

ORDINANCE NO. 2800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLES 1 AND 18 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

***City Attorney Summary***

***This Ordinance amends Title 1 and Title 18 of the Garden Grove Municipal Code changing obsolete references, conforming language to current City organization and to recent state and/or federal laws.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove proposes amendments to Titles 1 and 18 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal law, and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on September 27, 2011, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Title 1 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Code Amendment. Title 18 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "B" (new text in color/underline; deleted text in color/strikeout).

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions,

sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on September 27, 2011, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE

EXHIBIT "A"

TITLE 1 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES

## TITLE 1: -CODE ADOPTION\*

\* For statutory provisions authorizing cities to adopt codes, see Gov. C.A. § ernment Code § 50022.1-50022.8 and 50022.10

[\*] For the statutory provisions authorizing cities to impose fines for violating city ordinances not to exceed five hundred dollars (\$500) and/or imprisonment not to exceed six (6) months, see Gov. C.A. § ernment Code § 36901. For provisions declaring a violation of a city ordinance to be a misdemeanor, see Gov. C.A. ernment Code § 36900.

### CHAPTER 01:—CODE ADOPTION\*

\* For statutory provisions authorizing cities to adopt codes, see Gov. C.A. ernment Code §§ 50022.1--50022.8 and 50022.10.

#### SECTION 1.01.010: Volume I Adopted

~~a.~~ (A) ADOPTION. The Garden Grove Municipal Code, Revised, Volume I, Titles 1-~~18~~ excluding Title 9, as compiled from the ~~ordinances~~ Ordinances of the City of Garden Grove, California, and edited and published by ~~Book Publishing Company of Seattle, Washington, the City of Garden Grove~~, is hereby adopted as Volume I of the official code of the ~~city~~ City of Garden Grove, California.

~~b.~~ (B) TITLE—CITATION—REFERENCE. This ~~code~~ Code shall be known as the "Garden Grove Municipal Code, Revised, Volume I," in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ~~ordinance~~ Ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Garden Grove Municipal Code, Revised, Volume I." Further reference may be ~~had~~ made to the ~~titles, chapters, sections~~ Titles, Chapters, Sections, and subsections Subsections of the "Garden Grove Municipal Code, Revised, Volume I" and such reference shall apply to that numbered ~~title, chapter, section~~ Title, Chapter, Section, or subsection Subsection as it appears in that ~~code~~ Code, Volume I.

~~c.~~ (C) REFERENCE APPLIES TO AMENDMENTS. Whenever a reference is made to this ~~code~~ Code as the "Garden Grove Municipal Code, Revised, Volume I," or to any portion thereof, or to any ~~ordinances~~ Ordinances of the City of Garden Grove, California, that reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

~~d.~~ (D) CODIFICATION AUTHORITY. This ~~code~~ Code, Volume I, consists of regulatory and penal ~~ordinances~~ Ordinances and certain of the administrative ~~ordinances~~ Ordinances codified pursuant to Sections 50022.1--50022.8 and 50022.10 of the California Government Code.

~~e.~~ (E) TITLE, CHAPTER, AND SECTION HEADINGS. Title, ~~chapter~~ Chapter, and ~~section~~ 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~~ Title, Chapter, or ~~section~~ Section hereof.

~~f.~~ (F) REFERENCE TO SPECIFIC ORDINANCES. The provisions of this ~~code~~ Code, Volume I, shall not in any manner affect deposits or other matters of record ~~which that~~ refer to, or are otherwise connected with ~~ordinances which~~ Ordinances that are therein specifically designated by number or otherwise and ~~which that~~ are included within this ~~code~~ Code, Volume I, but such reference shall be construed to apply to the corresponding provisions contained within this ~~code~~ Code, Volume I.

~~g.~~ (G) EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS. Neither the adoption of this ~~code~~ Code, Volume I, nor the repeal or amendment hereby of any ~~ordinance~~ Ordinance or any part of any ~~ordinance~~ Ordinance of the City shall in any manner affect the prosecution for violations of ~~ordinances~~ Ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ~~ordinances~~ Ordinances, nor be construed as affecting any of the provisions of such ~~ordinances~~ Ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ~~ordinance~~ Ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

~~h.~~ (H) EFFECTIVE DATE OF CODE. The Garden Grove Municipal Code, Revised, Volume I, Titles 1-~~18~~ excluding Title 9, shall become effective on the date that this ~~ordinance~~ Ordinance becomes effective.

~~i.~~ (I) SEVERABILITY. If any ~~section, subsection, sentence~~ Section, Subsection, Sentence, clause, phrase, part, or portion of this ~~code~~ Code, Volume I, 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 ~~code~~ Code. The Garden Grove City Council hereby declares that it would have adopted this ~~code~~ Code, Volume I, and each ~~section, subsection~~ Section, Subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more ~~sections, subsections~~ Sections, Subsections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

~~j.~~ (J) EFFECTIVE DATE OF ORDINANCE. This ~~ordinance~~ Ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of the ~~councilmen~~ Council Members voting for and against the same in the ~~Orange County Evening News~~, a newspaper of

general circulation, printed, published, and circulated in the city of Garden Grove.  
(Ord. 1237 §§ 1-10, 1971).

#### **SECTION 1.01.090: Distribution of Code**

~~Not less than three copies~~ Copies of this ~~code~~ Code shall be filed for use and examination by the public in the ~~office~~ Office of the City Clerk. ~~Additional copies shall be prepared in looseleaf form, and mounted to withstand heavy usage in such binders as the City Clerk may prescribe. Copies~~ copies thereof shall be distributed as determined by the City Clerk.  
(Prior code § 1104).

#### **SECTION 1.01.100: Notation of Amendments**

Upon the adoption of any amendment or addition to this ~~code~~ Code, or upon the repeal of any of its provisions, the City Clerk shall certify thereto. Duly certified copies of every ~~ordinance~~ Ordinance making changes in this ~~code~~ Code shall be filed in the ~~office~~ Office of the City Clerk in books for such purpose, duly indexed for ready reference.  
(Prior code § 1105).

#### **SECTION 1.01.110: Amendments**

(A) The City Clerk shall prepare ~~typewritten or printed~~ copies of the changes referred to in Section 1.01.100 in the ~~code for insertion in the looseleaf copies thereof.~~ Code. Every ~~section~~ Section of the ~~code~~ Code so changed shall have printed thereon a notation of the ~~ordinance~~ Ordinance number pursuant to which such change is adopted.

(B) At least once yearly, the City Clerk shall cause the ~~looseleaf~~ pages of said ~~code~~ Code in which changes have been made, to be reprinted, including the notation as to the ~~ordinance~~ Ordinance number pursuant to which such change is adopted, in order that at least once yearly the ~~looseleaf~~ copies of such ~~code~~ Code prepared for the use and convenience of the officers and employees of the City and the general public may be brought up to date.  
(Prior code § 1106).

### **CHAPTER 04: PENALTY PROVISIONS[\*]**

#### **SECTION 1.04.010: General Penalty**

~~(A)~~ It is unlawful for any person, firm, or corporation to violate any provision or fail to comply with any of the requirements of this ~~code.~~ Code. A violation of this ~~code~~ Code shall constitute a misdemeanor; except that, notwithstanding any other requirement of the ~~code~~ Code (other than as set forth in Section 8.64.070(d)), any violation constituting a misdemeanor under this ~~code~~ Code may, in the discretion of the City Attorney, or other authorized ~~enforcement officer~~ Enforcement Officer, be charged and prosecuted as an infraction.

(B) Notwithstanding any other provision of this ~~code~~Code to the contrary, any person, firm, or corporation convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment. Any person charged and convicted of an infraction under the provisions of this ~~code~~Code is punishable pursuant to the fine schedule set forth in Government Code Section 36900.

(C) Each such person, firm, or corporation shall be guilty of a separate offense for each and every day, during any portion of which, any violation of this ~~code~~Code is committed, continued, or permitted by any such person, firm, or corporation.

(Ord. 2732 § 5, 2008; Ord. 2626 § 1, 2004; Ord. 1919 § 2, 1985; Ord. 1793 § 1, 1982; Ord. 1184 § 1, 1971).

#### **SECTION 1.04.020: Arrest -- Notice to Appear**

If any person is arrested for a violation of any provision of this ~~code~~Code and such person is not immediately taken before a ~~magistrate~~Magistrate, as more fully set forth in the Penal Code of California, the arresting ~~officer~~Officer shall prepare in duplicate a written Notice to Appear in court, containing the name and address of such person, the offense charged, and the time and place when such person shall appear in court.

(Prior code § 1202).

#### **SECTION 1.04.030: Time and Place of Appearance**

The time specified in the Notice to Appear must be at least five (5) days after the arrest. The place specified in the ~~notice to appear~~Notice to Appear shall be either:

(1) Before a ~~judge of a justice court or a municipal court judge~~Superior Court Judge within the county in which the offense charged is alleged to have been committed, and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made;

(2) Upon demand of the person arrested, before a ~~judge of a municipal court~~Superior Court Judge having jurisdiction of such offense, at the county seat of the county in which such offense is alleged to have been committed;

(3) Before a ~~judge~~Judge in the judicial district in which the offense is alleged to have been committed; or

(4) Before an ~~officer~~Officer authorized by the City to receive a deposit of bail.  
(Prior code § 1203).

**SECTION 1.04.040: Release from Custody**

The ~~officer~~Officer shall deliver one copy of the Notice to Appear to the arrested person, and the arrested person in order to secure release must give his written ~~promise to appear~~Promise to Appear in court by signing the duplicate ~~notice~~Notice, which shall be retained by the ~~officer~~Officer. Thereupon the arresting ~~officer~~Officer shall forthwith release the person arrested from custody. The ~~officer~~Officer shall as soon as practicable file the duplicate ~~notice~~Notice with the ~~magistrate~~Magistrate specified therein.  
(Prior code § 1204).

**SECTION 1.04.050: Failure to Appear**

Any person willfully violating his written ~~promise to appear~~Promise to Appear in court is guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500) or imprisonment in the county or city jail for a term not to exceed six (6) months, or by both such fine and imprisonment, regardless of the disposition of the charge upon which he was originally arrested.  
(Prior code § 1205).

**SECTION 1.04.060: Warrant for Arrest**

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 853.16 of the Penal Code, the ~~magistrate~~Magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days (20) after his failure to appear as promised, or if such person promises to appear before an ~~officer~~Officer authorized to accept bail other than the ~~magistrate~~Magistrate and fails to do so on or before the date which he promised to appear, then, within twenty days (20) after the delivery of such written ~~promise~~Promise to appearAppear by the ~~officer~~Officer to the ~~magistrate~~Magistrate having jurisdiction over the offense.  
(Prior code § 1206).

**SECTION 1.04.070: Citations Not Required**

Nothing contained in this ~~chapter~~Chapter shall be deemed or construed to require any arresting ~~officer~~Officer to issue a citation instead of taking the person arrested before a ~~magistrate~~Magistrate as otherwise provided by law.  
(Prior code § 1207).

**SECTION 1.04.080: Violation of Administrative Provisions**

The violation of any administrative provisions of this ~~code~~Code by any ~~officer~~Officer or employee of the City may be deemed a failure to perform the duties under, or observe the rules and regulations of the ~~department, office, or board~~Department, Office, or Board within the meaning of the ~~ordinances~~Ordinances and rules and regulations of the City.  
(Prior code § 1208).



## **SECTION 1.04.090: Injunctive and Other Relief**

Any continuing or repetitive violation of this code or any state law or regulation is declared to be a public nuisance and the City Attorney or authorized legal representative may with approval of the City Council commence an action for abatement thereof or other enforcement relating thereto in the manner provided by law. A civil action may be filed, whether or not criminal proceedings have been commenced for the same conduct.

(Ord. 2793 § 1, 2011; Ord. 2031 § 2, 1988).

## **CHAPTER 08: RULES OF CONSTRUCTION OF AN ORDINANCE**

### **SECTION 1.08.010: Construction Generally**

The provisions of any ~~ordinance~~Ordinance and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

(Ord. 1173 § 2, 1971).

### **SECTION 1.08.020: Grammatical Interpretation**

The following grammatical rules shall apply in this ~~code~~Code:

- (1) Gender. Any gender includes the other gender.
- (2) Singular and Plural. The singular number includes the plural and the plural includes the singular.
- (3) Tenses. Words used in the present tense include the past and future tenses and vice versa.
- (4) Use of Words and Phrases. Words and phrases used in this ~~code~~Code and not specifically defined shall be construed according to the context and approved usage of the language.
- (5) "May" is permissive.
- (6) "Must" and "Shall." ~~Each is~~ and "Will" are each mandatory.  
(Ord. 1173 § 3, 1971).

### **SECTION 1.08.030: Definitions**

Unless the context otherwise requires, the following words and phrases, where used in this ~~code~~Code, shall have the meaning and construction given in this ~~section~~Section:

- (1) "Across" includes along, in, or upon.
- (2) "City" means the City of Garden Grove.

- (3) "City Council" means the City Council of the City of Garden Grove.
- (4) "Code" means the "Garden Grove Municipal Code, Revised.".
- (5) "County" means the County of Orange.
- (6) "Ex-officio" means by virtue of office.
- (7) "Goods" includes wares and merchandise.
- (8) "Law" denotes applicable federal law, the constitution and statutes of the State of California, the ~~ordinances~~ Ordinances of the City of Garden Grove, California, and when appropriate, any and all rules and regulations ~~which~~ that may be promulgated ~~there~~ there under.
- (9) "Oath" includes affirmation.
- (10) "Operate" or "Engage In" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.
- (11) "Owner" when pertaining to a building or land shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.
- (12) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them.
- (13) "Sale" includes any sale, exchange, barter, or offer for sale.
- (14) "State" means the State of California.
- (15) "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in Garden Grove ~~which~~ that have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this ~~state~~ State.
- (16) "Tenant" or "Occupant" when pertaining to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.
- (17) "Title of Office." The use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the ~~city~~ City of Garden Grove.

(18) "Veteran." As used in this code, "Veteran" means and includes every individual honorably discharged from any branch of the Armed Forces of the United States, including nurses serving with such armed forces in any war, insurrection, expedition, occupation, conflict, or any other military campaign.

(19) "Wheeled Vehicle." As used in this ~~code~~Code, "Wheeled Vehicle" means and includes automobile, truck, tank truck, trailer, wagon, cart, and all other contrivances used or capable of being used as a means of transportation of persons or property that move or roll on one or more wheels.

(20) "Written" includes printed, typewritten, ~~mimeographed, or multigraphed.~~ (Ord. 1173 § 4, 1971).and duplicated, including electronic representations thereto.

#### **SECTION 1.08.040: Prohibited Acts include Causing, Permitting, Etc.**

Whenever in this code any act or omission is made unlawful it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Ord. 1173 § 4, 1971).

#### **SECTION 1.08.050: Reference to Acts ~~or of~~ Omissions within the City.**

This code shall refer only to the omission or commission of acts 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.

(Prior code § 1302).

#### **SECTION 1.08.060: Acts by Deputy**

Whenever a power is granted to or is duly 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~~Ordinance or by an officer of the county, or by a deputy or employee of such officer when by contract with the City such officer is obligated and has agreed to perform certain duties on behalf of the City, unless, this ~~code~~Code expressly provides otherwise.

(Prior code § 1304).

#### **SECTION 1.08.070: 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~~Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

(Prior code § 1305).

#### **SECTION 1.08.080: Reference Applies to Amendments**

Whenever a reference is made to any portion of this ~~code~~Code, or to any ~~ordinances~~Ordinances of this City, the reference applies to all amendments and

additions now or hereafter made.  
(Prior code § 1306).

#### **SECTION 1.08.090: Service of Notice**

Whenever a notice is required to be given under this ~~code~~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~~Post Office.  
(Prior code § 1307).

#### **SECTION 1.08.100: Proof of Notice**

Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this ~~code~~Code, or other provisions of law applicable to the subject matter concerned.  
(Prior code § 1308).

### **CHAPTER 12: CITY SEAL**

#### **SECTION 1.12.010: Adopted -- Description**

There is hereby adopted as the seal of the City the following:

A seal consisting of a stylized "G" in the shape of a trapezoid, with a base of approximately one and one-half inches and a height of approximately one and one-half inches with rounded corners having a radius of approximately 1/8 of an inch, in which the top is parallel with the base and the sides taper from the bottom towards the top and form an interior angle of approximately 85 degrees with the base of the "G". Lying within the "G" and offset towards the lower left of the "G" is scribed a circle, having a diameter of approximately 15/16 of an inch and being approximately 3/32 of an inch from the left side and approximately 1/8 of an inch from the bottom of the "G". Then dropping down vertically from the center of the top of the "G" is delineated a line, with a width of approximately 1/16 of an inch, which continues down till its intersection with the aforementioned circle. Then extending vertically upwards from the base, approximately 1/3 the distance along the base from the right hand side as one would view it, is delineated another line, with a width equal to the width of the first line just described, which continues upward until it intersects the aforementioned circle. A final line is delineated to give the trapezoid the form of a "G" by extending a horizontal line towards the right, as one would view it, from the first constructed line ~~which that~~ extended from the top towards the aforementioned circle and emanating from a point on this line approximately 3/5 the distance down from the top to the aforementioned circle and then terminating at its intersection with the right side. This horizontal line would be

twice as wide as the vertical line from which it is emanating. Set within the circle, and concentric to it using a radius approximately 1/16 of an inch smaller is a gear containing 27 cogs, all of the same size, spaced by a distance equal to the width of one cog and each cog having a depth of approximately 1/32 of an inch. Set within the gear concentric to and centered at the top using an outer radius approximately 1/16 of an inch smaller than the inner radius of the cogs, appear the words "City of Garden Grove" ~~which form that forms~~ a curve parallel to the outer edge of the gear. Parallel and concentric to said words and approximately 1/16 of an inch below same forming a parallel curve shall be shown five (5) orange trees set at equal intervals from each other; in the center of the gear and equally spaced on the left and right sides shall be shown a replica of the former City Hall, which was located at 11391 Acacia Parkway, Garden Grove, California; centered immediately below the replica of City Hall shall be the words "Absit Invidia"; centered immediately below "Absit Invidia" appears the year "1956"; and finally, centered at the bottom and using letters of the same design and dimension as the words "City of Garden Grove" shall appear the word "California" forming a curve parallel to the outer edge of the gear and shall lie on a radius of the same dimension as that on which the words "City of Garden Grove" lie. Immediately below the "G" shall appear the words "Garden Grove" and shall be equal in length to the greatest horizontal width at the base of the "G".  
(Ord. 1185 § 1, 1971).

## **CHAPTER 16: CLAIMS AGAINST CITY**

### **SECTION 1.16.010: Initial ~~review~~Review**

All written claims against the ~~city~~City shall, immediately upon receipt thereof by the ~~city clerk~~Office of the City Clerk, be processed to the ~~city's municipal claims board~~City's Municipal Claims Board, or such other City officers or agents specified by resolution of the City Council, for review and possible settlement.  
(Ord. 1438 § 1 (part), 1975).

### **SECTION 1.16.020: Forwarding to ~~carrier~~Carrier**

All claims not settled by the ~~city's municipal claims board~~ shall be forwarded by the ~~city clerk~~ to the ~~insurance carrier which~~ Claims Administrator that services the ~~city~~City, and the ~~city~~City shall take no other action on the matter until advised by the ~~insurance carrier~~Claims Administrator. Upon receipt of the claim by the ~~carrier~~Claims Administrator, or application to file a late claim, the ~~insurance carrier~~Claims Administrator will investigate the merits of the claim and, if appropriate, will contact the claimant or the claimant's ~~attorney~~representative for negotiation, settlement, etc. If the claim, as distinguished from the application to file a late claim, is one for denial or cannot be reasonably settled under the circumstances, the ~~insurance carrier~~Claims Administrator will notify the ~~city clerk~~City to both process the claim for rejection, and mail or deliver a ~~notice~~Notice of rejectionRejection to the claimant or the claimant's ~~attorney~~representative.  
(Ord. 1438 § 1 (part), 1975).

**SECTION 1.16.030: Inquiry**

If inquiry is made concerning the claim or application to file a late claim, the City Clerk will acknowledge that it was received and is under consideration.  
(Ord. 1438 § 1 (part), 1975).

**CHAPTER 20: — LIMITATIONS ON INCOME DERIVED FROM MUNICIPAL REAL PROPERTY TAXES AND BUSINESS TAXES****SECTION 1.20.010: Purpose**

During the ~~municipal election~~ Municipal Election held on March 7, 1978, the voters of Garden Grove approved the adoption of a City ~~ordinance~~ Ordinance limiting property tax income and business license taxes. It is the purpose of this ~~chapter~~ Chapter to implement the action taken by the voters.  
(Ord. 1656 § 1 (part), 1978).

**SECTION 1.20.020: Definitions**

For purposes of use in this ~~chapter~~ Chapter, the following words or terms shall have the following definitions:

- (1) "Business License Tax" refers to the tax imposed by the City for transacting and carrying on business within the city, but does not include income from inspection fees related to such business activities.
- (2) "National Cost of Living Index" refers to any one of several national indexes published by the Federal Government showing increases or decreases in the cost of living. Each fiscal year the City Council shall determine which national cost of living index to use in computing provisions contained in Section 1.20.030(2).
- (3) "Real Property Taxes" refers to City-imposed taxes on real property located within the city.
- (4) "Real Property Tax Income" refers to the total income derived from the imposition of the real property tax, excluding ~~there~~ there from income derived for paramedics.
- (5) "Real Property Tax Rate" refers to the tax rate per one hundred dollars (\$100) assessed valuation imposed on city real property.  
(Ord. 1656 § 1 (part), 1978).

**SECTION 1.20.030: ~~Tax rate limitations~~ Rate Limitations -- Income**

The ~~city council~~ City Council shall annually set the real property tax rate so as to yield for the fiscal year, property tax income as follows:

- ~~(1)~~ Fiscal Year 1977-1978. For the fiscal year 1977-1978, the property tax income is not to exceed three million nineteen thousand dollars (\$3,019,000);

- (2) Fiscal Year 1978-1979. Commencing with the fiscal year 1978-1979 and continuing thereafter, each fiscal year, the real property tax rate shall be set to yield property tax income not greater than the preceding fiscal year's real property tax income, except that such income may be increased at a rate not to exceed one-half percent (.05%) for each one percent (1%) increase in the national annual cost of living index for the previous fiscal year period;
- (3) Property Tax Income Increases. Property tax income increases as authorized by ~~subsection~~Subsection (1) of this ~~section~~Section shall further be limited so as not to increase in any fiscal year more than five percent (5%) over the previous fiscal year;
- (4) Property Tax Income Carryover. Should real property tax income during any fiscal year exceed the amount permitted as provided in this ~~section~~Section, the excess amount shall be carried over to the following fiscal year, and ~~city's~~the City's real property tax rate shall be adjusted downward to reflect the excess as income.
- (Ord. 1656 § 1 (part), 1978).

#### **SECTION 1.20.040: Business operation taxes -- Limitations**

~~Business operation taxes~~Operation Taxes are, by separate ~~ordinance~~Ordinance, to be set at the rate provided during the 1974-1975 fiscal year.

(Ord. 1656 § 1 (part), 1978).

### **CHAPTER 22:—ADMINISTRATIVE CITATIONS**

#### **SECTION 1.22.010: Authority and Fines**

- (A) Any person violating any provision of the Garden Grove Municipal Code may be issued an ~~administrative citation~~Administrative Citation by an ~~enforcement officer~~Enforcement Officer and shall thereby be subject to an ~~administrative fine~~Administrative Fine as provided for in this ~~chapter~~Chapter. For purposes of this ~~chapter~~Chapter, a violation of the Garden Grove Municipal Code shall include any violation of the Municipal Code, any code adopted by reference by the City Council, including, but not limited to, all codes adopted by reference in Title 18 of the Municipal Code, and the failure to comply with any condition of approval imposed pursuant to any land use entitlement, any permit, license, or other authorization issued or approved pursuant to the City Council adopted ordinances, including, but not limited to, those violations specified in Section 1.22.110 herein. The violations referred to in this ~~subsection~~Subsection are collectively referred to in this ~~chapter~~Chapter as Municipal Code violations. For purposes of this ~~chapter~~Chapter, an ~~administrative citation~~Administrative Citation for an ~~administrative fine~~Administrative Fine may be issued to any responsible person for any violation referred to in this ~~chapter~~Chapter.
- (B) Each and every day a violation of the Municipal Code exists constitutes a separate and distinct offense.

(C) ~~An administrative fine~~Administrative Fine shall be assessed by means of an ~~administrative citation~~Administrative Citation issued by an ~~enforcement officer~~Enforcement Officer and shall be payable directly to the City of Garden Grove through the Finance ~~Directors office~~Department. Except as set forth in ~~subsection~~Subsection 1.22.010(dD), a citation may be issued by an ~~enforcement officer~~Enforcement Officer upon the determination by such ~~officer~~Officer that a violation of the Municipal Code exists.

(D) When a continuing violation exists pertaining to a building, plumbing, electrical, or other similar structural or zoning issue that does not create an immediate danger to health or safety, a citation for such a violation shall not be issued pursuant to this ~~chapter~~Chapter unless the responsible person has first been provided with a reasonable period as determined by the ~~enforcement officer~~Enforcement Officer, but in no event less than five (5) calendar days, in which to correct or otherwise remedy the violation. When such a violation creates an immediate danger to health or safety, a citation may be issued immediately.

~~(E)~~ Except as otherwise specified for those Municipal Code violations referred to in ~~subsections~~Subsections 1.22.010-(f(F) and (gG), in the case of administrative citations issued for violation of the Municipal Code, administrative fines shall be assessed in the amount of one thousand dollars (\$1,000.~~00~~) for each violation.

(F) For each violation of the Municipal Code that would otherwise be determined to be an infraction, ~~administrative fines~~Administrative Fines shall be in the following amounts:

(1) A fine of one hundred dollars (\$100.~~00~~) for a first violation;

(2) A fine of two hundred dollars (\$200.~~00~~) for a second violation of the same Municipal Code provision within one (1) year from the date of the first violation; and

(3) A fine of five hundred dollars (\$500.~~00~~) for each additional violation of the same Municipal Code provision within one (1) year from the date of the first violation.

(G) In the case of an ~~administrative citation~~Administrative Citation issued for violation of Sections 030, 040 or 050(~~aA~~) of ~~chapter~~Chapter 8.64 or any provision of ~~chapter~~Chapter 8.84 of this Code, ~~administrative fines~~Administrative Fines shall be assessed in the following amounts:

(1) A fine ~~a~~of three hundred dollars (\$300.~~00~~) for a first violation;

(2) A fine of six hundred dollars (\$600.~~00~~) for a second violation of the same provision within one (1) year from the date of the first violation; and



- (3) A fine of one thousand dollars (\$1,000.00) for each additional violation of the same provision within one (1) year from the date of the first violation.
- (H) In addition to the ~~administrative fine schedule~~Administrative Fine Schedule as set forth above, and pursuant to Government Code ~~section~~Section 38773.5(b), the City may recover, at its discretion, attorneys fees and costs in any action, administrative proceeding, or special proceeding to abate any nuisance arising out of a Municipal Code violation. The recovery of attorneys fees and costs shall be by the prevailing party, and limited to those individual actions or proceedings in which the City elects, by direction of the City Manager at the initiation of that individual action or proceeding, to seek recovery of its own attorneys fees. In no action, administrative proceeding, or special proceeding shall an award of ~~attorneys~~attorneys' fees to the prevailing party exceed the amount of reasonable fees incurred by the City in such matters.
- (I) Nothing in this ~~chapter~~Chapter shall require the City to proceed with an ~~administrative citation~~Administrative Citation and fine in lieu of the penalty provisions set forth in ~~chapter~~Chapter 1.04 or any other legal options available to the City. An ~~administrative citation~~Administrative Citation may be utilized in place of, or in addition to, any other remedy allowed by the Municipal Code or state law.
- (Ord. 2749 §-1, 2009; Ord. 2737 §§ 2, and 3, 2008; Ord. 2733 §§ 2, 3, and 4, 2008; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.020: Service of Citation**

- ~~-(A)~~ An ~~administrative citation~~Administrative Citation may be served upon the recipient either by personal delivery or by ~~first class mail~~First Class Mail through the United States Postal Service. If served by ~~first class mail~~First Class Mail, the citation shall be sealed in an envelope with postage prepaid and addressed to the recipient of an ~~administrative citation~~Administrative Citation at his/~~her~~ last-known business or residence address as the same appears in public records of the City. Service by mail shall be deemed to have been completed on the date of deposit with the United States Postal Service. The date of personal service or the date a citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- (B) If an agent, manager, or representative of a responsible person is personally served with a citation, a copy thereof shall also be served by ~~first class mail~~First Class Mail on the responsible person at his/~~her~~ last-known business or residence address as the same appears in public records of the City. In such instances, the date a copy of the citation is deposited with the United States Postal Service shall constitute the issuance date of a citation.
- (C) If service cannot be accomplished personally or by mail for citations involving a real property-related violation of the Municipal Code, the ~~enforcement officer~~Enforcement Officer shall post the citation on such real property in the

City in which the person cited is known to have a legal interest in, or possession, dominion, and control of, such property, or a portion thereof. The date of posting shall constitute the issuance date of the citation.

(D) ~~Any notice or order given pursuant to any provision of this chapter~~Chapter shall be served in the manner provided for in this ~~section~~Section, unless otherwise stated.

(E) ~~Failure of a recipient of an administrative citation~~Administrative Citation to receive a citation or notice by mail, shall not invalidate any fine, late charge, action, or proceeding, if service was given in a manner stated in this ~~section~~Section.

(F) ~~An administrative citation~~ Administrative Citation should contain the following information:

(1) Name of the person who is cited for the violation(s);

(2) Date, approximate time, and address or brief description of the location where the violation(s) was observed;

~~-(3) The Code section~~Section(s) or condition(s)/provision(s) violated and a brief description of the violation(s);

(4) The amount of the fine for the violation(s);

(5) An explanation of how the fine shall be paid and the time period by which it shall be paid;

(6) Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request~~Request~~ for hearing a Hearing form to contest the administrative citation~~Administrative Citation~~; and

(7) The name and signature of the enforcement officer~~Enforcement Officer~~.

(G) ~~Failure of an administrative citation~~Administrative Citation to contain all the required information shall not affect the validity of the ~~administrative citation~~Administrative Citation.

(Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

### **SECTION 1.22.030: Appeal of Administrative Citation**

- a. ~~-(A) Any recipient of an administrative citation~~Administrative Citation may contest that there was a violation of the Garden Grove Municipal Code, or that he or she is the responsible person, or may contend that the amount of the fine is disproportionate in light of mitigating factors, by completing a Request for Hearing form, together with an advance deposit of the fine,

and returning both to the ~~City Clerk~~Finance Department within fifteen (15) days from (1) service of the ~~administrative citation~~Administrative Citation, if personally served, or (2) the date of the ~~administrative citation~~Administrative Citation if served by mail. Any ~~administrative citation~~Administrative Citation fine that has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the ~~administrative citation~~Administrative Citation was not responsible for the violation(s), or that there was no violation(s) as alleged in the ~~administrative citation~~Administrative Citation or any amendments thereto. The ~~hearing officer~~Hearing Officer may reduce the fine amount if the ~~hearing officer~~Hearing Officer finds, based on the totality of the circumstances, the fine is clearly disproportionate to the violation in light of mitigating factors. Any ~~administrative citation~~Administrative Citation fine that has been deposited shall be reduced, and the difference refunded, if it is determined, after a hearing, that the amount of the fine is clearly disproportionate to the violation in light of mitigating factors.

(B) ~~A request~~Request for a ~~hearing~~Hearing shall contain the following:

- (1) The citation number;
- (2) The name, address, telephone, and any facsimile numbers of each person contesting the citation;
- (3) A statement of any and all reasons why the citation is being contested, including any mitigating factors; and
- (4) The date and signature of the person(s) cited.

(C) A timely request for a hearing shall not excuse a recipient of an ~~administrative citation~~Administrative Citation from the duty to immediately abate a violation of the Municipal Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Municipal Code.

(D) Waiver of Advanced Deposit of Fine.

- ~~(1)~~ A recipient of an ~~administrative citation~~Administrative Citation who is financially unable to deposit the ~~administrative fine~~Administrative Fine with his/~~her~~ request for a hearing may complete a City--approved application form for an advance deposit hardship waiver (hereafter the "~~hardship waiver~~"). This form and all required accompanying records, shall be tendered, along with a request for a hearing, to the ~~office of the City Clerk~~Finance Department within fifteen (15) calendar days from the issuance date of a citation.
- (2) To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable

the City to reasonably determine that the recipient of an ~~administrative citation~~Administrative Citation has a present inability to deposit the fine. Documents suitable for consideration, may include, without limitation, accurate, complete, and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income, and expense records for twelve (12) months preceding submittal of the hardship waiver form, as well as other documentation demonstrating the financial hardship of the recipient of an ~~administrative citation~~Administrative Citation. The City may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a recipient of an ~~administrative citation~~Administrative Citation for a hardship waiver without prior notice to the recipient of an ~~administrative citation~~Administrative Citation.

(3) In the absence of advance payment of the fine pursuant to ~~subsection (a)~~Subsection (A) above, the failure to submit a completed, signed hardship waiver form, along with records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the recipient of an ~~administrative citation~~Administrative Citation shall have waived the right to a hearing, and the ~~citation~~Citation shall be deemed final.

~~(4)~~ The City shall issue a written decision specifying the reasons for issuing or not issuing the hardship waiver. This decision is final and non-appealable. The decision shall be served upon the person requesting the hardship waiver by ~~first class mail~~First Class Mail.

(5) Approval of a hardship waiver shall result in the City setting a hearing pursuant to this ~~section~~Section.

(6) If the City determines that the recipient of an ~~administrative citation~~Administrative Citation is not entitled to a hardship waiver, he/she shall tender the full amount of the ~~administrative fine~~Administrative Fine to the ~~office of the City Clerk~~Finance Department within seven (7) calendar days of the date the decision is deposited with the United States Postal Service. In the event the ~~City Clerk~~Finance Department does not receive the full amount of the fine in the required period: (i) a late charge shall be imposed; (ii) the request for a hearing shall be deemed incomplete and untimely; and (iii) the recipient of an ~~administrative citation~~Administrative Citation shall have waived the right to a hearing and the citation shall be deemed final.

(Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.040: Hearing Officer**

The City Manager shall designate, in accordance with applicable law, the ~~hearing officer~~Hearing Officer for the ~~administrative citation hearing~~Administrative Citation hearing. The employment, performance evaluation, compensation and benefits of the ~~hearing officer~~Hearing Officer, if any, shall not be directly or indirectly conditioned upon the amount of ~~administrative citation~~Administrative Citation fines upheld, reduced, or overturned by the ~~hearing officer~~Hearing Officer. (Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.050: Hearing Procedure**

- ~~(A)~~ No hearing to contest an ~~administrative citation~~Administrative Citation before a ~~hearing officer~~Hearing Officer shall be held unless and until a Request for Hearing form has been completed and submitted to the ~~City Clerk~~Finance Department, and, except as set forth in Section 1.22.030(~~d~~B), the fine has been deposited in advance.
- ~~(B)~~ A hearing before the ~~hearing officer~~Hearing Officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) days from the date that the Request for Hearing is filed in accordance with the provisions of this ~~chapter~~Chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing. The date for the hearing may be continued beyond sixty (60) days from the date of the Request for Hearing is filed upon written stipulation of both the City and the person requesting the hearing.
- ~~(C)~~ The ~~hearing officer~~Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the person cited has caused, maintained, or is otherwise responsible for the violation(s) of the Municipal Code on the date(s) specified in the ~~administrative citation~~Administrative Citation, and the existence of mitigating factors, if any.
- ~~(D)~~ The failure of any recipient of an ~~administrative citation~~Administrative Citation to appear at the ~~administrative citation hearing~~Administrative Citation Hearing shall constitute a forfeiture of the fine and a failure to exhaust his/her administrative remedies.
- ~~(E)~~ Administrative hearings are informal and rules of evidence and discovery do not apply. The City bears the burden of proof to establish a violation and responsibility thereof by a preponderance of evidence. The citation is prima facie evidence of the violation and the ~~enforcement officer~~Enforcement Officer who issued the citation is not required to attend or participate at the hearing. The recipient of any ~~administrative citation~~Administrative Citation and ~~enforcement officer~~the Enforcement Officer or other City official, if present, shall have an opportunity to testify, present witnesses and evidence, and to cross-examine witnesses presented by the City in support of the ~~administrative citation~~Administrative Citation. The ~~hearing officer~~Hearing Officer may

question any person who presents evidence or who testifies at the hearing.

- (F) ~~At least ten (10) days prior to the hearing, the recipient of an administrative citation~~Administrative Citation shall be served by mail with copies of any reports and other documents submitted or relied upon by the ~~enforcement officer~~Enforcement Officer.
  - (G) ~~If the enforcement officer~~Enforcement Officer or other City official submits an additional written report concerning the ~~administrative citation~~Administrative Citation to the ~~hearing officer~~Hearing Officer for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five (5) days prior to the date of the hearing.
  - (H) ~~The hearing officer~~Hearing Officer may continue the hearing and request additional information from the ~~enforcement officer~~Enforcement Officer, another City official, or the recipient of the ~~administrative citation~~Administrative Citation prior to issuing a written decision.
- (Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.060: Hearing Officer Decision**

- ~~-(A)~~ After considering all of the relevant evidence submitted at the hearing, the ~~hearing officer~~Hearing Officer shall issue a written decision within ten (10) days of the hearing to uphold, reduce, or overturn the ~~administrative citation/fine~~Administrative Citation/Fine and shall list in the decision the reasons for that decision. The decision of the ~~hearing officer~~Hearing Officer shall be final.
  - ~~-(B)~~ If the ~~hearing officer~~Hearing Officer determines that the ~~administrative citation/fine~~Administrative Citation/Fine should be upheld, then the fine amount on deposit with the City shall be retained by the City.
  - (C) If the ~~hearing officer~~Hearing Officer determines that the ~~administrative citation/fine~~Administrative Citation/Fine should be reduced, then the fine amount on deposit with the City shall be retained by the City, except that the difference between the deposit and the reduced fine shall be promptly refunded.
  - (D) If the ~~hearing officer~~Hearing Officer determines that the ~~administrative citation/fine~~Administrative Citation/Fine should be overturned and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine.
  - (E) The recipient of the ~~administrative citation~~Administrative Citation shall be served with a copy of the ~~hearing officers~~Hearing Officer's written decision by ~~first class mail~~First Class Mail.
- (Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

## **SECTION 1.22.070: Failure to Pay and Collection of Fines**

- ~~(A)~~ In the absence of a timely appeal, the due date for the ~~City's~~City's receipt of a ~~administrative fine~~Administrative Fine shall be thirty (30) calendar days from the issuance date of a citation. Thereafter, a late charge shall be due and owing.
- ~~(B)~~ Failure to pay an ~~administrative fine~~Administrative Fine within the period required from the issuance date of a citation shall result in a late charge as established by a ~~resolution~~Resolution of the City Council. The amount of a late charge may be modified from time to time by a ~~resolution~~Resolution of the City Council.
- ~~(C)~~ Administrative ~~fines~~Fines and any late charges due shall be paid to the City at such location or address as stated in the citation, or as may otherwise be designated by the City Manager.
- ~~(D)~~ Payment of an ~~administrative fine~~Administrative Fine shall not excuse or discharge a recipient of an ~~administrative citation~~Administrative Citation from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.
- ~~(E)~~ Abatement of a violation shall not excuse the obligation of a recipient of an ~~administrative citation~~Administrative Citation to pay an ~~administrative fine~~Administrative Fine, or any late charge.
- ~~(F)~~ Unpaid ~~administrative fines~~Administrative Fines and/or late charges shall constitute a debt that may be collected in any manner allowed by law.
- ~~(G)~~ If, pursuant to ~~subsection~~Subsection 1.22.030(d), a ~~hardship waiver~~D, a Hardship Waiver is granted and the fine is not deposited prior to the appeal hearing, the fine shall be due and payable in full thirty (30) days following the ~~hearing officer's~~Hearing Officer's mailing of the written decision if the citation is upheld, unless review is timely sought pursuant to Section 1.22.080. The failure of any person to pay the ~~administrative fine~~Administrative Fine assessed by an ~~administrative citation~~Administrative Citation within the time specified on the citation or otherwise required by this ~~chapter~~Chapter may result in the matter being referred to the ~~Garden Grove Finance Director~~Department to file a claim in ~~small claims court~~Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the past due ~~administrative fines~~Administrative Fines and related costs.
- ~~(H)~~ Any person who fails to pay any fine shall be liable in any action or collection procedure brought by the City for all costs incurred to obtain payment of the delinquent amount, including, but not limited to, administrative costs, collection costs, and attorneys fees.

~~(I)~~ Collection costs shall be in addition to any penalties, interest, and late charges imposed upon the delinquent obligation. Interest on overdue fines and on late charges shall accrue at the rate of six percent (6%) per annum.

(J) Commencement of an action to collect a delinquent fine shall not preclude issuance of one or more additional citations to the legally responsible party if the violation or violations persist.

(Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.080: Right to Judicial Review**

Any person aggrieved by an administrative decision of a ~~hearing officer~~Hearing Officer on an ~~administrative citation~~Administrative Citation may obtain review of the administrative decision by filing an appeal with the Orange County Superior Court within twenty (20) days after service of the administrative decision, in accordance with the provisions of California Government Code Section 53069.4. The Superior Court is the sole reviewing authority, and a ~~hearing officers~~Hearing Officer's decision is not appealable to the City Council.

(Ord. 2749 §-1, 2009; Ord. 2701 § 3 (part), 2007)

#### **SECTION 1.22.090: Notices**

~~(A)~~ All notices to be given by this ~~chapter~~Chapter shall be served on the responsible person either by personal delivery or by ~~first class mail~~First Class Mail.

(B) Failure to receive any notice specified in this ~~chapter~~Chapter shall not affect the validity of proceedings conducted hereunder.

(Ord. 2749 §-1, 2009)

#### **SECTION 1.22.100: Definitions**

a. ~~(A)~~ "Enforcement officer" means all ~~pPolice~~ ~~oOfficers~~, ~~eCode~~ ~~eEnforcement~~ ~~oOfficers~~, ~~eCommunity~~ ~~sService~~ ~~oOfficers~~, the ~~bBuilding~~ ~~oOfficial~~, ~~bBuilding~~ ~~iInspectors~~, the ~~eCommunity~~ ~~dDevelopment~~ ~~dDirector~~, the City ~~eEngineer~~, the ~~fFire~~ ~~mMarshal~~ and all persons designated by the City Manager, ~~eCommunity~~ ~~dDevelopment~~ ~~dDirector~~ or Fire Chief to serve as ~~eEnforcement~~ ~~oOfficers~~.

(B) "Person" means and includes any individual, partnership of any kind, corporation of any kind, limited liability company, association, joint venture, or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrators or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as a property owner in the City.

(C) "Responsible ~~person~~"Person means any person, whether as a real property owner or otherwise, that allows, causes, creates, maintains or permits a violation of the Municipal Code to occur, exist, or continue in existence.



~~"Responsible person~~Person" shall include the parent or legal guardian of any person under the age of eighteen (18) years who allows, causes, creates, maintains, or permits a violation of the Municipal Code to occur, exist, or continue in existence.

(Ord. 2749 §-1, 2009)

#### **SECTION 1.22.110: Application to Permits and Approvals**

Notwithstanding any other provision of this Municipal Code, a violation of any condition of any permit, ~~entitlement~~, or approval issued by the City, including, but not limited to, ~~any conditional use permit, site plan, specific plan, planned unit development, special event~~Conditional Use Permit, Variance, Site Plan, Specific Plan, Planned Unit Development, Tentative or community event permit~~Parcel Map, Lot Line Adjustment, City Manager or Designee Review, Director Review, Home Occupation Permit, or Special Event, Temporary Event or Community Event Permit~~, shall be subject to the penalty provisions of this ~~chapter~~Chapter, which provisions shall not be the exclusive remedy for such violations.

(Ord. 2749 §-1, 2009)

#### **SECTION 1.22.120: Collection by Lien**

~~-(A)~~ If the fine owed by a cited party is for one or more Municipal Code violations on the cited ~~party's~~party's property, and the citation was issued to abate a nuisance as defined by the Municipal Code or City ~~ordinance~~Ordinance, and the amount has been delinquent ninety (90) days or more, the delinquent amount shall become a lien on the property on which the violation(s) occurred.

(B) Notice of Lien Hearing. The City shall give written notice to the cited party of a hearing before the City Council regarding the delinquent fine amount and related costs. The notice shall be mailed by ~~first class mail~~First Class Mail at least fourteen (14) days before the hearing. The notice shall state:

- (1) The citation or citations resulting in the delinquent fine amount;
- (2) The total of the delinquent fine amount and related costs;
- (3) The date the delinquent fine amount was due;
- (4) The street address, ~~assessors parcel number~~Assessor's Parcel Number, and legal description of the property upon which the violations occurred;
- (5) The date, hour, and place of the hearing;
- (6) A statement that the cited party or other legally responsible person may appear and be heard; and

(7) ~~A statement that unless the fine amount is paid by the date specified in a resolution~~Resolution by the City Council, the total amount due will become a lien and special assessment on the property.

(C) ~~Lien Hearing.~~ Lien Hearing. At the ~~lien hearing~~Lien Hearing, the City Council shall hear and consider all competent evidence about the delinquent fine amount. If it finds the amount is delinquent, it shall make a finding of fact confirming that the delinquent fine amount and related costs are due the City as costs of nuisance abatement. If the delinquent amounts are affirmed, the total amount due is to be paid to the City within five (5) days, after which the amount due will become a lien on the property.

(D) ~~Recorded Lien.~~ Recorded Lien. If the amount due is not paid within five (5) days after the City Council confirms it and orders it paid, the amount due shall constitute a lien upon the real property upon which the nuisance violations existed and shall be a special assessment against the property. The lien shall continue until the amount due and interest, computed at six percent (6%) per annum from the date of the City ~~Council's~~Council's confirmation, is paid, or until it is discharged of record. If the amount due is not paid as required by the City ~~Council's~~Council's order, a ~~notice~~Notice of ~~lien~~Lien shall be recorded in the ~~office~~Office of the ~~county recorder~~County Recorder and delivered to the ~~county tax collector~~County Tax Collector. The ~~notice~~Notice of ~~lien~~Lien shall substantially be in the following form:

NOTICE OF LIEN  
CLAIM OF THE CITY OF GARDEN GROVE

By the authority of chapter 22 of Title 1 of the Garden Grove Municipal Code, an ~~administrative citation~~Administrative Citation or ~~citations~~Citations were issued regarding nuisance abatement at the real property described below. Fines were assessed for the nuisance. By action of the City of Garden Grove City Council, recorded in its official minutes, the fines and related costs were confirmed as delinquent and assessed against the property as costs of nuisance abatement.

The delinquent amount was not paid, therefore the City of Garden Grove claims a lien on the real property for the costs of abatement in the amount of \$ \_\_\_\_\_, which shall be a lien on the real property until it is paid, with interest at the rate of six percent (6%~~%~~) per annum from the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_. [insert the date the City Council confirmed the delinquent fines and related costs]. The lien shall continue until paid in full and discharged of record. It shall also be a personal obligation against [insert name of property owner].

The real property upon which a lien is claimed is that certain parcel of land in the City of Garden

Grove, County of Orange, State of California, described as follows:

[Insert legal description.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

City of Garden Grove

By: \_\_\_\_\_  
\_\_\_\_ City Manager

(E) Special Assessment.

-(1) After the lien is confirmed and recorded, a certified copy of it shall be filed with the ~~county auditor/recorder~~ County Recorder. The description of the parcel reported to the ~~auditor/recorder~~ County Recorder shall be the one used by the ~~county assessors~~ County Assessor's map book for the current year. The ~~county auditor/recorder~~ County Recorder shall enter each assessment on the ~~county tax roll~~ County Tax Roll for the reported parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes.

(2) If delinquent, the amount is subject to the same penalties and procedure of foreclosure provided for ordinary municipal taxes. As an alternative method, the ~~county tax collector~~ County Tax Collector, in his/her discretion, may collect the assessment without reference to the general taxes, by issuing separate bills and receipts for the assessment. Laws relating to the levy, collection, and enforcement of ~~county~~ County taxes shall apply to such special assessment.

-(3) The City may receive the amount due on the abatement costs and issue receipts at any time after the confirmation of the statement, before August 1st of that current year. The City Council may order a refund of any lien or assessment paid under this ~~section~~ Section if it finds that all or part of the assessment has been erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with the Office of the City Clerk on or before March 1st after taxes become due and payable. The claim shall be verified by the person who pays the tax, or his/her guardian, executor, or administrator.

(Ord. 2749 §-1, 2009)

**SECTION 1.22.130: Miscellaneous Provisions**

The City Manager is authorized to promulgate procedural rules and regulations governing the ~~civil administration citation~~ Civil Administration Citation and ~~hearing~~ Hearing process consistent with this ~~chapter~~ Chapter and applicable law.  
(Ord. 2749 §-1, 2009)

EXHIBIT "B"

TITLE 18 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES

## **TITLE 18: -BUILDING CODES AND REGULATIONS\***

\* For statutory authority of cities to regulate construction and maintenance of buildings, see Gov. ~~C.A.~~ ernment Code § 38660; as to ~~state~~ State regulations concerning dwellings, see Health and Safety ~~C.A.~~ ode §§ 17910-17995.5.

### **CHAPTER 04: CODES ADOPTED BY REFERENCE\***

\* Prior ~~ordinance~~ Ordinance history: Ords. 2242, 2310, 2481, 2590, and 2666.

#### **SECTION 18.04.010: Codes Designated— Filing.**

The California Building Code, 2010 Edition, based on the 2009 International Building Code as published by the International Code Council, including appendices H, I, J; California Residential Code, 2010 Edition, based on the 2009 International Residential Code as published by the International Code Council, including appendix H; California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code as published by the National Fire Protection Association; California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, including appendices A - D; California Plumbing Code, 2010 Edition, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, including appendices A, B, D, I, K and L; California Energy Code, 2010 Edition; California Fire Code, 2010 Edition based on the 2009 International Fire Code as published by the International Code Council, including appendices B, BB, C, CC and D; California Green Building Standards Code, 2010 Edition as adopted into the California Code of Regulations, Title 24, Parts 2 through 6, 9, 11, and 12 respectively; International Property Maintenance Code, 2009 Edition as published by the International Code Council; and Uniform Swimming Pool, Spa, and Hot Tub Code, 2009 Edition as published by the International Association of Plumbing and Mechanical Officials; are hereby adopted by reference as the Building Codes and Regulations of the City of Garden Grove, together with amendments set forth in Chapters 12, 14, 24, and 32 below.

(Ord. 2783 § 2, 2010; Ord. 2733 §-1, 2008; Ord. 2718 § 2 (part), 2007).

### **CHAPTER 08: UNREINFORCED MASONRY BUILDINGS\***

\* Prior ~~ordinance~~ Ordinance history: Ord. 2481 and Ord. 2590.

#### **SECTION 18.08.010: ~~Partial mitigation~~ Mitigation of hazardous unreinforced masonry buildings ~~Hazardous Unreinforced Masonry Buildings~~**

(A) The following listed ~~code~~ Code, with amendments, additions, and deletions is adopted by reference.

- (1) Appendix Chapter 1, Uniform Code for Building Conservation, 1991 Edition.

(B) ~~This code~~ Code shall not be superseded by the adoption of subsequent ~~codes~~ Codes as referenced in other ~~sections~~ Sections of this ~~chapter~~ Chapter. This ~~section~~ Section shall remain in full force and effect, regardless of the repeal, modification, or amendment of other ~~codes~~ Codes referenced in this ~~chapter~~ Chapter until such time as it is specifically amended or repealed. One copy of the ~~code~~ Code referred to above with all amendments, deletions, and additions is on file with the ~~city clerk~~ City Clerk and is open to public inspection.

(C) For the purpose of implementing this mitigation program for unreinforced masonry buildings, those portions of the 1991 Uniform Building Code and 1991 Uniform Building Code Standards, which are referenced in Appendix Chapter 1 of the Uniform Code for Building Conservation, 1991 Edition, shall remain in effect regardless of the adoption of subsequent editions of the Uniform Building Code and Uniform Building Code Standards. Any person or entity owning, residing in, occupying, or managing a building or structure within the city shall not maintain the building or structure in violation of any of the provisions of this ~~section~~ Section.

(Ord. 2718 § 3 (part), 2007).

#### **SECTION 18.08.020: Compliance ~~requirements~~ Requirements**

~~(A)~~ The owner of each building within the scope of this ~~section~~ Section shall, upon service of an order and within the time limits set forth in this ~~section~~ Section, cause a structural analysis to be made of the building by a ~~state~~ State of California ~~registered professional civil~~ Registered Professional Civil or structural engineer Structural Engineer or a ~~state~~ State of California licensed architect Licensed Architect, and if the building does not comply with earthquake standards specified in this ~~section~~ Section, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

(B) The owner of a building within the scope of this ~~section~~ Section shall comply with the requirements set forth above by submitting to the ~~building official~~ Building Official for review within the stated time limits:

(1) Within two hundred seventy (270) days after service of the order, a structural analysis, which is subject to approval by the ~~building official~~ Building Official, and which shall demonstrate that the building meets the minimum requirements of this ~~section~~ Section;

(2) Within two hundred seventy (270) days after service of the order, the structural analysis and plans for structural alteration of the building to comply with this ~~section~~ Section;

Section;

~~(3)~~ Within one hundred twenty (120) days after service of the order, plans for the installation of wall anchors and parapet bracing and exterior wall appendage removal or stabilization in accordance with the requirements

specified in Section A110 of Appendix Chapter 1, Uniform Code for Building Conservation, 1991 Edition; or

(4) Within two hundred seventy (270) days after service of the order, plans for the demolition of the building.

(C) After plans are submitted and approved by the ~~building official~~ Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-1-G (GGMC 18.08.040). These time limits shall begin to run from the date the order is served in accordance with Section 18.08.030, except that the time limit to commence structural alterations or building demolition shall begin to run from the date the building permit is issued.

(D) Owners electing to comply with ~~subsection 2(c)~~ Item B(3) of this section are also required to comply with Item B(2(b)) or 2(dB(4)) of this section; provided, however, that the two hundred seventy (270) day period provided for in ~~subsection Item B(2(b)) or 2(dB(4))~~ and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. A-1-G may be extended in accordance with Table No. A-1-H (GGMC 18.08.050). Each such extended time limit shall begin to run from the date the order is served, in accordance with Section 18.08.030, except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

(Ord. 2718 § 3 (part), 2007).

### **SECTION 18.08.030: Administration**

~~Order Service.~~

#### **-(A) ORDER — SERVICE.**

(1) The ~~building official~~ Building Official shall, in accordance with the priorities set forth in Table No. A-1-H, issue an order as provided in this ~~section~~Section, to the owner of each building within the scope of this ~~section~~Section.

(2) Prior to the service of an order as set forth in Table No. A-1-H, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the ~~building official~~ Building Official to be within the scope of this ~~section~~Section. The bulletin may contain information the ~~building official~~ Building Official deems appropriate. The bulletin may be issued by mail or in person.

~~Order Priority of Service.~~

(B) **ORDER — PRIORITY OF SERVICE.** Priorities for the service of the order for buildings within the scope of this ~~section~~Section shall be in accordance with the rating classification as shown on Table No. A-1-H. The minimum time period to the service of the order as shown on Table No. A-1-H shall be measured from the effective date of this ~~section~~Section. The building

~~official~~Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this ~~section~~Section prior to the normal service date for such building set forth in this ~~section~~Section.

~~Order Contents.~~

(C) ORDER — CONTENTS. The order shall be in writing and shall be served either personally or by ~~certified mail~~Certified Mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the ~~building official~~Building Official to be within the scope of this ~~section~~Section, and therefore is required to meet the minimum seismic standards of this ~~section~~Section. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section 18.08.020, which sets forth the ~~owner's~~owner's alternatives and time limits for compliance.

~~Appeal from Order.~~

(D) APPEAL FROM ORDER. The owner of the building may appeal to the ~~administrative board of appeals, the building official's~~Building Official's initial determination that the building is within the scope of this ~~section~~Section. Such appeal shall be filed with the ~~board~~Administrative Board of Appeals within thirty (30) days from the service date of the order described in Section 18.08.030. Any appeal shall be decided by the ~~board~~Board no later than ninety (90) days after filing, and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determination, orders, or actions by the ~~building official~~Building Official pursuant to this ~~section~~Section shall be made in accordance with the procedures established in Sections 204 and 301 of the Uniform Administrative Code.

~~Recordation.~~

(E) RECORDATION. At the time that the ~~building official~~Building Official serves the order, he shall also file with the ~~office of the county recorder,~~County Recorder's Office a certificate stating that the subject building is within the scope of this ~~section~~Section and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to alter or demolish it where compliance with this ~~section~~Section has not been demonstrated.

(1) If the building is demolished, found not to be within the scope of this ~~section~~Section, or is made structurally capable of resisting the minimum seismic forces required by this ~~section~~Section as a result of structural alterations or an analysis, the ~~building official~~Building Official shall file with the ~~office of the county recorder,~~County Recorder's Office a form terminating the status of the subject building as being classified within the scope of this ~~section~~Section.

~~Enforcement.~~

(F) ENFORCEMENT. If the owner in charge or control of the subject building fails to comply with any order issued by the ~~building official~~Building Official



pursuant to this ~~section~~Section, within any of the time limits set forth in this ~~section, the building official~~Section, the Building Official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the ~~building official~~Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety ~~days~~ (90) days after the date the building has been ordered vacated, or such additional time as may have been granted by the ~~administrative board of appeals, the building official~~Administrative Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 203 of the Uniform Administrative Code, the Uniform Code for the Abatement of Dangerous Buildings, or the Garden Grove Municipal Code.

(Ord. 2718 § 3 (part), 2007).

**SECTION 18.08.040: Table No. A-1-G— ~~Time limits~~Limits for compliance**

~~Table No. A-1-G—Time limits for compliance~~

<u>Required Action By Owner</u>	<u>Obtain Building Permit Within</u>	<u>Commence Construction Within</u>	<u>Complete Construction Within</u>
<u>ActionStructural Alterations or Building Demolition</u>	<u>permit1 Year<sup>2</sup></u>	<u>Construction180 Days<sup>1</sup></u>	<u>Construction3 Years<sup>2</sup></u>
<u>by OwnerWall Anchors</u>	<u>Within180 Days<sup>2</sup></u>	<u>Within270 Days<sup>2</sup></u>	<u>Within1 Year<sup>2</sup></u>

<sup>1</sup>Measured from date of building permit issuance.

<sup>2</sup>Measured from date of service of order.

(Ord. 2718 § 3 (part), 2007).

**SECTION 18.08.050: Table No. A-1-H -- Extensions of Time and Service Priorities**

<u>Rating Classification</u>	<u>Occupant Load</u>	<u>Extension of Time if Wall Anchors are Installed</u>	<u>Periods for Service of Order</u>
<u>StructuralI (Highest Priority)</u>	<u>1 Year(2)N/A</u>	<u>180 Days(1)N/A</u>	<u>3 Years(2)N/A</u>
<u>alterationsII</u>	<u>100 or More</u>	<u>1 Year</u>	<u>180 Days</u>
<u>or buildingIII-A</u>	<u>100 or More</u>	<u>1 Year</u>	<u>1 Year</u>
<u>demolitionIII-B</u>	<u>50 or More But Less Than 100</u>	<u>1 Year</u>	<u>1 Year</u>
<u>III-C</u>	<u>20 or More But</u>	<u>2 Years</u>	<u>1 Year</u>

	<u>Less Than 50</u>		
Wall anchors IV (Lowest Priority)	<u>180 Days (2) Less Than 20</u>	<u>270 Days (2) 2 Years</u>	<u>1 Year (2)</u>

-Measured from date of building permit issuance. b. Measured from date of service of order.  
 (Ord. 2718 § 3-(part), 2007).

**~~SECTION 18.08.050: Table No. A 1 H Extensions of time and service priorities~~**

~~Table No. A 1 H Extensions of Time and Service Priorities~~

		Extension	
Rating	Occupant	of Time if	Periods
Classification	Load	Wall Anchors	for Service of
		are installed	Order
(highest priority)			
I	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	50 or more but less than 100	1 year	1 year
III-C	20 or more but less than 50	2 years	1 year
IV	less than 20	2 years	1 year
(lowest priority)			

(Ord. 2718 § 3 (part), 2007).

**CHAPTER 12: BUILDING CODE\***

\*Prior ordinance ~~Ordinance~~ history: Ord. 2481 and Ord. 2590.

**SECTION 18.12.010: Section 105.2 \_\_Amended — Work exempt from permit.**

Item-#2 under Building is hereby amended as follows:

Masonry and/or concrete fences not over three (3) feet high and other fences not over seven (7)

2. \_feet high.

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.020: Section 403 \_\_Amended — High-Rise Building Definitions.**

The first paragraph of Section 403.1, and no. 2 definition of Section 403.1 are hereby amended to define high-rise building at 55 feet instead of 75 feet. The revisions are to read as follows:

SECTION 403-

HIGH-RISE BUILDINGS AND GROUP I-2 OCCUPANCIES HAVING OCCUPIED FLOORS LOCATED MORE THAN 55 FEET ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS

403.1 Applicability. New high-rise buildings and new Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access shall comply with Section 403.2 through 403.6.

403.1.1 Definitions.

"

2. "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access, except buildings used as hospitals as defined in Health and Safety Code Section

\_1250.

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.030: Section [F]903.2 \_\_Amended — Where required**  
\_Section [F]903.2, of said California Building Code is hereby amended by adding the following after the first paragraph:

Notwithstanding any other provisions in this code, approved automatic sprinkler systems shall be installed and maintained in accordance with the latest edition of NFPA Standard 13 throughout all new buildings or structures, regardless of fire walls, with a gross floor area of 6,000 square feet or more, or with a total height of 55 feet or more above grade, or containing three or more stories.

Buildings or structures which presently exceed 6,000 square feet of floor area constructed prior to the adoption of this code, upon or to which any alteration or additions are to be made which would add more than 2,000 square feet to the

existing square footage of this building, shall have automatic sprinklers installed, as required herein and above.

Buildings or structures which presently do not exceed 6,000 square feet of floor area, to which any alterations or additions are made, and after such alterations or additions the floor area will exceed 8,000 square feet, shall have automatic sprinkler systems installed, as required herein and above. (Balance of Section to remain unchanged.)

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.040: Section [F]907.2.13 \_\_Amended — High-Rise Building.**

~~Section~~ Section [F]907.2.13 is hereby amended to read as follows:

\_\_\_\_[F]907.2.13 High-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access. High-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a Fire Department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2. (Balance of Section to remain unchanged.)

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.050: Section [F]907.6.3.2 \_\_Amended — High-Rise Building.**

Section [F]907.6.3.2 is hereby amended to read as follows:

\_\_\_\_[F] 907.6.3.2 High-rise buildings. In high-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. -Smoke detectors
2. -Sprinkler waterflow devices
3. -Manual fire alarm boxes
4. -Other approved types of automatic fire detection devices or suppression systems

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.060: Section [F]911.1 \_\_Amended — High-Rise Building.**

Section [F]911.1 is hereby amended to read as follows:

\_\_\_\_[F] 911.1 General. Where required by other sections of this code and in all buildings classified as high-rise buildings by this code and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access, a fire command center for Fire Department operations shall be provided and shall comply with Sections 911.1.1 through 911.1.5.

(Ord. 2783 § 5-(part), 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.070: Section [F]911.2 \_\_Added — Fire Department system.**

Section [F]911.2 is hereby added to read as follows:

— [F] 911.2 Fire Department system. In high-rise buildings or parking structures of non-combustible construction, when it is determined by test that portable Fire Department communication equipment is ineffective, a communication system acceptable to the Garden Grove Fire Marshal shall be installed within the building to permit emergency communication between fire suppression personnel.

(Ord. 2783 § 5-~~(part)~~, 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.080: Section 1116B.1.8 \_\_Amended — Car inside.**

The first paragraph of Section 1116B.1.8 is hereby amended to read as follows:

1116B.1.8 \_Car inside.\_ The car inside shall allow for the turning of a wheelchair. The minimum clear distance between walls or between wall and door, excluding return panels, shall not be less than 80 inches by 54 inches (2032 mm by 1372 mm). \_ See figure 11B-40A(b). \_ Minimum distance from wall to return panel shall not be less than 51 inches (1295 mm). Elevator floor surfaces shall comply with Section 1124B \_Ground and Floor Surfaces.\_ (Balance of Section to remain unchanged.)

(Ord. 2783 § 5-~~(part)~~, 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.090: Section 3109.3 \_\_Amended — Height of pool enclosure.**

Section 3109.3 is hereby amended to read as follows:

3109.3 \_Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 5 feet in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

(Ord. 2783 § 5-~~(part)~~, 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.100: Section 3109.4.1 \_\_Amended — Barrier height and clearances.**

Section 3109.4.1 is hereby amended to read as follows:

3109.4.1 \_Barrier height and clearances. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches. \_(The rest of the Section remain unchanged.)

(Ord. 2783 § 5-~~(part)~~, 2010; Ord. 2718 § 5 (part), 2007)-

**SECTION 18.12.110: Table 1505.1 \_\_Amended — Roofing classification.**

Table 1505.1 is amended by the deletion of Table 1505.1 and the addition of a new Table 1505.1 thereto to read as follows:

TABLE 1505.1<sup>(a)</sup>**MINIMUM ROOF COVERING CLASSIFICATION  
FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

For SI: 1 foot = 304.8mm, 1 square foot = 0.0929m<sup>2</sup>  
Unless otherwise required in accordance with Chapter 7A.  
(Ord. 2783 § 5 (part), 2010; Ord. 2718 § 5 (part), 2007)

**CHAPTER 14: RESIDENTIAL CODE**

**SECTION 18.14.010: Section R902.1.3—\_\_Amended— \_\_ Roof Covering Classificationcovering classification. Minimum roof covering classification.**  
Section R902.1.3 is hereby amended to read as follow:

\_\_\_\_R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure and any roof covering applied in alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.  
(Ord. 2783 § 6, 2010)

**CHAPTER 24: ~~PLUMBING~~16: CALIFORNIA ELECTRICAL CODE\***

\* Prior ~~ordinance~~Ordinance history: Ord. 2481, Ord. 2590 and 2590Ord. 2666.

California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code as published by the National Fire Protection Association.  
(Ord. 2783 § 4, 2010; Ord. 2718 § 6 (part), 2007).

**CHAPTER 20: CALIFORNIA MECHANICAL CODE\***

\* Prior Ordinance history: Ord. 2481 and Ord. 2590.

California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, including appendices A – D.  
(Ord. 2783 § 4, 2010; Ord. 2718 § 7 (part), 2007).

**CHAPTER 24: PLUMBING CODE\***

\* Prior Ordinance history: Ord. 2481 and Ord. 2590.

**SECTION 18.24.010: Section 610.8 \_\_Amended — Size of Meter and Building Supply Pipe Using Table 6-6.**

The last paragraph of Section 610.8 of said California Plumbing Code is hereby amended to read as follows:

No building supply pipe shall be less than one (1) inch in diameter for single-family dwellings and 3/4 inch in diameter for all other buildings.

(Ord. 2783 § 7-(part), 2010; Ord. 2718 § 8 (part), 2007).

**SECTION 18.24.020: Table 6-6 \_\_Amended — Fixture Unit Table for Determining Water Pipe and Meter Sizes.**

Footnote \*\*\* of Table 6-6 of said California Plumbing Code is hereby amended to read as follows:

\*\*\*Building supply - 3/4" minimum diameter, 1" minimum diameter for each single-family dwelling unit.

(Ord. 2783 § 7-(part), 2010; Ord. 2718 § 8 (part), 2007).

**CHAPTER 28: CALIFORNIA ENERGY CODE\***

\* Prior Ordinance history: Ord. 2481.

California Energy Code, 2010 Edition.

(Ord. 2783 § 4, 2010; Ord. 2718 § 9 (part), 2007).

**CHAPTER 32: FIRE CODE\***

~~\* Prior ordinance~~Ordinance history: Ord. 2481 and Ord. 2590.~~Section 60 deleted by Ordinance 2733.~~

**SECTION 18.32.010: Section 109.3 \_\_Amended — Violation penalties.**

Section 109.3 is hereby amended to read as follows:

\_\_\_109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both, punishable by a fine of not more than \$1,000 dollars. Penalties shall be prescribed by local ordinance.

(Ord. 2783 § 8-(part), 2010; Ord. 2718 § 10 (part), 2007).

**SECTION 18.32.020: Section 202 \_\_Amended — Definition of fireworks.**

The definition for "Fireworks, 1.4G" within section 202 of said California Fire Code, 2010 Edition, is hereby amended to read as follows:

Fireworks, 1.4G. Includes safe and sane fireworks as defined in ~~Division~~ Division 11, ~~part-part~~ 2 of the Health and Safety Code of the State of California. Also see Section 3302.1.

(Ord. 2783 § 8-(part), 2010; Ord. 2718 § 10 (part), 2007).

**SECTION 18.32.030: Section 202 \_\_Amended — Definition of High-rise buildings.**

The definition of "High-Rise Building" within Section 202 of said California Fire Code, 2010 Edition is hereby amended to read as follows:

1. "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
2. "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having access (see California Building Code, Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.
3. "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

(Ord. 2783 § 8-(part), 2010; Ord. 2718 § 10 (part), 2007).

**SECTION 18.32.040: Section 507.5.1 \_\_Amended — Where required**

Section 507.5.1 is hereby amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is located more than allowed in APPENDIX C — FIRE HYDRANT LOCATIONS AND DISTRIBUTION from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the Fire Code Official.

Exceptions:

1. —For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet when fire sprinklers are installed throughout the structure in accordance with NFPA 13D, 2010 Edition.

(Ord. 2783 § 8-(part), 2010; Ord. 2718 § 10 (part), 2007).

**SECTION 18.32.050: Section 508.1 \_\_Amended — General.**

Section 508.1 is hereby amended to read as follows:

508.1 General. Where required by other Sections of this Code and in all buildings classified as high-rise buildings by the California Building Code and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access, a fire command center for



Fire Department operation shall be provided and shall comply with Section 508.1.1 through 508.1.5 (Rest of the Section to remain unchanged.) (Ord. 2783 § 8 (~~part~~), 2010; Ord. 2718 § 10 (part), 2007).

**SECTION 18.32.060: Section 903.2 \_\_Amended — Where required**

\_\_Section 903.2 of said California Fire Code, 2010 Edition, is hereby amended by adding the following after the first paragraph:

Notwithstanding any other provisions in this Code, approved automatic sprinkler systems shall be installed and maintained in accordance with the latest edition of NFPA Standard 13 throughout all new buildings or structures, regardless of fire walls, with a gross floor area of 6,000 square feet or more, or with a total height of 55 feet or more above grade, or containing three or more stories.

Buildings or structures which presently exceed 6,000 square feet of floor area constructed prior to the adoption of this Code, upon or to which any alteration or additions are to be made which would add more than 2,000 square feet to the existing square footage of this building, shall have automatic sprinklers installed, as required herein and above.

Buildings or structures which presently do not exceed 6,000 square feet of floor area, to which any alterations or additions are made, and after such alterations or additions the floor area will exceed 8,000 square feet, shall have automatic sprinkler systems installed, as required herein and above. (Balance of Section to remain unchanged.)

(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), ~~2010~~2007).

**SECTION 18.32.070: Section 907.2.13 \_\_Amended — High-rise building.**

Section 907.2.13 is hereby amended to read as follows:

\_\_907.2.13 High-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access. High-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a Fire Department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.6.2.2.

\_\_\_\_Exceptions:

1. -Airport traffic control towers in accordance with Section 907.2.22 and Section 412 of the California Building Code.
2. -Open parking garages in accordance with Section 406.3 of the California Building Code.
3. -Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the California Building Code.
4. -Low-hazard special occupancies in accordance with Section 503.1.1 of the California Building Code.

5. In Group I-2 and R2.1 occupancies, the alarm shall sound at a constantly attended location and general occupant notification shall be broadcast by the emergency voice/-alarm communication system.  
(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), ~~2010~~2007).

**SECTION 18.32.080: Section 907.7.3.2 \_\_Amended — High-rise building.**  
Section 907.7.3.2 is hereby amended to read as follows:

\_\_\_907.7.3.2 High-rise buildings. In high-rise buildings and Group I-2 occupancies having occupied floors located more than 55 feet above the lowest level of Fire Department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. -Smoke detectors.
2. -Sprinkler water-flow devices.
3. -Manual fire alarm boxes.
4. -Other approved types of automatic fire detection devices or suppression systems.

(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), ~~2010~~2007).

**SECTION 18.32.090: Section 2206.2.3 \_\_Amended — Aboveground tanks located outside, above grade.**

The first paragraph of Section 2206.2.3, of said California Fire Code, 2010 Edition, is hereby amended to read as follows:

2206.2.3 Aboveground tanks located outside, above grade. Above-ground tanks shall not be used for the storage of Class I, II, or IIIA liquid motor fuels except as provided in this Section. NOTE: Class I and Class II liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks except when approved by the Fire Chief. (Balance of Section to remain unchanged.)  
(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), ~~2010~~2007).

**SECTION 18.32.100: Section 2206.2.6, Item #6 \_\_Amended — Special Enclosures**

~~Special Enclosures.~~ Section 2206.2.6, Item #6, of said California Fire Code, 2010 Edition, is hereby amended to read as follows:

6. Tanks containing Class I, II, or III-A liquids shall not exceed 2,200 gallons aggregate.  
(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), ~~2010~~2007).

**SECTION 18.32.110: Chapter 27 Table 2703.1.1(1) \_\_Amended — Maximum Allowable Quantity Per Control Area.**

\_\_\_Table 2703.1.1(1) is hereby amended by deleting footnote K without replacement.

(Ord. 2783 § 8, 2010; Ord. 2718 § 10 (part), 2007).

**CHAPTER 52: UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE\***

\* Formerly Chapter 48. Prior Ordinance history: Ord. 2481 and Ord. 2590.

Uniform Swimming Pool, Spa, and Hot Tub Code, 2009 Edition as published by the  
International Association of Plumbing and Mechanical Officials.  
(Ord. 2783 § 4, 2010); Ord. 2718 § 15 (part), 2007).