistent with the context, words in the singular number shall include the plural.

State shall mean the State of California.

Definitions, "T"

The following definitions are in alphabetical order.

Tenses when consistent with the context, words used in the present tense include the past and future tenses, and words in the future tense include the present tense.

Definitions, "U"

The following definitions are in alphabetical order.

Use shall mean the utilization of a lot, building, structure, or any other improvement upon a lot, or any combination thereof.

Definitions, "V"

The following definitions are in alphabetical order.

Definitions, "W"
The following definitions are in alphabetical order.

Writing shall mean any form of message recorded in print and capable of visual comprehension.

Definitions, "X"

The following definitions are in alphabetical order.

Definitions, "Y"

The following definitions are in alphabetical order.

Yard shall mean an area upon a lot required as a front, side or rear yard, which is maintained unoccupied and unobstructed from the ground upward without any encroachments, except as expressly authorized herein.

Yard, Front shall mean a yard extending across the full width of the front line of a lot. The depth of a required front yard shall be the specified horizontal distance measured between the front line and a line parallel thereto on the lot.

Yard, Rear shall mean a yard extending across the full width of the rear line of a lot. The depth of a required rear yard shall be the specified horizontal distance measured between the rear line and a line parallel thereto on the lot.

Yard, Side shall mean a yard extending from the rear line of a required front yard, or the front lot line where no front yard is required to the front line of the required rear yard, or the rear lot line where no rear yard is required. The width of a required side yard shall be the specified horizontal distance measured between each side lot line and a line parallel thereto on the lot.

Definitions, "Z"

The following definitions are in alphabetical order.

Zoning Map shall mean the official Zoning Map of the City adopted by this Code.

TITLE 9.04
Development Permit Procedures

Chapter 9.04.010 - Applications, Processing, and Fees

Chapter Index:

9.04.010.010 - Purpose
9.04.010.020 - Authority for Land Use and Zoning Decisions
9.04.010.030 - Application Filing
9.04.010.040 - Application Fees
9.04.010.050 - Conceptual Plan Review
9.04.010.060 - Environmental Assessment
9.04.010.070 - Staff Report
9.04.010.080 - Procedural Requirements

9.04.010.010 - Purpose.

This Chapter provides procedures and requirements for the preparation, filing, and processing of applications for land use permits and other entitlements required by this Development Code.

9.04.010.020 - Authority for Land Use and Zoning Decisions.

Table 4-1 (Application and Responsible Review and Approval Authority) identifies the City official or entity responsible for reviewing and making decisions on each type of application, land use permit or other entitlement required by this Development Code.

TABLE 4-1
APPLICATION AND RESPONSIBLE REVIEW AND APPROVAL AUTHORITY

Type of Application	City Planner	Planning Commission	City Council
Conceptual Plan Review	Approval	Appeal	Appeal
Conditional Use Permit	Review	Approval	Appeal
Variance	Review	Approval	Appeal
Architectural Review - Minor	Approval	Appeal	Appeal
Architectural Review - Significant	Review	Approval	Appeal
Neighborhood Compatibility	Review	Approval	Appeal
Lot Line Adjustments	Review	Approval	Appeal
Tentative Parcel Maps	Review	Recommendation	Approval
Tentative Tract Maps	Review	Recommendation	Approval
Final Maps	Review	N/A	Approval
Specific Plan	Review	Recommendation	Approval
Zone Change	Review	Recommendation	Approval
Code Amendment	Review	Recommendation	Approval
General Plan Amendment	Review	Recommendation	Approval

9.04.010.030 - Application Filing.

Applications for land use permits and entitlements required by this Code shall be filed with the City Clerk on forms furnished by the City, setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the permit, in accordance with the provisions of this Code.

Every application shall be signed by the owner of the subject property or by his authorized agent designated by written authorization by the property owner. However, the Planning Commission shall not accept any application requesting approval of the same permit or entitlement for substantially the same use, in any case where the City Council or the Planning Commission has taken final action on a previous application within ninety (90) days prior thereto, and that action was to deny said application.

Any applicant may withdraw his application prior to a decision thereon, and subject to the approval of the Planning Commission or City Council, by filing a written request to do so or by requesting same at a public hearing; no refund of the filing fee shall be permitted in case of withdrawal.

9.04.010.040 - Application Fees.

Each such application shall be accompanied by a filing and processing fee in an amount as determined by the City Council by resolution.

9.04.010.050 - Conceptual Plan Review

All applications for planning permits or entitlements, except minor architectural review, shall be submitted, on the forms provided by the City, to the City Planner for review and plan check at the preliminary project design phase. The City Planner shall review the preliminary design plans and shall provide the applicant with a written report within 21 days after receipt of the application setting forth the minimum information required to complete the development application for processing. No application shall be processed until the City Planner has determined that the application is complete.

The Conceptual Plan Review application shall include the minimum information set forth in the application information package as approved by the City Council.

9.04.010.060 - Environmental Assessment

All development projects as defined by the State Environmental Quality Act (CEQA) or local environmental guidelines shall be reviewed and processed in accordance with the applicable regulations. Required information shall be submitted on the forms and in the manner prescribed by adopted guidelines.

9.04.010.070 - Staff Report

The City Planner shall prepare a staff report for all development applications that are to be presented to the Planning Commission for review and approval or recommendation to the City Council.

9.04.010.080 - Procedural Requirements

Applications for land use permits or entitlements shall be processed in the form, manner and time frame set forth in this Code.

Chapter 9.04.020 - Public Hearings

Chapter Index:

9.04.020.010 - Purpose
9.04.020.020 - Scheduling of Hearing
9.04.020.030 - Notice of Hearing
9.04.020.040 - Notice of Decision- Planning Commission
9.04.020.050 - Planning Commission Indecision, Effect Of
9.04.020.060 - Failure to Give Notice
9.04.020.070 - Appeal of Planning Commission Decision

9.04.020.010 - Purpose

The purpose of this Chapter is to provide the procedures for notifying the residents and other interested persons of the planning and development activities that occur within the City. In addition, procedures are set forth for the processing of appeals of decisions made by the Planning Commission.

9.04.020.020 - Scheduling of Hearing.

Every application for a significant development review, neighborhood compatibility, conditional use permit, variance, lot line adjustment, parcel map, tentative tract map, specific plan, general plan amendment, zone change, code amendment or similar planning application shall be set for a public hearing. If an appeal is taken from a Planning Commission decision, in the manner hereinafter specified, the said matter shall be set for consideration by the City Council, by the City Clerk, as soon as possible. Hearings may be continued from time to time, by the Commission or Council, as may be deemed necessary.

9.04.020.030 - Notice of Hearing.

Notice of the time and place of all hearings before the Planning Commission or City Council shall be given by United States mail, postage prepaid, to the owners, as listed on the most recently equalized Assessors Roll of the County of Los Angeles, of property located within 500 feet of the external boundary of the property for which the discretionary entitlement is sought.

9.04.020.040 - Notice of Decision- Planning Commission.

Within a reasonable time after the Planning Commission public hearing the Commission shall approve, conditionally approve, deny or recommend action to the City Council, by resolution adopted by the affirmative votes of not less than a majority of a quorum. Said resolution shall contain a statement of facts upon which the decision is based. Within ten (10) days following the adoption of the resolution by the Commission, the City Planner shall cause same to be forwarded by United States mail, postage prepaid, addressed to the applicant and any other person requesting the same, at his last known address.

9.04.020.050 - Planning Commission Indecision, Effect Of.

Where, for any reason, said Planning Commission is unable to reach a determination as to a planning permit application or entitlement, within 40 days after the close of the public hearing relating thereto, said matter shall be deemed automatically appealed to the City Council, without decision by the Planning Commission. In such event, the said matter shall be placed upon the City Council's agenda and a de novo public hearing held thereon, and the matter shall be finally determined by the City Council.

9.04.020.060 - Failure to Give Notice.

Failure to give notice in the manner herein above prescribed shall have no effect upon the legality of any proceeding before the Commission or the Council.

9.04.020.070 - Appeal of Planning Commission Decision.

Appeals of Planning Commission decisions must be filed with the City Clerk within ten (10) days after the date of the Planning Commission decision. The filing of the appeal shall be in the form and

manner prescribed in this Code. A filing fee in the amount established by the City Council shall be submitted with the written appeal. The filing fee shall not be refunded.

Chapter 9.04.030 - Architectural Review - Significant

Chapter Index:

9.04.030.010 - Purpose
9.04.030.020 - Applicability
9.04.030.030 - Procedure

9.04.030.010 - Purpose.

Architectural Review, significant is intended to:

A. Establish functional adequacy for grading, drainage, utility landscaping and other aspects of each development;

B. Insure functional interrelationship of buildings, structures and improvements on each development;

C. Preserve trees, ridgeline vistas, canyon views and other aspects of the rural environment which characterizes the City of Bradbury;

D. Insure compatibility of newly developed uses with surrounding properties; and

E. Promote compatibility of architectural design with surrounding property.

9.04.030.020 - Applicability.

All significant construction or development in the City of Bradbury, including remodeling of existing structures, shall be governed by the procedures and regulations of this Chapter except as otherwise provided for herein.

9.04.030.030 - Procedure.

A. Submission Required for Significant Architectural Review. Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of the Zoning and Building Codes for the construction or structural alteration of any buildings in the residential zones shall be accompanied by the following:

1. Grades, natural and finished;

2. Drainage, existing and proposed;

3. Landscaping plan, including a Tree Planting and Preservation plan;

4. Existing structures on the subject property;

5. The plans and silhouettes required by the Ridgeline and View Preservation regulations;

6. Certification that the address list is from the most current Assessor's List and mailing matrix for notification; and

7. A check for the application fee, including cost of Environmental review and mailing.

B. Review by the Planning Commission.

1. **Hearing. The Planning Commission shall** review, hear and consider all information and testimony regarding the issues set forth in this Chapter. The Planning Commission may approve or disapprove the application, and may recommend any necessary design modifications or conditions to ensure that the proposal reflects the objectives of this Chapter.

2. Notice. Ten (10) days prior to the meeting to consider architectural review of the proposed development, the City shall mail written notice to all property owners within five hundred (500) feet of the parcel to be developed, if:

   a. The development provides for the construction of one thousand (1,000) square feet of new space or adds one thousand (1,000) square feet of space to an existing structure.

   b. The development adds a new or higher story to an existing structure.

   All other matters receiving architectural review

shall require notice by posting in three (3) public places pursuant to Government Code Section 65090. Nothing contained herein shall be construed as preventing the Commission from giving a greater degree of notice than this Title would otherwise require.

C. Findings and Determination.

The Commission may approve, conditionally approve, disapprove or approve as modified any design or project given architectural review. No application shall be approved unless the Commission determines all of the following:

1. that the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping; and

2. that the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures; and

3. that the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and

4. the requirements of the Ridgeline and View Preservation regulations have been met; and

5. that the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing view, view of ridgelines, valleys or vistas; and

6. the requirements of the Tree Preservation and Landscaping regulations have been met.

Chapter 9.04.040 - Architectural Review - Minor

Chapter Index:

9.04.040.010 - Purpose,
9.04.040.020 - Applicability
9.04.040.030 - Procedure

9.04.040.010 - Purpose.

Architectural Review, Minor provides procedures which are intended to ensure compliance with the requirements of this Development Code for small or minor development projects.

9.04.040.020 - Applicability

The provisions of Chapter are applicable to:

A. Minor modifications of the exterior appearance of any building or structure;

B. Construction of single-story additions or new accessory structures having less than 1,000 square feet of floor area and which do not exceed eighteen (18) feet in height and which do not require the issuance of a variance;

C. Construction of minor accessory structures such as patio covers, swimming pools, gazebos, garages, barns, fences and gates, or minor landscaping improvements which do not exceed twenty-five (25) percent of the parcel size.

9.04.040.030 - Procedure.

A. Submission Required for Minor Architectural Review. Any plans, specifications, drawings or sketches which are submitted to the City for approval pursuant to the provisions of the Zoning and Building Codes for the minor construction or alteration of any buildings in the residential zones shall be accompanied by the following:

1. Grades, natural and finished;
2. Drainage, existing and proposed;
3. Preliminary Landscaping plan;
4. Existing structures on the subject property;
5. A check for the application fee, including cost of Environmental review and mailing.

B. Review by the Planning Department.

1. The Planning Department staff shall review submitted plans for compliance with the provisions of this Code.
2. The City Planner may approve, conditionally approve, deny or submit the submitted plans to the Planning Commission for consideration.
3. The City Planner shall advise the Planning Commission of all minor architectural review applications and the disposition thereof.

C. Appeal of City Planner's Decision. The Applicant or the Planning Commission may appeal the City Planner's decision within ten (10) days after the date of approval, conditional approval or denial of the project. Upon the filing of an appeal, the project shall be scheduled for the next available Planning Commission meeting.

Chapter 9.04.050 - Neighborhood Compatibility

Chapter Index:

9.04.050.010 - Purpose,
9.04.050.020 - Applicability
9.04.050.030 - Procedure
9.04.050.040 - Criteria for Review

9.04.050.010 - Purpose.

The purpose of this Chapter is to preserve the scenic character of the City and to insure that the siting, design and massing of all new or remodeled structures or developments are compatible with existing uses, designs, and development in surrounding neighborhoods. No person shall construct, make additions to or modify any structure on any property in any residential zone in the City unless the resulting structure is found to be compatible with the neighborhood within which it is located. The following design criteria and review processes are established to protect and maintain the established character of all residential neighborhoods within the City.

9.04.050.020 - Applicability.

A. Generally. All development or construction shall be subject to the requirements of review for Neighborhood Compatibility except as otherwise provided for herein.

B. Exemptions. The following developments may be exempted by City staff from Neighborhood Compatibility Review:

1. Construction of a one-story residence which needs no variance for any purpose and is less than eighteen (18) feet in height.

2. Remodeling of an existing residence which:

   a. does not add more than 1,000 square feet of new space to the house, and

   b. does not include the construction of a new second or higher story.

3. Projects which do not require a variance, conditional use permit or other discretionary entitlement.

If a development is exempt from the requirements of this Chapter, City staff shall so certify in writing.

9.04.050.030 - Procedure.

For any development to which Chapter 9.04.030 applies, the applicant, as part of the architectural review process, shall submit, on forms provided by the City, plans showing the effect of the proposed work upon visual relationships with other lots, existing structures, or land adjacent to or within five hundred (500) feet of the proposed work. The application shall be accompanied by an application fee, as established by resolution of the City Council.

9.04.050.040 - Criteria for Review.

The Commission shall review each development to insure compliance, to the extent feasible, with the following standards:

A. Natural Amenities. Improvements to the residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping.

B. Neighborhood Character. Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within five hundred (500) feet of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over or excessive building

substantially in excess or existing structures in the neighborhood. The square footage of the structure and the total lot coverage shall reflect the uncrowded character of the City and the respective neighborhood. The height of the structures shall maintain to the extent reasonably practicable, some consistency with the height of structures on neighboring properties.

C. Privacy. Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate amount of separation between the proposed structure and adjacent properties, and the design of balconies, decks and windows shall respect the existing privacy of adjacent properties.

Chapter 9.04.060- Ridgeline Preservation

Chapter Index:

9.04.060.010 - Purpose
9.04.060.020 - Applicability
9.04.060.030 - Procedure

9.04.060.010 - Purpose.

The purpose of this Chapter is intended to preserve the view of ridgelines and hills within the City. The following regulations of building heights and processes for determining such building heights are hereby established.

9.04.060.020 - Applicability.

A. Generally. Any building, structure or improvement shall be subject to the limitations of Chapter 9.04.060, if the outline of the building, structure or improvement affects the view or vista of any pre-existing, developed property taken from the main structure (excluding bathrooms, hallways, garages, or closets) or lot (excluding the setback area) where the City determines the best and most important view exists. A view may extend in any horizontal direction (360 degrees of horizontal arc) and shall be considered as a single view even if broken into segments by foliage, structures or other interference.

B. View Definitions. In determining significant views to be considered, the following definitions shall apply:

1. A near view is defined as a scene located within the City, including, but not limited to, a valley, ravine, equestrian trail, pastoral environment, or any natural setting.

2. A far view is defined as a scene located out of the City, including, but not limited to, the Los Angeles basin, city lights at night, mountains and distant mountain areas.

3. View shall not include vacant land that is developable under the City Code, distant mountain areas not normally visible, nor the sky above distant mountain areas.

9.04.060.030 - Procedure.

A. Submission. For any development to which Section 9.04.060.020 applies, the applicant, as part of the architectural review process, shall submit plans and elevations depicting the silhouette of the building against the horizon or view corridor as viewed from locations determined by the City staff. The applicant shall also stake out the property with poles or other indicators to demonstrate the impact of the structures on the view.

B. Notice and Hearing. Notice and Hearing shall be provided as part of the architectural review process by the Planning Commission for proposed development.

C. Determination. The Commission may impose any height limitations required to prevent the proposed development from appearing above a ridgeline or hillside or from obstructing the view of an adjacent property, except that no limitation may reduce the developable height of the main building or structure on the parcel to less than eighteen (18) feet.

Chapter 9.04.070 - Variance

Chapter Index:

9.04.070.010 - Purpose
9.04.070.020 - Applicability
9.04.070.030 - Findings and Decision
9.04.070.040 - Conditions of Approval
9.04.070.050 - Acceptance
9.04.070.060 - Interpretation

9.04.070.010 - Purpose.

The purpose of this Chapter is to provide a method to process requests to deviate from the standards set forth in this Development Code. It is recognized that under certain circumstances the strict adherence to the standards set forth in this Code is impractical. The City may review requests for variances from the established standards when the public interest requires such consideration.

9.04.070.020 - Applicability.

When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this Code occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this Chapter. A variance will not be granted to permit a use not otherwise permitted in the zone within which the property is located.

9.04.070.030 - Findings and Decision.

Before any variance shall be granted, the applicant must show, to the satisfaction of the Commission or the Council, all of the following facts:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of such property, which do not generally apply to other properties in the same vicinity and zone;

B. That because of such circumstances or conditions, such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which is denied to the property in question; and

C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent property; and

D. That the granting of the variance will not adversely affect the General Plan nor the purpose and intent of the provisions of this Code.

E. The proposed entitlement has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

9.04.070.040 - Conditions of Approval.

Whenever the City Council or Planning Commission grants a variance the granting authority may attach conditions thereof, as follows:

A. The granting authority shall attach such conditions as will assure that the adjustment thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone in which such property is situated.

B. The granting authority may apply such conditions as are necessary to protect the public health, safety and general welfare, including conditions relating to yards, fences and walls, dedications, improvements, landscaping, regulation of nuisance factors, regulation of signs and such other matters as will make the development compatible with the neighborhood.

C. The granting authority may attach a requirement of a bond (in the form of cash, surety bond or certificate of deposit) for the

purpose of guaranteeing faithful performance of any conditions imposed.

9.04.070.050 - Acceptance.

The acceptance of any of the benefits of such grant shall constitute acceptance of the burdens and the conditions attached thereto.

9.04.070.060 - Interpretation.

The attaching of condition shall be construed as a material part of the grant, without which the application would otherwise be denied. The invalidation of any condition shall constitute invalidation of the entire grant.

Chapter 9.04.080 - Conditional Use Permits

Chapter Index:

9.04.080.010 - Purpose
9.04.080.020 - Applicability
9.04.080.030 - Findings and Decision
9.04.080.040 - Conditions of Approval
9.04.080.050 - Acceptance
9.04.080.060 - Interpretation

9.04.080.010 - Purpose

The purpose of this Chapter is to provide a method to process requests for unique uses of land that by their scope or nature may have an impact on the permitted and allowable uses of land set forth in the zone district in which the conditional land use is to be located. The City may review requests for conditional use permits when the public interest requires such consideration.

9.04.080.020 - Applicability.

The following uses shall be permitted in any zone provided that a conditional use permit shall first be obtained pursuant to the provisions of this Chapter. The purposes of any conditional use permit shall be to insure that the proposed use will be rendered compatible with other existing and permitted uses located in the general area of the proposed use.

A. Land reclamation - which shall mean the grading, excavation and/or fill of any parcel of land or tract of land as to which such operations are required to prepare the site for any use authorized by this Code and where there is an import or export of materials in excess of 10,000 cubic yards over a period of twelve consecutive months.

B. Any use which the State of California has mandated as a residential use within the City but for which the City is authorized to require a conditional use permit pursuant to State law.

9.04.080.030 - Findings and Decision.

Before any conditional use permit is granted, the applicant shall show, to the satisfaction of the granting agency, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography and circumstances; and

B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and

C. That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent property or upon the public welfare.

9.04.080.040 - Conditions of Approval.

Whenever the City Council or Planning Commission approves or conditionally approves a conditional use permit, the granting authority may attach conditions thereof, as follows:

A. The granting authority shall attach such conditions as will assure that the adjustment thereby authorized will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

B. The granting authority may apply such conditions as are necessary to protect the public health, safety and general welfare, including conditions relating to yards, fences and walls, dedications, improvements, landscaping, regulation of nuisance factors, regulation of signs and such other matters as

will make the development compatible with the neighborhood.

C. The granting authority may attach a requirement of a bond (in the form of cash, surety bond or certificate of deposit) for the purpose of guaranteeing faithful performance of any conditions imposed.

9.04.080.050 - Acceptance.

The acceptance of any of the benefits of such grant shall constitute acceptance of the burdens and the conditions attached thereto.

9.04.080.060 - Interpretation.

The attaching of condition shall be construed as a material part of the grant, without which the application would otherwise be denied. The invalidation of any condition shall constitute invalidation of the entire grant.

Chapter 9.04.090 - Specific Plans

Chapter Index:

9.04.090.010 - Purpose
9.04.090.020 - Applicability
9.04.090.030 - Initiation, Presubmittal, and Preparation of Specific Plans
9.04.090.040 - Preparation and Content
9.04.090.050 - Filing and Processing
9.04.090.060 - Adoption of Specific Plan
9.04.090.070 - Implementation and Amendments

9.04.090.010 - Purpose

The purpose of this Chapter is to provide a process for reviewing a specific plan application. When required by this Code or the General Plan to systematically implement the General Plan for any part of the City, a specific plan shall be prepared, processed, approved and implemented, or disapproved, in compliance with this Chapter.

9.04.090.020 - Applicability

A specific plan, which is designed to provide for flexibility and encourage innovative use of land resources and development of a variety of single-family housing shall be required under the following circumstances:

A. Specific Plan Areas. Areas designated Specific Plan Areas (SP) require the preparation of a specific plan in compliance with the provisions of this Code.

B. Private Property Owners. A specific plan, as a tool which is available to private property owners not covered by subsection A above, could assist in the comprehensive master planning of a specific site(s).

9.04.090.030 - Initiation, Presubmittal, and Preparation of Specific Plans

A specific plan may be initiated in the following manner:

A. City. By action of the City Council, with or without a recommendation from the Planning Commission; or

B. Property Owner. By an application being filed by the owner(s) of property which would be the subject of the specific plan. If initiated by an applicant, the following shall first occur:

1. Presubmittal Application. A presubmittal application, fee and conference with the City Manager shall be conducted before the filing of a formal specific plan application; and

2. Public Meeting(s) required. Before the preparation of a specific plan, the City shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan. Public notice of the meeting is required, in compliance with this Code, and the appropriate procedures shall be defined by the City Manager at the presubmittal conference.

9.04.090.040 - Preparation and Content

An applicant shall prepare a draft specific plan for review by the City that includes detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the City and in conformance with State law. The City may also initiate the preparation of a specific plan, in compliance with this Code. The following information shall be provided:

A. Proposed land uses. The distribution, location and extent of land uses proposed within the area covered by the specific plan, including open space areas;

B. Infrastructure. The proposed distribution, location, extent and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation, water and other essential facilities

proposed to be located within the specific plan area and needed to support the proposed land uses;

C. Land Use and Development Standards. Standards, criteria and guidelines by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

D. Implementation Measures. A program of implementation measures, including regulations, programs, public works projects and financing measures necessary to carry out the proposed land uses, infrastructure and development and conservation standards and criteria;

E. Relationship to General Plan. A discussion of the relationship of the specific plan to the General Plan; and

F. Additional Information. The specific plan shall contain additional information determined to be necessary by the City Manager based on the characteristics of the area to be covered by the plan, applicable policies of the General Plan or any other issues determined by the City Manager to be significant.

9.04.090.050 - Filing and Processing

A draft specific plan shall be filed with the City and shall be accompanied by the fee required by the City's Fee Resolution. The draft plan shall be processed in the same manner as required for General Plans by State law, and as follows:

A. Department Evaluation. After filing of a draft specific plan, the planning and engineering departments shall review the draft plan to determine whether it conforms with the provisions of this Code. If the draft plan is not in compliance, it shall be returned to the applicant with written specifications as to why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the City and the planning and engineering departments determine it is complete and in compliance with this Code, the plan shall be deemed to be accepted for processing.

B. Environmental Review. The draft specific plan shall be subject to environmental review as specified by State law and this Code.

C. Staff Report. A staff report shall be prepared for the draft specific plan which shall include detailed recommendations for changes to the text and diagrams of the specific plan, as necessary, to make it acceptable for adoption; and

D. Public Hearings. A proposed specific plan shall be subject to public hearings before both the Commission and the City Council before its adoption, as follows:

1. Commission. The City Planner shall schedule a public hearing on the proposed specific plan. The hearing shall receive public notice and be conducted in compliance with the provisions of this Code. After the hearing, the Commission shall forward a written recommendation, with appropriate findings to the Council;

2. Council. After receipt of the Commission's recommendation, a public hearing on the specific plan shall be scheduled. The hearing shall be noticed and conducted in compliance with the provisions of this Code. After the hearing, the Council may adopt the specific plan, may disapprove the plan or may adopt the plan with changes, with appropriate findings in compliance with this Code, provided that changes to the plan that were not considered by the Commission shall be referred to the Commission for its recommendation, in compliance with State law.

   Failure of the Commission to report within 45 days after the referral, or a longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

9.04.090.060 - Adoption of Specific Plan.

The adoption of a proposed specific plan is entirely at the discretion of the Council. The Council shall adopt a specific plan only if it finds that the

proposed plan is consistent with the General Plan and other adopted goals and policies of the City, and that the proposed specific plan is in compliance with the provisions of the California Environmental Quality Act (CEQA).The specific plan shall be adopted by ordinance, or by resolution of the Council, in compliance with State law.

9.04.090.070 - Implementation and Amendments

A. Development within Specific Plan Area. After the adoption of a specific plan, only a public works project, a tentative map or parcel map, for which a tentative map was not required, and architectural review and an amendment to this Development Code may be approved/adopted within an area covered by a specific plan if it is first found consistent with the specific plan. The Council may impose a specific plan fee surcharge on development permits within the specific plan area, in compliance with State law.

B. Amendments. An adopted specific plan may be amended by the Council. Amendments to a specific plan shall be processed using the same procedure for adoption of a specific plan.

Title 9.05
Zoning Districts and Allowable Land Uses

Chapter 9.05.010 - Establishment of Zoning Districts, Adoption of Zoning Map

Chapter Index:

9.05.010.010 - Purpose of Chapter
9.05.010.020 - Zoning Districts Established
9.05.010.030 - Zoning Map Adopted
9.05.010.040 - Uncertainty of Boundaries
9.05.010.050 - Annexations
9.05.010.060 - Failure to Designate Zone on Map
9.05.010.070 - Clarification of Ambiguity
9.05.010.080 - Certificate of Occupancy
9.05.010.090 - Building Permit
9.05.010.100 - Public Utility - Lot Design

9.05.010.010 - Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the City, determines how the zoning districts are applied on the Zoning Map, and provides general permit requirements for development and new land uses.

9.05.010.020 - Zoning Districts Established

Bradbury shall be divided into zoning districts which consistently implement the General Plan. The zoning districts shown in Table 2-1 are established, and shall be shown on the official Zoning Map.

9.05.010.030 - Zoning Map Adopted.

There is hereby adopted the "Official Zoning Map" of the City, a true copy of which is attached herein as Exhibit "A" to this Title and incorporated herein by this reference. All properties within the City are hereby placed in the zones as indicated on said map. Said map shall remain on file in the office of the City Clerk of said City, and all changes to said map shall be noted on a facsimile thereof as soon as the same become effective. The said official zoning map for the City may be amended by reference to this Section.

TABLE 2-1
ZONING DISTRICTS

Zoning Map Symbol	**Zoning District Name**	**General Plan land Use Category Implemented by Zoning District**
R-7,500	Single-Family Residential, 7,500 sq. ft. minimum	Single-Family Residential 7,500 sq. ft.
R-20,000	Single-Family Residential, 20,000 sq. ft. minimum	Single-Family Residential 20,000 sq. ft.
A-1	Agriculture Residential Estate, 1 Acre minimum	Estate Residential - one acre
A-2	Agriculture Residential Estate, 2 Acre Minimum	Estate Residential - two acres
A-5	Agriculture Residential Estate, 5 Acre Minimum	Estate Residential - five acres
OS	Open Space	Open Space
SP	Specific Plan Overlay	Resource Conservation

9.05.010.040 - Uncertainty of Boundaries.

Where uncertainty exists as to boundaries of any zone shown upon the said map, or any part thereof or amendment thereto, the same shall be resolved pursuant to Section 9.05.010.070 hereof.

9.05.010.050 - Annexations.

Areas annexed to the City shall be classified in an appropriate zone by the City Council, in the manner specified by the provisions of this Code or as permitted by applicable general laws of the State of California.

9.05.010.060 - Failure to Designate Zone on Map

Any property which, for any reason, is not designated on the map as being classified in any zone shall be deemed to be classified in Zone A-5.

9.05.010.070 - Clarification of Ambiguity.

If an ambiguity shall be found with reference to these regulations, including, but not limited to, the appropriate classification of a particular use, the Commission shall consider the matter and shall, by resolution, recommend to the City Council the clarification of such ambiguity. When such a Commission resolution has been approved by the City Council, the same shall be deemed to be in force and effect and shall govern the interpretation of the affected provisions hereof, to which the same relates, until such time as an appropriate amendment thereto has been duly adopted.

9.05.010.080 - Certificate of Occupancy.

No person shall commence a new use of any building, land or structure, nor shall the owner of any property allow such use, unless and until the City Manager or his/her designee issues, for such use, a Certificate of Occupancy, indicating the same complies with all applicable laws, including, but not limited to, the provisions hereof.

9.05.010.090 - Building Permit.

No building permit required pursuant to the City's Building Regulations or a Certificate of Occupancy shall be issued for any building, structure or use which has been erected, constructed, maintained or utilized in violation of any provision hereof, or any other applicable law. Any such permit or certificate issued erroneously for a use, building or structure, which does not comply with law, shall, for all purposes, be null, void and of no effect.

9.05.010.100 - Public Utilities - Lot Design.

Not withstanding any other provision of this Code to the contrary, as part of a subdivision or parcel map approval process, the City Council may authorize the creation of a lot, not meeting minimum lot size for the zone, if the lot is forever dedicated for public utility purposes.

Chapter 9.05.020 - R-7,500 - Single-Family Residential Zoning District

Chapter Index:

9.05.020.010 - Purpose of Chapter
9.05.020.020 - Permitted Uses
9.05.020.030 - Uses Expressly Prohibited
9.05.020.040 - Development Standards
9.05.020.050 - Placement of Buildings or Structures
9.05.020.060 - Existing Uses, Exemption
9.05.020.070 - Additions to a Nonconforming Building or Structure

9.05.020.010 - Purpose of Chapter.

In order to provide for the development of single family residential areas and to maintain the integrity of existing single family residential areas within the City, the following regulations shall be applicable to all properties classified in Zone R-7,500.

9.05.020.020 - Permitted Uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any R-7,500 Zone for any use, other than the following:

A. Principal Uses.

1. One single-family dwelling.
2. Open spaces

B. Accessory Uses.

1. Accessory buildings or structures.
2. Living quarters attached to the main residence. Detached accessory living quarters are not permitted.
3. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
4. The keeping of animals as specified in Chapter 9.06.100 hereof.
5. The storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
6. Not to exceed one home occupation, as defined herein.
7. Private garages and carports.
8. Open spaces.

9.05.020.030 – Uses Expressly Prohibited.

A. No use shall be permitted on any R-7,500 zoned lot except as expressly authorized herein.

B. Permanent use of portable prefabricated metal storage containers is prohibited

9.05.020.040 - Development Standards.

All premises in the R-7,500 Zone shall comply with the following standards of development:

A. Required Lot Area. Each lot in the R-7,500 Zone shall have a minimum lot area of not less than 7,500 square feet.

B. Lot Width. Each lot or parcel of land in Zone R-7500 shall have a minimum average width of not less than sixty (60) feet.

C. Yards.

1. **Front Yards**. Each lot in the R-7,500 Zone shall maintain a front yard area of not less than twenty (20) feet in depth.

2. **Side Yards**. Each lot in the R-7,500 Zone shall maintain side yards of not less than ten (10) feet in depth.

3. **Rear Yards**. Each lot in the R-7,500 Zone shall maintain a rear yard of not less than ten (10) feet in depth.

4. **Private Streets**. Notwithstanding any other provision of this Chapter, no building shall be located closer than fifty (50) feet to any private street or vehicular easement serving more than two parcels of property.

D. Minimum Dwelling Size. Each dwelling in the R-7,500 Zone, exclusive of guest houses, pool houses, servants quarters, or other permitted accessory dwellings, shall have a minimum size of 1,500 square feet. Such square footage shall be exclusive of porches and garages, or other accessory buildings attached to the dwelling.

E. Height Limits. No building, structure or improvement in the R-7,500 Zone shall exceed the lesser of:

1. The height approved by the Planning Commission pursuant to the Ridgeline and View Preservation regulations, Chapter 9.04.060 et seq., if applicable; or

2. Twenty-eight (28) feet. To the extent that an owner of property seeks to construct a building to a greater height than the limit provided in the zone in which the property is located, relief may be granted through variance proceedings.

All measurements of height shall be made from the finished grade to the highest ridge beam and shall not include the chimneys. Chimneys shall not exceed the minimum height required by the Bradbury Municipal Code or have a width larger than the minimum required for proper draft, plus a facing for the exterior of the flue.

F. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in Zone R-7,500 shall have and maintain off-street parking facilities as required by Chapter 9.06.040 hereof.

G. Roof Pitch. Not more than twenty (20) percent of the roof of any main building may have a pitch of less than 3 ½:12.

9.05.020.050 - Placement of Buildings or Structures

Placement of buildings on each R-7,500 lot shall conform to the following:

A. No building or structure shall occupy any portion of a required yard or open space area, except as otherwise provided in this Article.

9.05.020.060 - Existing Uses, Exemption.

Notwithstanding any provision of this Code to the contrary, any building and/or structure located on any R-7,500 zoned lot:

A. Which was in existence under a valid building permit or for which building permits have been issued as of the date of adoption of this Code; and

B. Which conformed to the zoning regulations of the City in effect as of said date; and

C. Which would otherwise be rendered non-conforming solely by reason of the application thereto of this Chapter hereof, shall not be deemed to have acquired a non-conforming status, within the meaning of Section 9.03.010.020(N) hereof, provided:

1. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this Code as to such proposed new use, building or structure; and

2. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the assessed value of such building or structure, as estimated by the City's Building Official, for building permit purposes.

9.05.020.070 - Additions to a Nonconforming Building or Structure.

Additions may be made to a nonconforming building or structure which is not in violation of any provisions of this Code and is nonconforming only because it does not meet the following standards of development as provided herein:

A. **Yards**, provided such addition or expansion is developed pursuant to the setback standards that were in existence at the time of the construction of the existing building or structure and providing that such addition or expansion does not expand the degree of nonconformity.

B. Access and paving width of access drives provided such addition or expansion shall be developed pursuant to the vehicle parking standards of this Code. Where the amount of parking provided prior to such addition is sufficient to comply with said provisions after such expansion it shall be deemed to comply with this subsection.

Chapter 9.05.030 - R-20,000 - Single-Family Residential Zoning District

Chapter Index:

9.05.030.010 - Purpose of Chapter
9.05.030.020 - Permitted Uses
9.05.030.030 - Uses Expressly Prohibited
9.05.030.040 - Development Standards
9.05.030.050 - Placement of Buildings or Structures
9.05.030.060 - Existing Uses, Exemption
9.05.030.070 - Additions to a Nonconforming Building or Structure

9.05.030.010 - Purpose of Chapter.

In order to provide for the development of single family residential areas and to maintain the integrity of existing single family residential areas within the City, the following regulations shall be applicable to all properties classified in Zone R-20,000.

9.05.030.020 - Permitted Uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any R-20,000 Zone for any use, other than the following:

A. Principal Use.

1. One single-family dwelling.
2. Open spaces

B. Accessory Uses.

1. Accessory buildings or structures.
2. Living quarters attached to the main residence.
3. One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than twenty (20) feet from such main building,
4. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
5. The keeping of animals as specified in Chapter 9.06.100 hereof.
6. The storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed
7. Not to exceed one home occupation, as defined herein.
8. Private garages and carports.
9. Open spaces.

9.05.030.030 – Uses Expressly Prohibited.

A. No use shall be permitted on any R-20,000 zoned lot except as expressly authorized herein.

B. Permanent use of portable prefabricated metal storage containers is prohibited.

9.05.030.040 - Development Standards.

All premises in the R-20,000 Zone shall comply with the following standards of development:

A. Required Lot Area. Each lot in the R-20,000 Zone shall have a minimum lot area of not less than 20,000 square feet.

B. Lot Width. Each lot or parcel of land in Zone R-20,000 shall have a minimum average width of not less than eighty (80) feet.

C. Yards.

1. **Front Yards.** Each lot in the R-20,000 Zone shall maintain a front yard area of not less than thirty-five (35) feet in depth.

2. **Side Yards**. Each lot in the R-20,000 Zone shall maintain side yards of not less than fifteen (15) feet in depth.

3. **Rear Yards.** Each lot in the R-20,000 Zone shall maintain a rear yard of not less than fifteen (15) feet in depth.

4. **Private Streets.** Notwithstanding any other provision of this Chapter, no building shall be located closer than fifty (50) feet to any private street or vehicular easement serving more than two parcels of property.

D. Minimum Dwelling Size. Each dwelling in the R-20,000 Zone, exclusive of guest houses, pool houses, servant's quarters, or other permitted accessory dwellings, shall have a minimum size of 1,850 square feet. Such square footage shall be exclusive of porches and garages, or other accessory buildings attached to the dwelling.

E. Height Limits. No building, structure or improvement in the R-20,000 Zone shall exceed the lesser of:

1. The height approved by the Planning Commission pursuant to the Ridgeline and View Preservation regulations Chapter 9.04.060 et seq., if applicable; or

2. Twenty-eight (28) feet. To the extent that an owner of property seeks to construct a building to a greater height than the limit provided in the zone in which the property is located, relief may be granted through variance proceedings.

All measurements of height shall be made from the finished grade to the highest ridge beam and shall not include the chimneys. Chimneys shall not exceed the minimum height required by the Bradbury Municipal Code or have a width larger than the minimum required for proper draft, plus a facing for the exterior of the flue.

F. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in Zone R-20,000 shall have and maintain off-street parking facilities as required by Chapter 9.06.040 hereof.

G. Roof Pitch.Not more than twenty (20) percent of the roof of any main building may have a pitch of less than 3 ½:12.

9.05.030.050 - Placement of Buildings or Structures.

Placement of buildings on each R-20,000 lot shall conform to the following:

A. No building shall occupy any portion of a required yard or open space area, except as otherwise provided in this Article.

9.05.030.060 - Existing Uses, Exemption.

Notwithstanding any provision of this Code to the contrary, any building and/or structure located on any R-20,000 zoned lot:

A. Which was in existence under a valid building permit or for which building permits have been issued as of the date of adoption of this Code; and

B. Which conformed to the zoning regulations of the City in effect as of said date; and

C Which would otherwise be rendered non-conforming solely by reason of the application thereto of this Chapter shall not be deemed to have acquired a non-conforming status, within the meaning of Section 9.03.0010.020(N) hereof, provided:

1. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this Code as to such proposed new use, building or structure; and

2. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the assessed value of such building or structure, as estimated by the City's Building Official, for building permit

purposes.

9.05.030.070 - Additions to a Nonconforming Building or Structure.

Additions may be made to a nonconforming building or structure which is not in violation of any provisions of this Code and is nonconforming only because it does not meet the following standards of development as provided herein:

A. Yards, provided such addition or expansion is developed pursuant to the setback standards that were in existence at the time of the construction of the existing building or structure and providing that such addition or expansion does not expand the degree of nonconformity.

B. Access and paving width of access drives provided such addition or expansion shall be developed pursuant to the vehicle parking standards of this Code. Where the amount of parking provided prior to such addition is sufficient to comply with said provisions after such expansion it shall be deemed to comply with this subsection.

Chapter 9.05.040 - A-1- Agriculture Residential Estate Zoning District

Chapter Index:

9.05.040.010 - Purpose of Chapter
9.05.040.020 - Permitted Uses
9.05.040.030 - Uses Expressly Prohibited
9.05.040.040 - Development Standards
9.05.040.050 - Placement of Buildings or Structures
9.05.040.060 - Existing Uses, Exemption
9.05.040.070 - Additions to a Nonconforming Building or Structure

9.05.040.010 - Purpose of Chapter.

In order to provide for the development of single family residential areas and to maintain the integrity of existing single family residential areas within the City, the following regulations shall be applicable to all properties classified in Zone A-1.

9.05.040.020 - Permitted Uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-1 Zone for any use, other than the following:

A. Principal Use.

1. One single-family dwelling.
2. Open spaces
3. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.

B. Accessory Uses.

1. Accessory buildings or structures.
2. Living quarters attached to the main residence.
3. One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than twenty (20) feet from such main building,
4. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
5. The keeping of animals as specified in Chapter 9.06.100 hereof.
6. The storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
7. Not to exceed one home occupation, as defined herein.
8. Private garages and carports.
9. Open spaces.

9.05.040.030 – Uses Expressly Prohibited.

A. No use shall be permitted on any A-1 zoned lot except as expressly authorized herein.

B. Permanent use of portable prefabricated metal storage containers is prohibited.

9.05.040.040 - Development Standards.

All premises in the A-1 Zone shall comply with the following standards of development:

A. Required Lot Area. Each lot in the A-1 Zone shall have a minimum lot area of not less than one acre.

B. Lot Width. Each lot or parcel of land in Zone A-1 shall have a minimum average width of not less than one hundred (100) feet.

C. Yards.

1. **Front Yards.** Each lot in the A-1 Zone shall maintain a front yard area of not less than fifty (50) feet in depth.

2. **Side Yards**. Each lot in the A-1 Zone shall maintain side yards of not less than twenty-five (25) feet in depth.

3. **Rear Yards**. Each lot in the A-1 Zone shall maintain a rear yard of not less than twenty-five (25) feet in depth.

4. **Private Streets.** Notwithstanding any other provision of this Chapter no building shall be located closer than fifty (50) feet to any private street or vehicular easement serving more than two parcels of property.

D. Minimum Dwelling Size. Each dwelling in the A-1 Zone, exclusive of guest houses, pool houses, servants' quarters, or other permitted accessory dwellings, shall have a minimum size of 2,250 square feet. Such square footage shall be exclusive of porches and garages, or other accessory buildings attached to the dwelling.

E. Height Limits. No building, structure or improvement in the A-1 Zone shall exceed the lesser of:

1. The height approved by the Planning Commission pursuant to the Ridgeline and View Preservation regulations Chapter 9.04.060 et seq., if applicable; or

2. Twenty-eight (28) feet. To the extent that an owner of property seeks to construct a building to a greater height than the limit provided in the zone in which the property is located, relief may be granted through variance proceedings.

All measurements of height shall be made from the finished grade to the highest ridge beam and shall not include the chimneys. Chimneys shall not exceed the minimum height required by the Bradbury Municipal Code or have a width larger than the minimum required for proper draft, plus a facing for the exterior of the flue.

F. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in Zone A-1 shall have and maintain off-street parking facilities as required by Chapter 9.06.040 et seq. hereof.

G. Roof Pitch. Not more than twenty (20) percent of the roof of any main building may have a pitch of less than 3 ½:12.

9.05.040.050 - Placement of Buildings or Structures.

Placement of buildings on each A-1 lot shall conform to the following:

No building shall occupy any portion of a required yard or open space area, except as otherwise provided in this Article.

9.05.040.060 - Existing Uses, Exemption.

Notwithstanding any provision of this Code to the contrary, any building and/or structure located on any A-1 zoned lot:

A. Which was in existence under a valid building permit or for which building permits have been issued as of the date of adoption of this Code; and

B. Which conformed to the zoning regulations of the City in effect as of said date; and

C. Which would otherwise be rendered non-conforming solely by reason of the application thereto of this Chapter hereof, shall not be deemed to have acquired a non-conforming status, within the meaning of Section 9.03.010.020(N) hereof, provided:

1. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this Code as to such proposed new use, building or structure; and

2. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the assessed value of such building or structure, as estimated by the City's Building Official, for building permit purposes.

9.05.040.070 - Additions to a Nonconforming Building or Structure.

Additions may be made to a nonconforming building or structure which is not in violation of any provisions of this Code and is nonconforming only because it does not meet the following standards of development as provided herein:

A. **Yards**, provided such addition or expansion is developed pursuant to the setback standards that were in existence at the time of the construction of the existing building or structure and providing that such addition or expansion does not expand the degree of nonconformity.

B. Access and paving width of access drives provided such addition or expansion shall be developed pursuant to the vehicle parking standards of this Code. Where the amount of parking provided prior to such addition is sufficient to comply with said provisions after such expansion it shall be deemed to comply with this subsection.

Chapter 9.05.050 - A-2 - Agriculture Residential Estate Zoning District

Chapter Index:

9.05.050.010 - Purpose of Chapter
9.05.050.020 - Permitted Uses
9.05.050.030 - Uses Expressly Prohibited
9.05.050.040 - Development Standards
9.05.050.050 - Placement of Buildings or Structures
9.05.050.060 - Existing Uses, Exemption
9.05.050.070 - Additions to a Nonconforming Building or Structure

9.05.050.010 - Purpose of Chapter.

In order to provide for the development of single family residential areas and to maintain the integrity of existing single family residential areas within the City, the following regulations shall be applicable to all properties classified in Zone A-2.

9.05.050.020 - Permitted Uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-2 Zone for any use, other than the following:

A. Principal Use.

1. One single-family dwelling.
2. Open spaces
3. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.

B. Accessory Uses.

1. Accessory buildings or structures.
2. Living quarters attached to the main residence.
3. One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than twenty (20) feet from such main building.
4. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
5. The keeping of animals as specified in Chapter 9.06.100 hereof.
6. The storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
7. Not to exceed one home occupation, as defined herein.
8. Private garages and carports.
9. Open spaces.

9.05.050.030 – Uses Expressly Prohibited.

A. No use shall be permitted on any A-2 zoned lot except as expressly authorized herein.

B. Permanent use of portable prefabricated metal storage containers is prohibited.

9.05.050.040 - Development Standards.

All premises in the A-2 Zone shall comply with the following standards of development:

A. Required Lot Area. Each lot in the A-2 Zone shall have a minimum lot area of not less than two acres.

B. Lot Width. Each lot or parcel of land in Zone A-2 shall have a minimum average width of not less than one hundred twenty (120) feet.

C. Yards.

1. **Front Yards.** Each lot in the A-2 Zone shall maintain a front yard area of not less than fifty (50) feet in depth.

2. **Side Yards**. Each lot in the A-2 Zone shall maintain side yards of not less than twenty-five (25) feet in depth.

3. **Rear Yards.** Each lot in the A-2 Zone shall maintain a rear yard of not less than twenty-five (25) feet in depth.

4. **Private Streets.** Notwithstanding any other provision of this Chapter no building shall be located closer than fifty (50) feet to any private street or vehicular easement serving more than two parcels of property.

D. Minimum Dwelling Size. Each dwelling in the A-2 Zone, exclusive of guest houses, pool houses, servants' quarters, or other permitted accessory dwellings, shall have a minimum size of 2,500 square feet. Such square footage shall be exclusive of porches and garages, or other accessory buildings attached to the dwelling.

E. Height Limits. No building, structure or improvement in the A-2 Zone shall exceed the lesser of:

1. The height approved by the Planning Commission pursuant to the Ridgeline and View Preservation regulations, Chapter 9.04.060 et seq., if applicable; or

2. Twenty-eight (28) feet. To the extent that an owner of property seeks to construct a building to a greater height than the limit provided in the zone in which the property is located, relief may be granted through variance proceedings.

All measurements of height shall be made from the finished grade to the highest ridge beam and shall not include the chimneys. Chimneys shall not exceed the minimum height required by the Bradbury Municipal Code or have a width larger than the minimum required for proper draft, plus a facing for the exterior of the flue.

F. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in Zone A-2 shall have and maintain off-street parking facilities as required by Chapter 9.06.040 et seq. hereof.

G. Roof Pitch. Not more than twenty (20) percent of the roof of any main building may have a pitch of less than 3 ½:12.

9.05.050.050 - Placement of Buildings and Structures.

Placement of buildings on each A-2 lot shall conform to the following:

A. No building shall occupy any portion of a required yard or open space area, except as otherwise provided in this Article.

9.05.050.060 - Existing Uses, Exemption.

Notwithstanding any provision of this Code to the contrary, any building and/or structure located on any A-2 zoned lot:

A. Which was in existence under a valid building permit or for which building permits have been issued as of the date of adoption of this Code; and

B. Which conformed to the zoning regulations of the City in effect as of said date; and

C. Which would otherwise be rendered non-conforming solely by reason of the application thereto of this chapter hereof, shall not be deemed to have acquired a non-conforming status, within the meaning of Section 9.03.010.020(N) hereof, provided:

1. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this Code as to such proposed new use, building or structure; and

2. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the assessed value of such building or structure, as estimated by the City's Building Official, for building permit purposes.

9.05.050.070 - Additions to a Nonconforming Building or Structure.

Additions may be made to a nonconforming building or structure which is not in violation of any provisions of this Code and is nonconforming only because it does not meet the following standards of development as provided herein:

A. **Yards** provided such addition or expansion is developed pursuant to the setback standards that were in existence at the time of the construction of the existing building or structure and providing that such addition or expansion does not expand the degree of nonconformity.

B. Access and paving width of access drives provided such addition or expansion shall be developed pursuant to the vehicle parking standards of this Code. Where the amount of parking provided prior to such addition is sufficient to comply with said provisions after such expansion it shall be deemed to comply with this subsection.

Chapter 9.05.060 - A-5 - Agriculture Residential Estate Zoning District

Chapter Index:

9.05.060.010 - Purpose of Chapter
9.05.060.020 - Permitted Uses
9.05.060.030 - Uses Expressly Prohibited
9.05.060.040 - Development Standards
9.05.060.050 - Placement of Buildings or Structures
9.05.060.060 - Existing Uses, Exemption
9.05.060.070 - Additions to a Nonconforming Building or Structure

9.05.060.010 - Purpose of Chapter.

In order to provide for the development of single family residential areas and to maintain the integrity of existing single family residential areas within the City, the following regulations shall be applicable to all properties classified in Zone A-5.

9.05.060.020 - Permitted Uses.

No person shall use, nor shall any property owner permit the use of any lot classified in any A-5 Zone for any use, other than the following:

A. Principal Use.

1. One single-family dwelling.
2. Open spaces
3. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.

B. Accessory Uses.

1. Accessory buildings or structures.
2. Living quarters attached to the main residence
3. One detached living quarters or guest house on the same premises (under the same ownership) as the main building; such detached living quarters or guest house shall be not less than twenty (20) feet from such main building.
4. Nursery stock, orchards, vineyards, the raising of field crops, tree, berry and bush crops, or vegetable or flower gardening; providing no roadside stands or sales offices shall be permitted, nor shall there be permitted any retail sale from the premises or advertising signs of any nature.
5. The keeping of animals as specified in Chapter 9.06.100 hereof.
6. The storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. The temporary use of portable prefabricated metal storage containers is permitted until construction is completed.
7. Not to exceed one home occupation, as defined herein.
8. Private garages and carports.
9. Open spaces.

9.05.060.030 – Uses Expressly Prohibited.

A. No use shall be permitted on any A-5 zoned lot except as expressly authorized herein.

B. Permanent use of portable prefabricated metal storage containers is prohibited.

9.05.060.040 - Development Standards.

All premises in the A-5 Zone shall comply with the following standards of development:

A. **Required Lot Area.** Each lot in the A-5 Zone shall have a minimum lot area of not less than five acres.

B. **Lot Width.** Each lot or parcel of land in Zone A-5 shall have a minimum average width of not less than two hundred fifty (250) feet.

C. **Yards.**

1. **Front Yards.** Each lot in the A-5 Zone shall maintain a front yard area of not less than fifty (50) feet in depth.

2. **Side Yards.** Each lot in the A-5 Zone shall maintain side yards of not less than twenty-five (25) feet in depth.

3. **Rear Yards.** Each lot in the A-5 Zone shall maintain a rear yard of not less than twenty-five (25) feet in depth.

4. **Private Streets.** Notwithstanding any other provision of this Chapter no building shall be located closer than fifty (50) feet to any private street or vehicular easement serving more than two parcels of property.

D. **Minimum Dwelling Size.** Each dwelling in the A-5 Zone, exclusive of guest houses, pool houses, servants' quarters, or other permitted accessory dwellings, shall have a minimum size of 2,500 square feet. Such square footage shall be exclusive of porches and garages, or other accessory buildings attached to the dwelling.

E. **Height Limits.** No building, structure or improvement in the A-5 Zone shall exceed the following height:

1. Twenty-eight (28) feet provided that the Planning Commission approves a building height in excess of eighteen (18) feet.

2. Thirty-five (35) feet provided that the Planning Commission makes all of the following findings:

a. The proposed structure is at least 8,000 square feet in size: and

b. The proposed structure does not contain more than two-stories; and

c. The interior ceiling height of each story is at least 10'-0"; and

d. The minimum roof pitch is 5:12; and

e. No mechanical equipment shall be located on the roof; and

f. The roof structure exceeding 28 feet in height does not contain any flat surfaces other than that which may be required for skylights or similar roof elements; and

g. A gable-end of a roof or flat building surface does not exceed a height of 28 feet; and

h. The roof plane exceeding 28 feet shall be articulated or divided by dormers or similar architectural features; and

i. The proposed project does not negatively impact views of mountains, valleys or ridgelines from the surrounding existing or future dwellings; and

j. The proposed project does not negatively impact the privacy of the surrounding existing or future dwellings.

All measurements of height shall be made from the finished grade to the highest ridge beam and shall not include the chimneys. Chimneys shall not exceed the minimum height required by the Bradbury Code or have a width larger than the minimum required for proper draft, plus a facing for the exterior of the flue.

F. **Off-Street Parking.** The owner and/or person in possession of each lot or parcel of land in Zone A-5 shall have and maintain off-street parking facilities as required by Chapter 9.06.040 et seq. hereof.

G. Roof Pitch. Not more than twenty (20) percent of the roof of any main building may have a pitch of less than 3 ½:12.

9.05.060.050 - Placement of Buildings and Structures.

Placement of buildings on each A-5 lot shall conform to the following:

No building or structure shall occupy any portion of a required yard or open space area, except as otherwise provided in this Article.

9.05.060.060 - Existing Uses, Exemption.

Notwithstanding any provision of this Code to the contrary, any building and/or structure located on any A-5 zoned lot:

A. Which was in existence under a valid building permit or for which building permits have been issued as of the date of adoption of this Code; and

B. Which conformed to the zoning regulations of the City in effect as of said date; and

C. Which would otherwise be rendered non-conforming solely by reason of the application thereto of this chapter hereof, shall not be deemed to have acquired a non-conforming status, within the meaning of Section 9.03.010.020(N) hereof, provided:

1. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this Code as to such proposed new use, building or structure; and

2. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the assessed value of such building or structure, as estimated by the City's Building Official, for building permit purposes.

9.05.060.070 - Additions to a Nonconforming Building or Structure.

Additions may be made to a nonconforming building or structure which is not in violation of any provisions of this Code and is nonconforming only because it does not meet the following standards of development as provided herein:

A. Yards provided such addition or expansion is developed pursuant to the setback standards that were in existence at the time of the construction of the existing building or structure and providing that such addition or expansion does not expand the degree of nonconformity.

B. Access and paving width of access drives provided such addition or expansion shall be developed pursuant to the vehicle parking standards of this Code. Where the amount of parking provided prior to such addition is sufficient to comply with said provisions after such expansion it shall be deemed to comply with this subsection.

Chapter 9.05.070 - OS - Open Space Zoning District

Chapter Index:

9.05.070.010 - Purpose of Chapter
9.05.070.020 - Permitted Uses
9.05.070.030 - Conditional Uses
9.05.070.040 - Uses Expressly Prohibited
9.05.070.050 - Development Standards

9.05.070.010 - Purpose of Chapter.

Certain areas of the City are so located, configured, or possessed of such geologic features that the residential or other structural use thereof may endanger the health, safety and welfare of the residents of the City, or such areas are necessary for the preservation of natural resources within the community, and for said reasons these areas are classified herein as "Open Space Use", known and designated as Zone "0S".

9.05.070.020 - Permitted Uses.

The following uses shall be permitted uses within the "0S" Zone:

A. Propagation nurseries and horticultural uses, provided that no dwellings, either temporary or permanent, be permitted in relation thereto, nor any on-premise sales or advertising.

9.05.070.030 - Conditional Uses.

The following public and private uses may be permitted only if the location and development are approved by the City as a conditional use pursuant to the provisions of Chapter 9.04.080 hereof:

A. Flood control channels, spreading grounds, settling basins, freeways, and parkways.

B. Parks, playgrounds, wildlife preserves, recreation areas, and such non-occupied buildings and structures as are accessory thereto.

C. Water wells, reservoirs, tanks, dams, treatment plants, gauging stations, pumping stations, and any use normal and appurtenant to the obtainment, storage and distribution of water.

D. Electric transmission substations, electric distribution stations, communications equipment building, microwave radio and telephone transmission facilities uses in the operation of public utility functions.

9.05.070.040 - Uses Expressly Prohibited.

The following uses are expressly prohibited within the "0S" Zone.

A. Residential uses.

B. Commercial uses other than those regulated and under the regulation of the Parks and/or City, County or State recreational agency.

C. Industrial Uses.

D. Other Uses. Any use not expressly permitted in Sections 9.05.070.020 or 9.05.070.030 hereof.

9.05.070.050 - Development Standards.

All property in this Zone shall be developed in accordance with the requirements specified in any conditional use permit granted therefore pursuant to Section 9.04.080 of the Bradbury Municipal Code and according to the following standards:

A. Lot area. No limitation.

B. Lot dimension. No requirements.

C. Yards. Yards may be established by the Planning Commission pursuant to the conditions of approval that may be imposed as part of the project architectural review.

D. Population density. No dwelling units are permitted in this zone.

E. Lot coverage. No structures permitted except for accessory buildings or structures related to public, park and recreational facilities. In no case shall building coverage exceed ten percent (10%) of the total lot area.

F. Building height. No building or structure erected in this zone shall have a height greater than eighteen (18) feet.

Chapter 9.05.080 - SP - Specific Plan Overlay Zoning District

Chapter Index:

9.05.080.010 - Purpose
9.05.080.020 - Applicability of Specific Plan Overlay District
9.05.080.030 - Allowable Land Uses
9.05.080.040 - Permit Requirements
9.05.080.050 - Development Standards

9.05.080.010 – Purpose.

The purpose of this Chapter is to provide regulations for development within the moderate and high environmentally sensitive areas of the City which are identified in the General Plan and which are defined on the official zoning map with the overlay zoning district designation Specific Plan (SP). The Specific Plan Overlay District provides guidance for development in addition to the standards and regulations of the primary zoning districts, where important site, neighborhood, safety or conservation issues require particular attention in project planning.

9.05.080.020 - Applicability of Specific Plan Overlay District.

The applicability of the Specific Plan overlay zoning district to specific sites is shown on the Official Zoning Map with the designation (SP). The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Development Code. In the event of any perceived conflict between the provisions of this Chapter and any other provisions of this Development Code, this Chapter shall control.

9.05.080.030 - Allowable Land Uses.

Any land use normally allowed in the primary zoning district may be allowed with the SP overlay zoning district, except when the specific plan includes limitations on allowable land uses.

9.05.080.040 - Permit Requirements

Development permits shall not be issued in areas that are subject to the Specific Plan Overlay Zone designation until a specific plan has been adopted, in accordance with the provisions of this Development Code, for the designated area.

9.05.080.050 - Development Standards.

All development within the Specific Plan Overlay Zone District shall comply with the Hillside Development Standards and all other provisions of this Development Code except as those standards may be amended by the adoption of a required specific plan.

Chapter 9.05.090 - Accessory Living Quarters

Chapter Index:

9.05.090.010 - Accessory Living Quarters - Permitted
9.05.090.020 - Development Standards
9.05.090.030 - Neighborhood Compatibility Review; Conditions
9.05.090.040 - Abatement of Non-Conforming Uses

9.05.090.010 - Accessory Living Quarters - Permitted.

Accessory Living Quarters as defined in Section 9.03.010.020(G) shall be permitted in the R-7,500, R-20,000, A-1, A-2, and A-5 Zones, subject to the development standards of the applicable zone and this Chapter.

9.05.090.020 - Development Standards.

Accessory Living Quarters shall be developed in accordance with the following standards:

A. One Accessory Living Quarters unit is permitted on any lot in each zone as follows:

Zone	Maximum Square Footage Permitted
R-7,500	1,200 sq. ft. (attached)
R-20,000	1,200 sq. ft.
A-1	1,500 sq. ft.
A-2	2,000 sq. ft.
A-5	2,500 sq. ft.

B. Accessory Living Quarters units are permitted only on residential lots which are developed with a single-family residence, and shall not be assigned an address separate from that of the primary dwelling unit.

C. Accessory Living Quarters units must comply with the Uniform Housing Code, Fire Code, Health and Safety Codes, applicable at the time the building permits for the Accessory Living Quarters unit are issued. The primary unit shall be brought into compliance with the current Uniform Housing Code prior to occupancy of the Accessory Living Quarters unit.

D. The Accessory Living Quarter units must be connected with the primary dwelling unit to common utility meters, including gas, electricity and water. Separate telephone service for the accessory unit is permitted.

E. The Accessory Living Quarters unit, whether attached or detached, must conform to all setback, lot coverage, floor area and building bulk requirements of the applicable zone. In particular, the combined footprint of the primary house, accessory unit (attached or detached), and all other roofed accessory structures on the property cannot exceed the total allowed lot coverage ratio (footprint), as defined elsewhere in the Zoning Code. Any Accessory Living Quarters unit which is proposed on a lot which otherwise qualifies as a hillside lot under this Zoning Code shall also meet the requirements of that Chapter. Modifications shall not be permitted in order to meet any requirements referenced in this Chapter.

F. The maximum allowed height for a detached Accessory Living Quarters unit shall be twenty-eight (28) feet.

G. The owner of the property or the master lessor of the entire property must occupy either the primary unit or the Accessory Living Quarters unit.

H. A minimum of one on-site parking space shall be provided for the Accessory Living Quarters, in addition to the parking requirement for the primary unit. The additional space need not be covered but shall be paved and accessible from a single, common driveway for both

primary and accessory units.

9.05.090.030 - Neighborhood Compatibility Review; Conditions.

All development of Accessory Living Quarters shall be subject to the procedures for Neighborhood Compatibility review and approval pursuant to Chapter 9.04.050 et seq. of this Code. In addition to the standards and determinations required by Chapter 9.04.050 et seq., the following findings shall be required for approval of Accessory Living Quarters:

A. The Accessory Living Quarters unit will be appropriate to the size and character of the lot on which it will be located, and to the character of the neighborhood.

B. The Accessory Living Quarters unit will not overload the capacity of the neighborhood to absorb the physical and use impacts of the unit in terms of parking, traffic volumes and utilities consumption.

C. The Accessory Living Quarters unit will not be materially detrimental to the public health, safety and general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

D. No modifications to zoning standards have been previously granted to the site which cause the proposed Accessory Living Quarters unit to create loss of privacy or view to surrounding properties, or detract from the rural appearance and environment of the surrounding neighborhood street elevation or from surrounding public views.

9.05.090.040 - Abatement of Non-Conforming Uses.

No non-conforming Accessory Living Quarters unit may be expanded or remodeled by the addition of any space or addition of plumbing fixtures or cooking facilities unless it is brought into compliance with the conditions set forth in this Chapter prior to occupancy.

EXHIBIT "A" FOR SECTION 9.05.010.030

Official Zone Map

Title 9.06
Site Planning and General Development Standards

Chapter 9.06.010 - General Property Development and Use Standards

Chapter Index:

9.06.010.010 - Purpose and Applicability
9.06.010.020 - Access.
9.06.010.030 - Environmental Resource Protection
9.06.010.040 - Drainage and Storm Water Run-Off

9.06.010.010 - Purpose and Applicability.

A. Purpose.

The purpose of this Chapter is to ensure that new or modified uses of land and development activity produce a stable environment and character which is in harmony with existing and future development. Such uses of land and development should not impact the use and enjoyment of neighboring properties, all of which, shall be consistent with the goals and objectives of the adopted General Plan.

B. Applicability.

The standards of this Chapter apply to all zoning districts. These standards shall be considered in combination with the standards for each zone district. Where there may be a conflict, the standards specific to the zoning district shall override these general standards. All new or modified structures and uses shall conform with the standards of this Chapter as determined applicable by the City Planner or Planning Commission, except as otherwise specified.

9.06.010.020 - Access.

Every structure shall be constructed upon a legally created lot or parcel of land with a permanent means of access to a public or private street or road conforming to City standards. All structures shall be located to provide safe and convenient access for the provision of municipal services such as fire and police protection. Private driveways shall be provided as required in this Code.

9.06.010.030 - Environmental Resource Protection.

Development proposals shall be evaluated in compliance with the California Environmental Quality Act (Public Resources Code Section 21,000 et seq), and the adopted General Plan's environmental policies including, but not limited to, open space habitat, sensitive biological and botanical resources; rare, threatened and/or endangered species; air quality; mineral resources; archaeological resources; and geologic hazards.

9.06.010.040 - Drainage and Storm Water Run-off.

Development proposals shall be evaluated for compliance with the grading and drainage standards adopted by the City to insure that proposed development and modifications to existing development comply with the environmental, safety drainage and design standards.

Chapter 9.06.020 - Hillside Development Standards

Chapter Index:

9.06.020.010 - Purpose
9.06.020.020 - Hillside Development Applicability
9.06.020.030 - Planning Commission Review
9.06.020.040 - Hillside Development Policies
9.06.020.050 - Right of City to Impose Special Conditions
9.06.020.060 - Hillside Development Review Procedures
9.06.020.070 - Materials Applicant Must Submit
9.06.020.080 - Additional Materials That May Be Required
9.06.020.090 - Waiver of Certain Materials
9.06.020.100 - General Standards Applicable to All Single-Lot and Multiple-Lot Hillside Grading Development Projects
9.06.020.110 - Single Lot Application
9.06.020.120 - Multiple Lot Application
9.06.020.130 - Multiple Lot Development Projects Conforming to Standards
9.06.020.140 - Exceptions - Single Lots
9.06.020.150 - Exceptions - Multiple Lots
9.06.020.160 - Additional Exceptions to Standards
9.06.020.170 - Standards General
9.06.020.180 - Single Lot Standards
9.06.020.190 - Multiple Lot Standards
9.06.020.200 - Hillside Landform Grading and Revegetation Standards

9.06.020.010 - Purpose.

It is the City's position that its hillsides are a valuable resource to the community, providing a visible geographical boundary to the City and aesthetic relief to the viewscape from virtually every location in Bradbury. To date, hillside development in this community has generally avoided creating the significant negative effects common to the practice of mass grading to provide building sites. The end product of past development practices in Bradbury has largely been the retention of natural land forms and enhancement of the community's "semi-rural" character. However, much of the remaining undeveloped acreage in the City can best be described as steep, consisting of slopes in excess of thirty percent (30%), and visually prominent. Further, the City's hillsides contain or surround several significant environmental and aesthetic resources.

The purpose of the Hillside Development Performance Standards and Guidelines incorporated therein is to promote the most orderly development of the City's remaining hillsides. The standards are to ensure that hillside development is consistent with existing surrounding development patterns and that new development is carried out in a manner which promotes and enhances public safety and the community's general welfare.

9.06.020.020 – Hillside Development Applicability.

A. Hillside Development Standards

The Hillside Development Standards shall apply to any lot or parcel of land located within the corporate boundaries of the City of Bradbury which has two (2) acres of land area or more and which has an average slope of ten percent (10%) or greater. Additionally, the provisions of the Chapter shall apply to previously graded hillside lots where no building permits have been issued.

B. Average Slope

For the purpose of the Hillside Development

Standards "average slope" shall be defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The average slope "S" is computed on the net area of a parcel by the following formula:

$$S = \frac{0.002296\ IL}{A}$$

Where: **S** = Average percent slope
I = Contour interval in feet
L = Summation of length of all contours in feet
A = Area in acres of parcel being considered

C. Hillside Project

For the purpose of this Chapter, unless the context otherwise requires a "Hillside Project" shall mean any development, subdivision, construction, grading or other activity which requires issuance of a building, grading, conditional use, or other development or construction-related permit or approval of a land subdivision by the City and/or any of its contract agents.

9.06.020.030 - Planning Commission Review.

Applications for single lot and multiple lot shall be subject to the approval of the City Planning Commission. A project application considered by the City Planning Commission under this Section shall be reviewed for conformance with the standards and criteria for single and multiple lot development projects set forth in this Chapter and for consistency with other community standards, including, but not limited to standards for health, safety and welfare.

9.06.020.040 – Hillside Development Policies.

The following policies are reflective of community standards and shall apply to all hillside projects undertaken in the City:

A. Existing Community Character

Existing community character, as defined by such factors as visual appearance, density, road widths and vegetation shall be preserved and/or enhanced;

B. Prominent Land Forms

Prominent land forms within the community shall be maintained, including, but not limited to knolls, significant ridgelines and watercourses. All homes shall be constructed at a distance sufficiently below the respective crest of the hillside so that the crest is not obscured in any manner by the structure, and all structures shall be built to fit into the hillside to the greatest extent possible towards an objective of minimizing the disruption to the appearance of the natural terrain. Whenever possible, homes should be staggered with respect to the elevations on which they are constructed.

C. Hillside Setbacks.

For lots, two (2) acres or greater in size, dwelling units, including attached garages and all other attached structures, shall be set back from all lot lines by a distance not less than one hundred (100) feet.

Detached nonhabitable structures and substructures may be located to within the minimum setback lines in the rear and sides as prescribed by the zone district within which the structures are to be located. Any modification of this section shall be subject to the variance procedure.

D. Viewscapes.

Major hillside viewscapes visible from points not within the hillside project shall not be detrimentally altered by the intrusion of highly visible cut and/or fill slopes, building lines and/or road surfaces;

1. The extent of grading and the visual impact of grading shall be minimized;

2. Levels of development shall be coordinated with available and potential circulation capacities and shall be controlled by the ability to provide adequate access within the constraints

defined in this Chapter;

E. High Fire Risk Areas.

Development in areas of exposure to high fire risk shall be subject to reasonable mitigation measures formulated during the project review process to reduce such risk.

F. Flood and Mudslide Risk Areas.

Development shall be planned in such a manner as to avoid undue flood, mud slide and subsidence risk to residents and structures on or near hillside areas, as well as downstream of any project.

G. Significant Environmental Resources.

Significant environmental and recreational resources shall be maintained and enhanced, including measures to prevent visual or physical encroachment into such resources.

H. Building Height.

In no event shall any structure exceed a height limit of twenty-eight (28) feet except as otherwise provided for in this Code.

I. Poles and Pier Foundations.

No structures shall be erected that utilizes poles or piers for any portion thereof which extend above the surface of approved terrain. Two-story or split level structures may be permitted where they do not required excessive grading and where placement would be conducive to maintaining the aesthetic configuration of the natural terrain.

9.06.020.050 - Right of City to Impose Special Conditions.

The City may impose such conditions of approval as are reasonable on any single lot or multiple lot projects, so long as such conditions are consistent with the intent of this Chapter, the City's other ordinances and regulations, and the City's General Plan and promote the general public health, safety and welfare.

9.06.020.060 – Hillside Development Review Procedures.

The intent of this Chapter is to outline the general procedures for applying the provisions of the Hillside Development Standards. The City shall encourage project applicants to approach the City at an early stage of site plan development to enable City input into project conceptualization. Further, it is the intent of these procedures to provide early coordination between the City's Hillside Development Standards and environmental review process and to provide for incorporation of mitigation measures recommended by the City into project and site plan design.

The requirements and procedures set forth in this Chapter are intended to supplement and be used simultaneously with requirements and procedures set forth in the City's zoning and subdivision ordinances and regulations, environmental review process and the City's building and development codes. However, in instances where this Chapter conflicts with any other ordinance or regulation of the City, the provisions of this Chapter shall take precedence and apply.

9.06.020.070 - Materials Applicant Must Submit.

In addition to all materials and procedures required by the City's subdivision, zoning, building and grading regulations and environmental review procedures applicable to projects falling within the scope of this Chapter, submittal of the following application materials shall be required for all projects provided for herein:

A. Plot Plan.

A site or plot plan, drawn to a scale prescribed by the City Manager or his/her designee but not less than a scale of 1" = 100', reflecting the proposed project, including representations of property lines and all recorded and proposed easements and public rights-of-way;

B. Topographical Map.

A scaled topographical map of the project site and all adjacent terrain located within one

hundred fifty (150) feet of scale as the site or plot plan required in (a) above, with a maximum contour interval of ten (10) feet.

C. Grading Plan.

A complete grading plan for the project, drawn to the same scale as prescribed above.

D. Tree Map.

A tree map, drawn to the same scale as prescribed above, locating existing trees on the project site with a trunk diameter of four (4") inches or greater and/or having a vertical height from ground level to treetop level of fifteen (15) feet and identify their type, appropriate trunk diameter, height and condition.

E. Environmental Assessment.

A completed Environmental Assessment, in a form to be provided by the City.

9.06.020.080 - Additional Materials That May Be Required.

In addition to the materials listed above, if deemed necessary by the City Manager or the City Planning Commission to adequately review any proposed hillside development project, the City Manager may require submittal of any or all of the following materials:

A. Soils Report.

A soils engineering report which shall contain, but not be limited to, data regarding the nature, distribution and strengths of existing soils, conclusions and recommendations for grading procedure design criteria for any identified corrective measure, and opinions and recommendations covering the adequacy of sites to be developed, including evidence that adequate soil percolation exists to permit disposal of domestic sewage effluent. This investigation and report shall be performed by a professional soils engineer who is experienced in the practice of soil mechanics and who is registered with the State of California.

B. Geology Report.

A geology report which shall include, but not be limited to, 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 recommendations covering the adequacy of the sites to be developed, and design criteria to mitigate any identified geologic hazard. This investigation and report shall be completed by a professional geologist who is experienced in the practice of engineering geology and who is registered with the State of California.

C. Hydrology Report.

An hydrology report which shall include, but not be limited to, the hydrologic conditions of the site, possible flood inundation, downstream flood hazards, natural drainage courses, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed, and design criteria to mitigate any identified hydrologic hazard consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed development project. Runoff and debris amounts shall be computed using the Los Angeles County Flood Control District criteria. This investigation and report shall be completed by a registered Civil Engineer experienced in the science of hydrology and hydrologic investigation.

D. Landscape Plan.

A landscaping plan which shall accurately show the final disposition of all existing trees, as specified above, on the project site and the type and extent of proposed vegetation, including provisions for ongoing maintenance and irrigation thereof. Specific consideration should be given to vegetation on created slopes, to ensure slope stability, and to ongoing maintenance. This plan shall be drawn to the same scale as prescribed for the application materials required above. Once

the plan is approved, no trees shall be removed from the site without subsequent approval of the City.

E. Model.

A three-dimensional scale model of the project site, to such scale as may be prescribed by the City Manager.

9.06.020.090 - Waiver of Certain Materials.

The requirement to submit any or all of the materials enumerated above may be waived by the City Manager, under the following conditions:

A. The existence of recently completed and satisfactory reports covering the same subject matter on the same site.

B. Inclusion of any or all of the above reports as part of an Environmental Impact Report or Negative Declaration, if either is required or has been required or has been satisfactorily completed for the site.

C. The existence of reports as described in (A) and (B) above, previously prepared for a site or area adjacent to the project site, if the project site and such adjacent site or area may reasonably be expected to possess similar characteristics relative to the development issues addressed by this Chapter.

9.06.020.100 - General Standards Applicable to All Single-Lot and Multiple-Lot Hillside Grading Development Projects

A. Hillside Grading.

Both single-lot and multiple-lot hillside grading development projects pose unusually high exposure to fire and flood runoff, land slippage and erosion hazards. It is the City's intent to minimize to the fullest extent possible any such exposure. Consequently, all single-lot and multiple-lot hillside grading development projects shall incorporate the following features:

1. **Erosion Control**. Where applicable, lot designs and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements and with access to a street to provide for cleanup and removal.

2. **Lot Coverage**. To minimize storm drainage runoff, the amount of impervious coverage of any hillside lot shall be restricted to fifty percent (50%) of the allowable gradable area of the lot. Driveways shall be considered to be impervious surfaces, regardless of the construction materials used.

B. Natural Open Space Preservation.

To preserve the rural character of the City and remain consistent with the City=s hillside grading and development policies, a percentage of each lot must be left in its natural state. The amount of land to be left in its natural state depends on the average slope and will be determined as follows:

1. **Open Space 50%.** Lots having an average slope of 10% to 24.9% percent shall retain fifty percent (50%) of the net lot area in its natural state.

2. **Open Space 60%**. Lots having an average slope of 25% to 34.9% shall retain sixty (60%) of the net lot area in its natural state.

3. **Open Space 70%**. Lots having an average slope of 35% to 49.9% shall retain seventy (70%) of the net lot area in its natural state.

4. **Open Space 85%**. Lots having an average slope of 50% or more shall retain eighty-five (85%) of the net lot area in its natural state.

C. Open Space Waiver.

The requirement to retain a percentage of land in its natural state may be waived when the Planning Commission finds that the proposed grading is intended for agricultural purposes and the proposed grading will not constitute a threat to public health, safety and

welfare. The Planning Commission may attach conditions to any approval for agricultural grading.

9.06.020.110 - Single Lot Application.

For the purpose of this Section, a single lot project shall be considered to be any construction, grading or similar or related activity on a legally established lot or parcel of land requiring issuance of any permit or approval by the City or its contract agents. An application for a single lot project shall be submitted to the City in accordance with the above. Such application shall be reviewed by the City Manager to ascertain the degree of project conformance to the single lot development standards set forth in this Chapter.

9.06.020.120 - Multiple Lot Application.

For the purpose of this Section, a multiple lot project shall be considered to be any development of two or more contiguous lots or parcels of land, the development of a single parcel where any adjacent lot or parcel is under common ownership or control, the provision of access to one or more lot or parcels where no access is currently provided or the creation of two or more parcels or lots from one existing parcel or lot.

A. Multiple Lot Application Content.

Applicants submitting proposals for multiple lot projects must include as part of any proposed project all contiguous land(s) under common ownership and/or control. The intent of this requirement is to enable the City to plan for required public improvements and/or services comprehensively and on an integrated, rather than piecemeal basis to the greatest possible extent. This regulation is not to be construed as a requirement for immediate or simultaneous implementation of all phases of an approved development plan.

B. Planning Commission Review Required.

All multiple lot projects shall be subject to review and action by the City Planning Commission.

9.06.020.130 - Multiple Lot Development Projects Conforming to Standards.

A. Planning Commission Findings.

The City Planning Commission may approve an application for a multiple lot development project if it is found to conform to the standards and criteria for multiple lot development projects set forth in this Chapter and the project is determined to conform to the City's General Plan and is further determined not to be detrimental to the public health, safety and welfare.

B. City Manager Authority.

If, based on a review of all submitted application material and such other information as may be developed by the City Manager or that official's designee, a particular project is found to conform in substance to each of the standards and criteria set forth in this Chapter for single lot projects and if the project is found not to be in conflict with or potentially detrimental to the public health, safety and welfare or other community standards, and conforms to the City's Genera Plan and all other ordinances and regulations of the City, the City Manager may approve the particular projects and authorize issuance of necessary permits by the City and/or its contract agents. The City shall not approve the particular project until the Planning Commission has granted architectural approval.

C. Planning Commission Authority.

If, based on a review of all submitted application materials and such other information as may be developed by the City Manager or that official's designee, a particular project is found to conflict in substance with one or more of the standards and criteria set forth in this Chapter for single lot development projects or conflict with or be potentially detrimental to the public health, safety and welfare or other community standards, and the project applicant does not alter the project design to eliminate such conflict(s), the project application shall be referred by the City Planner to the Planning Commission for disposition, in accordance with the provisions of this Chapter.

9.06.020.140 - Exceptions - Single Lots.

A. Planning Commission Findings.

The City Planning Commission may approve an application for a single lot project which does not entirely conform to the standards and criteria for single lot projects if it makes the following findings:

1. The project will not be detrimental to the public health, safety, or general welfare;

2. The project will not adversely affect the orderly development of property within the City;

3. The project will not adversely affect the preservation of property values and the protection of the tax base within the City;

4. The project will not adversely affect the goals and policies set forth in the City's General Plan;

5. Approval of the project will not constitute a grant of special privilege inconsistent with the limitations upon other projects and/or properties in the vicinity and zone in which the proposed project site is located;

6. The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public services;

7. The project will not encourage development inconsistent with the character or the existing development within the neighborhood; and

8. There are special conditions or unique characteristics of the subject property and its location or surroundings which justify relaxation of one or more of the standards set forth in this Chapter to permit project development.

A. Appeals.

The Planning Commission's decision may be appealed in the manner set forth in Chapter 9.02.050 of this Code.

9.06.020.150 - Exceptions - Multiple Lots.

A. Planning Commission Findings.

The City Planning Commission may approve an application for a multiple lot project which does not entirely conform to the standards and criteria for multiple lot development set forth in this Chapter if findings 1 through 8 enumerated above are made and if the Commission finds that the project is generally consistent with the City's General Plan and the policies, standards and criteria enunciated herein.

B. Appeals.

The Planning Commission's decision may be appealed in the manner set forth in Chapter 9.02.050 of this Code.

9.06.020.160 -Additional Exceptions to Standards.

Further, in extraordinary circumstances, where development sites are not generally visible from surrounding development, where the Commission finds that significant open space benefits could be granted to the community and where findings 1 through 8 as enumerated above can be made, the maximum grading standards embodied in this Chapter may be exceeded and density standards regulating units per acre, notwithstanding any provisions of the City Zoning Ordinance, may be relaxed as part of a total, integrated multiple lot development program. In no instance, however, shall the final approved project densities be inconsistent with General Plan land use densities for the project site or with existing surrounding development in terms of lot size.

9.06.020.170 – Standards, General.

In recognition of the difference in character between single lot development projects and potentially more flexible multiple lot development projects, where impacts can be mitigated by distribution over a wider scale, in addition to the general standards set forth in Section 9.06.020.180 and Section 9.06.020.190, this

Chapter sets forth separate standards and criteria for judging single lot and multiple lot hillside development projects.

A. Erosion, Subsidence and Drainage.

Both the single-lot and multiple-lot hillside development projects pose unusually high exposures to fire and flood runoff, land slippage and erosion hazards. It is the City's intent to minimize to the fullest extent possible any such exposure. Consequently, all single- lot and multiple-lot hillside development project designs shall incorporate the following features:

1. **Debris Retention and Accommodation**. Where applicable, lot design and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements and with access to a street to provide for cleanup and removal;

2. **Runoff Retention and Accommodation**. Passage for bulked-flow runoff shall be provided to a safe point of discharge such as a street, channel or debris basin, in a manner that damage to improvements or slopes will not result. Natural stream gradients should not be flattened;

3. **Overflow.** An emergency overflow route for flood and debris flows which exceed the design capacity of planned drainage, flood control and debris facilities and devices shall be provided. Overflow routes shall direct overflows away from slopes and improvements and toward safe points of discharge.

B. Hillside Parking.

Any lot or building site developed under the provisions of this Chapter shall provide and maintain, in addition to the minimum of two (2) covered off-street parking spaces required by the Development Code, a minimum of two (2) uncovered off-street parking spaces readily accessible from the street from which access to the lot or building site is derived. These spaces may not be developed in tandem with the parking spaces required by the Development Code. The intent of this requirement is to relieve parking congestion along narrow hillside streets to allow for adequate traffic circulation and emergency vehicle access.

9.06.020.180 - Single-Lot Standards.

Single-lot hillside projects shall conform to the following standards as provided for in Section 9.06.020.140 (Exceptions). Any project which does not entirely conform to these standards can only be approved if the specific findings previously enumerated are made by the City Planning Commission.

A. Grading Standards.

1. **Vertical Cuts, Main Building**. The vertical height of any finished cut slope created for the purposed of developing a residential dwelling site shall be limited to the height of the proposed structure or to a maximum of twenty (20) feet, whichever is less. The lateral extension (width) of the finished cut slope shall not exceed the maximum width of the house by more than twenty (20) feet. The intent of this standard is to require the location of the proposed structure on any project site to be such that maximum concealment of a created cut slope is accomplished. In accordance with the provisions of the City's building Code, no cut slope may have a finished grade of greater than 2:1 (fifty percent); except that the grade of a finished cut slope may exceed 2:1 (fifty percent), but may not exceed 12:1 (sixty-seven percent) upon approval of an engineering soils or geology report demonstrating stability of such slope to the satisfaction of the City Engineer.

2. **Vertical Cuts, Accessory Structures**. The vertical height of any finished cut slope created for the purpose of developing a site for a use or structure accessory to a residential dwelling unit shall be limited as follows:

a. **Accessory Buildings**. If any accessory structure other than a swimming pool or tennis or similar court is proposed, and such proposed accessory structure will be permanent and requires issuance of a building or other related permit by the City, a finished cut slope may be created to enable development of such structure, subject to the limitation that the vertical height of such cut slope shall not exceed the height of the proposed structure; except that in no instance shall such slope exceed a vertical height of twenty (20) feet. The purpose of this standard is to provide for maximum concealment of the cut slope by the proposed structure.

b. **Accessory Pools and Courts**, **etc.** For the purpose of developing a site for a tennis or similar court, swimming pool, corral or other accessory use to a residence, the vertical height of any finished cut slope shall not exceed eight (8) feet and the lateral extension (width) of the finished cut shall not exceed (60) feet overall or twelve (12) feet more than the width of the court, pool or corral, whichever is less. Provisions shall be made for revegetating such cut slopes.

3. **Fill Slopes – Design Requirements**. The vertical height of all finished fill slopes shall not exceed thirty (30) feet. The slope grade shall not exceed 2:1 (fifty percent) at any point; except that the grade of a finished slope may exceed 2:1 (fifty percent), but may not exceed 12:1 (sixty-seven percent) upon approval of an engineering soils or geology report demonstrating stability of such slope to the satisfactions of the City Engineer. No portion of a fill slope greater than ten (10) feet in vertical height shall extend laterally more than sixty (60) feet without curving or undulating in a fashion simulating natural topographical conditions.

4. **Slope Design – General**. The outside corners and edges of any cut slope or fill slope shall be rounded with a convex radius of not less than twenty-five (25) feet, and where a cut slope or fill slope meets natural grade, such slope shall be blended into the natural grade with a concave radius of not less than twenty-five (25) feet, except that both the top and the bottom of any cut slope or fill slope shall be rounded with a radius of not less than five (5) feet at each extremity.

5. **Vertical Cuts- Roadways and Driveways**. Where a cut is made for a driveway or roadway, provisions shall be made for revegetating all cut slopes adjacent to public roadways and private driveways.

6. **Slope Landscaping**. All cut and fill slopes shall be planted with sufficient vegetation to enable total coverage of exposed slope face within three (3) years after final grading. The City may require installation of a permanent irrigation system. The plant palette on such slopes should blend as much as possible with the natural plant palette, consistent with regulations established for public safety by the City and by the County Fire Department. Insofar as trees and shrubs may be employed in a manner consistent with this intent, such plantings are encouraged.

7. **Compliance with Other Regulations**. All other City regulations and code requirements pertaining to grading shall also apply, unless specifically in conflict with the requirements set forth herein.

B. Access Driveways.

1. **Private Driveway Design**. For private driveways in excess of one hundred fifty (150) feet in length serving one dwelling unit, minimum graded and paved width shall be fifteen (15) feet. For private driveways in excess of one hundred fifty (150) feet in length serving more than one dwelling unit, minimum graded and paved width shall be twenty (20) feet. The number of dwelling units to be served by a driveway shall not exceed three (3), except with specific review and approval

of the Planning Commission.

2. **Private Driveway Design Waiver**. Minimum driveway widths required by this Section may be waived by the City Council or the Planning Commission, if:

   a. **Unusual Circumstances**. It is determined that unusual circumstances exist which would render enforcement of this Section inconsistent with the intent of this Chapter; or

   b. **Lot Configuration**. On a flag lot created prior to the effective date of this Chapter, the fee access strip provided is less than the required width specified above; or

   c. **Minimum Width**. Waiver of required driveway widths as specified herein would not result in potential jeopardy to the health or safety of any person. Under no circumstances, however, shall any driveway access in excess of one hundred (100) feet be approved which does not have a graded and paved width of ten (10) feet.

3. **Private Driveway Grade.** The finished grade of any driveway shall not exceed fifteen (15%) percent.

C. Other Standards.

1. **Viewscape Impacts.** Proposed building sites and/or structures shall not detrimentally impact an important ridgeline, knoll, watercourse, stream bed or major viewscape within the City, or intrude into a viewline of an important environmental resource; and

2. **Consistency with other standards.** The proposed development shall be consistent with all other building and zoning standards of the City of Bradbury.

9.06.020.190 - Multiple-Lot Standards.

A. Grading Standards.

Unless excepted, as provided for in this Chapter, all multiple-lot projects must conform to the grading standards set forth in the above Section for single-lot projects; except that the width limitation imposed upon cut slopes for single-lot projects shall not apply to multiple-lot projects. However, all finished cut slopes created for multiple-lot projects shall be planted and contoured to present an undulating or natural appearance and shall be made to blend with natural grade.

B. Access Driveways.

The access standards set forth for single-lot projects shall also apply to multiple-lot projects; except that such additional standards as set forth herein shall also apply:

1. **Street Width.** The minimum street width for local and cul-de-sac streets (those streets used primarily to serve abutting property) shall be thirty (30) feet from curb facing to curb facing, in a fifty (50) foot right-of-way; except that this fifty (50) foot right-of-way requirement may be waived and a lesser width prescribed by the Planning Commission as it determines is appropriate.

2. **Cul-de-sac Design.** No cul-de-sac street or other single-entry access shall have a roadway radius of less than thirty-two (32) feet at the terminus.

3. **Street Improvements.** Curbs and gutters, of a design to be determined by the City Engineer, shall be required improvements for all proposed public streets. Sidewalks will not be required in most circumstances.

4. **Street Grade.** The finished grade of any dedicated public street or private street shall not exceed fifteen (15%) percent; except that, for any public or private street having a finished grade in excess of 10% the Planning Commission must make a finding that such road grades are necessary to meet the goals and objectives of the adopted general plan

and that no reasonable alternative is available. In exceptional circumstances, at the discretion of the Planning Commission, a road grade of twenty (20%) percent may be created for a limited distance. The purpose of such exception, however, shall only be to provide access to desirable development sites in difficult terrain where no other reasonable access is possible.

C. Hillside Lot Design and Lot Size.

The average density of any proposed multiple-lot hillside project shall be no greater than the underlying zoning subject to the following design and lot size criteria:

1. In an area where the average percent slope is fifty percent (50%) or greater, the minimum size of a newly created lot shall be two (2) times the area required by the underlying zoning.

2. In an area where the average percent slope is thirty-five percent (35%) but not greater than 49.9%, the minimum size of a newly created lot shall be 1.5 times the area required by the underlying zoning up to a maximum required lot size of five (5) acres.

3. In an area where the average percent slope is twenty-five (25%) but not greater than 34.9% percent, the minimum size of a newly created lot shall be 1.34 times the area required by the underlying zoning up to a maximum required lot size of five (5) acres.

4. The Planning Commission and/or the City Council may decrease the minimum size of newly created lots subject to a finding that all other conditions of this Code are met and that such action meets the goals and objectives of this Code and the General Plan.

5. The minimum ratio of lot depth to width shall be 2-1/2 to 1, whenever possible. Flag lots shall be permitted subject to the following findings:

   a. The proposed lot design offers an opportunity to minimize cut and fill which would otherwise be required to create the building site;

   b. The proposed lot design will take advantage of a natural building site;

   c. The proposed lot will not impinge upon the privacy of any other home or home site in proximity to it;

D. Other Standards.

1. **Open Space. – Dedication of Development Rights**. The City shall require dedication of development rights for all proposed open space parcels that are part of multiple-lot subdivisions of land; and

2. **Viewscape Impacts.** Proposed building sites and structures shall not detrimentally impact on important ridgelines, knolls, watercourses, stream-beds or major viewscapes within the City, or intrude into a viewline of an important environmental resource; and

3. **Consistency with Other Standards**. The proposed development shall be consistent with the City's General Plan and with all other building and zoning standards of the City of Bradbury; and

9.06.020.200 – Hillside Landform Grading and Revegetation Standards.

A. General.

The hillside development standards and guidelines are intended to ensure the appropriate management of hillside areas. The standards are requirements for the use, development, or alteration of land in hillside areas. The guidelines are to be utilized to provide direction to encourage development that is sensitive to the unique characteristics common to the hillside areas. The guidelines shall be used by the Commission in evaluating development proposals.

B. Exceptions.

1. **Commission Findings**. Exceptions to the standards in this Code may be approved when the Commission determines that the exceptions would not materially affect the intent of the standards and guidelines. In approving a development permit, the Commission shall make appropriate findings supporting its determination to deviate from the standards.

2. **Cooperative Projects**. Where development is proposed for a parcel that adjoins one or more vacant, developable parcel or parcels, cooperation of the respective property owner(s) is encouraged in the planning of the road network, utilities plan, and open space network for the area as a whole. The City may consider variations from the strict application of the provisions of this Code as may be needed to achieve cooperation among all contiguous property owners to the extent that the variations may better achieve the objectives of this Code.

C. Hillside Landform Design Concepts.

Incorporation of the basic principles of the landform grading and revegetating concept in the design and construction of hillside development projects is required so that they will be in harmony with the natural topography and reflect existing plant distribution patterns. The general principles of land form grading and revegetating include the following elements:

1. **Landform Design Concept.** The basic land plan flows with the natural topography rather than against it. This means that street patterns and building pad configurations follow the underlying topographic features rather than cutting across them.

2. **Visible Slopes**. All manufactured cut and fill slopes exceeding nine (9) feet in height that will be either exposed to permanent public view or are adjacent to environmentally sensitive areas, shall be designed with features characteristic of natural slopes so that their ultimate appearance will resemble a natural slope. This includes slopes along streets and highways, slopes adjacent to parks, schools, open spaces, and other public facilities, and other prominent and highly visible slopes. Side yard slopes and low (less than 20 feet in height) rear yard slopes whose view is blocked by future structures need not have landform design applied. Slope drainage devices (e.g., down drains and interceptor drains) shall be designed so that they are built into the natural slope features and become hidden from view.

3. **Drains**. Terracing and the associated concrete drainage devices (e.g., terrace drains, down drains and interceptor drains) distract from efforts to give cut and fill slopes a natural appearance and are therefore discouraged.

4. **Landscaping.** Landscaping shall not be applied in a conventional pattern, but in patterns resembling natural plant distribution. Trees or shrubs shall be clustered in the swaled (concave) components of the slope along with ground cover. Ground cover, only, should be applied to the protruding (convex) portions.

D. Slope Categories.

The following are standards for hillside slopes in areas that will not be landform graded. These standards ensure that development will complement the existing character and topography of the land. The standards for one category may be applied to limited portions of the site in an adjacent category when a project is developed on a site with more than one slope category.

Slope Category	Natural Average Slope	Site Standards
1.	10.0% to 24.9%	Special hillside architectural and design techniques that minimize grading are required in this slope category.
2.	25.0% to 34.9 %	Structures shall conform to the natural topography and natural grade by using appropriate techniques, including split-level foundation, stem walls and stacking. Conventional grading may be considered for limited portions of a project when its plan includes special design features, extensive open space, or significant use of greenbelts.
3.	35.1% to 49.9%	Development within this category shall be restricted to those sites where it can be demonstrated that safety will be maximized while environmental and aesthetic impacts will be minimized. Use of large lots and variable setbacks are expected. Structures shall be designed to minimize the visual impact of their bulk and height. The visual and physical impact of driveways and roadways shall be minimized by following natural contours, using grade separations where necessary and otherwise minimizing the need for grading.
4.	50% and over	This is an excessive slope condition and it is anticipated that residential subdivisions will not be developed in these areas. If residential development is pursued in these areas, lot sizes may be considerably larger than the minimum allowed by the underlying zoning district.

E. Landform Grading Techniques.

The following standards define basic grading techniques that are consistent with the intent of this Chapter and avoid unnecessary cut and fill. Limitations on project grading amounts and configurations will be decided on a case-by-case basis by the Commission. Landform grading design standards include:

1. **Ridgeline Cuts.** When convex shaped natural features (e.g., protruding ridgelines) are cut, the residual landform shall not be a flat slope face, but rather should be restored to resemble the original. This will require more than just rounding at the edges but, in effect, reconfiguring it so the final result will give the appearance of a protruding ridgeline. It should be noted that existing significant ridgelines are not to be altered.

2. **Canyon Fills.** Fill slopes shall not be placed perpendicular across a canyon. Straight line cut off fill slopes shall not be made to appear like a dam. The terminus of the fill shall be concave in shape to restore the canyon appearance. The concave configuration shall be in combination with the use of substantially flatter slope ratios (4:1, 3.5:1, 3:1) at or near the center of this indentation. Symmetrical or unsymmetrical concave configurations shall be used depending upon the adjoining or underlying topographic characteristics.

3. **Transition Areas.** Minimal rounding at the edges of cut and fill slopes shall not be allowed. Proper transitioning to natural slopes shall be achieved through the use of radii or irregular curvilinear shapes that will blend into the adjoining topography tangentially and not create abrupt changes.

F. Hillside Landform Grading Standards.

1. **Slope Grades.** Finished slopes shall not be created greater than 50 percent (2:1) except adjacent to a structure where the maximum created slope is limited to 67 percent (1.5:1) or less.

2. **Phased Grading.** Grading shall be phased so that prompt revegetation or

construction will control erosion. Where possible, only those areas that will be built on, resurfaced, or landscaped shall be disturbed. Top soil shall be stockpiled during rough grading and used on cut and fill slopes whenever feasible.

3. **Revegetation.** Revegetation of cut and fill slopes shall occur within three months of grading completion.

4. **Erosion Control**. Grading operations shall be planned to avoid the rainy season, October 15, to April 15. Grading permits may be issued any time of year when a plan for erosion control and silt retention has been approved by the City Engineer.

5. **Permits Required.** Excavation or other earth disturbance shall not be allowed on a hillside area prior to the issuance of a grading permit with the exception of drill holes and exploratory trenches for the collection of geologic and soil data. Exploratory trenches and access roads should be properly backfilled and erosion treatment and revegetation provided.

6. **Building Placement.** No point on any structure subject to the provisions of this Chapter shall be closer to a prominent ridge than 100 feet measured vertically on a cross section. In no case shall the roof line or any other portion of a structure extend above the line of sight between a ridge line and any public or private right-of-way, whether the ridgeline is above or below the right-of-way.

7. **Retaining Walls.** Retaining walls associated with lot pads shall not exceed four feet in height. Where an additional retained portion is necessary due to unusual or extreme conditions, (e.g., lot configuration, steep slope, or road design) the use of terraced retaining structures shall be considered on an individual lot basis. Terraced walls shall be separated by a minimum of four (4) feet with appropriate landscaping. Terraced retaining walls shall not be used as a typical solution within a development and shall be limited to review and approval by the Commission.

G. Grading Guidelines.

1. **Slope Location.** Where possible, graded areas should be designed with manufactured slopes located on the uphill side of structure, thereby, hiding the slope behind the structure.

2. **Terraced Walls.** Terraced retaining structures up to four feet in height may be utilized when separated by a minimum of 4 feet and appropriate landscaping.

3. **Side Yard Retaining Walls.** On lots sloping with the street, and other configurations not discussed above, one retaining wall, not to exceed 42 inches in height may be used in a side yard where necessary.

4. **Building Retaining Walls** –. Retaining walls that are an integral part of the structure may exceed four feet in height; however, their visual impact shall be mitigated through contour grading and landscape techniques.

5. **Project Design Factors.** The following factors shall be taken into consideration in the design of a project:

   a. **Slope Rounding**. When space and proper drainage requirements can be met with approval by the City Engineer, rounding of slope tops and bottoms shall be accomplished.

   b. **Slope Screening**. When slopes cannot be rounded, vegetation shall be used to alleviate a sharp, angular appearance.

   c. **Slope Transition**. A rounded and smooth transition shall be made when the planes of man-made and natural slopes intersect.

   d. **"Sliced Slopes".** When significant landforms are "sliced" for construction, the landforms shall be

rounded to blend into natural grade.

e. **Slope Variation**. Manufactured slope faces shall be varied to avoid excessive flat-planed@ surfaces.

6. **Slope Height.** No manufactured slope shall exceed 30 feet in height between terraces or benches.

7. **Cut/Fill Variation.** Where cut or fill conditions are created, slopes would be varied rather than left at a constant angle which may be unstable or create an unnatural, rigid, ”engineered” appearance.

8. **Slope Angles.** The angle of any graded slope should be gradually adjusted to the angle of the natural terrain.

9. **Slopes Adjacent to Roadways.** Manufactured slopes adjacent to roadways shall be consistent with the landform grading and revegetation technique to create visually interesting and pleasing streetscapes.

H. Drainage Standards.

Where a conflict exists between the provision of this Section and Chapter 70 of the Uniform Building Code, the drainage, soils and geology provisions of this Development Code shall prevail, unless in the opinion of the City Engineer, the provisions of this Section do not meet sound engineering standards.

1. **Drainage Elements**. Debris basins, rip rap, and energy dissipating devices shall be provided where necessary to reduce erosion when grading is undertaken. Except for necessary flood control facilities, significant natural drainage courses shall be protected from grading activity. In instances where crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems. Where brow ditches are required, they shall be naturalized with plant materials and native rocks.

2. **Drains.** Terrace drains where required shall follow landform slope configuration. Down drains shall not be placed in exposed positions. All down drains shall be hidden in swales diagonally or curvilinear across a slope face. In this manner they will be built into the overall landform of the slope.

3. **Runoff Control.** Building and Grading Permits shall not be issued for construction on any site without an approved location for disposal of runoff waters, (e.g., a drainage channel, public or private street or alley, or private drainage easement).

4. **Cross Lot Drainage.** The use of cross lot drainage shall be subject to Commission review and may be approved after demonstration that this method will not adversely affect the proposed lots or adjacent properties, and that it is absolutely required in order to minimize the amount of grading which would result with conventional drainage practices. Where cross lot drainage is utilized, the following shall apply:

   a. **Project interiors.** One lot may drain across one other lot if an easement is provided within either an improved, open V-swale gutter, that has a naturalized appearance, or within a closed drainage pipe that shall be a minimum 12 inches in diameter. In both cases, an integral wall, shall be constructed. This drainage shall be conveyed to either a public or private street or to a drainage easement. If drainage is conveyed to a private easement, it shall be maintained by a homeowners association, otherwise the drainage shall be conveyed to a public easement. The easement width shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.

   b. **Project Boundaries.** On-site drainage shall be conveyed in a improved open V-swale, gutter, which has a naturalized appearance, or

within an underground pipe in either a private drainage easement, which is to be maintained by a homeowners association, or it shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.

I. Drainage Guidelines.

1. **Drainage Device Location/Design**. Where possible, drainage channels should be placed in inconspicuous locations, and more importantly, they should receive a naturalizing treatment including native rock, colored concrete and landscaping, so that the structure appears as an integral part of the environment.

2. **Natural drainage courses.** Natural drainage courses should be preserved and enhanced to the extent possible. Rather than filling them in, drainage features should be incorporated as an integral part of the project design.

J. Site Design Standards.

The dimensions of a structure parallel to the direction of the slope shall be maximized in order to limit the amount of cutting and filling

K. Site Design Guidelines.

1. **Building Design.** Design of building sites should be sensitive to the natural terrain. Structures should be located in ways as to minimize necessary grading and to preserve natural features (e.g., knolls or ridgelines).

2. **Viewscape Preservation.** Views of significant visual features as seen from both within and outside a hillside development should be preserved. The following provisions shall be taken into consideration:

   a. **Building Orientation.** Dwellings should be oriented to allow view opportunities, even if views are limited. Residential privacy should not be unreasonably sacrificed.

   b. **Public Vistas.** Any significant public vista or view corridor as seen from a secondary, collector, or major arterial should be protected and enhanced where feasible

3. **Building Setbacks**. Projects should incorporate variable setbacks, multiple orientations, and other site planning techniques to preserve open spaces, protect natural features, and offer views to residents.

L. Evaluation of Hillside Development Applications.

The Commission shall evaluate hillside development applications based on the following objectives:

1. **Preservation of Natural Features.** The preservation of natural topographic features and appearances by means of landform grading so as to blend man-made or manufactured slopes into the natural topography;

2. **Terrace Restrictions.** The preservation of natural topographic features and appearances through restrictions on successive padding and terracing of building sites;

3. **Natural Drainage Preservation.** The retention of major natural topographic features, drainage courses, steep slopes, watershed areas, vernal pools, view corridors, and scenic vistas;

4. **Landmark Preservation.** The preservation and enhancement of prominent landmark features, significant ridgelines, natural rock outcroppings, protected trees and woodlands, and other areas of special natural beauty;

5. **Building Design Variation.** The utilization of varying setbacks, building heights, foundation designs and compatible building forms, materials, and colors which serve to blend buildings into

the terrain;

6. **Building Arrangement**. The utilization of building designs, location, and arrangements which serve to avoid a continuous intrusive skyline effect and which afford view privacy and protection;

7. **Landscaping Design**. The preservation and introduction of plant materials so as to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction within the hillside areas;

8. **Street/Access Design.** The project shall include the utilization of street designs and improvements which serve to minimize grading alterations and harmonize with the natural contours and character of the hillside.

Chapter 9.06.030 - Fences, Hedges, Walls and Courts

Chapter Index:

9.06.030.010 - Purpose
9.06.030.020 - Applicability
9.06.030.030 - Definitions
9.06.030.040 - Fences, Walls, Windscreens and Hedge Height Limitations
9.06.030.050 - Retaining Walls
9.06.030.060 - Measurement of Fence or Wall Height
9.06.030.070 - Special Wall and Fencing Requirements
9.06.030.080 - Nonconforming Fences, Hedges and Walls
9.06.030.090 - Recreational Courts
9.06.030.100 - Lighting

9.06.030.010 - Purpose.

The purpose of this Chapter is to provide minimum standards for the construction and installation of fences, hedges, walls and courts.

9.06.030.020 - Applicability.

From and after the effective date of this Chapter, no court, fence, hedge, wall or retaining wall shall be built, erected, constructed, enlarged, relocated or structurally altered in the City except in conformity with the provisions of this Chapter.

9.06.030.030 - Definitions.

The following words and phrases, when used in the Chapter, shall for the purpose of this Chapter, have the meaning respectively ascribed to them in this Section:

Corner Lot. A lot or parcel of land situated at the junction of and abutting on two intersecting streets.

Courts. A tennis, handball, badminton, volley ball, racquet ball and sport court.

Fence. An enclosing structure made of wire, wood, metal, masonry or other materials, having uniformly spaced openings in its vertical surface with a total area of openings equal to forty percent (40%) or more of the total vertical area of the structures. Typical fences are wire fences, ornamental iron fences, wood picket fences, wood lattice fences, wood rail fences and masonry block or brick fences.

Finished Ground Surface. The ground surface within a yard which has been surfaced with concrete, brick, stones, bituminous materials, crushed rock, gravel, sand or similar materials, or on which grass, flowers, shrubbery or trees have been planted, or which has been graded in preparation for surfacing or planting.

Front Yard. A yard between the front line of the lot and the front line of the main building and which extends across the entire width of the lot; provided, however, that upon vacant property the front yard shall be the yard between the front line of the lot and the front yard setback line ascribed to such lot, and which extends across the entire width of the lot.

Lot. A parcel of land recorded as a lot or otherwise approved by the City Council as a building site for the construction of one main building.

Rear Yard. A yard between the rear line of the lot and the rear line of the main building which extends across the entire width of the lot. Where a public alley exists at the rear lot line, one half but not to exceed ten (10) feet of such alley, may be considered to be a portion of such rear yard; provided, however, that upon vacant property the rear yard shall be the yard between the rear line of the lot and the rear yard setback line ascribed to such lot, and which extends across the entire width of the lot.

Required Yards. Those portions of a lot or building site upon which no portion of a main

building is permitted to be constructed by the provisions of this Code, relating to zoning.

Retaining Wall. A structure made of wood, metal, masonry or other materials designed to withstand pressure exerted by earth or by water or by both.

Side Street Line of a Corner Lot. The side line of a corner lot along the side of the lot abutting on a street.

Side Yard. A yard between the side line of the lot and the side line of the main building and which extends from the front yard to the rear yard; provided, however, that upon vacant property the side yard shall be the yard between the side line of the lot and the side yard setback line ascribed to such lot, and which extends across the entire width of the lot.

Yard. That portion of the same lot or building site upon which a building is situated, which remains open and unoccupied except by stairways, porches, landing places, cornices, canopies, eaves, chimneys, fireplaces, detached accessory buildings and garages.

Yard Wall. An enclosing structure made of wood, metal, masonry or other material, having openings in its vertical surface with a total area of openings equal to less than forty percent (40%) of the total vertical area of the structure. Typical yard walls are wood panel walls, grapestake walls, plastic-screen walls, monolithic concrete walls and masonry block or brick walls. Any fence covered or partially covered with any view obscuring material shall be considered a wall for the purpose of this Chapter.

9.06.030.040 - Fences, Walls, Windscreens and Hedge Height Limitations.

Except as otherwise provided herein, no court fence, hedge, yard wall or retaining wall shall be erected, constructed or maintained, or permitted to be erected, constructed or maintained, unless it conforms with the following regulations:

A. Height Abutting Public or Private Street.

Height in yards abutting public or private streets. Hedges, yard walls and retaining walls within the yard abutting public or private streets shall not exceed three (3) feet in height. Fences within the yard abutting public or private streets shall not exceed six (6) feet in height. Fences may be located on top of yard walls or retaining walls within the yards abutting public or private street area, provided the height of the yard wall or retaining wall does not exceed three (3) feet and the total combined height thereof does not exceed six (6) feet.

B. Height Not Abutting Street.

Height in side or rear yard not abutting a public or private street. Fences, hedges, yard walls and retaining walls within the required rear yard shall not exceed six (6) feet in height.

C. Court Fences.

Notwithstanding any other provisions hereof, a tennis, handball, badminton, volley ball, racquet ball and sport court may be enclosed by a wire fence not exceeding twelve (12) feet in height; provided that no part of such court fence shall be constructed within the required side yard or within twenty-five (25) feet of any street or alley.

D. Windscreens.

Windscreens of plastic, canvas or similar material may be attached to the fence enclosing a tennis court, provided such windscreens do not extent to a height greater than six (6) feet above the finished surface or the court. However, where the entire tennis court is located twenty-five (25) feet or more from all property lines, the windscreens may extent to the height of the court fence.

E. Entrance Gate Height.

Within the Agricultural/Residential zones open iron type gates may be installed provided that the height of such gates does not exceed seven (7) feet and provided that such gates are located at least 20 feet from the closest property line or street easement line.

F. Fence Height Modification.

The Planning Commission may modify the maximum height of fences and gates in the A-1, A-2 and A-5 zones which do not entirely conform to the standards and criteria for fences and gates provided that it makes all of the findings set forth in Section (9.06.020.140 of this Code.

9.06.030.050 - Retaining Walls

A. Height of retaining wall.

The height of any retaining wall shall be defined as the height of its exposed vertical surface. The maximum height of a retaining wall shall not exceed that which is specified in Section 9.06.030.040.

B. Structural Design of Retaining Walls.

The structural design of retaining walls shall conform to the requirements of the applicable provisions of the Building Code.

9.06.030.060 - Measurement of Fence or Wall Height.

The height of any fence, hedge or yard wall at any point shall be defined as the difference in elevation measured between the top of the fence, hedge or yard wall and the finished ground surface at a point one foot from the fence, hedge or yard wall measured at right angles from the lot side, that is, the side with the greatest exposed surface.

9.06.030.070 - Special Wall and Fencing Requirements.

A. Weep holes or openings.

All fences, yard walls and retaining walls shall have weep holes or similar type openings of not less than three (3) square inches each at intervals not more than ten (10) feet apart, so located as to permit the natural flow of surface drainage water.

B. Indentations. Any fence or yard wall exceeding a length of sixty (60) feet along any single public or private street shall remain permanently covered with continuous vegetation, or in the alternative shall have indentions in its structure of a width of forty-eight (48) inches and a depth from the edge of public right of way or private road easement of not less than forty-eight (48) inches, commencing every fifty (50) feet from the start of the structure or the nearest edge of the preceding indention.

C. Smooth and Barbed Wire and Chain Link Fences.

No smooth wire shall be used for fencing in the City other than as a topping for a permitted fence, wall or structure five (5) feet or more in height above ground level. No barbed wire shall be used for fencing within the City except where a conditional use permit is obtained therefore in accordance with the procedures established in Chapter 9.04.080 et seq. of this Code. Chain link or similar type fencing shall be prohibited within the front yard required by each zone district. (Ord 301)

D. Electrically Charged Wire Fences.

No electrically charge fence shall be erected, constructed or maintained in the City except where located four (4) feet or more from any property line; said electrically charge fence must be located totally within another fence and set back at least two (2) feet within said fence. Warning signs shall be conspicuously posted and maintained on any side of the property where electrically charged fencing is used.

E. Wrought Iron Fences.

Only wrought iron type fences without points, sharp finials, spikes or sharp edges on the top or end of any vertical bar, shall be permitted. The spacing between vertical bars shall not exceed 6-inches. Points, finials, spikes and sharp edges shall mean any end of a vertical bar that is capable of causing or is likely to cause, injury to persons, pets or undomesticated animals.

F. Vision Clearance, Corner and Reversed Corner Lots.

All corner lots shall maintain, for safety vision purposes, a triangular area from the street, one angle of which shall be formed by the front and side lot lines separating the lot from the public or private streets, and the sides of which triangle forming the corner angle shall be twenty (20) feet in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two mentioned points which are distant fifteen (15) feet from the intersection of the front and side lot lines. Within the area comprising said triangle no tree, fence, shrub, or other physical obstruction higher than three (3) feet above the established grade of the lot shall be permitted or maintained.

G. Effect of Chapter on Other Ordinances.

No provision of this Chapter shall be deemed to mitigate any of the provisions of the Building Code nor to conflict with any other applicable requirements of this Code.

H. Building Permit Required.

1. **Permit Required**. No person shall build, erect, construct, enlarge, relocate or structurally alter any fence, yard wall or retaining wall in the City, or cause or direct such work, without first having obtained a permit therefore from the building department.

2. **Application; Fee**. Written application for the permit required by Section 9.06.030.070(H)(1) shall be made to the building department on a printed form supplied by the department and shall be accompanied by the payment of a permit fee as specified in the building permit fee schedule for the City of Bradbury currently in effect.

3. **Issuance or Denial of Permit**. Upon receipt of the application and the required fee the building inspector shall examine the application and if he finds therefrom that the proposed fence or wall conforms with the requirements of this Chapter, he shall issue a permit. If, on the other hand, he finds that it does not so conform, he shall deny the permit.

9.06.030.080 - Nonconforming Fences, Hedges and Walls.

Any nonconforming fence, hedge, yard wall or retaining wall lawfully erected, constructed or maintained prior to the effective date of this Chapter, shall be classified as nonconforming and shall be subject to all applicable provisions concerning nonconforming uses as same are contained in this Code; provided that all nonconforming fences, hedges, yard walls and retaining walls must immediately be brought into compliance with any safety requirements of this Chapter on the effective date thereof.

9.06.030.090 - Recreational Courts.

A. Not in Front Yard.

No tennis, handball, badminton, volley ball, racquet ball, or similar sports court shall be constructed or maintained in a front yard.

B. Landscape Plan.

A landscape plan shall be submitted and approved by the Planning Department for the areas between the tennis court and adjacent properties.

9.06.030.100 - Lighting.

A. Exterior Lighting.

1. Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets. Light standards shall be a maximum of fifteen (15) feet in height and exterior light fixtures may be mounted a maximum of fifteen (15) feet above grade on any wall or structure.

2. The installation of exterior lighting may not, at any given time, create blight to those who reside, work and travel in the City or endanger life, safety and welfare or economic, aesthetic and safety acts inconsistent with the health, safety and general welfare of the community.

B. Recreational Court Lighting.

1. **Height**. Light standards shall not exceed fifteen (15) feet in height, measured from the finished surface of the tennis court.

2. **Type**. Lamps shall be metal halite type of not more than one thousand (1,000) watts each or equal. Lamps shall be horizontally mounted, with light directed down toward the ground, rectilinear-type, sharp cutoff fixtures.

3. **Number**. Tennis courts may be lighted by a maximum of eight (8) lamps mounted on not more than six (6) light standards. Paddle tennis courts shall be lighted by a maximum of four (4) lamps mounted on not more than four (4) light standards.

4. **Hours of Illumination**. No person or persons shall turn on, leave on, or allow to be left on or turned on, tennis court or recreational court lighting between 10 P.M. Sunday through Thursday and 6 A.M. of the following day, and between 12 midnight Friday and Saturday and 6 A.M. of the following day.

5. **Lighting Regulations**. Lighting shall be hooded and arranged to reflect away from adjoining properties and streets.

Chapter 9.06.040 - Off-Street Parking Standards

Chapter Index:

9.06.040.010 - Purpose
9.06.040.020 - Applicability
9.06.040.030 - Number of Parking Spaces Required
9.06.040.040 - Location of Off-Street Parking Facilities
9.06.040.050 - Size of Off-Street Parking Facilities
9.06.040.060 - Driveways and Access

9.06.040.010 - Purpose.

The purpose of this Chapter is to provide off-street parking standards to promote the general welfare and convenience; reduce congestion on public and private streets; ensure access for emergency vehicles and provide for attractive, secure and well-maintained off-street parking facilities.

9.06.040.020 - Applicability.

The uses permitted in each zone, as established hereunder, shall be deemed to include the off-street parking facilities for automobiles as accessory uses to any principal permitted use in such zones. Every use permitted in any zone shall be provided with permanently maintained off-street parking facilities in accordance with the provisions of this Chapter.

9.06.040.030 - Number of Parking Spaces Required.

The number of off-street parking spaces required for each single-family dwelling unit, permitted by this Code, shall be not less than two spaces, located in a garage. Development projects subject to the Hillside Development Standards require an additional two (2) uncovered off-street parking spaces. The development of an attached or detached guest house requires the provision of one (1) additional uncovered off-street parking space. The required off-street parking spaces may not be developed in a tandem configuration.

9.06.040.040 - Location of Off-Street Parking Facilities.

No off-street parking facilities shall be located or maintained in the required front yard area, and such facilities shall be located on the same lot as the use served unless otherwise provided for in this Code and as may be approved by the Planning Commission.

9.06.040.050 - Size of Off-Street Parking Facilities.

Each garage required by this Code shall have an area of not less than 400 square feet and a length of not less than 20 feet. Tandem parking arrangements shall not be used to provide for the minimum required off-street parking spaces. The minimum width of a required off-street parking space shall be ten (10) feet. The minimum back-up space for required off-street parking spaces shall be twenty-six (26) feet as measured ninety degrees (90°) to the parking facilities.

9.06.040.060 - Driveways and Access.

A. Driveways.

Driveways shall be paved with impervious material that is acceptable to the City Engineer. Driveways that provide access to required off-street parking facilities shall be kept free and clear of all encumbrances to ensure that they function for their intended purpose.

B. Access.

The minimum width of access driveways for each single-family dwelling which lead to required off-street parking facilities shall be fifteen (15) feet. The minimum width of driveways that provide access to two (2) or more single-family dwellings shall be twenty (20) feet. The maximum slope of a private driveway shall not exceed fifteen (15) percent. Additional conditions may be imposed by the

Planning Commission so as to insure adequate access to the site for emergency vehicles.

C. Gates.

Gates at the entry of private driveways shall not swing over public or private street rights-of-way. Vehicular access gates shall be located a minimum of 20 feet from the edge of public or private roadways.

Chapter 9.06.050 - Sign Standards

Chapter Index:

9.06.050.010 - Purpose
9.06.050.020 - Applicability
9.06.050.030 - Permitted Signs

9.06.050.010 - Purpose.

The purpose of this Chapter is to promote the orderly display of signs which are necessary for the identification and transfer of real property within all zones of the City and to provide standards in order to safeguard life, health, property and public welfare by regulating and controlling the design, construction, illumination, location and maintenance of signs as provided herein.

9.06.050.020 - Applicability.

The sign standards provided in this Chapter are intended to apply to signs in each zone district in the City. Only signs authorized by this Chapter shall be allowed in that zoning district unless otherwise provided for by this Code.

9.06.050.030 - Permitted Signs.

No signs shall be permitted or maintained in any zone of the City except as follows:

A. Sign Defined.

A name plate or identification sign, either single or double faced, provided that it does not exceed four (4) square feet in area per face; and that such name plate or sign shall be limited to not more than the name, address, and telephone number of the persons in residence or owners, and the title or name of the ranch, if any.

B. Rent or Sale Sign Defined.

An unlighted, single faced "For Rent" or "For Sale" sign, provided that such sign relates only to the property upon which it is located and that such sign does not exceed four (4) square feet in area.

C. Number.

No more than one (1) name plate or identification sign and one (1) "For Rent" or "For Sale" sign shall be permitted on any single lot; such sign with reference to the sale of lots in subdivisions shall be removed thirty (30) days after the last lot is sold within one (1) year from and after the recording of the final map, whichever period is lesser.

Chapter 9.06.060 - Property Maintenance Standards

Chapter Index:

9.06.060.010 - Purpose
9.06.060.020 - Applicability
9.06.060.030 - Single-Family Standards

9.06.060.010 - Purpose.

The purpose of this Chapter is to provide minimum standards by which the property within the City of Bradbury shall be maintained in order to protect the public health and welfare; safeguard life, health and property, and to preserve the character of the City.

9.06.060.020 - Applicability.

The property maintenance standards provided in this Chapter are intended to apply to all property located in the various zone districts within the City.

9.06.060.030 - Single-Family Standards.

A. Public Nuisance.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon:

1. **Unsafe Buildings.** Buildings or structures which are structurally unsafe or which are not provided with adequate egress or which constitute a fire hazard; or which are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Buildings or structures maintained in violation of Section 203 (a) of the Uniform Building Code of this City are prohibited.

2. **Unsafe Land.** Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety and welfare or to adjacent properties;

3. **Fire Hazard.** Premises maintained so as to constitute a fire hazard by reason of woods, rank overgrowth or accumulation of debris;

4. **Abandoned Buildings.** Buildings which are abandoned, boarded up, partially destroyed, or permitted to remain unreasonably in a state of partial construction;

5. **Unpainted Buildings.** Unpainted buildings causing dry rot, warping and termite infestation;

6. **Hazardous Windows.** Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

7. **Overgrown vegetation**

   a. likely to harbor rats, vermin and other nuisances; or

   b. causing detriment to neighboring properties or property values.

8. **Hazardous Vegetation.** Dead, decayed, diseased or hazardous trees, weed and other vegetation

   a. constituting unsightly appearance, or

   b. dangerous to public safety and welfare, or

c. detrimental to nearby property or property values.

9. **Front Yard Storage.** Trailers, campers, boats and other mobile equipment stored for unreasonable periods in front yard areas and causing depreciation of nearby property values.

10. **Motor Vehicles.** Inoperable or abandoned motor vehicles stored for unreasonable periods in required yard areas abutting public streets and causing depreciation of nearby property values.

11. **Attractive Nuisance**. An attractive nuisance which is or may be dangerous to children, including, but not limited to:

    a. Abandoned or broken equipment or machinery; or

    b. Unfenced or otherwise unprotected swimming pools, spas, ponds or excavations; or

    c. Refrigerators, iceboxes or deepfreeze lockers having a capacity of one and one-half cubic feet or more which are not being used, unless the door or such portion of the latch, magnetic gasket or locking mechanism as will prevent the latching or lock of the door has been removed; or

    d. Uncapped or otherwise dangerous wells; or

    e. Underground or aboveground storage vessels or tanks if the use of the same has ceased or a period in excess of six months or more; or

    f. Broken or discarded furniture or household furnishings or equipment; or

    g. Garbage or trash containers which are stored contrary to the provisions of this code, except when lawfully placed for collection at the times permitted therefor; or

    h. Packing boxes, lumber, junk, trash or other materials and debris maintained outside of a building; or

    i. Any building, fence, landscaping or structure, or the access thereto, so that the same is subjected to the repeated placement of graffiti thereon; or

    j. Any standing or stagnant water on private or public property, which may become a breeding source for mosquitoes. (Ord 302)

12. **Discarded Furniture.** Broken or discarded furniture and household equipment in front yard areas for unreasonable periods and causing damage or detriment to neighboring properties;

13. **Clothes lines.** Clothes lines in front yard areas;

14. **Garbage Containers.** Garbage cans stored in front or side yards and visible from public streets;

15. **Boxes and Debris.** Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods, and causing detriment to neighboring properties;

16. **Neglected Premises.** Neglect of premises

    a. to spite neighbors, or

    b. to influence zone changes, or

    c. to cause detrimental effect upon nearby property or property values;

17. **Lack of Maintenance.** Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480;

18. **Unsightly Property.** Property maintained in such condition as to become

so defective, unsightly or in such condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements;

19. **Premises Out of Harmony.** Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;

20. **Depreciated Value Affect.** Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular area are inadequate for the cost of pubic services rendered therein.

21. **Oversized Vehicles.** The parking of an oversized vehicle, for more than seven (7) consecutive days, in the front yard; provided, however, that this provision shall not apply to the parking of a currently registered oversize vehicle in any area of the front yard that the Planning Commission has determined to be appropriately located and designed for such activity. As used in this provision, the term "Oversize Vehicle" means a vehicle that exceeds either 20 feet in length, 80 inches in width, or 82 inches in height.

22. **Defective Buildings.** Any building or structure in such condition so that the same is defective, unsightly or in such condition of deterioration or disrepair that the same causes, or may reasonably expected to cause, any diminution of the property values of buildings or structures located on adjacent lots or to the city as a whole or its residents, or interferes with the peaceful use, possession or enjoyment of such adjacent lots or improvements on such adjacent lots. (Ord 302)

Chapter 9.06.070 - Vehicle Nuisances

Chapter Index:

9.06.070.010 - Purpose
9.06.070.020 - Declaration of Nuisance
9.06.070.030 - Public Hearing
9.06.070.040 - Abatement by City
9.06.070.050 - Administration
9.06.070.060 - Evidence of Registration
9.06.070.070 - Disposal of Vehicles
9.06.070.080 - Exception

9.06.070.010 - Public Nuisance. Motor Vehicles - Purpose.

The provisions of this Chapter shall govern the abatement and removal of motor vehicles, or parts thereof, which are abandoned, wrecked, dismantled or inoperative. "Motor Vehicle" as used in this Chapter shall be defined as set forth in Section 670 of the Vehicle Code of the State of California.

9.06.070.020 - Declaration of Nuisance.

Any motor vehicle which is abandoned, wrecked, dismantled, or inoperative, or any part thereof, located on any private property or public property, not including highways, in the City is hereby declared to be a public nuisance.

A. Abatement.

Where such motor vehicle is found to constitute a public nuisance, by reason of its condition and location, as hereinafter provided, said nuisance shall be abated and the motor vehicle, and all parts thereof, shall be removed and disposed of as provided in this Chapter.

B. Resolution of Intent.

Whenever the City Council finds, upon report by the City Manager, that any motor vehicle is being maintained contrary to the provisions of this Chapter, the City Council shall, by resolution, declare its intent to conduct a public hearing to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the provisions of this Chapter. Said resolution shall describe the vehicle involved, and the property wherein the same is located, including , but not limited to, the correct identification number and license number thereof, if any.

Said resolution shall include a notice of intention to abate and remove the vehicle or part thereof as a public nuisance and shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. Said statement shall include the date, time and place of such hearing and notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing.

9.06.070.030 - Public Hearing.

A. Notice of Hearing.

Notice of the hearing, to determine whether a vehicle, or part thereof, constitutes a public nuisance, shall be given as follows:

1. By posting a copy of the Council's resolution conspicuously on the property whereon the motor vehicle is located at least ten (10) days prior to the date of the hearing; and

2. Copies of said resolution shall be served on the owner of the land whereon the vehicle is located, whose name appears, as such, on the last equalized assessment

roll, and on the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. Such notice shall be given not less than ten (10) days prior to the date of hearing, by United States mail, certified or registered, with a five day return requested and postage thereon prepaid. If such mailed notice is returned undelivered, the hearing shall be continued to a date not less than ten (10) days from the date of such return; and

3. Notice shall also be given to the California Highway Patrol of such hearing, which notice shall identify the vehicle and/or part thereof proposed for removal; such notice shall be given at least ten (10) days prior to the date of hearing. The failure of any person to receive the notices required hereunder shall not affect the validity of any proceedings taken pursuant to this Chapter.

B. Conduct of Hearing.

At the hearing provided pursuant to the provisions of this Chapter, the City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, City personnel and interested persons relative to the alleged public nuisance and the abatement thereof. Said hearing may be continued from time to time.

The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, denying responsibility for the presence of the vehicle on the land, together with his reasons for such denial. If the Council determines that the vehicle was placed on the land without the consent of the landowner and that the landowner has not subsequently acquiesced in its presence, the cost of abatement thereof, shall not be levied against such property owner.

C. Notice of Declaration of Public Nuisance.

At the conclusion of the hearing, if the Council determines that a public nuisance exists, it shall adopt a resolution declaring such motor vehicle to be a public nuisance, which shall be served in the manner as described above.

D. Abatement of Public Nuisance.

After a final determination that a motor vehicle, or parts thereof, constitutes a public nuisance within the meaning of this Chapter, the owner of the motor vehicle, and/or the owner of the property whereon the same is located, shall abate the said public nuisance by removing the same in the time set forth in the resolution relating thereto. If such person or persons fail to abate such public nuisance, the City Council shall direct the same to be abated by City forces or private contract in the time and manner permitted by Section 22660 of the Vehicle Code of the State of California.

9.06.070.040 - Abatement by City.

Where the abatement of a public nuisance pursuant to this Chapter is accomplished by the City, the provisions of Sections 9.06.080.080, 9.06.080.090, 9.06.080.100 and 9.06.080.110 hereof, shall be applicable to such proceedings.

9.06.070.050 - Administration.

The provisions of this Chapter shall be administered by the City Manager or other regularly salaried, full-time employees of the City, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

9.06.070.060 – Evidence of Registration.

Within five (5) days after the date of removal of the vehicle pursuant to this Chapter, the City Manager shall cause notice to be forwarded to the Department of Motor Vehicles identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, registration certificates of title or license plates.

9.06.070.070 - Disposal of Vehicles.

Motor vehicles or part thereof declared to be a public nuisance pursuant to this Chapter, shall be disposed of in the manner provided by Section 22660 of the Vehicle Code of the State of California; provided that, after a motor vehicle has been declared to be a public nuisance, and has been removed from the premises where located, the same shall not be reconstructed or otherwise made operable.

9.06.070.080 - Exception.

This Chapter shall not apply to:

A. Enclosed Vehicle.

A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. Stored or Lawfully Parked Vehicle.

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 junk yard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this Chapter.

Chapter 9.06.080 - Abatement of Public Nuisances

Chapter Index:

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9.06.080.020 – Abatement of Nuisance
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9.06.080.040 – Notice of Issuance of City Planner's Order
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9.06.080.080 – Compliance with Final Order
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9.06.080.110 – Hearing on Accounting
9.06.080.120 – Assessment of costs constitutes lien against property
9.06.080.130 – Judicial Remedies
9.06.080.140 – Emergency Abatement

9.06.080.010 – Purpose.

The purpose of this Chapter is to provide a procedure for the abatement of public nuisances in order to protect the public health and welfare; safeguard life, health and property, and to preserve the character of the City.

9.06.080.020 - Abatement of Nuisance.

All or any part of a use or the condition of any lot, including, but not limited to, any use, building or structure located thereon, found to constitute a public nuisance, as defined in the Bradbury Municipal Code or as defined by any other applicable law, shall be abated by rehabilitation, demolition, repair, cessation of use or a combination thereof, or in such other manner as designated in an order, which is reasonably required to abate the public nuisance, pursuant to the procedures set forth in this chapter.

9.06.080.030 - Determination of Existence of Nuisance.

Whenever the City Planner reasonably believes that a public nuisance exists on a lot, the City Planner shall issue an order requiring the abatement of such public nuisance. For purposes of this Chapter, the term "City Planner" shall mean the City Planner of the City, or an officer or employee of the City who is expressly authorized by the City Manager to perform the duties of the City Planner pursuant to the provision of this Chapter.

9.06.080.040 - Notice of Issuance of City Planner's Order.

A. The City Planner shall give notice of the issuance of the City Planner's order, to the owner or occupant of the lot to which the order relates, and any other person who has requested, in writing, such notice.

B. The failure of an owner or occupant or any other interested person to receive the notice of the issuance of an order shall not affect the validity of any proceedings hereunder.

9.06.080.050 - Compliance with City Planner's Order.

The owner or occupant of a lot to which the City Planner's order relates, shall promptly comply with the requirements of such order for the purpose of abating the public nuisance. The owner or occupant shall commence the process of compliance with such an order within the time specified in the order and shall diligently take all steps necessary to complete the abatement of the nuisance within the time set forth in the order.

9.06.080.060 -- Effective Appeal.

A. The City Planner's order shall be deemed, for all purposes, to be stayed by the timely filing of an appeal within ten consecutive calendar

days following the giving of notice to the owner or occupant of an order accomplished in accordance with the provisions of this chapter.

B. If an appeal is not timely filed from a City Planner's order, the City Planner's order shall be deemed, for all purposes, to be a final order and the owner or occupant shall comply with all provisions of such final order. If an owner or occupant fails for any reason to comply with such a final order within the time set in the final order for compliance, the City Planner shall cause the public nuisance described in the final order to be abated by city forces or by private contract. Entry upon the lot for which a public nuisance exists is expressly authorized for the purpose of abating a public nuisance.

9.06.080.070 - Appeal Procedure.

A. Appeal from City Planner's Order. The issuance of a City Planner's order may be appealed to the City Manager by the owner or occupant of the lot to which the order relates.

B. **Timely Filing of an Appeal**. An appeal shall be deemed timely if it:

1. Is in writing; and

2. Contains a complete statement of the specific legal and factual grounds for the appeal; and

3. Is filed with the City Clerk not later than the tenth consecutive calendar day following the giving of notice to the owner or occupant by City Planner of the issuance of the City Planner's order.

C. **Filing and Processing Appeal.** The City Clerk shall not accept an appeal for filing, nor shall any appeal be valid for any purposes, unless it complies with the provisions of this Chapter, and is accompanied by a filing and processing fee in the amount as set by resolution of the City Council.

D. **Notice of Hearing.** Upon the timely filing of an appeal within ten (10) consecutive calendar days following the giving of notice to the owner or occupant of an order meeting the requirements of this chapter, the City Clerk shall give notice of the time and place of a hearing to the owner or occupant of the lot to which the appeal relates, and to any person who, in writing, requests such notice.

E. **Hearing Procedure.** The hearing shall be conducted by the City Manager or by a Hearing Officer appointed by the City Manager. At the time set for such hearing, the City Manager/Hearing Officer shall conduct a de novo hearing to determine, based upon the evidence presented, whether a public nuisance exists on the lot to which the hearing relates. The City Manager/Hearing Officer shall follow the substance of the rules of evidence as utilized in administrative proceedings, to resolve the matter based upon relevant reliable evidence. Based upon the evidence submitted and the City Planner's records and files in the case, the City Manager/Hearing Officer shall determine whether or not a public nuisance exists on the lot to which hearing relates. As soon as is possible following the close of such hearing, the City Manager/Hearing Officer shall render a decision on the matter. If a public nuisance is found to exist, the City Manager/Hearing Officer shall issue an order requiring the abatement of the public nuisance in a reasonable time and manner as set forth in the order. The City Manger/Hearing Officer shall promptly give written notice to the owner/occupant and any other interested person, who requests, in writing, notice of such decision, including a copy of the order. The order issued by the City Manager/ Hearing Officer shall be deemed a final order, provided, that the final order shall be subject to judicial review, if such judicial action is filed within the time permitted therefore by Section 1094.6 of the Code of Civil Procedure. The application fee shall be refunded if appellant prevails on appeal.

9.06.080.080 - Compliance with Final Order.

The owner or occupant of a lot to which a final order applies, at the sole expense of such owner or occupant, shall comply with all of the provisions of such final order. If an owner or occupant fails, for any reason, to comply with such a final order

within the time set in the final order for compliance, the City Planner shall cause the nuisance described in the final order to be abated by the city forces or by private contract. Entry upon the lot upon which the public nuisance exists is expressly authorized for purposes of abating a public nuisance.

9.06.080.090 - Cost of Abatement – Report – Notice.

A. Where the City Planner or other person authorized by the City Manager abate a public nuisance pursuant to the provisions of this chapter, that person shall keep an accurate accounting for the actual costs thereof, including incidental expenses incurred in such abatement process ("accounting"). Subsequent to the completion of such abatement, the accounting shall be filed with the City Clerk, who shall serve a copy of the accounting upon the owner or occupant notice of the time and place of a hearing before the City Manager/Hearing Officer to consider approval, disapproval or modification of the accounting. Notice of such hearing shall be given to the owner or occupant, to any other person who is likely to be assessed for all or a portion of the costs, and to any person whose interest in the property may be affected by a lien upon the lot for such costs, and any other person who requests, in writing, such notice.

B. The failure of an owner/occupant to receive a copy of the accounting or notice shall not affect the enforcement of the final order.

9.06.080.110 -- Hearing on Accounting.

At the time and place fixed for the hearing on the accounting, the City Manager/Hearing Officer shall consider the accounting submitted, and any and all offered relevant evidence related thereto. Thereafter, the City Manager/Hearing Officer may make such revision, correction, addition, deletion or modification to said accounting as the City Manager/Hearing Officer may deem just based upon the evidence submitted, after which the accounting as submitted, revised, corrected or modified shall be confirmed by the City Manager/Hearing Officer. The decision of the City Manager/Hearing Officer confirming an accounting shall be final and conclusive, subject to judicial review; provided such judicial review is in the time and manner prescribed by Section 1094.6 of the California Code of Civil Procedure and other applicable law.

9.06.080.120 - Assessment of costs constitutes lien against property.

The amount of costs contained in a confirmed accounting shall constitute a special assessment against the lot to which it relates, and, after the recording in the Office of the County Recorder of a notice of assessment, the same shall constitute a lien on said lot to which it relates in the amount of such special assessment. The said special assessment shall be collected as prescribed by the City Manager, in a manner consistent with applicable state and local laws or regulations, including, but not limited to, Section 38773.5 of the Government Code. In addition to constituting a lien on the lot to which it relates, the costs of abatement as set forth in a confirmed report shall be a personal obligation due to the City by the owner or occupant of the lot to which it relates.

9.06.080.130 -- Judicial Remedies.

A. Nothing is this section shall be deemed to prevent the City Manager from:

1. Ordering and directing the City Attorney to commence a criminal action in the superior court to enforce all or any of the provision of any final order; or

2. Ordering and directing the City Attorney to commence a criminal action to abate a public nuisance as an alternative to or in conjunction with an administrative proceeding pursuant to this chapter; or

3. Ordering the City Attorney to file a civil action to recover the amount of a confirmed accounting from an owner or occupant of the lot to which it relates.

B. Where such action is filed, if the court issues an order or a judgment which finds a public nuisance to exist, and orders or approves the abatement of the public nuisance, or where the court validates an accounting, the court shall also award the city its actual costs of abatement, including, but not limited to,

reasonable attorneys' fees incurred by the city in such judicial proceeding.

9.06.080.140 - Emergency Abatement.

Notwithstanding any other provision of this code, whenever the City Manager determines that a public nuisance, as defined in this chapter, or in any other applicable law, exists upon a lot, and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the City Manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, shall forthwith immediately cause the abatement of such public nuisance in such manner as the City Manager determines is reasonably required. If the City Manager deems it feasible, the City Manager shall attempt to give the owner or occupant verbal notice of the existence of the public nuisance, and the proposed timing and method of abatement thereof. The City Manager shall, forthwith, report such circumstances to the City Council.
(Ord 302)

Chapter 9.06.090 - Tree Preservation and Protection

Chapter Index:

9.06.090.010 - Purpose
9.06.090.020 - Applicability
9.06.090.030 - Definitions
9.06.090.040 - Tree Preservation and Landscaping Approval
9.06.090.050 - Prohibitions
9.06-090.060 - Regulations, Controls and Prohibitions
9.06.090.070 - Restoration of Illegally Removed or Damaged Trees
9.06.090.080 - Public Utilities

9.06.090.010 - Purpose.

One of Bradbury's most important resources is the beauty of its natural environment. Native trees are a significant part of this environment. The purpose of this Chapter is to protect and preserve these trees and when removal is required this Chapter provides for their replacement.

9.06.090.020 - Applicability.

The provisions of this Chapter shall apply to all zone districts with respect to the planting, removal, and maintenance of trees.

9.06.090.030 - Definitions.

The following definitions shall apply to the interpretation of Chapter 9.06.090 et seq. regarding the regulation of trees:

A. Tree.

Tree shall mean a woody perennial plant which usually has (but is not limited to) a single dominant trunk and has a mature height of fifteen feet (15') or more, or has a trunk diameter of four inches (4") or more measured at twenty-four inches (24") above finished grade.

B. Weed.

Weed shall mean a plant which is considered to be growing out of place.

C. Diameter at Breast Height.

Diameter at Breast Height (DBH) shall mean the measurement of the diameter of a specific tree trunk at 4.5 feet (1.4 m) above finished grade.

D. Native Tree.

Native Tree shall mean any woody plant species indigenous to the desert, foothills or canyons of Southern California prior to the California Mission Period, provided that the plant has an expected mature trunk size of six inches (6") DBH and has an expected mature height of fifteen feet (15') or higher. Giant Sequoias, Redwoods (Sequoiadendron semperivirens), and Dawn Red-woods (Metasequoia glyptostroboides), evergreen native Oaks (such as Quercus agrifolia, engelmannii), deciduous Oaks (such as Quercus lobata, and kelloggii) are to be regarded as important native trees even though they have been planted by man, introduced (or possibly reintroduced) into the Southern California foothill and canyon environments.

E. Prominent Tree.

Prominent Tree shall mean a woody perennial plant with a trunk DBH of six inches (6") or more, and having an expected mature height of fifteen feet (15') or higher.

F. Significant Tree.

Significant Tree shall mean any non-native or exotic tree with a trunk DBH of six inches (6") or more, and having an expected mature height of fifteen feet (15') or higher, and known to survive in the Southern California environment.

G. Orchard.

Orchard shall mean an area primarily used for growing fruit trees or nut trees or any other agricultural commodity.

H. Nuisance Tree.

Nuisance Tree shall mean any tree with a root system which is capable of causing damage to surrounding hardscapes or may require an area greater than is available in order to sustain healthy and vigorous growth. For purposes of this section, no Native Tree may be classified as a Nuisance Tree. A Nuisance Tree shall include, but not be limited to:

1. Any tree which is known to reproduce itself excessively, thus becoming weed-like.

2. Any dead, diseased, infested, leaning or dying tree on private property so near to any street as to constitute a danger to street trees, or streets, sidewalks, or portions thereof, or the life, health or safety of the public or adjoining public or private property.

3. Any tree on any private property or in a parkway of a type or species apt to destroy, impair or otherwise interfere with any street improvement, sidewalk, curb, approved street tree, gutter, sewer or other public improvements including water utilities or services, or adjoining property.

4. Any tree or parts thereof growing upon private property, but overhanging or interfering with the use of any street, parkway, sidewalk or public place of the City which endangers the life, health, safety or property of the public.

5. The existence of any branches or foliage on private or public property which interferes with visibility on, or free use of, or access to any portion of any street improved for vehicular or pedestrian travel.

9.06.090.040 - Tree Preservation and Landscaping Approval.

A. Removal or Topping.

No removal or topping of existing prominent and/or significant trees is permitted on a building site without prior approval of the Planning Commission. A tree preservation and landscaping plans shall be included as part of the architectural review.

B. Planning Commission Review.

If prominent and/or significant trees are to be removed or relocated prior to a future architectural review, a tree preservation and landscaping plan shall be submitted to the Planning Commission for approval separately from and prior to submission of the finalized building plans. A finalized tree preservation and landscaping plan shall be submitted along with final architectural review plans.

C. Landscape Plan Required. .

A revised tree preservation and landscaping plan shall be submitted in connection with application for architectural review for enlargement of existing buildings and structures. In the case of minor additions or changes to the interior of a building, requiring removal or heavy trimming of existing important trees, a letter so stating may be submitted in lieu of a finalized tree preservation and landscaping plan.

D. Building Minor Additions.

If no tree preservation and landscaping plan, or no landscaping plans adequately covering the issue of preservation of existing trees was submitted as part of an applicable subdivision plan or earlier architectural review plan, then a tree preservation and landscaping plan shall be submitted as part of the architectural

approval plans, except for the case of minor additions or interior changes.

9.06.090.050 - Prohibitions.

It shall be unlawful, and it is hereby prohibited for any person to plant any tree which will cause distress, encroach upon an adjacent property whether public or private, block views, sunlight, or passage of air, move, remove, destroy, cut, trim (except for seasonal trimming), top, deface, injure or replace any living tree or to cause the same to be done without first obtaining a written permit from the City Manager. This permit shall specifically describe the work to be done. It shall be unlawful to do any such work not specifically described. It shall be unlawful for any person to:

A. Injure Trees.

Damage, cut, top, carve, etch, hew or engrave, poison, or injure the bark or root system of any tree except for standard root pruning procedures;

B. Over-watering, etc.

Allow any gaseous liquid or solid substance harmful to trees to come in contact with any part of any tree (i.e. over-watering);

C. Development under Tree Canopy.

Deposit, place, store or maintain upon the ground surrounding any trees any stone, brick, concrete or other material which may impede the free passage of air, water and fertilizer to the roots of any tree.

Nothing contained herein shall prevent a public utility provider from normal maintenance of lines and underground facilities. Public utilities intending to perform tree trimming or underground work shall notify the City Manager, in writing, five (5) working days prior to the commencement of any work and shall describe the location and nature of the work to be performed.

9.06.090.060 - Regulations, Controls and Prohibitions.

Except as otherwise provided herein, no tree shall be planted, maintained or removed except in conformity with this Section:

A. Pruning.

All trees shall be maintained in a manner to promote healthy growth, reduce fire hazards or excessive blockage of views of mountains or valleys from adjoining properties or sight triangles or traffic intersections. Pruning shall not degrade or adversely affect the health of any tree. Pruning practices shall conform to the pruning standards which have been adopted by the Western Chapter of the International Society of Arboriculture, and/or the National Arborists Association.

B. Seriously Diseased or Dead Trees.

Seriously diseased or dead trees shall be treated or removed by the property owner as necessary to correct the condition or prevent the spread to trees on adjoining properties. The Eucalyptus species of tree killed by the Eucalyptus Longhorn Beetle (ELB) must be cut down, buried or chipped. Trees which show symptoms of ELB infestation may require removal, unless adequate moisture becomes available allowing the tree to produce sufficient quantities of resin to kill all or enough of the larvae that the tree recovers from the infestation. A no fee permit will be issued for removal of a dead or diseased tree.

C. Removal of Native Trees and/or Prominent Trees.

No prominent tree, native tree or any other tree defined in Section 9.06.090.030 and/or which is of a desirable genus and species shall be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after the presentation of photographs and/or drawings showing that the prominent tree is a significant health or fire hazard or has become an extremely severe detriment to the view of the mountains or valley from house sites. A 14-day waiting period is created hereby, during which time appeals to any decisions, restrictions or conditions made by the City Manager on the permit may be submitted in writing to the Planning Commission. Should an appeal be

filed, the 14-day holding period is extended automatically until the next Planning Commission meeting for which the item can be placed on the agenda.

D. Removal of Orchard Trees.

No orchard tree shall be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after presentation of photographs and/or drawings showing that the orchard tree is a significant health or fire hazard or has become a severe detriment to the view of the mountains or valley from house sites. A 14-day waiting period is created hereby during which time appeals to any decisions, restrictions or conditions made by the City Manager on the permit may be submitted in writing to the Planning Commission. Should an appeal be filed, the 14-day holding period is extended automatically until the next Planning Commission meeting for which the item can be placed on the agenda.

E. Removal of Nuisance Trees.

No nuisance tree may be removed without first obtaining a permit to do so. The City Manager shall issue such permits only after presentation of photographs and/or drawings showing that the subject tree has a root systems that is causing damage to surrounding hardscape, is interfering with the use of street, parkway, sidewalk, curb, street, gutter, sewer or other public improvements or utilities including water utilities or services, is interfering with an adjoining property, is a significant health or fire hazard or has become a severe detriment to the view of the mountains or valley from house sites. No waiting period is required for removal of nuisance trees. To preserve public safety and reliability in the construction, operation and maintenance of overhead and underground electric lines and facilities, public utilities are exempt from the provisions, requirements and restrictions of this section.

9.06.090.070 - Restoration of Illegally Removed or Damaged Trees.

Any person responsible for the illegal removal of, or damage to, trees shall be required to restore the tree or trees by replanting a tree of equal size, significance, and prominence. The City Manager shall notify by first class mail or personal service, all persons whom he determines are responsible for the removal of, or damage to, the tree of the violation and order restoration. Any person aggrieved by the determination of the City Manager may appeal the determination to the City Council within 15 days of receipt of the notice. The City Council shall set the matter for hearing and give notice to the person who appeals of the time and place set for the hearing. Following the hearing, the City Council shall make its determination. The City Council's determination shall be final. Any person ordered to restore a tree or trees shall do so within fifteen (15) days of the conclusion of the appeal. If restoration is not completed by such date, then it may be undertaken by the City. The cost of restoration shall be a lien on the property or a debt of the person who removed the tree or trees, if such person does not own the property n which the trees were located.

9.06.090.080 - Public Utilities.

The provisions hereof shall not be construed to limit or interfere with the installation, maintenance and operation of public utility pipelines and electric or telephone transmission lines or railroads when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the State of California, within rights-of-way easements, franchises or ownership of such public utilities.

Not withstanding any other provision of this Code to the contrary, as part of a subdivision or parcel map approval process, the City Council may authorize creation of a lot, not meeting minimum lot size for that zone, if the lot is forever dedicated for public utility purposes.

Chapter 9.06.100 – Standards for Specific Land Uses

Chapter Index:

9.06.100.010 - Purpose and Applicability
9.06.100.020 - Animal Raising and Keeping
9.06.100.030 - Antennas, Wireless Communication Facilities
9.06.100.040 - Mobile Homes
9.06.100.050 – Tents and Canopies

9.06.100.010 - Purpose and Applicability.

This Chapter provides site planning and development standards for land uses that are allowed by this Code. The standards contained in this Chapter are applicable to all of the zone districts within the City.

9.06.100.020 - Animal Raising and Keeping.

The following animal uses shall be permitted as accessory uses in all residential zones of the City:

A. Fowl or Fish.

The hatching, raising (including fattening as an incident to raising), not on a commercial scale, of chickens (exclusive roosters), turkeys, or other fowl or poultry, rabbits, fish or frogs, hatched or raised on the premises. Such fowl or animal shall be kept not less then thirty-five (35) feet from any window or door of any residence or dwelling.

B. Greenhouses and Aviaries.

Not more than one greenhouse on any one lot, provided that no greenhouse shall exceed four hundred (400) square feet in area; aviaries and apiaries, provided that no peacocks or guinea hens are kept in such aviaries or on such premises.

C. Horses and Cattle.

Horses and/or cattle may be kept if:

1. **Minimum Lot Size**. The lot or parcel of land used for the keeping of such animals shall be at least 20,000 square feet in size.

2. **Maximum Number of Animals.** The maximum number of such animals permitted to be kept on any lot or parcel shall be as follows:

   a. A maximum of two (2) such animals on any lot or parcel of land at least 20,000 square feet but less than one (1) acre in size;

   b. A maximum of five (5) such animals per each whole acre on lots or parcels at least one (1) acre in size. Fractions of acres shall not be included in any calculation determining the maximum number of such animals permitted pursuant to this subparagraph.

3. **Corral Space Required.** There shall be a minimum of five hundred (500) square feet (interior measurement) of corral space provided for each animal.

4. **Clean and Sanitary Premises Required.** The lot or premises upon which such animals are kept shall be maintained in a clean and sanitary manner and free of fly infestation. (Receipt of two (2) reports from the Los Angeles County Health Department within any 24 month period showing unsanitary conditions prevailing on the property as a result of the keeping of such animals shall be prima facie evidence of violation of this subparagraph).

5. **Commercial Boarding, etc**. Such animals shall not be kept for commercial purposes except on premises at least two (2) acres in size.

   (Note: "Commercial Purposes" as used herein shall be limited to boarding, training, breeding, raising and

grazing operations conducted entirely on the premises exhibiting no manifestations of commercialism and not open to public visitation.)

6. **Stable Location**. Such animals shall not be stabled, nor shall any building used therefore be located within fifty (50) feet of the curb line of any public street, nor within sixty-five (65) feet of the centerline of any private street. For the purpose of this subsection, a private drive serving less then three residences shall not be considered as a private street.

   (Note: This subsection shall not apply to structures in existence on March 1, 1966, but shall apply to all structures constructed or first used for such purposes thereafter.)

7. **Corral Location**. Such animals shall not be kept, housed, corralled or allowed to be within thirty-five (35) feet of any existing swimming pool or lanai or any building used or designated for human habitation, excluding groom or stable quarters.

8. **Manure Removal**. Manure must be removed from the premises within 48 hours of written request to the owner or tenant to do so signed by the City Manager.

9. **Odor, Noise, etc. Prohibited.** No such animal may be so maintained as to by odor, noise or sight constitute a public nuisance as defined by State law.

10. **Cattle Defined**. The term "cattle" as used in this Section shall include bovine, sheep and goats only. Notwithstanding any other provision of this Section, "billy" goats shall be allowed only on parcels one acre or larger in size and only one "billy" goat shall be permitted on any such parcel.

11. **Nonconforming Buildings and Structures.** Notwithstanding any other provision of this Code, all existing uses, buildings and structures which do not comply with the provisions of this section, except those structures specifically exempted from the NOTE to said subparagraph, shall so comply within twelve (12) months after the effective date hereof.

D. Cattle Farms.

Farms or establishments for the selective or experimental breeding of cattle, or the raising and training of show cattle, provided:

1. **Planning Commission Review.** That the completed plans of the location, size, construction details, proposed utilization, and appearance of all buildings, structures, pens or corrals on such premises to be used in connection therewith, be approved by the Planning Commission.

2. **Number of Cattle Permitted**. That not more than two such animals per acre of the total ground area of such farm or establishment be kept or maintained in conjunction with such use.

9.06.100.030 - Antennas, Wireless Communication Facilities

A. Purpose.

The purpose of this division is to establish construction and maintenance standards and regulations for dish antennas, larger than two (2') feet in diameter, installed in any zone which are accessory to the primary use of the subject lots. Such standards and regulations shall be such as to reasonably restrict and minimize any detrimental effects of the location and design of such dish antennas on the occupants of adjoining properties and the neighborhood, and community consistent with the following findings:

1. There has been an increasing number of dish antennas erected within the City; this form of antenna has increased in popularity, It is anticipated that this will continue in view of current communications technology. Numerous concerns have been expressed throughout the community with regard to such dish antennas.

2. The City of Bradbury is a residential

community with a high level of property maintenance and concern for the appearance of the community.

3. The community has undertaken numerous actions which include regulations on signage, requirements concerning landscaping, screening of structures and architectural treatments as well as regulations of visual clutter, in order to preserve to the maximum extent possible the natural and man-made scenic beauty of the City.

4. The nature of the community, its goals and objectives, have an entailed significant private and public expense to produce a community consistent with the objectives of the City's General Plan and maintain safety in all areas of the City.

5. The installation of dish antennas, and accessory equipment, can create visual blight to those who reside, work and travel in the City and can endanger the life, safety and welfare of economic, aesthetic and safety impacts inconsistent with the health, safety and general welfare of the community.

B. Definitions.

For the purpose of this Chapter, the term "dish antenna" means any parabolic antenna designed for receiving satellite transmission, having a diameter greater than two (2) feet, and which system is external to or attached to the exterior of any building.

C. Dish Antenna Permit Required.

Dish antennas shall require a building permit and be permitted only when in conformity with the development standards of this Chapter. Every dish antenna, whether temporary or permanent, shall be subject to the review and approval of the Planning Commission and the Building official where required by the Building Code.

D. Development Standards.

Every dish antenna shall be located, designed, constructed, treated and maintained in accordance with the standards set forth in this Chapter. Dish antennas may be installed, erected and maintained within all land use zones of the City, but only in accordance with the provisions of this Chapter.

E. Installation.

1. Every dish antenna shall be installed and maintained in compliance with the requirements of this Code and the Building Code.

2. Whenever it is necessary to install a dish antenna near power lines, or where damage would be caused by its falling, separate safety wire must be attached to the antenna mast or tower, and secured in a direction away from the hazard. Dish antenna transmission lines must be kept at least twenty-four inches (24") clear of utility lines.

3. Every dish antenna shall be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire of the type approved by the latest edition of the Electrical Code.

F. Location.

1. No portion of any dish antenna shall extent beyond the property lines or into any front yard of any lot or side yard on the street side of a corner lot.

2. Guy wires shall not be anchored within any front yard of any lot or within any side yard on the street side of a corner lot

3. No ground-mounted dish antennas shall be located in the area between the building and the front property line or between the building and side property line on the street side of a corner lot.

4. All ground-mounted dish antennas shall be considered to be accessory structures and shall conform to the setback requirements for such structures for the respective zone in which said dish antenna is located.

5. Any dish antenna with bases of attachment to a building shall be located within the middle on-third (1/3) of the roof of said building, unless said dish antenna is otherwise completely screened from view from the adjoining properties and adjoining public rights-of-way.

G. Height.

1. In residential zones, dish antennas with a diameter greater than two (2) feet shall not be attached to the roof or wall of any building.

2. In residential zones, antennas with bases of attachment on the ground or on accessory structures shall not exceed sixteen (16) feet in height above the grade.

H. Screening.

1. The materials used in constructing dish antennas shall not be excessively bright, shiny, garish or reflective.

2. Dish antennas should be screened through the addition or architectural features and/or landscaping that harmonize with the elements and characteristics of the property.

3. All ground-mounted dish antennas shall be screened by walls, fences or landscaping at least five (5) feet in height, obscuring visibility of the dish antenna from grade from the adjoining properties and from adjoining rights-of-way.

I. Maintenance.

1. Every dish antenna shall be maintained in good condition and in accordance with all requirements of this Chapter.

2. The dish antennas shall meet all manufacturers' specifications, and shall be of noncombustible and corrosive-resistant material. The miscellaneous hardware, such as brackets, turnbuckles, clips or similar type equipment subject to rust or corrosion shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.

3. Every dish antenna shall be subject to periodic re-inspection. No additions, changes or modifications shall be made to a dish antenna, unless the addition, change or modification is in conformity with the Building Code and this Chapter.

9.06.100.040 - Mobile Homes.

A. Intent.

The intent of this ordinance is to permit mobile home housing to be used for family residences in established residential neighborhoods, provided that such mobile homes are installed and designed to be compatible with the existing neighborhoods and to provide permanent housing.

B. Mobile Home on Individual Private Lot Permit.

The intent of this ordinance is to permit mobile home housing to be used for family residences in established residential neighborhoods, provided that such mobile homes are installed and designed to be compatible with the existing neighborhoods and to provide permanent housing.

1. A mobile home, under certain conditions, may be placed on a foundations system on a private lot wherever single-family dwellings are permitted.

2. A mobile home on a foundation system is permitted on a private lot only upon issuance of a permit by the City of Bradbury. An appropriate fee for the permit will be charged.

3. Applications for a mobile home permit shall include the following:

   a. Copies of a plot plan. The plot plan shall show existing structures on lot, proposed mobile home placement, all

proposed accessory structures, all existing trees over four (4") inches in diameter (indicate if any are to be removed), all driveways, parking areas and permanent paths, proposed landscaping and irrigation.

b. Photographs showing all four sides of the mobile homes and drawing(s) indicating any proposed elevations changes.

c. Mobile home manufacturer's name, model name/number, age of unit, length and width, roof pitch, roofing materials, width of eave overhang, type of siding.

d. Plans and specifications for foundation systems.

e. Utility plan.

C. Eligibility and Design Criteria.

1. A mobile home shall not be eligible unless it is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code of the State of California on lots zoned for single-family dwellings.

2. Criteria. The mobile home shall:

a. Be occupied only for residential purposes.

b. Be subject to all provisions of the Municipal Code applicable to residential structures in the same zone.

c. Be attached to a permanent foundation system in compliance with all applicable building regulations.

d. Have a minimum square footage as required by the zoning code.

e. Be covered with an exterior material customarily used on conventional dwellings and approved by the Bradbury Planning Commission. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

f. Have a roof with a pitch of not less than two and one half inches (2 2") vertical rise for each twelve inches (12") of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the Bradbury Planning Commission.

g. The mobile home may be required to have porches and eaves, or roofs with eaves or garage, when in the opinion of the Bradbury Planning Commission, it is necessary to make it compatible with the dwellings in the area.

h. The mobile home shall be subject to the architectural review as provided for all development within the City.

D. Construction Permit Requirements.

The applicant shall:

1. Obtain a grading permit (required if more than 200 cubic yards of earth will be moved of if a cut or fill depth exceeds three feet). Any fill over a foot in depth will require a compacted to a minimum of ninety percent (90%). Rough grading approval must be obtained and compaction reports submitted before the site construction permit can be issued.

2. Make application for approval of a septic tank permit from the Health Department if the property will not be served by a public sewer. (A percolation test by a registered civil engineer is required.)

3. If the property is in school districts which require collections of school fees at issuance of the construction permit, have the school district complete form DPL

#406, Certification of Compliance with School Facilities, and return it to the Office of the City Manager.

4. Comply with all the requirements of Section 18551 (a) of the State Health and Safety Code.

5. Obtain plan approval of the foundation system.

E. Foundation System.

1. Foundation System Definition. A foundation system is an assembly of materials constructed below, or partly above grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external "natural forces".

2. All mobile home foundation systems shall be designed in accordance with the provisions of City Building Codes and the Bradbury Municipal Code, and local soil conditions. Design conditions for roof, wind and seismic loads applicable to permanent building foundations shall be applicable to the mobile home foundation systems.

3. The mobile home shall be installed in accordance with installation instructions provided by:

   a. The manufacturer of the mobile home, or

   b. A California licensed architect or engineer, for an individual mobile home where manufacturer's instructions are not available.

4. Both the foundation system and connection of the mobile home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions.

5. A foundation system plan shall be provided in addition to the installation instructions. The foundation system plan may be:

   a. Provided by the mobile home manufacturer either as a part of, or separate from, the installation instructions.

   b. Provided by the installation contractor.

Utility Connections.

The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent residential buildings. Gas shut-off valves, meters and regulators shall not be located beneath the mobile home.

Surrender of Registration.

Prior to occupancy, the owner shall request from the Bradbury Building Department that a Certificate of Occupancy be issued pursuant to Section 18551 (b) (2) of the California Health and Safety Code. Thereafter, for an existing mobile home any vehicle license plate, Certificate of Ownership and Certificate of Registration issued by the State agency shall be surrendered to the appropriate state agencies via the Bradbury Building Department.

Where the mobile home is new and never has been registered with the DMV, a statement to that effect from the dealer selling the mobile home shall be submitted to the City.

Mobile homes placed on permanent foundations in compliance with all regulations become exempt from vehicle license fees and become subject to property tax laws. Such mobile homes become eligible for exemptions.

H. Appeal.

The decision and/or conditions of the Bradbury Building Official may be appealed in writing within ten (10) days of the decision to the Planning Commission. The Planning Commission may concur, override or modify the action of the Bradbury Building Official. Any action of the Planning Commission may

be appealed in writing to the City Council within ten (10) days of the Planning Commission decision.

9.06.100.050 - Tents and Canopies.

It shall be unlawful for any person to erect, put in place or maintain in place within the required setback areas of any zone, any tent, tent-house, canvas house or structure constructed of canvas, cloth or other fabric; any canopy or canopy structure constructed of canvas, cloth or other fabric or other material except as follows:

A. Decorative Canopies and Awnings.

Decorative canopies and awnings constructed as a component or feature of an overall architectural design may be permitted as approved pursuant to this title;

B. Picnic Umbrellas.

Picnic umbrellas not in excess of ten (10) feet in diameter are permitted;

C. Temporary Tents and Canopies.

Temporary tents and canopies of any size may be erected in any location on a parcel or lot for a period that is not in excess of three (3) consecutive days within any 30-day period.

Chapter 9.06.110 - Noise

Chapter Index:

9.06.110.010 Declaration of policy.
9.06.110.020 Definitions.
9.06.110.030 General prohibition.
9.06.110.040 Allowable noise levels.
9.06.110.050 Noise level measurements.
9.06.110.060 Permitted increases in noise levels.
9.06.110.070 Impulsive sound.
9.06.110.080 Exemptions.
9.06.110.090 Violations

9.06.110.010 -Declaration of Policy.

To control unnecessary, excessive and annoying noise and vibration in residential areas, it is the policy of the city to prohibit such noise and vibration generated from or by all sources as specified in this chapter. It shall be the policy of the city to maintain quiet in those residential areas that exhibit low noise levels and to implement programs aimed at reducing noise in those residential areas within the city where noise levels are above acceptable values. It is determined that certain noise levels and vibration are detrimental to the public health, welfare and safety, and are contrary to public interest. Creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this chapter is declared to be a public nuisance and shall be punishable as such.

9.06.110.020 - Definitions.

With the intent of carrying out the purpose of this chapter, the words, phrases and terms included in this section shall be deemed to have the meaning ascribed to them:

"A weighted sound level" shall mean the sound level in decibels as measured on a sound level meter using the "A" weighting network. The level so read is designated dB (A) or dBA.

"Ambient noise level" shall mean the composite of noise from all sources near and far excluding intrusive noise.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action.

"Decibel" shall mean a unit for measuring the amplitude of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.

"Demolition" shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private, right-of-way surfaces or similar property.

"Emergency work" shall mean any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.

"Impulsive sound" shall mean a sound of high intensity, short duration, usually less than one second, with an abrupt onset and rapid decay.

"Intrusive noise" shall mean that alleged offensive noise which intrudes over and above the existing ambient noise on the property where the noise is received.

"Person" shall mean any individual, partnership, joint venture or corporation.

"Real property boundary" shall mean an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

"Sound Level Meter" shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute Specifications for sound level meters, A14-1971, or the most recent revision thereof.

9.06.110.030 - General Prohibition.

Notwithstanding any other provision of this chapter, no person shall willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any residential neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in any residential neighborhood.

The factors which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

A. The sound level of the objectionable noise;

B. The sound level of the ambient noise;

C. The proximity of the noise to residential sleeping facilities;

D. The nature of the zoning of the area within which the noise source emanates;

E. The number of persons affected by the noise source;

F. The time of day or night the noise occurs;

G. The duration of the noise and its tonal, informational or musical content;

H. Whether the noise is continuous, recurrent, or intermittent;

I. Whether the noise is produced by commercial or noncommercial activity.

9.06.110.040 - Allowable Noise Levels.

The noise standards imposed by this section shall apply to all properties in the city occupied for residential purposes, without regard to zoning classification. Except as otherwise allowed in this chapter, no person shall create or allow the creation of noise on any such residential property which causes the noise level to exceed the actual measured median ambient noise level, or the following presumed ambient noise level, whichever is greater:

Time	**Allowable Noise Level –dBA**
7:00 a.m. to 10:00 p.m.	55
10:00 p.m. to 7:00 a.m.	50

If the intruding noise source is continuous and cannot be reasonably discontinued for sufficient time in which the ambient noise level can be determined, the presumed ambient noise level shall be used.

9.06.110.050 - Noise Level measurements.

Utilizing the "A" weighting scale of the sound level meter and the "slow" meter response ("fast" response for impulsive-type sounds), the noise level shall be measured at the street or any point on the property where the noise is received. In general, the microphone shall be located four feet above the ground and five feet from the nearest structure or wall. In those cases where another elevation is deemed appropriate, it shall be utilized.

9.06.110.060 - Permitted Increases in Noise Levels.

Increases in noise levels prescribed in Section 9.06.110.040 are permitted in accordance with the following:

Permitted Increase dBA	**Duration of Increase Permitted (in minutes/per hour)**
5	15
10	5
15	1
20	**less than one minute**

9.06.110.070 - Impulsive Sound.

Noise standards set in this chapter shall be decreased by five dBA for any noise source which emits an impulsive sound.

9.06.110.080 - Exemptions.

The following activities shall be exempt from the provisions of this chapter:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work;

B. Activities of the federal, state or local jurisdiction while performing governmental duties;

C. Activities conducted on public playgrounds and public or private school grounds, including, but not limited to, school athletic and school entertainment events;

D. The handling of boxes, crates, containers, garage cans or other similar objects between the hours of seven a.m. and seven p.m.;

E. The operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar tool between seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and seven p.m. on weekends and holidays;

F. Construction or demolition work conducted between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and seven p.m. on weekends and holidays;

G. Any activity to the extent regulation thereof has been preempted by state or federal law.

9.06.110.090 - Violations.

Violations of this chapter shall be punishable as an infraction. Each day any violation of this chapter occurs or is allowed to continue shall constitute a separate offense.

Chapter 9.07.010 - General Provisions

Chapter Index:

9.07.010.010 - Title for citation.
9.07.010.020 -Applicability of Title 7 provisions - Statutory authority.
9.07.010.040 - References to amendments and additions included.
9.07.010.050 - Lease projects, condominiums and community apartment projects - Provisions applicable.
9.07.010.060 - Violation - Penalty.
9.07.010.070 - Severability.
9.07.010.080 - Condition of land use approval.

9.07.010.010 - Title for Citation.

The ordinance codified in Title 7 of this code shall be known as the "Subdivision Ordinance" of the City of Bradbury, and may be referred to as such.

9.07.010.020 - Applicability of Title 7 Provisions - Statutory Authority.

Pursuant to the provisions of the Subdivision Map Act, and in addition to any other regulations provided by law, the regulations hereinafter in this Title 7 contained shall apply to all subdivisions or parts of subdivisions hereafter made, of land wholly or partially within the territory of the City of Bradbury and to the preparation of subdivision maps thereof, and to other maps provided for by the Subdivision Map Act, for approval; and each such subdivision and each part thereof lying within the territory of the City shall be made and each such map shall be prepared and presented for approval as hereinafter provided for and required in this title.

9.07.010.040 - References To Amendments And Additions Included.

Whenever reference is made to any portion of the ordinance codified in this title or any other ordinance or statute, such reference applies to all amendments and additions now or hereafter made.

9.07.010.050 - Lease Projects, Condominiums and Community Apartment Projects - Provisions Applicable.

Provisions of this Title 7 which except or exempt a subdivider from complying with a design, improvement, dedication or fee requirement, or which provide for the waiver of such a requirement because of the size of parcels resulting from a subdivision, shall not be construed to apply to lease projects, condominiums, or community apartment projects.

9.07.010.060 - Violation - Penalty.

A violation of this Title 7 which is not also prohibited by the Subdivision Map Act or by any other state statute is a misdemeanor, punishable by a fine of not more than $1,000.00 or by imprisonment in County Jail for not more than six months, or by both such fine and imprisonment.

9.07.010.070 - Severability.

If any provision of the ordinances codified in this Title 7, or the application thereof to any person or circumstances is held to be invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

9.07.010.080 - Condition of Land Use Approval.

As a condition of the approval of a subdivision, the subdivider shall agree to reimburse the City for any court and attorney's fees which the City may be required by a court to pay as a result of any claim or action brought against the City because of such approval pursuant to Government Code Section 66499.37. Although the subdivider is the real party in interest in such an action, the City may, at its sole discretion, participate at its own expense in the defense f the action, but such participation shall not relieve the subdivider of its obligations under this condition.

Chapter 9.07.020 - Definitions

CHAPTER INDEX:

9.07.020.010 - Definitions - Subdivision Map Act - applicable when.
9.07.020.020 - Advisory agency.
9.07.020.030 - Article.
9.07.020.040 - Building site.
9.07.020.050 - CEQA.
9.07.020.060 - City engineer.
9.07.020.070 - Cul-de-sac.
9.07.020.080 - Division of land.
9.07.020.090 - General plan.
9.07.020.100 - Lease.
9.07.020.110 - Lease project.
9.07.020.120 - Lot.
9.07.020.130 - Minor land division.
9.07.020.140 - Pad.
9.07.020.150 - Section.
9.07.020.160 - Shall and may.
9.07.020.170 - Sloping terrain.
9.07.020.180 - Street.
9.07.020.190 - Subdivision.
9.07.020.200 - Subdivision Map Act.
9.07.020.210 - Vesting tentative map.

9.07.020.010 - Definitions - Subdivision Map Act Applicable When.

Except as otherwise provided in this chapter, all terms used in this Title 7 which are defined in the Subdivision Map Act are used in this title as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

9.070.020.020 - Advisory Agency.

"Advisory agency" means and refers to the planning commission. The planning commission shall exercise all of the duties associated with the submission, review and approval or disapproval of maps of reversions to acreage which are delegated to the Advisory agency by this Title 7, unless the city council determines to and itself exercises such duties.

9.07.020.030 - Article.

"Article" means an article of the ordinance codified in this Title 7 unless some statute or other ordinance is referred to.

9.07.020.040 - Building Site.

"Building site" means that portion of the lot or parcel of land upon which the building and appurtenances are to
be placed, or are already existing, including adequate areas for sewage disposal, clearances, proper drainage, appropriate easements, and, if applicable, the requirements of other ordinances.

9.07.020.050 - CEQA.

"CEQA" means the California Environmental Quality Act, California Public Resources Code No. 21000, et. seq.

9.07.020.060 - City Engineer.

"City engineer" means the designated City Engineer of the City of Bradbury.

9.07.020.070 - Cul-de-sac.

"Cul-de-sac" means a street which is designed to remain permanently closed at one end. For the purposes of this Title 7, the length of a cul-de-sac

shall be measured along the centerline of the cul-de-sac from the point where the centerline terminates within the turnaround to the right-of-way line of the street with which the cul-de-sac intersects.

9.07.020.080 - Division of Land.

For the purpose of this Title 7, the term "division of land" refers to subdivisions unless a more restrictive meaning is clearly determinable from the context.

9.07.020.090 - General Plan.

"General plan" means the adopted General Plan of the City of Bradbury and all adopted amendments thereto.

9.07.020.100 - Lease.

A. (INSERT TITLE)

"Lease" means and includes an oral as well as a written lease, tenancy at will, month-to-month or similar tenancy.

B. (INSERT TITLE)

Title 7 shall not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, mobile home park or trailer park, except as provided in Section 9.07.020.090 nor shall this title apply to mineral, oil or gas leases.

9.07.020.110 - Lease Project.

A. Definition

"Lease project" refers to a development wherein two or more residential or commercial buildings are constructed and maintained on a parcel of land and apartments, offices, stores or similar space are leased within one or more of the buildings; overall control of the land and buildings comprising the project being retained by the lessor. The following shall not be included when computing the number of outbuildings within a lease project:

1. Accessory or satellite buildings;
2. Parking structures;
3. Commercial buildings having a floor area of less than 600 square feet.

B. The term "lease project" does not refer to a development of a parcel of land having less than twice the required area as designated by the Development Code, or less than 10,000 square feet when the Development Code has no designation.

9.07.020.120 - Lot.

"Lot" and parcel shall be used synonymously.

9.07.020.130 - Minor land division.

"Minor land division" means a subdivision creating four or less parcels, a condominium project creating four or less condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing four or less parcels, or a lease project containing four or less building sites.

9.07.020.140 - Pad.

"Pad" means a building site prepared by artificial means including grading, excavation or filling, or any combination thereof.

9.07.020.150 - Section.

"Section" means a section of the ordinance codified in this Title 7 unless reference is made to some statute or other ordinance.

9.07.020.160 - Shall and may.

"Shall" is mandatory; "may" is permissive.

9.07.020.170 - Sloping terrain.

"Sloping terrain" means any ground surface having a grade of ten percent or more. The latest available Six and Seven and one half minute United States Geological Survey Quadrangles or a survey by a registered civil engineer or licensed land surveyor shall be utilized to determine such grade.

9.07.020.180 - Street.

"Street" means a public or private right-of-way whose function is to carry vehicular traffic and/or provide access to abutting property(ies). "Street" includes avenues, ways, courts, lanes, crossings or

intersections.

A. A public street is a street that is maintained by the city or other public agency, as set forth in the California Streets and Highways Code for public use.

B. A private street is a street that is maintained by the underlying property owner(s) for the mutual benefit of all abutting property(ies).

9.07.020.190 - Subdivision.

A. "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units. for the purpose of sale, lease, financing or transfer of title. whether immediate or future.

1. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or drainage or railroad rights-of-way.
2. Any conveyance of land to a governmental agency. public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.
3. The qualification contained in Section 66424.1 of the Subdivision Map Act concerning the division of a unit of land before a change in the equalized county assessment roll shall apply to subdivisions as defined in subsection A of this section.

9.07.020.200 - Subdivision Map Act.

"Subdivision Map Act" means Division 2 of Title 7 of the Government Code.

9.07.020.210 - Vesting tentative map.

"Vesting tentative map" shall mean a tentative map for a subdivision that when approved or conditionally approved by the advisory agency confers a vested right to proceed with development for a specified period of time after recordation in accordance with applicable ordinances and general and specific plans in effect at a predetermined date.

Chapter 9.07.030 - Subdivision Committee

CHAPTER INDEX:

9.07.030.010 - Membership.
9.07.030.020 - Time of meetings.
9.07.030.030 - Meetings open to public.
9.07.030.040 - Report of recommendations to planning commission/city council.

9.07.030.010 - Membership.

The subdivision committee is created to act in an advisory capacity to the planning commission. It consists of the following members or their duly authorized representatives:

A. The city planner;

B. The city engineer;

C. The city manager;

D. The health officer;

E. The forester and fire warden;

F. A representative from the Flood Control District;

G. The city building official.

9.07.030.020 - Time of meetings.

After a subdivision application is deemed complete, the subdivision committee shall schedule meetings to consider tentative maps, final maps, parcel maps and any subdivision of land.

9.07.030.030 - Meetings open to public.

Subdivision committee meetings shall be open to the public, and any person, officer or subdivider interested in a division of land shall have the privilege of attending any such meeting and presenting any appropriate matter thereat. Such meetings shall comply with all city and state requirements for public meetings.

9.07.030.040 - Report of recommendations to planning commission/city council.

The subdivision committee shall report in writing its recommendations to the planning commission/city council.

Chapter 9.07.040 - General Requirements

CHAPTER INDEX:

9.07.040.010 - Building location and access restrictions.
9.07.040.020 - Final and parcel maps required Exceptions.
9.07.040.030 - Exceptions to parcel map requirements.
9.07.040.040 - Approval of parcel maps - City engineer authority.
9.07.040.050 - Tentative map - List of property owners required when.
9.07.040.060 - Public hearings.
9.07.040.070 - Notice of public hearing.
9.07.040.090 - Lot line adjustments.
9.07.040.100 - Findings for approval.

9.07.040.010 - Building location and access restrictions.

No building shall be constructed, nor shall a permit for construction of a building be issued, for any residential building, or any portion thereof, unless the location of such building and the access thereto is in substantial conformance with that shown on the approved tentative map for such project.

9.07.040.020 - Final and parcel maps required - Exceptions.

A. A tentative and final map is required for all subdivisions creating five or more parcels as provided in Section 66426 of the Subdivision Map Act.

B. A parcel map is required for all subdivisions for which a tentative and final map is not required.

C. No person shall offer to sell, lease. finance or transfer title to, contract to sell, lease, finance or transfer title to, sell, lease, finance or transfer title to, commence construction of any building other than a model home on, or permit the occupancy other than for model-home purposes of any building on any real property for which a final map or parcel map is required, until the required map has been filed for record by the recorder of this county. These prohibitions shall not apply in the case of a parcel map requirement where a waiver has been approved, and to a minor lot line adjustment approved pursuant to Section 9.07.130.130, or in any instance where a certificate of compliance has been issued and any required conditions have been fulfilled as provided in the Subdivision Map Act nor do the provisions of this section apply to any parcel or parcels of a subdivision offered for sale, lease, financing or transfer, or sold, leased, financed or transferred in compliance with or exempt from any law, including this Title 7 or any other ordinance of the City of Bradbury, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

9.07.040.030 - Exceptions to parcel map requirements.

Parcel maps are not required for subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, or for land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, and pursuant to Section 9.07.070.170, that public policy necessitates such a parcel map.

9.07.040.040 - Approval of parcel maps - City engineer authority.

A. A parcel map which has been conditionally approved by the city council shall be submitted to the city engineer for examination. The city engineer shall, upon completion of his examination of the parcel map and receipt of any reports from city and county officers and departments required pursuant to Section 9.07.120.040, prepare his recommendation for the city council to approve the map if it conforms to the tentative map, as approved, and the conditions of approval of the tentative map and all applicable requirements of this Title 7 and of the Subdivision Map Act have been

complied with.

B. The city council shall, at the time of action on a final parcel map, accept, subject to improvement, or reject dedications and irrevocable offers of dedications that are made by certificate on the map.

9.07.040.050 - Tentative map - List of property owners required when.

With each filing of a tentative map of a subdivision, including a minor land division, the subdivider shall file a list, certified to be correct by an affidavit or by a statement made under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons for the preparation of hearing notices as set forth in Section 9.04.020.020 of this Code.

9.07.040.060 - Public hearings.

Prior to the approval by the city council of any tentative or parcel map, including a tentative minor land division map, submitted pursuant to this Title 7, a public hearing shall be held before the planning commission and city council. Any interested person may appear at such a hearing and shall be heard.

9.07.040.070 - Notice of public hearing.

Notice of public hearings shall be given as provided in Section 9.04.020.020 of this Code.

9.07.040.090 - Lot line adjustments.

The adjustment of lot lines between two or more existing adjacent parcels may be accomplished as provided in Section 9.07.130.130.

9.07.040.100 - Findings for approval.

The city council shall not approve a tentative map, or a parcel map for which a tentative map was not required, unless it makes all of the following findings:

A. That the proposed map is consistent with applicable general and specific plans and zoning code.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and zoning code.

C. That the site is physically suitable for the type of development.

D. That the site is physically suitable for the proposed density of development.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Chapter 9.07.050 - Surveys

Chapter Index:

9.07.050.010 - Standards for survey work.
9.07.050.020 - Boundary monuments - Location and materials.
9.07.050.030 - Street centerline monuments.
9.07.050.040 - Centerline intersection monuments - Notes to City Engineer.
9.07.050.050 - Identification marks on monuments.
9.07.050.060 - Boundary monuments – Time for setting - Deferment conditions.
9.07.050.070 - Inspection and approval of monuments.
9.07.050.080 - Record of survey checking fee.

9.07.050.010 - Standards for survey work.

A. The procedure and practice of all survey work done on any division of land, whether for preparation of a final map or parcel map, shall conform to the standards and details set forth in Chapter 15, Division 3, of the Business and Professions Code, the Land Surveyor's Act. The allowable error of closure on any portion of a final map or parcel map shall be 1/10,000.

B. In the event that the county engineer, county road commissioner, the State Highway Engineer or city engineer shall have established the centerline of any street or alley in or adjoining a division of land, the final map or parcel map shall show such centerline, together with reference to a field book or map showing such centerline and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map or parcel map.

9.07.050.020 - Boundary monuments - Location and materials.

Each final map or parcel map shall show durable monuments, found or set at or near each boundary corner and at intermediate points, approximately 1,000 feet apart, or at such lesser distances as may be made necessary by topography or culture to insure accuracy in the re-establishment of any point or line without unreasonable difficulty. The precise position and the character of each such monument shall be shown on such map. Such durable monument shall be not less substantial than an iron pipe of a two-inch outside diameter, not less than two and one-half feet in length, with plug and tick, and set at least two feet into the ground, or of such other character and stability as may be approved by the county engineer. For the purpose of this Title 7, a lead and tack set in permanent concrete or masonry shall be considered as a durable monument. The approximate elevation of the top of each such monument with respect to the surface of the ground shall be shown on said map.

9.07.050.030 - Street centerline monuments.

A. Whenever necessary in the opinion of the city engineer, centerline monuments shall be set to mark the intersections of streets, intersections of streets with the tract boundary, or to mark either the beginning and end of curves or the points of intersection of tangents thereof, or other intermediate points.

B. Each such monument shall be not less durable, and substantial than:

1. In asphaltic concrete or cement concrete pavements, a lead and tack;
2. In unsurfaced graveled or oiled surfaces, a two-inch iron pipe set not less than 12 inches below the surface, or at such depth as may be approved by the city engineer;
3. In bituminous macadam pavements, a spike not less than six inches long.

9.07.050.040 - Centerline intersection monuments - Notes to City Engineer.

A. For each centerline intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the city engineer a set of notes showing clearly the ties between such monument and a sufficient number (normally four) of durable distinctive reference points or monuments.

B. Such reference points or monuments may be leads and tacks in sidewalks, or two-inch by two-inch stakes set back of the curb line and below the surface of the ground, or such substitute therefore as appears to be not more likely to be disturbed.

C. Such set of notes shall be of such quality, form and completeness, and shall be on paper of such quality and size, as may be necessary to conform to the standardized office records of the city engineer. All such notes shall be indexed and filed by the city engineer as a part of the permanent public records of this office.

9.07.050.050 - Identification marks on monuments.

All monuments found or set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.

9.07.050.060 - Boundary monuments - Time for setting - Deferment conditions.

All boundary monuments shall be set prior to filing of the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set monuments. In the event any of the boundary monuments required are to be set subsequent to filing of the parcel map or final map, the engineer or surveyor making the survey shall furnish evidence acceptable to the county engineer prior to submitting the map to substantiate his reasons for deferring the setting of permanent monuments until after filing of the map. If the setting of boundary monuments is deferred, field notes showing the boundary survey shall be presented to the county engineer at the time the map is submitted for checking. Interior street centerline monuments may be set subsequent to filing of the map. The map shall show which monuments are in place and are to be set. Prior to approval of the final map or of a parcel map by the planning commission, the subdivider shall submit a written agreement in which he agrees that the monuments so deferred will be set within a specified time, and that the notes required in Section 9.07.050.040 will be furnished within a specified time.

9.07.050.070 - Inspection and approval of monuments.

All monuments shall be subject to inspection and approval of the city engineer in conjunction with his checking of the map.

9.07.050.080 - Record of survey checking fee.

Where the county surveyor is required to check record of survey maps under the provisions of the Professional Land Surveyors Act, the surveyor shall pay a map checking fee to the City in addition to all other fees and charges required by law. These fees, payable on submission of map for checking to the city engineer, shall be set by resolution of the city council.

Chapter 9.07.060 - Design Standards

Parts:

Part 1. Access
Part 2. Local Streets and Ways
Part 3. Lots

Part 1 - ACCESS

CHAPTER INDEX:

9.07.060.010 - General requirements -Determination of adequacy.
9.07.060.020 - Restricted residential access.
9.07.060.030 - Wildland access.
9.07.060.040 - Modifications to access and frontage requirements.

9.07.060.010 - General requirements - Determination of adequacy.

A. Each street providing access to lots within a division of land shall connect directly or through one or more other streets to a highway which is shown on the County Highway Plan and which is maintained and open to public travel. Each route of access to a highway which is shown on the County Highway Plan shall be adequate to accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

B. In determining the adequacy of a route of access, the planning commission shall consider the potential for blockage of the route by flood, fire or landslide and the effect of such blockage on the safe evacuation of future users and occupants of the division and on the deployment of fire equipment, paramedic, ambulance, police, or other public safety services under every condition.

9.07.060.020 - Restricted residential access

A. If a street or street system is restricted to a single route of access to a highway, whether at the point of intersection with the highway or at some point distant from the highway, the street or street system shall serve not more than:

1. 150 dwelling units where the restriction is designed to be permanent and the street or street system does not traverse a Wildland area which is subject to hazard from brush or forest fire;
2. 75 dwelling units where the restriction is designed to be permanent and the street or street system traverses a Wildland area which is subject to hazard from brush or forest fire;
3. 300 dwelling units, where the restriction is subject to removal through future development.

B. If the roadway paving on that portion of the street or street system forming the restriction is less than 36 feet in width and is not to be widened to 36 feet or more as a plan of the development of the division of land, the permitted number of dwelling units shall be reduced by 25 percent if the pavement is 28 feet or more in width, and by 50 percent if the pavement is less than 28 feet in width. If the roadway paving on that portion of the street or street system forming the restriction is 64 feet or more width and the restriction is subject to removal through future development, the permitted number of dwelling units may be increased to 600. In no event shall the pavement width be less than 20 feet.

9.07.060.030 - Wildland Access.

Notwithstanding the provisions of Section 9.07.060.020 and Section 9.07.060.190, the city council may disapprove a design of a division of land which utilizes a cul-de-sac or branching street system or other single-access street or street system as the sole or principal means of access to lots within

the-division, where the forester and fire warden advises:

A. That the street or street system will traverse a wildland area which is subject to extreme hazard from brush or forest fires;

B. That the lack of a second route of access would unduly hinder public evacuation and the deployment of fire-fighting and other emergency equipment in the event of a brush or forest fire.

9.07.060.040 - Modifications to access and frontage requirements.

The city council may modify the requirements of Sections 9.07.060.010, 9.07.060.020 and 9.07.060.290 where it finds that topographic conditions, title limitations, or the pattern of ownership or the state of development of parcels in the immediate vicinity of a division of land make the strict application of the provisions of these sections impossible or impractical and that the public health, safety and general welfare will not be adversely affected thereby.

Part 2- LOCAL STREETS AND WAYS

CHAPTER INDEX:

9.07.060.090 - Right-of-way and roadway width requirements Cross-section diagrams.
9.07.060.100 - Street grades.
9.07.060.110 - Right-of-way radius.
9.07.060.120 - Future streets.
9.07.060.130 - Centerline curve radius.
9.07.060.140 - Street intersection angle.
9.07.060.180 - Turnarounds.
9.07.060.190 - Cul-de-sacs - Length restrictions.
9.07.060.220 - Fire-Fighting access easements.

9.07.060.090 - Right-of-way and roadway width requirements - Cross-section diagrams.

A. Each street shall have a width of right-of-way, vehicular pavement and sidewalk, where a sidewalk is required, to conform to the following cross-sections. The city council may modify the requirements of this section as to right-of-way and improvements widths if topographic features, title limitations, the general plan, community standards districts, the pattern of existing neighborhood development or existing improvements, or safety considerations make such dedication impossible, unnecessary or impractical. The city council may also modify right-of-way and improvement width requirements in conjunction with a conditional use permit for a residential planned development, density controlled development or hillside development if it finds that the standard street widths are not consistent with the approved design. In no case shall the minimum right-of-way be less than 40 feet.

B. Diagrams. (See the following Exhibit AA@ for diagrams.)

9.07.060.100 - Street grades.

No highway or street shall have a grade of more than six percent, except for distances less than 150 feet where the topography makes it impracticable to keep within such grade, and in no event shall the grade exceed 10 percent, except where evidence, which is satisfactory to the city council, is given that a lower grade is not possible.

9.07.060.110 - Right-of-way radius.

Intersections of road right-of-way lines, where one or both roads are local residential, shall be rounded with a curve having a radius of 13 feet, unless otherwise determined by the city engineer.

9.07.060.120 - Future streets.

Wherever the city council determines that a street is necessary for the future division of property as shown on the tentative map, or for adjoining property, but that the present dedication and construction of such street is not warranted, the city council may require that the location, width and extent of such street shall be shown on the final map or parcel map as a future street. No improvement of such future street shall be required of the subdivider.

9.07.060.130 - Centerline curve radius.

On any street the centerline curve radius shall not be less than 100 feet unless sufficient evidence is offered to the city council by the subdivider to show that the 100-foot radius is not practicable.

9.07.060.140 - Street intersection angle.

Except as may be provided elsewhere, any highway or street intersecting with any other highway or street shall intersect it at an angle as near a right angle as practicable.

9.07.060.180 - Turnarounds.

A. A turning area shall be provided at the end of cul-de-sac streets. The advisory agency may require turnarounds:

1. Upon the recommendation of the subdivision committee, at intermediate points on cul-de-sacs of more than 700 feet in length, and on other local streets where the distance between intersections exceeds 2,000 feet, and
2. At the end of stub or dead-end streets or more than 300 feet in length where the future extension of the street is remote.

B. All such turnarounds shall conform to the specifications of the city engineer.

9.07.060.190 - Cul-de-sacs - Length restrictions.

A. Cul-de-sacs shall be not more than:

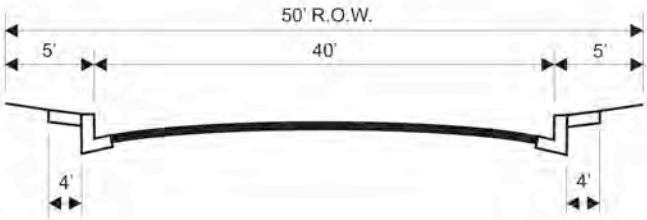
1. 700 feet in length, when serving land zoned for residential uses having a density of more than four dwelling units per net acre;
2. 1,000 feet in length, when serving land zoned for residential uses having a density of four or less dwelling units per net acre.

B. This section shall not be construed to prohibit the approval of a division of land utilizing frontage on an existing cul-de-sac of more than the maximum permitted length nor shall it be construed to prohibit the city council from reducing the length of a proposed cul-de-sac to less than the maximum length permitted by this section or requiring the elimination of a proposed cul-de-sac in order to provide for the efficient circulation of traffic. the future development of the neighborhood street system or the deployment of emergency services.

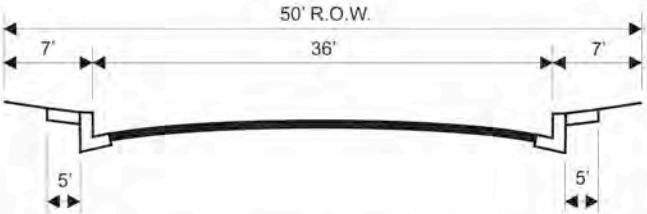
9.07.060.220 - Fire-fighting access easements.

In areas where, in the opinion of the forester and fire warden, there will be fire hazard to the watershed or any other properties, unobstructed fire-protection access easements, not less than 15 feet wide, shall be dedicated from the public highway or adjoining easement to the boundary of the division of land. Where the design of a division of land will cause an existing fire road or fire break to be severed, and the forester and fire warden advises that this condition will impair the provision of adequate fire protection, the planning commission may require that the subdivider either revise the design of the division of land so that the fire road or fire break will not be severed or provide an alternate easement. The forester and fire warden shall recommend to the planning commission/city council regarding the location, design and grading of easements required pursuant to the provisions of this section. Such location, design and grading shall be as found necessary by the city council.

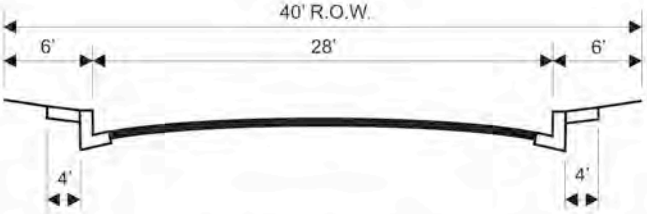
EXHIBIT "A" FOR SECTION 9.07.060.090
RIGHT-OF-WAY AND ROADWAY WIDTH DIAGRAMS



1. RESIDENTIAL ENTRANCE STREETS FROM HIGHWAYS, THRU COLLECTOR STREETS AND STREETS ADJACENT TO SCHOOLS AND MULTIPLE RESIDENTIAL USES.



2. INTERIOR COLLECTOR STREETS, CIL-DE-SAC STREETS MORE THAN 700 FEET IN LENGHT, AND LOOP OR OTHER LOCAL STREETS MORE THAN 1400 FEET IN LENGHT SERVING RESIDENTIAL LAND USES.



3. INTERIOR LOCAL STREETS, CUL-DE-SAC STREETS HAVING A LENGHT OF 700 FEET OR LESS, LOOP OR OTHER LOCAL STREETS HAVING A LENGHT OF 1400 FEET OR LESS.

Part 3 -LOTS

CHAPTER INDEX:

9.07.060.240 - Area and width - Requirements generally.
9.07.060.280 - City boundary line to be lot line when.
9.07.060.290 - Frontage for lots.
9.07.060.300 –Variation in minimum frontage.
9.07.060.310 - Lot sideline angle.
9.07.060.320 - Flag lots.

9.07.060.240 - Area and width - Requirements generally.

A. Each lot in any division of land shall have a net area not less than either the required area or what will be the required area at the time of the submission of the final map or parcel map for approval for the zone in which the lot or any portion thereof is located. Each lot shall have an average width of not less than the required width, or what will be the required width at the time of the submission of the final map or parcel map for approval, or shall contain an area of not less than such required area within a portion which does have an average width of not less than such required width. The required area and the required lot width shall be the same as those terms are defined, respectively, in the various zone Districts as set forth in this Code. Where this Code does not establish a minimum required area or a required lot width in a particular zone, the minimum required area shall be 7,500 feet and the required width shall be 80 feet.

B. This section does not apply to any lot which the subdivider offers to deed or dedicate to the public.

Where public sewers are not available and private sewage disposal is to be used. every lot or parcel or building site shall be of sufficient size to provide for satisfactory sewage disposal for the land use intended.

9.07.060.280 - City boundary line to be lot line when.

No lot shall be divided by a city boundary line. Each such boundary line shall be made a lot line.

9.07.060.290 - Frontage for lots.

The alignment of streets shall be such as to provide frontage for lots in the division of land except as provided in Section 9.07.060.280. The city planner shall determine the lot frontage in unusual cases.

9.07.060.300 - Variation in minimum frontage.

Wherever practical, lot frontage at the right-of-way line shall be:

A. 40 feet or more where a lot is oriented so that its side lot lines are radial or approximately radial to a turnaround or knuckle or to the convex side of a curved street centerline; and

B. Equal to or greater than the average lot width where a lot is not so oriented.

9.07.060.310 - Lot sideline angle.

In all cases where practicable, the side lines of lots shall be at an approximate right angle to the street upon which such lots front.

9.07.060.320 - Flag lots.

The city council may disapprove the platting of flag lots where this design is not justified by topographic conditions or the size and shape of the division of land, or where this design is in conflict with the pattern of neighborhood development. If flag lots are approved, the access strip for each lot shall be at least 10 feet in width where the fire access strip is situated contiguous to other such access strips, so as to form a common driveway, and at least 20 feet in width or minimum fire access if greater, where the strip is not situated contiguous to other such access strips, unless the subdivision committee recommends the approval of lesser widths because of topographic conditions or the size and shape of a division of land. Each access strip shall be located so that, when improved as a driveway, the finished grade will not exceed 20 percent. The advisory agency may require that easements for ingress and egress be provided over common driveways for the benefit of the lots served.

Chapter 9.07.070 - Dedications

CHAPTER INDEX:

9.07.070.010 - Method.
9.07.070.020 - Parcel maps - Parties having record title interests.
9.07.070.030 - Parcel maps - Evidence of title.
9.07.070.040 - Easement certificates.
9.07.070.050 - Rights-of-way under condemnation.
9.07.070.060 - Private streets.
9.07.070.080 - Minor land division and parcel map requirements.
9.07.070.090 - Sewers and storm drain easements.
9.07.070.100 - Drainage facilities.
9.07.070.110 - Natural watercourses.
9.07.070.150 - Reversions to acreage.
9.07.070.170 - Conveyance to governmental agency.

9.07.070.010 - Method.

If dedications or offers of dedication are required for a minor land division, tract map or parcel map, they may be made either by certificate on the map or by separate instrument.

9.07.070.020 - Parcel maps - Parties having record title interests.

The signatures of all parties having any record title interest in the real property being subdivided shall not be required on any final parcel map unless dedications or offers of dedication are made by certificate on the parcel map.

9.07.070.030 - Parcel maps - Evidence of title.

Evidence of title shall be submitted with all final parcel maps. This shall show all fee interest holders, all interest holders whose interest could ripen into a fee, all trust deeds together with the name of the trustee and/or beneficiary, and all easement holders.

9.07.070.040 - Easement certificates.

A. Any map of a subdivision presented to the City with an offer of easements for public use shall have written thereon, in addition to or as a part of any other certificate required, a certificate, signed by all parties whose signatures are required pursuant to Section 66436 of the Subdivision Map Act, in substantially one of the following forms:

1. "We hereby certify that except as shown on a copy of this map on file in the Office of the County Road Commissioner, we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly-owned water lines, sewers or storm drains; that we will grant no right or interest within the boundaries of said easements offered to the public, except where such right-of-way is expressly made subject to the said easements."
2. "We hereby certify that we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly-owned water lines, sewers or storm drains; that we will grant no right or interest within the boundaries of said easements offered to the public, except where such right or interest is expressly made subject to the said easement"

B. The registered civil engineer or land surveyor who prepares the map shall notify the city engineer that, as a result of his thorough research of records and a field inspection, there either are structures existing within the easements offered or there are no structures existing within the easements offered. Form 1 above shall be used where there are structures, and Form 2 above shall be used where there are no structures.

9.07.070.050 - Right-of-way under condemnation

A. In the event that an easement for any right-of-way required under the provisions of this Title 7 in connection with any proposed division of land is in the process of condemnation by the City of Bradbury at the time of the submission of any final map or parcel map, the subdivider, in lieu of offering such right-of-way for dedication, may show such right-of-way upon the final map or parcel map thereof as a private right-of-way, and prior to the approval of such final map or certification of such parcel map shall submit to the City of Bradbury a deed granting such easement to the City of Bradbury on condition that such condemnation proceedings are abandoned, together with a contract and bond as provided by Sections 9.07.080.020, 9.07.90.010 and 9.07.090.050 of this title.

B. In the event that such condemnation proceedings shall be completed, such deed, contract and bond shall be returned to the subdivider. In the event that such condemnation proceedings are abandoned, the contract and bond shall be accepted by the city engineer and the deed shall be forwarded to the city council for acceptance.

9.07.070.060 - Private streets.

Except as set out hereinafter, all parcels of land intended for public use in a division of land shown on the final map or parcel map thereof shall be offered for dedication for public use. However, with the approval of the city council, any road which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street; but in any such case, the final map or parcel map shall contain a conditional offer of dedication, or the map may be accompanied by a conditional offer of dedication by separate instrument, either of which may be accepted by the city council. Any such private street shall be shown on such map by heavy dashed lines. Sufficient data shall be shown on each private street to define its boundaries, as is required for a public street, and also sufficient mathematical data to show clearly the portion of each lot within such street. The design and improvement of any such private street shall be subject to all of the requirements prescribed by this Title 7 for public streets.

9.07.070.080 - Minor land division and parcel map requirements.

Dedications or offers of dedication of real property for streets, highways and other public ways, access rights and abutter's rights, drainage and public utility easements, building restriction rights, and other public easements may be required for a minor land division or parcel map.

9.07.070.090 Sewer and storm drain easements.

If, in the opinion of the planning commission and city council, either sewers or storm drains or both are necessary for the general use of lot owners in the division of land, or the future development of the area, and such sewers or storm drains or both are not to be installed in the public streets of such division, then the subdivider shall show upon the maps and dedicate necessary easements for such sewers or storm drains or both.

9.07.070.100 - Drainage facilities.

If an artificial drainage facility is necessary for the general use of lot owners in the division of land and for adequate drainage needs, subdivider shall dedicate an adequate right-of-way for such drainage channel.

9.07.070.110 - Natural watercourses.

In the event that a division of land or any part thereof is traversed by any watercourse, channel, stream or creek, the subdivider shall dedicate an adequate right-of-way for storm drainage purposes if, in the opinion of the planning commission, such dedication is necessary. In the event that the natural watercourse does not lie entirely within such dedication, the subdivider may either construct an adequate channel within such dedication and/or delineate the watercourse upon the final map or parcel map to the City's satisfaction.

9.07.070.150 - Reversions to acreage.

Dedication of land for public streets, highways, ways or easements may be accepted on a final map submitted for the purpose of reverting to acreage land previously subdivided.

9.07.070.170 - Conveyance to governmental agency.

A. Owners of property proposing subdivisions created by any conveyance to a governmental agency or public entity shall notify the city planner in writing of such proposals at least 30 days prior to the conveyance.

B. A subdivision map may be required by the city council for such a conveyance when a showing is made upon substantial evidence, submitted by the city planner or city engineer, that the public policy necessitates the map.

CHAPTER INDEX:

9.07.080.010 - Requirements generally.
9.07.080.020 - Agreement to guarantee completion - Required when.
9.07.080.030 - Installation and construction costs.
9.07.080.050 - Minor land divisions - Requirements.
9.07.080.070 - Road improvements.
9.07.080.090 - Paving for access strips.
9.07.080.100 - Improvements other than highways and street lights.
9.07.080.110 - Water mains. appurtenances and fire hydrants.
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9.07.080.010 - Requirements generally.

A. The subdivider shall improve, or agree to improve, all land dedicated or to be dedicated on a final map or parcel map, or by separate instrument, for roads and easements, and all private roads and private easements laid out on a final map or parcel map, with those improvements, including sanitary sewers, needed for the general use of the lot owners in the division of land and for neighborhood traffic and drainage.

B. This section does not require improvements to flood-control channels, which improvements are not solely for the benefit of the division of land.

9.07.080.020 - Agreement to guarantee completion - Required when.

A. If any required improvements will not be completed to the satisfaction of the city engineer before the final map is filed, the subdivider shall, prior to the approval by the city council of the final map, enter as contractor into an agreement with the City of Bradbury whereby, in consideration of the acceptance by the city council of any dedication offered on the final map and the approval of the final map, the subdivider, as such contractor, agrees to furnish all necessary equipment and material and to complete such work within the time specified in such agreement.

B. If any improvements are not completed to the satisfaction of the city engineer before the parcel map is filed with the county recorder, the subdivider shall enter as a contractor into an agreement with the City of Bradbury whereby, in consideration the acceptance by the City of Bradbury of any dedications offered by the subdivider and the approval of the parcel map by the city council, the subdivider, as such contractor, agrees to furnish all necessary equipment and material and to complete such work within the time specified in such agreement.

9.07.080.030 - Installation and construction costs.

A. The cost of installing pipes and other facilities for the transmission of water may be paid for in whole or in part from revenues collected from the customers served at regular, established water rates for the water company pursuant to regulations of the public utilities commission where applicable, or by a public agency, as defined in Section 4401 of the California Government Code, from the net operating income only, as payment for the sales of water thereto.

B. The subdivider may be reimbursed for a portion of the costs as provided in Sections 66486 and 66487 of the Subdivision Map Act, or other reimbursement enabling acts.

C. Except for assessments authorized after tentative map approval for the financing and completion of improvements required of the subdivider, all outstanding or remaining assessments on the land of the subdivision established for improvements contracted under special assessment district proceedings shall be paid by the subdivider.

9.07.080.050 - Minor land divisions - Requirements.

Improvements shall not be required as a condition precedent to filing a parcel map on a minor land division where the advisory agency finds that the existing systems and improvements adequately serve adjacent developed parcels, unless such improvements are necessary for the development of parcels within the division of land or are necessary to be consistent with the general plan.

9.07.080.070 - Road improvements.

A. All road improvements, including drainage structures incidental thereto and including two-foot cement concrete gutters wherever cement concrete curb is required, shall be installed to a grade approved by the city engineer. Plans, profiles and specifications for such improvements shall be furnished to the city engineer not later than the time of submitting the final map or parcel map to the city engineer for checking, and such plans, profiles and specifications shall be subject to the approval of the city engineer before any such map shall be approved or certified. Such plans, profiles and improvements shall be in accordance with the standards of the County of Los Angeles as adopted by the city council of the City of Bradbury.

B. The city council may approve an inverted shoulder in lieu of concrete curbs and gutters, provided that curbs and gutters are not necessary for drainage purposes or to maintain an existing neighborhood pattern.

9.07.080.090 - Paving for access strips.

A. The city council may require that single-access strips for flag lots be paved to a width of 15 feet or to full width, whichever is less, and that multiple-access strips be paved to a total width of 20 feet or to the full combined width of the access strips, whichever is less, with asphaltic concrete or Portland cement concrete.

B. Such surfacing shall be installed in accordance with the specifications for drive-way paving contained in the Development Code.

C. The city council may provide that a subdivider may submit a letter agreeing to the installation of such improvements in lieu of entering into an improvement agreement pursuant to the provisions of Section 9.07.080.020.

9.07.080.100 - Improvements other than highways and street lights.

In the event that fences, walls, water mains, sanitary sewers, other means of sewage disposal, or storm drains (other than structures incidental to road improvement) are installed or are to be installed as a part of the improvement of a division of land, plans, profiles, specifications and all necessary details of the proposed construction shall be submitted to the city engineer not later than the time of submitting the final map or parcel map for checking, and shall be subject to final approval by the city engineer before such final map shall be transmitted to the city council for approval, or before the parcel map shall be transmitted for filing with the county recorder. Such plans, profiles and specifications shall show full details of the proposed improvement, which shall conform to the standards of the City of Bradbury. Plans for sanitary sewers shall comply with the Sanitary Sewer and Industrial Waste Ordinance, set out in Division 2 of Title 20 of the Los Angeles County Code, adopted by reference. Plans for other methods of sewage disposal shall comply with Title 28 of the Los Angeles County Plumbing Code, adopted by reference. Plans for water mains and fire hydrants shall comply with Section 9.07.080.110.

9.07.080.110 - Water mains, appurtenances and fire hydrants.

A. The subdivider shall install, or agree to install, water mains and fire hydrants adequate for the domestic demands and general use of the lot owners and for fire protection to the division of land. This section shall not apply where all lots on the division of land map contain a minimum net area of five acres, and the area is within a single family residential or agricultural zone.

B. The water mains, appurtenances and fire hydrants required by this section shall comply in all respects with all statutes, ordinances, rules and regulations applicable at the time of installation. Such water mains, appurtenances and fire hydrants also shall be designed and constructed to deliver the fire flow and domestic water demands as determined by the Los Angeles County forester and fire warden pursuant to the specifications of service, design and construction set out in Division I of Title 20 of the Los Angeles County Code, adopted by reference.

9.07.080.120 - Supplemental sewer or drainage improvements.

Sanitary sewer or drainage improvements installed by the subdivider for the benefit of the division of land may be required to contain supplemental size, capacity, length, depth or number, or to be altered in location, for the benefit of property not within the division of land in order to facilitate the orderly development of the surrounding area in a manner consistent with the policies of the general plan. Such improvements shall be dedicated to the public. The city council shall enter into an agreement to provide for the payment of reimbursement to the subdivider and the collection of charges from the property benefited by the supplemental improvements, in conformance with applicable state laws.

9.07.080.130 - Fences for watercourses or drainage facilities.

If, by reason of the location, shape, slope, width, depth, velocity of water therein, or other characteristics of a watercourse or drainage facility on a dedicated easement the proposed development of the division of land makes necessary the fencing of such watercourse or drainage facility, and the advisory agency so finds, the subdivider shall improve such watercourse or drainage facility with a chain-link fence or equal, not less than five feet high. Such fence shall be provided with an adequate number of gates to permit access for cleaning and maintenance. There shall be no apertures below the fence large enough to permit a child to crawl under such fence. If any portion of the channel of such watercourse, or drainage facility encroaches any portion of the boundary of the division of land, the subdivider shall fence the side of such portion which is within the division of land. All other portions within the division of land shall be fenced on both sides of such watercourse, or drainage facility.

9.07.080.140 - Street lighting - Required when.

Except as otherwise provided in this Title 7, the subdivider shall provide a street-lighting system in each division of land. Plans for street lights shall be submitted to the city engineer in accordance with the Los Angeles County Highway Permit Ordinance set out in Division 1 of Title 16 of said County code, adopted by reference.

9.07.080.150 - Street lighting - Not required when.

The requirement for street lighting systems as provided in Section 9.07.080.140 may be waived if the city council finds that street lights will not be in keeping with the neighborhood pattern, or all lots in the division of land contain a net area of not less than 40,000 square feet and street lights are not necessary to serve such lots so as to maintain the continuity of an established neighborhood street-lighting pattern.

9.07.080.160 - Street tree planting.

Except as otherwise provided in this section. a subdivider shall plant trees along the frontage of all lots shown on a final map or parcel map. The number. species, and location of such trees shall be as specified in an approved tree preservation and planting plan.

A. A Tree Preservation and Planting Plan, at a scale of at least 1 inch equals 100 feet, showing:

All existing prominent and/or significant trees, and
All prominent and/or significant trees to be

planted shall be submitted to the city council for approval in connection with subdivision or lot-split applications. The Tree Preservation Plan shall describe the genus and species of all existing prominent and/or significant trees, and shall provide justification for any tree to be removed or relocated during grading or construction of the subdivision or lot split. Mitigation by replanting of any prominent and/or significant trees to be removed requires approval from the city council of the City of Bradbury which body shall determine size, quantity and locations of all such trees to be planted.

B. The city council, in considering a tentative tract map, for a subdivision or lot split, shall review the Tree Preservation and Planting Plans. The Tree Preservation and Planting Plans shall be subject to the approval of the planning commission, and are appealable to the city council. The planning commission or the city council, on review, may impose such conditions including bonds as are necessary to ensure that the Tree Preservation and Planting Plans are undertaken and completed to the satisfaction of the City of Bradbury.

9.07.080.180 - Sidewalks - Required when.

Except as otherwise provided in this Title 7, the subdivider shall, as part of the improvement of the street or highway, install sidewalks not less than four feet wide, to the satisfaction of the city council.

9.07.080.190 - Sidewalks - Not required when.

The construction of sidewalks is not required where any one or more of the following conditions exist and the city council so finds:

A. Where all lots in the division of land contain a net area of not less than 20,000 square feet or have an average width of not less than 100 feet, except where sidewalks are necessary to serve such lots so as to maintain the continuity of the established neighborhood sidewalk pattern;

B. The construction of sidewalks would be impractical because of topographical conditions or because of other physical obstacles;

C. Sidewalks will not be in keeping with the neighborhood pattern;

D. Sidewalks are not needed in, and will not benefit the area.

9.07.080.200 - Fees for drainage facilities.

A. A subdivider, as a condition of approval of a final map for property depicted within an adopted drainage plan, shall pay the fee as specified in the plan to defray the cost of constructing local drainage facilities serving the drainage area.

B. Definitions:

1. Construction includes preliminary studies, design, acquisition of right-of-way, administration of construction contracts, actual construction and incidental costs related thereto.
2. Local drainage facilities means those facilities, such as but not limited to dams, retention basins, detention basins, debris basins, spreading grounds, injection wells, observation wells, pressure-reduction facilities, headworks, drains, tunnels, conduits, culverts, washes, swales, floodways, flow paths and channels, for the removal of surface and storm waters from local drainage areas which are described in an adopted drainage plan.
3. Drainage plan means a plan adopted by the board of supervisors and incorporated hereinafter for a particular drainage area pursuant to Government Code Section 66483.
4. The singular number includes the plural, and the plural includes the singular.

C. The local drainage facilities shall be in addition to any existing drainage facilities serving the area at the time of the adoption of such a plan for the area.

D. Action to establish a drainage plan may be initiated by the board of supervisors upon its own motion or upon the recommendation of the director of public works.

E. Fees paid pursuant to this section shall be deposited in a planned local drainage facility fund and interest earned by the deposits shall also be distributed and deposited to the fund. A fund shall be established for each planned local

drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the facilities serving the area and from which the fees comprising the fund were collected, or to reimburse the county for the costs of constructing the facilities.

F. The board of supervisors may approve the acceptance of consideration in lieu of the payment of the fee established herein.

G. The board of supervisors may approve the advancement of money from the general fund to pay the costs of constructing the facilities covered herein and may reimburse the general fund for such advances from local drainage facilities funds established pursuant to this section.

H. If a subdivider, as a condition of approval of a subdivision, is required or desires to construct a local drainage facility, the board of supervisors may enter into a reimbursement agreement with the subdivider. Such agreement may provide for payments to the subdivider from the fund covering that specific facility to reimburse the subdivider for costs not allocated to the subdivider's property in the resolution establishing area. If the fund covers more than one facility, reimbursements shall be made on a pro-rata basis reflecting the actual or estimated costs of the facilities covered by the fund.

Chapter 9.07.090 - Bonds and Deposits

CHAPTER INDEX:

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9.07.090.010 - Deposits for plan check, inspection and/or review of final clearance documents.

Before commencing any improvement or requesting the issuance of a final clearance, the subdivider shall deposit:

A. With the City, a sum estimated by the city engineer to cover the actual cost of plan checking and inspection of all improvements under his jurisdiction and a sum estimated by the city engineer to cover the actual cost of reviewing documents for the issuance of a final clearance for compliance with tentative map conditions under his jurisdiction. This section shall not affect the requirements for deposits or fees as may be prescribed in any other ordinance. This subsection applies to all tract maps, parcel maps, waivers, or certificates of compliance processed by the city engineer;

B. With the City, a sum estimated by the city engineer to cover the actual cost of inspection of all highway improvements, including drainage structures incidental thereto.

9.07.090.020 - Inspection deposit requirements generally.

In lieu of making the special deposit required for the cost of inspection of improvements by the city engineer, the subdivider may make and maintain with the city engineer a general deposit, in an amount not less than $1,000.00, determined by the city engineer to be sufficient to protect the City's interest. The general deposit shall be held and used for the same purposes

as the special deposit for the cost of inspection of improvements by the city engineer.

9.07.090.040 - Plan check and inspection deposits - Payment of deficiencies.

If any deposit made pursuant to either Section 9.07.090.010 or Section 9.07.090.020 is less than sufficient to pay all of the costs of plan checking or inspection, the subdivider, upon demand of the city engineer, shall pay to the city official making the demand an amount equal to the deficiency. If the subdivider fails or refuses to pay such deficiency upon demand, the City may recover the same by action in any court of competent jurisdiction. Until such deficiency is paid in full the improvement shall be considered uncompleted.

9.07.090.050 - Improvement agreement - Faithful performance bond requirements.

The agreement referred to in Chapter 9.07.080 shall be accompanied a faithful performance bond guaranteeing the faithful performance of all work, the inspection of which is the duty of the city engineer, in a penal sum which, in the opinion of the city engineer equals the cost thereof, except for monumentation work. In the case of monumentation, the agreement shall be

accompanied by money, negotiable bonds, savings and loan shares, or instruments of credit guaranteeing the faithful performance of the work.

9.07.090.060 - Water main installation - Exemptions to bond requirements.

If the subdivider shows to the satisfaction of the city engineer that he has entered into a contract with a water utility to construct water mains as required by this Title 7, which contract makes the City of Bradbury a party thereto and provides that such contract may not be modified or rescinded without the consent of the City except as required by the Public Utilities Commission, and has deposited with such water utility security for the payment of such water utility which the city engineer finds adequate, the subdivider need not accompany his agreement to install such water mains with a faithful performance bond or a labor and materials bond. The city manager is hereby authorized to execute said contract on behalf of the City of Bradbury.

9.07.090.070 - Improvement agreement - Amounts.

Improvement security shall be for the following amounts unless otherwise stated in this Title 7:

A. An amount estimated by the City to be equal to the cost of improvements covered by the security, guaranteeing the faithful performance of the improvement work, plus an amount equal to the cost of inspecting the improvement work; plus an amount estimated by the City to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

B. An amount estimated by the City to be equal to 50 percent of the cost of the improvements covered by the security, securing payment to contractors and subcontractors and to all persons renting equipment or furnishing labor or materials to them.

9.07.090.080 - Companies authorized to furnish bonds. Conditions.

All tax bonds furnished under authority of the Subdivision Map Act, and all faithful performance bonds referred to in this chapter shall be:

A. Furnished by a surety company authorized to write the same in the State of California; and

B. Subject to the approval and acceptance by the Clerk of the City of Bradbury.

9.07.090.090 - Security for deferred setting of monuments.

The agreement referred to in Section 9.07.050.070 shall be accompanied by money, negotiable bonds, savings and loan shares, or instruments of credit in a penal sum which, in the opinion of the city engineer, equals the cost of setting such monuments, guaranteeing the faithful performance of all such work of setting monuments and furnishing notes, and in every respect complying with such agreement. A labor and materials security shall not be required.

9.07.090.100 - Special assessment security.

The security required for unpaid special assessments by Section 664938 of the Subdivision Map Act shall be money, negotiable bonds, savings and loan shares or instruments of credit, and shall comply with Section 9.07.090.110.

9.07.090.110 - Alternatives to faithful performance bond described - Procedures.

In lieu of any faithful performance bond required by this chapter, including the bond required by Sections 9.07.090.090 and 9.07.090.100, the subdivider may deposit with the city engineer, on behalf of the City Council, a sum of money or negotiable bonds, or savings and loan certificates or shares equal to the required amount of the improvement security for the faithful performance thereof. If the subdivider deposits savings and loan certificates or shares, he also shall assign such certificates and shares to the City of Bradbury and such deposit and assignment shall be subject to all of the provisions and conditions of this code. Instruments of credit, pursuant to Section 66499(a)(3) of the Subdivision Map Act, may also be furnished in lieu of any faithful performance security required by this chapter.

9.07.090.120 - Reduction in bond or deposit on portion of work completed.

A. When any portion of an improvement has actually been fully completed, the city engineer

may, in his discretion, authorize from time to time a reduction in the bonds or instruments of credit, or a partial withdrawal of funds, or a partial reassignment and withdrawal of savings and loan certificates or shares, which bonds, instruments of credit, funds, certificates or shares were deposited in lieu of a faithful performance bond required by this chapter, equal to the estimated cost of such completed portion.

B. This section does not authorize a reduction or withdrawal for partial completion of any or all of such improvement.

9.07.090.130 - Refunds.

The City shall refund unused deposits, as provided in this Code, on water and sewers, respectively. In all cases not covered by sections of this Code, if the actual cost of inspection is less than the amount deposited, the City shall refund to the applicant any amount still remaining in the same manner as provided by law for the repayment of trust moneys.

9.07.090.140 - Forfeiture on failure to complete.

Upon the failure of a subdivider to complete any improvement within the time specified in an agreement, the city engineer and/or the city manager may, upon notice in writing of not less than 10 days, served upon the person, firm or corporation signing such contract, or upon notice in writing of not less than 20 days served by certified mail addressed to the last known address of the person, firm or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted, and may cause to be forfeited to the City such portion of said sum of money or bonds given for the faithful performance of said work, or may cash any savings and loan certificates or shares deposited and assigned to assure faithful performance of said work in such amount as may be necessary to complete such improvement work. The city attorney shall take legal action required for the enforcement of subdivision improvement agreements when directed to do so by the city council.

9.07.090.150 - Delegation of authority.

A. The city council hereby delegates to the city manager the authority to extend the time for completion of the improvement, and accept the completed work and release improvement agreements, and accept, reduce the securities amount, exonerate and forfeit securities posted for the installation of improvements required for tract and parcel maps. The city council further delegates to the city manager the authority to declare in default any agreement submitted to guarantee the performance of any act relating to tract and/or parcel maps.

B. The city engineer shall, on behalf of the City of Bradbury, approve work that has been satisfactorily completed in accordance with the appropriate plans and specifications and/or any agreement submitted pursuant to Section 9.07.080.020. He shall also accept for public use, as appropriate, all subdivision improvements constructed as part of said work.

Chapter 9.07.100 - Vesting Tentative Map

CHAPTER INDEX:

9.07.100.010 - Application.
9.07.100.020 - Processing.
9.07.100.030 - Fees required.
9.07.100.040 - Additional contents.
9.07.100.050 - Expiration.
9.07.100.060 - Vesting on approval of vesting tentative map.

9.07.100.010 - Application.

When a provision of this Title 7 or the Zoning Code requires the filing of a tentative tract map or a tentative minor land division map, as defined in this Title 7, the subdivider may instead file a vesting tentative map in accordance with the provisions of this Title 7. The filing of a vesting tentative map is at the exclusive option of the subdivider and shall not be a prerequisite to any proposed subdivision or an application for development.

9.07.100.020 - Processing.

A vesting tentative map shall be filed in the same form, possess the same contents and be processed in the same manner as a tentative tract map or a tentative minor land division map whichever is applicable, including, but not limited to criteria for rejection, dedications and the imposition of conditions, except as hereinafter provided.

9.07.100.030 - Fees required.

Upon filing a vesting tentative map, the subdivider shall pay the filing fee required for the filing of a tentative tract map.

9.07.100.040 - Additional contents.

At the time a vesting tentative map is filed, it shall contain on its face in a conspicuous manner the words "Vesting Tentative Map". The subdivider shall provide the information and documents required in Sections 9.07.110.040, 9.07.130.040 and 9.07.130.050.

9.07.100.050 - Expiration.

An approved or conditionally approved vesting tentative map for a tract or for a minor land division shall be effective for the periods of time as provided for in Sections 9.07.110.180 and 9.07.130.120, respectively, of this Title 7.

9.07.100.060 - Vesting on approval of vesting tentative map.

A. The approval or conditional approval of a vesting tentative map by the city council shall establish a vested right to proceed with applicable ordinances and general and specific plans in effect at the date the accompanying application is deemed complete, pursuant to Government Code Section 65943 in accordance with Sections 66474.2 and 66498.1 of said Government Code.

B. Notwithstanding the above provisions, a permit approval, time extension and/or entitlement may be made conditioned or denied if any of the following are determined by the city council:

1. 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
2. The condition or denial is required in order to comply with the mandates of either state or federal law.

C. The vested rights created herein by the approval or conditional approval of a vesting tentative map shall lapse, expire and be of no force and effect if the final map, parcel map or grant of waiver is not approved by the city council prior to the time limits set forth in Section 9.07.100.050. If a final map, parcel map or grant of waiver is approved in compliance with said Section, these vested rights shall be effective for an initial period of not to exceed one year

thereafter. Prior to the expiration of the initial one year period, the subdivider may apply for an additional one-year extension of the period of the vested right to the city council.

D. Where several final maps, parcel maps or grants of waiver are recorded on various phases of a development project covered by a single vesting tentative map, the aforesaid one-year time period shall run for each phase when the final map, parcel map or grant of waiver for that phase is recorded. The subdivider may file for a one-year extension as provided for in Subsection C.

E. Where a complete application for a building permit is submitted by the subdivider within the time periods set forth above and said permit is properly issued, the vested rights conferred by this chapter shall continue in full force and effect until the expiration of that permit, or any valid extension of the permit which may be granted by the building and safety department.

F. The precise amount of fees required to be paid as a condition precedent to recording a map and/or completing a development shall be the amount in effect at the time of payment of fee.

Chapter 9.07.110 - Tentative Maps

CHAPTER INDEX:

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9.07.110.010 - Preparation and processing.

The preparation and processing of tentative minor land division maps shall be carried out in accordance with the provisions of Chapter 9.07.130. All other tentative maps shall be prepared and processed in accordance with this Chapter.

9.07.110.020 - Submission for approval required when.

A tentative map shall be submitted to the planning commission and city council and approved in accordance with the provisions of the Subdivision Map Act and of this Title 7 prior to the submission for approval of a parcel map or final map of a subdivision or of a reversion to acreage of land previously subdivided, for approval by the city council.

9.07.110.025 - Los Angeles County Flood Control District to act as consultant.

A. The Los Angeles County Flood Control District may act as a consultant to the City of Bradbury engineering department and consider all applications for a subdivision relating to flood control and flood hazard identification, avoidance and mitigation in all areas delineated on maps furnished to the City.

B. The District shall provide the City with a series of maps delineating areas subject to flood, mud and debris hazards. The maps shall be prepared by the District, shall be based upon the best currently available information.

C. The subdivision committee shall consult with the District with respect to such application affecting property in the hazard areas delineated on the maps.

D. The District shall prepare written reports of its examination of each application affecting property in the hazard areas delineated on the maps.

E. The reports shall be considered by the planning commission and city council in acting upon the applications. Actions upon the applications shall be supported in writing.

9.07.110.030 - Preparation by civil engineer or surveyor.

A tentative final map shall be prepared by a registered civil engineer or licensed surveyor.

9.07.110.040 - Contents - Information and documents required.

A. The tentative map shall show and contain, or be accompanied by, the following matters as an

aid to the planning commission and city council in its consideration of the design of the division land:

1. The map number;
2. Sufficient legal description of the land as to define the boundaries of the proposed division of land;
3. Name and address of the subdivider and of the registered civil engineer or licensed surveyor who prepared the tentative map;
4. The locations, names and existing widths of all adjoining highways, streets or ways, whether public or private;
5. The width and approximate grades of all streets and ways within such proposed division of land and indicate whether such streets or ways are to be public or privately owned and maintained;
6. The size, approximate locations, and purpose of all existing and proposed easements, whether public or private, including but not limited to those for roads, drainage, sewage disposal, fire fighting access and public utility purposes. The subdivider or his agent shall certify by an affidavit or by a declaration made under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure that all existing easements of record are shown on the tentative map;
7. Approximate radius of all curves;
8. The approximate lot layout and the approximate dimensions of each lot;
9. Approximate locations of all areas subject to inundation or storm water overflow, mud and debris hazards, and the locations, widths and directions of flow of all watercourses;
10. Source of water supply;
11. Proposed method of sewage disposal. Where public sewers are not available and where private sewage disposal systems will be utilized, the results of percolation tests shall be submitted in accordance with the recommendations of the health officer. The location of any existing sewage disposal system which is proposed to remain in the division of land shall be shown on the tentative map;
12. The proposed use of the property, including the number and classification of dwelling units to be permitted on each of the lots:
13. Proposed public areas, if any;
14. Approximate contours at sufficient intervals to determine existing topography and all proposed grading. Proposed grading shall be shown in a manner that feasibility of compliance with grading ordinance requirements of Title 26 of the Los Angeles County Code, adopted by reference and Chapter 9.06.020, et. seq., of this Code can be determined;
15. Date, North point and scale;
16. Number for each lot;
17. A Tree Preservation and Planting Plan of sufficient detail and scale to clearly show the proposed subdivision, including all necessary improvements to develop the property to the maximum extent permitted by the entitlements being sought, including, but not limited to, grading, building pad, location, streets and ways, water courses, drainage channels, excavations, or any other physical improvement will feasibly comply with the Tree Preservation and landscaping requirements specified in Chapter 9.06.090 and hillside development standards specified in Chapter 9.06.020 of this Code;
18. Approximate location and outline to scale of each existing building or structure. Any structure that will be removed or relocated in the development of the division of land shall be so noted;
19. Each street shown by its actual street name or by temporary name or letter for purposes of identification until the proper name of such street is determined;
20. A geological report to determine whether the property to be divided is subject to an existing or potential geological hazard, and/or a written report stating how the geological conditions will affect the proposed development shall be submitted whenever required by the city engineer. The report shall be prepared by an

engineering geologist certified by the State Board of Registration for Geologists of the state of California;

21. A written statement by the registered civil engineer or land surveyor as to whether or not said person will set boundary monuments prior to filing with the county recorder of the final map;
22. A statement of the existing zoning and, if a zone change is proposed, the requested zoning for all real property within the division of land;
23. A vicinity map showing the location of the division in relating to the nearest existing cross streets;
24. Three prints of the most recent assessor Map Book page or pages covering the proposed division of land;
25. Existing and proposed fire flow (hydrants) to serve each of the proposed lots.
26. Any environmental information or studies required by the California Environmental Quality Act of 1972 (CEQA) as amended. An environmental checklist and evaluation shall be conducted to assess CEQA requirements.
27 Such other information deemed necessary by the subdivision committee to properly evaluate the application.

B. If, in the opinion of city staff, it is impossible or impracticable to place upon the tentative map any matter required by this section, such information shall be submitted with the map.

9.07.110.050 - Map number.

The county engineer shall assign map numbers for tentative, final and parcel maps. Before submitting a tentative map, the registered civil engineer or licensed surveyor shall obtain a map number from the county engineer.

9.07.110.060 - Size and scale.

Each tentative map shall be eighteen inches by twenty-six inches and shall be drawn to such scale as to clearly show the details of the plan thereon. Wherever practicable, such scale shall be a scale of one inch to 100 feet.

9.07.110.070 - Identity of subdivider.

When a tentative map is submitted, the subdivider shall show any of the following:

A. That he is the owner of the property shown on the map as proposed for the division of land.

B. That he has an option or contract to purchase the property for that portion of which he is not the owner.

C. That he is the authorized agent of one who can comply with the requirements of Subsection A or B of this section.

9.07.110.080 - Soils report.

A. The subdivider shall submit a preliminary soils report with each tentative map when required by the city engineer.

B. The report shall be prepared by a registered civil engineer and be based upon adequate test borings or excavations.

9.07.110.110 - Matters required to complete submittal and filing.

A. For a tentative map to be deemed submitted and filed, the following matters must be completed and received;

1. All documentation required by the city planner or city engineer for the preparation of the environmental assessment and compliance with CEQA requirements;
2. The matters required by Sections 9.07.110.040, 9.07.130.040 and 9.07.130.050; and
3. An application fee in an amount set by resolution of the city council.

B. The time periods specified in Section 9.07.130.080 and Section 66452.1 of the Subdivision Map Act shall not commence until the tentative map submission and filing have been deemed complete.

9.07.110.120 - Access to property.

The city council may require as a condition of

approval of a tentative map that the subdivider

produce evidence that the property as divided will have access to a public or private street.

9.07.110.140 - Submission of copies.

The subdivider shall submit to the City as many copies of a tentative map and application documents as are required by the subdivision committee.

9.07.110.150 - Distribution of copies.

Upon the submission to the City of a tentative map and the requisite number of copies thereof, the City shall transmit copies thereof to members of the subdivision committee as listed in Section 9.07.030.010 and to other agencies having an interest in the proposed division of land.

9.07.110.170 - Rejection where use prohibited.

The city council may reject a tentative map if the only practical use which can be made of the property as proposed to be divided is a use prohibited by any ordinance, statute, law, or other valid regulation.

9.07.110.180 - Duration of approval - Extensions.

A. The approval of a tentative map shall be effective for a period of two years.

The city council may grant one or more extensions to the terms of approval of a tentative map. Each extension shall be for no more than one year and the sum of such extensions shall not exceed three years. The subdivider shall submit a written request to the city council for such extension at least thirty (30) days before expiration of the map.

Chapter 9.07.120 - Final Maps and Parcel Maps

Parts:

1. General Requirements
2. Mapping Specifications

Part 1 -GENERAL REQUIREMENTS

CHAPTER INDEX:

9.07.120.010 - Separated parcels - Restrictions.
9.07.120.020 - Evidence of title.
9.07.120.030 - Prints - Number required - Distribution.
9.07.120.040 - Reports to city engineer.
9.07.120.050 - Matters required for submittal.
9.07.120.060 - Filing fees - Payment, deposit, use and refund conditions.
9.07.120.070 - Street improvement plan checking fees.
9.07.120.075 - Street lighting plan checking fees.
9.07.120.080 - Parcel or tract map processing fees.

9.07.120.010 - Separated parcels - Restrictions.

No land shall be divided on any single map when such land is separated or divided into two or more parcels or portions by any parcel of land other than a street, alley, railroad right-of-way, public utility right-of-way, or flood control right-of-way, and when such land is so separated, each parcel or portion thereof, if divided, shall be divided as a separate parcel and shown on a separate map.

9.07.120.020 - Evidence of title.

The evidence of title required by Section 66465 of the Subdivision Map Act shall be a certificate of title or a policy of title insurance issued by a title company authorized by the laws of the state of California to write the same, showing the names of all persons having any record title interest in the land to be subdivided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on such final map of land, said certificate of title or policy of title insurance shall be issued for the benefit and protection of the City of Bradbury. Such certificate or policy shall be dated and delivered upon request of the city engineer when such final map is ready for recordation.

9.07.120.030 - Prints - Number required - Distribution.

Upon the submission of a final map or parcel map to

the city engineer, it shall be accompanied by as many

prints thereof as may be required by the city engineer, who shall transmit them to the members of the subdivision committee and affected agency.

9.07.120.040 - Reports to city engineer.

Each officer or agency, within 15 days after the receipt of a print of a final or parcel map, shall report in writing to the city engineer as to the compliance or noncompliance of such map with law as to the matters coming under his or its jurisdiction, together with a statement of the changes necessary thereon to cause such map to comply with the law.

9.07.120.050 - Matters required for submittal.

At the time of submittal of the final tract map or parcel map, or prints thereof, the following

matters shall be submitted to the city engineer as an aid in the processing of the final maps:

A. Complete copies of all deeds referenced on the map or required for the interpretation of deeds referenced on the map.

B. Complete copies of all field-book pages referenced on the map.

C. Complete copies of all other documents and information referenced on the map.

D. Mathematical traverses, in a form acceptable to the city engineer, of the boundary of the division of land, block boundaries, not-a-part areas, centerline loops, and each lot or parcel shown on the map;

A print of the most recent assessor Map Book page or pages covering the proposed division of land.

9.07.120.060 - Filing fees - Payment, deposit, use and refund conditions.

A. Upon the submission of a final map or parcel map, the subdivider shall deposit with the City a sum of money equal to the amount required by law for the filing of such map, which money shall be deposited for that purpose, and upon the filing of such map in the office of the county recorder, such money shall be used by the city engineer in payment of the fee for the filing of such map. Such fees shall be set by resolution of the city council.

B. In the event that the subdivider abandons his intention to cause such map to be filed, and so notifies the city engineer of such fact in writing, any unused portion of such money shall be returned to the subdivider who deposited the same.

9.07.120.070 - Street improvement plan checking fees.

Where the city engineer is required to check street improvement plans for a parcel or tract map under the provisions of the Subdivision Map Act, the subdivider shall pay a plan checking fee to the City in addition to all other fees and charges required by law. These fees, payable upon submission or resubmission of the plans for checking by the city engineer, shall be set by resolution of the city council.

9.07.120.075 - Street lighting plan checking fees.

Where plans for a street lighting system are required to be submitted to the city engineer for a parcel or tract map under the provisions of the Subdivision Map Act, the subdivider shall pay a plan checking fee to the City in addition to all other fees required by law. These fees, payable upon submission of plans for checking to the city engineer shall be set by resolution of the city council.

9.07.120.080 - Parcel or tract map processing fees.

Where the city engineer processes a parcel map, tract map, waiver, or certificate of compliance under the provisions of the Subdivision Map Act, the subdivider shall pay a processing fee to the City in addition to all other fees and charges required by law. This fee, payable upon submission of the final parcel map, tract map, waiver or certificate of compliance, or a print thereof, for review by the city engineer or determination of compliance with Section 66492 of the Subdivision Map Act by the City shall be set by city council resolution.

Part 2 - MAPPING SPECIFICATIONS

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9.07.120.100 - Title sheet - Contents.
9.07.120.110 - Reversion to acreage – Title Sheet information.
9.07.120.120 - Boundary lines for divisions of land.
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9.07.120.140 - Orientation of map and map sheets.
9.07.120.150 - Title, scale, north point, number and cross references.
9.07.120.160 - Block designation.
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9.07.120.270 - Easements - Widths and ties.
9.07.120.280 - Easements - Bearings on lot lines.
9.07.120.290 - Easements - Notes and figures.
9.07.120.300 - Easements - Dedication.
9.07.120.310 - Land subject to overflow, ponding or high groundwater.
9.07.120.320 - Land subject to flood hazard, inundation, or geological hazard.
9.07.120.330 - Flood-hazard area, floodway or natural watercourse designation.

9.07.120.100 - Title sheet - Contents.

A. The title sheet of each map shall contain a title consisting of the words "Tract No." and the number of the division of land on a final map, or the words "Parcel Map No." and the number of division of land on a parcel map: also the words "in the City of Bradbury". Also, except as provided in Section 9.07.120.110 of this chapter, a subtitle consisting of a description of all the property being divided, by reference to such map or maps of the property shown thereon, as shall have been previously filed or recorded in the office of the county recorder or shall have been previously filed with the county clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the county recorder under authority of Division 3 of Title 7 of the Government Code or by reference to the plat of any United States survey. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the county recorder.

B. Each reference in such description to any division of land shall be spelled out and worded identically with the original record thereof and must show a complete reference to the book and page of records of the county.

C. Upon such title sheet the certificate of the surveyor or engineer referred to in Section 66449 or 66441 of the Subdivision Map Act shall appear. Also upon such title sheet, or upon at least one map sheet, shall appear the basis of bearings, making reference to a recorded subdivision map, county surveyors map or other record acceptable to the city engineer, or to a solar or polaris observation.

D. Pursuant to Sections 66434 and 66445 of the Subdivision Map Act, certificates, affidavits and acknowledgments may be legibly stamped or printed upon the title sheet of the final map or parcel map with

opaque ink. All stamped or written matter, including signatures, shall be so made with opaque ink that legible blue-line prints may be obtained therefrom.

9.07.120.110 - Reversion to acreage - Title sheet information.

A. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A Reversion to Acreage of..... (insert a legal description of the land being reverted).

B. A parcel map may be used to revert to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership.

9.07.120.120 - Boundary lines for divisions of land.

The boundary line of a division of land shall be indicated by a distinctive symbol applied on the front side of the tracing and inside such boundary line. Such symbol shall be of such density as to be transferred to a blue-line print of such map and not to obliterate any line, figure or other data appearing on such map.

9.07.120.130 - Evidence determining boundaries.

On each final map shall be fully and clearly shown and identified such stakes, monuments or other evidence determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining divisions of land, by lot and block number, subdivision name or number and place of filing, or by section, township and range, or other proper designation as may be necessary to locate precisely the limits of the subdivision.

The city engineer may require that a field survey be performed in order to establish the boundary of any parcel map and shall examine such survey for compliance with the Subdivision Map Act and the Land Surveyor's Act.

9.07.120.140 - Orientation of map and map sheets.

The map on each sheet and the lettering thereon shall be so oriented that, with the North point direction away from the reader, the map may be read most conveniently from the bottom or lower right comer of such sheet, the binding edge to be at the left and lengthwise of the sheet, keeping in mind that the sheets are always on the right page of the map book, the left page being always blank.

9.07.120.150 - Title, scale, north point number and cross references.

Each sheet of a final map or parcel map, excepting the title sheet or sheets thereof, shall bear the main title of the map, the scale of the map, North point and sheet number, together with a designation of the relation, if any, between each sheet and each other sheet thereof.

9.07.120.160 - Block designation.

In the event that the subdivider elects to number or letter the blocks in any division of land, all blocks therein shall be numbered or lettered in numerical or alphabetical order, respectively, commencing with the numeral "1" or the letter "A" and continuing without omission or duplication. Such numbers or letters shall be solid and of sufficient size and thickness as to be conspicuous on the map, and shall be so placed as not to obliterate any Figure. dimension or course. and shall not be enclosed in any circle or other design. Except where necessitated by a scale sufficiently large to show all details clearly, no block shall be divided between two or more sheets.

9.07.120.170 - Lot numbers.

In the event that the blocks of any division of land are numbered or lettered, the lots in each block therein shall be numbered beginning with the numeral " 1" and continuing without omission or duplication in any such block. Otherwise, the lots shall be numbered beginning with the numeral "1" and continuing without omission or duplication throughout the entire division of land. No prefix or suffix nor combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.

9.07.120.180 - Bearings and lengths of lines.

The bearing and length of each lot line, block line and boundary line shall be shown on the

final map or parcel map; provided, that when bearings and lengths of lot lines in any series of lots are the same, either the bearings or lengths may be omitted from each interior parallel lot line of such series. Each required bearing and length shall be shown in full, and no ditto mark or other designation of repetition shall be used. Bearings shall be shown to the nearest second and distances shall be shown to the nearest one-hundredth (1/ 100) of a foot.

9.07.120.190 - Curve data.

The length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve, or the central angle of each segment within each lot, shall be shown thereon.

9.07.120.200 - Area designation.

Upon each lot containing an area of three-fourths of an acre or more shall be designated the acreage of such lot shown to the nearest one-hundredth (1/100) of an acre. Lot area shall be shown in square feet on parcels containing less than three-fourths of an acre.

9.07.120.210 - City boundary lines.

Upon the final map or parcel map shall be shown each city boundary line crossing or adjoining the division of land, and such line shall be clearly designated and tied in.

9.07.120.220 - Street names.

A. Street names within the boundaries of a division of land shown on a final map or parcel map shall be submitted to the city engineer for approval and, if duplicated elsewhere in the sub-region or so nearly the same in spelling or pronunciation as to cause confusion, the city engineer may require some other name.

1. Unless a name is so duplicated or confusing it shall be the same as the name of any street of which it is on line of extension, or the name to which said street or highway may be in the process of being changed.

B. Streets (except alleys or walks) extending approximately northerly and southerly shall be designated "avenue" and those extending approximately easterly and westerly shall be designated "street".

C. Streets which materially change direction shall bear the name and suffix designated by the city engineer as most closely conforming to a suitable house numbering system.

D. The words "avenue", "boulevard", "place", or other designation of any such street, shall be spelled out in full.

E. The name of each newly dedicated portion of any street shall be shown in or arrowhead to such newly dedicated portion.

9.07.120.230 - Street widths and centerlines.

A. There shall be shown upon each final map or parcel map the centerline of each street or way, the total width thereof, the width of that portion, if any, to be dedicated and, in the case of any existing streets or ways, the width thereof, and the width of each street or way on each side of the centerline thereof. On each such centerline shall be shown the bearing and length of each tangent and radius, central angle, and length of each curve.

B. The final map or parcel map shall show the width of each railroad right-of-way, flood control or drainage easement and each other easement appearing on such map, whether previously of record or offered for dedication on such map.

9.07.120.240 - Easements - Identification.

Each easement shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon.

9.07.120.250 - Easements - Designation on map.

Each easement shown for any storm drain or sewer or fire access shall be designated on the final map or parcel map by fine dashed lines.

9.07.120.260 - Easements - Lines, ties and other evidence.

Upon a final tract map or parcel map shall be shown the centerline or side lines of each easement to be dedicated to the local agency or previously dedicated to the local agency, and those easements required to be shown by the city council to which the lots in the division of land are subject. In the event that such easement is not definitely located of record. a statement showing the existence of such easement shall be placed on the map. A statement showing the existence and purpose of all easements other than those of the local agency shall be placed on the map to the satisfaction of the city engineer.

9.07.120.270 - Easements - Widths and ties.
The width of easements or the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate such easements with respect to a division of land shall be shown on the final map or parcel map.

9.07.120.280 - Easements - Bearings on lot lines.

Distances and bearings on the side lines of lots which are cut by easements shall be arrowed or so shown as to indicate clearly the actual length of each lot line.

9.07.120.290 - Easements - Notes and figures.

All notes or figures pertaining to each easement shall be subordinated in form and appearance to those relating to the division of land itself.

9.07.120.300 - Easements - Dedication.

If an easement is being dedicated by a final map, it shall be properly set out in the owner's certificate of dedication on the map.

9.07.120.310 - Land subject to overflow, ponding or high ground water.

If any portion of such land is subject to sheet overflow or ponding of local stormwater, or should the depth to groundwater be less than 10 feet from the ground surface, such information shall be shown on the final map or parcel map and the city engineer shall so inform the State Real Estate Commissioner.

9.07.120.320 - Land subject to flood hazard, inundation, or geological hazard.

A. If any portion of the land within the boundaries shown on a tentative map of a division of land is subject to flood hazard, inundation or geological hazard, and the probable use of the property will require structures thereon, the advisory agency may disapprove the map or that portion of the map so affected and require protective improvements to be constructed as a condition precedent to approval of the map.

B. Approvals of land subject to flood hazard shall comply with the current federal floodplain management regulations.

C. If any portion of a lot or parcel of a division of land is subject to flood hazard, inundation or geological hazard, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any such portion is shown. A dedication of building restriction rights over the flood hazard, inundation or geological hazard area may be required.

D. The provisions of this section shall not apply to divisions of land in which each resultant parcel has a gross area of 40 acres or more or is a quarter quarter-section of a government plat or larger.

9.07.120.330 - Flood-hazard area, floodway or natural watercourse designation.

In the event that a dedication of right-of-way for storm drainage purposes is not required, the location of any watercourse, channel, stream or creek, flood-hazard area or floodway shall be shown on the final map or parcel map to the satisfaction of the city council.

GENERAL REQUIREMENTS

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9.07.130.140 Lot line adjustment application.
9.07.130.150 Fee.

9.07.130.010 - Tentative map required.

A tentative map shall be submitted to the City of Bradbury and approved in accordance with the provisions of this Title 7 prior to the submission for approval of a parcel map of a minor land division or the initiation of a request for waiver of a parcel map pursuant to this title.

9.07.130.020 - Map number.

The county engineer shall assign all map numbers for tentative and parcel maps of minor land divisions. The subdivider or his agent shall apply to the county engineer for a map number prior to submission of a tentative minor land division map.

9.07.130.040 - Information required - Format.

A. The tentative minor land division map shall be a reproducible print, legibly drawn to a scale of sufficient size to show full detail, including the following information:

1. The map number;
2. Sufficient legal description of the land as to define the boundaries of the proposed division of land;
3. Name and address of the subdivider and of the registered civil engineer or licensed surveyor who prepared the map;
4. The locations, names and existing widths of all adjoining highways, streets or ways, whether public or private;
5. The width and approximate grades of all streets and ways within such proposed division of land and indicate whether such streets or ways are to be public or privately owned and maintained;
6. The size, approximate locations, and purpose of all existing and proposed easements, whether public or private, including but not limited to those for roads, drainage, sewage disposal, fire fighting access and public utility purposes. The subdivider or his agent shall certify by an affidavit or by a declaration made under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure that all existing easements of record are shown on the tentative map;
7. Approximate radius of all curves;
8. The approximate lot layout and the approximate dimensions of each lot;
9. Approximate locations of all areas subject to inundation or storm water overflow, mud and debris hazards, and the locations, widths and directions of flow of all watercourses;

10. Source of water supply;
11. Proposed method of sewage disposal. Where public sewers are not available and where private sewage disposal systems will be utilized, the results of percolation tests shall be submitted in accordance with the recommendations of the health officer. The location of any existing sewage disposal system which is proposed to remain in the division of land shall be shown on the tentative map;
12. The proposed use of the property, including the number and classification of dwelling units to be permitted on each of the lots:
13. Proposed public areas, if any;
14. Approximate contours at sufficient intervals to determine existing topography and all proposed grading. Proposed grading shall be shown in a manner that feasibility of compliance with grading ordinance requirements of Title 26 of the Los Angeles County Code, adopted by reference and Chapter 9.06.020, et. seq., of this Code can be determined;
15. Date, North point and scale;
16. Number for each lot;
17. A Tree Preservation and Planting Plan of sufficient detail and scale to clearly show the proposed subdivision, including all necessary improvements to develop the property to the maximum extent permitted by the entitlements being sought, including, but not limited to, grading, building pad location, streets and ways, water courses, drainage channels, excavations, or any other physical improvement will comply with the Tree Preservation and landscaping requirements specified in Chapter 9.06.090 and hillside development standards specified in Chapter 9.06.020 of this Code;
18. Approximate location and outline to scale of each existing building or structure. Any structure that will be removed or relocated in the development of the division of land shall be so noted;
19. Each street shown by its actual street name or by temporary name or letter for purposes of identification until the proper name of such street is determined;
20. A geological report to determine whether the property to be divided is subject to an existing or potential geological hazard, and/or a written report stating how geological conditions will affect the proposed development, shall be submitted whenever required by the city engineer. The report shall be prepared by an engineering geologist certified by the State Board of Registration for Geologists of the state of California;
21. A written statement by the registered civil engineer or land surveyor as to whether or not said person will set boundary monuments prior to filing with the county recorder of the final map;
22. A statement of the existing zoning and, if a zone change is proposed, the requested zoning for all real property within the division of land;
23. A vicinity map showing the location of the division in relation to the nearest existing cross streets;
24. Three prints of the most recent assessor Map Book page or pages covering the proposed division of land;
25. Existing and proposed fire flow (hydrants) to serve each of the proposed lots.
26. Any environmental information or studies required by the California Environmental Quality Act of 1972 (CEQA) as amended. An environmental checklist and evaluation shall be conducted to assess CEQA requirements. An application submittal shall not be deemed complete and filed until CEQA requirements are satisfied.
27. A title report and guarantee for legal description, easements and ownership.
28. Such other information deemed necessary by the subdivision committee to properly evaluate the application.

9.07.130.050 - Written statements required.

A. The subdivider shall submit with the tentative minor land division map a written statement containing the following information:

1. A legal description of all ownerships comprising any and all parts of the proposed minor land division;
2. A statement that the subdivider is the record owner of all real property comprising the proposed minor land division, or that the record owner(s) consents to the submission of the map, and the disclosure of any fee interest that the subdivider has in any property adjacent to the minor land division;
3. Where required by the subdivision committee, a signed and acknowledged statement disclosing such information as is necessary, in the opinion of the subdivision committee, to establish whether the proposed subdivision is a minor land division;
4. Such other information as the planning commission or city council may require.

B. Any of the information required pursuant to this section may be shown on the face of the tentative minor land division map.

9.07.130.060 - Number of copies.

The subdivider shall submit sufficient copies of the tentative minor land division map and application documents as are required by the planning commission or city council.

9.07.130.070 - Distribution of copies.

Upon submission of a tentative minor land division map, the City of Bradbury shall transmit copies to the subdivision committee and any agency which has an interest in the proposed minor land division.

9.07.130.08 - Departmental review procedures.

When a copy of the tentative minor land division map is transmitted to any interested agency, that agency shall, within a period of not more than 20 days after transmittal, file with the subdivision committee a report either approving of the tentative map as submitted, or indicating what changes are necessary to make the tentative map conform to the requirements of the Subdivision Map Act and of this Title 7 coming under its jurisdiction. Failure of an agency to file a report on a tentative map before the expiration of the specified review period shall be deemed as approval by that agency of the maps as submitted. The city council shall not approve or conditionally approve a tentative minor land division map until the expiration of the 20-day review period or receipt of all reports, whichever comes first.

9.07.130.090 - Action by city council.

A. The city council shall approve, conditionally approve or disapprove tentative maps of minor land divisions.

B. Action on tentative maps of minor land divisions shall be taken at a properly noticed public hearing before the planning commission and city council. Said public hearings shall be scheduled within 24 working days of the submission of the completed application. The time limit for acting may be extended by mutual consent of the subdivider and the city council.

9.07.130.100 - Access to property.

The city council may require as a condition of approval of a tentative minor land division map that the subdivider produce evidence that the property as divided will have access to a public street.

9.07.130.110 - Criteria for rejection.

In addition to other provisions of this Code and the Subdivision Map Act, the city council may reject a tentative minor land division map if the only practical use which can be made of the division, as proposed, is a use prohibited by any ordinance, statute, law or other valid regulation.

9.07.130.120 - Duration of approval - Extensions.

A. The approval of a tentative minor land division map shall be effective for a period of two years.

B. The planning commission may grant one or more extensions to the terms of approval of a tentative map. Each extension shall be for no more than one year and the sum of said extensions shall not exceed three years. The

subdivider shall submit a written request to the planning commission for such extension before expiration of the map.

C. If the planning commission denies the subdivider's application for an extension, the subdivider may appeal to the city council within 10 days after the action of the planning commission.

9.07.130.130 - Lot line adjustment.

A. The planning commission may approve a lot line adjustment between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created.

B. A lot line adjustment shall also comply with the following:

1. The lot design, frontage, access and similar standards shall be consistent with applicable provisions contained in this Title 7;
2. Any change in access, lot configuration or orientation of structures, easements or utilities to lot lines will not, in the opinion of the planning commission, result in any burden or public services or materially affect the property rights of any adjacent owners;
3. The parcels to be adjusted are eligible for unconditional certificates of compliance under the provisions of the Subdivision Map Act and this Title;
4. The adjusted parcel configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation or good planning practice;
5. If any of the parcels to be adjusted are improved with a structure requiring a building permit, the applicant shall provide an inspection report from the building and safety department certifying that changes in lot lines will not violate any ordinances or regulations. The city shall collect any fees required for this service;
6. That the net area of any parcel will not change by more than 20 percent of the original parcel area;
7. That the adjustment will not create a parcel that may be subdivided, in the future when such parcel would not have been eligible to subdivision prior to the lot line adjustment.

C. If the adjustment is approved, the city engineer shall record a separate certificate of compliance containing the descriptions of the parcels as they will exist after adjustment. If the request is denied, the city planner shall report this in writing to the applicant, citing the reasons for denial.

D. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded by the applicant. If a certificate of conformance and deed is used to record the lot line adjustment, such instruments shall include a dimensioned diagram approved by the city planner or city engineer.

9.07.130.140 - Lot line adjustment application.

The application for a lot line adjustment shall contain the information specified in Section 9.07.130.040 and other information deemed necessary by the city planner to evaluate and process the applicant's request.

9.07.130.150 - Fee.

An application fee, in an amount set by resolution of the city council, shall be paid when the application is submitted.

Chapter 9.07.140 - Modifications

CHAPTER INDEX:

9.07.140.010 - Modification or waiver of provisions authorized when.
9.07.140.030 - Modifications to recorded maps.

9.07.140.010 - Modification or waiver of provisions authorized when.

A. Whenever, in the opinion of the city council, the land involved in a subdivision is of such size or shape, or is subject to such title limitations of record or is affected by such topographical location or conditions, or is to be devoted to such usage, that it is impossible or impractical for the subdivider to conform fully to a regulation contained in this Title 7, the city council may at the time of action on the tentative map of the subdivision modify the regulation, provided that in the case of each modification the city council shall first find that a special, individual reason makes the strict letter of the regulation impossible or impractical of observance and that the modification is in conformity with the spirit and purpose of the Subdivision Map Act and of this Code; and provided, further, that the city council shall make a report in writing setting forth each modification and the facts relied upon for making the modification.

B. The city council shall waive the provisions of this title and of Section 66473 of the Subdivision Map Act requiring disapproval of maps for failure to meet or perform state or local requirements or conditions, when the failure of a map submitted for approval is the result of a technical and inadvertent error which, in the determination of the city council does not materially affect the validity of the map. Such waivers shall not result in the invalidation or negation of any substantive requirement of this Title, the Subdivision Map Act, or any other ordinance, statute or regulation.

9.07.140.030 - Modifications to recorded maps.

A. Purpose. The provisions of this section provide findings, procedures and fees for modifications of the design and conditions of recorded maps where physical problems associated with the development of the site or technical problems occur after recordation, in conformity with Government Code Section 66472.1.

B. Fees. The fees charged for such modification of a final or parcel map shall be the same as for a revision to an approved tentative map.

C. Materials for Filing. A proposed change to a final or parcel map shall require submittal of the following:

1. The materials indicated by Section 9.07.110.040 of this title, or in the case of a minor land division, the materials indicated by Section 9.07.130.040 of this title, and
2. A detailed written description of the manner in which the proposed modification meets the findings described in Subsection G of this section.

D. Applicants. An applicant for a revision to a recorded map shall be either:

1. The owner of title to the subject property or his authorized representative, or
2. The planning commission or the city council.

E. Review. The proposed change of design or modification of conditions shall be reviewed by the subdivision committee, which shall submit its recommendation to the planning commission.

F. Public Hearing. Any proposed change of design and/or modification to conditions of a final map or parcel map will require a public hearing before the city council according to the procedures specified in Section 9.07.040 of this title. The subject of the hearing must be confined to consideration and action on the proposed modification.

G. Findings. The applicant must substantiate the

following facts to the planning commission/city council:

1. That there are changes in circumstances which make any or all of the conditions or the design of such a map no longer appropriate or necessary; and
2. That the proposed modifications do not impose any additional burdens on the present fee owner of the property; and
3. That such modifications would not alter any right, title or interest in the real property; and
4. That the modifications requested result from either physical problems associated with the development of the site or technical difficulties arising which are not under the control of the property owner and which make it impossible to comply with certain conditions; and
5. That the modifications requested do not result in an increased number of dwelling units or a greater density than the recorded map; and
6. That the proposed map and the design and improvements of the proposed subdivision are consistent with applicable general and specific plans; and
7. That the site is physically suitable for the type and proposed density of the development, and
8. That the design of the subdivision or the proposed improvements will not cause substantial environmental damage or serious public health problems, or conflict with public easements.

H. Final Action. If the city council determines that the findings specified by Subsection G of this section have been met, the requested modification shall be approved and the applicant shall submit to the city engineer:

1. An amending map; or
2. A certificate of correction, as determined by the city engineer.

I. Appeals. Any interested person may appeal to the city council any decision of the planning commission relative to its assigned duties under the provisions of this section:

1. Procedure. All appeals shall be submitted and acted upon in the manner prescribed by Chapter 9.07.150.
2. Fees. Upon filing of an appeal with the city council, the appellant shall pay a processing fee as set by resolution of the city council.

Chapter 9.07.150 - Appeals

CHAPTER INDEX:

9.07.150.010 - Procedures - Submittal and determination.
9.07.150.020 - Fees.

9.07.150.010 - Procedures - Submittal and determination.

A subdivider or any interested person dissatisfied with an action taken by the planning commission may appeal such action to the city council within ten (10) days of the planning commission's action, where the planning commission is the decision making body. All appeals shall be submitted and acted upon in the manner prescribed in this Code.

9.07.150.020 - Fees.

Upon filing of an appeal with the city clerk, the appellant shall pay a processing fee in an amount set by resolution of the city council to be sufficient to cover the cost of a hearing to be held by the city council.

Chapter 9.07.160 - Certificates of Compliance - Notices of Violation

CHAPTER INDEX:

9.07.160.010 - Purpose of chapter provisions.
9.07.160.020 - City engineer authority.
9.07.160.025 - Certificate of compliance - Matters required for applications.
9.07.160.030 - Certificate of compliance - For undersized parcels.
9.07.160.050 - Appeals.
9.07.160.060 - Notices of violation.

9.07.160.010 - Purpose of chapter provisions.

This chapter supplements those provisions of Sections 66499.34, 66499.35 and 66499.36 of the Subdivision Map Act pertaining to notices of violation and certificates of compliance.

9.07.160.020 - City engineer authority.

The city planner is authorized to make all required determinations on certificates of compliance and notices of violations.

9.07.160.025 - Certificate of compliance - Matters required for applications.

Except where a request for waiver has been approved, applications for the issuance of a certificate of compliance shall be submitted to the city engineer. Application for issuance of a certificate of compliance shall be made in writing on a standardized form provided by the City. The city engineer may require the submission of such supporting information as he deems necessary to determine compliance. All submissions shall be legible and readily reproducible.

9.07.160.030 - Certificate of compliance - For undersized parcels.

Where a certificate of compliance has been issued for a parcel of less than required area that was created prior to March 4, 1972, the owner may request:

A. A review by the city engineer, pursuant to the provisions of this Code, to determine satisfaction of the following criteria:

1. The parcel of land has frontage on a road as specified by Part 4 of Chapter 9.07.060, except for flag lots as specified in Section 9.07.060.320; and
2. The parcel of land is served by public sewer, or it is of sufficient size to provide for satisfactory on-site sewage disposal for the land use intended; and
3. The width of the parcel of land will be as required by Chapter 9.07.060; and
4. The setbacks of the underlying zone will be adhered to, unless a variance has been received; and
5. The parcel of land has adequate fire flow and hydrant spacing as required by the Los Angeles County Fire Prevention Codes; and
6. The owner of the parcel of land does not own any contiguous lots or parcels of land.

B. Approval of a variance pursuant to zoning ordinance provisions of this Code and all conditions of approval have been satisfied.

9.07.160.050 - Appeals.

A. A property owner dissatisfied with an action of the city engineer on a certificate of compliance or notice of violation may appeal to the planning commission. In the case of certificates of compliance, a vendee of real property pursuant to a contract of sale may also appeal to the commission.

B. All appeals shall be submitted and acted upon in the manner prescribed in Chapter 9.02.050 of this Code.

C. Fees. Upon filing an appeal the appellant shall pay a processing fee as required.

9.07.160.060 - Notices of violation.

A. Any city official having knowledge of a possible violation of the provisions of the Subdivision Map Act or of this Title 7 shall direct such information to the city engineer or city clerk.

B. If the city engineer, either on his own initiative or upon investigation of information received from another city official or any other interested person, determines that real property has been divided in violation of the Subdivision Map Act or of this Title, he shall initiate the procedures set forth in Section 66499.36 of the Subdivision Map Act.