

process to secure underground utility information from all relevant providers. The provision in § 11.04.290 (d) that relates to temporary sidewalks during excavation/construction increases the minimum width to 48", consistent with the Americans with Disabilities Act.

This revision also deletes §11.12.090, which allows persons to "...drive any wagon or vehicle over, along or across any cement or other improved sidewalk or curb, unless planking is laid thereon in such a manner as to protect such sidewalk or curb..." While we do not often have wagons being driven across sidewalks, it is relatively common for RV owners to use planking to pull their vehicles up over the curb and sidewalk into a front or side yard. The attached revision would delete this as an allowed practice.

Lastly, a new section, §11.12.320, is added to allow the Public Works Director, with the City Manager's approval, to allow non-conforming constructs in the public right-of-way when removal would be "...detrimental in keeping with the existing character of the neighborhood." Examples might include allowing a very old tree, a statue, or landscape feature like a fountain to remain in the right-of-way if it can be accommodated safely.

FINANCIAL IMPACT:

None.

RECOMMENDED ACTIONS:

- Conduct the public hearing; and
- Introduce and conduct the first reading of the attached Ordinance amending Titles 10 & 11 of the Garden Grove Municipal Code.



KATHY BAILOR, CMC
City Clerk



JOHN D.R. CLARK
Human Resources Director

Attachment: Proposed ordinance
"Redline" version of Titles 10 & 11

Approved for Agenda Listing



Matthew Fertal
City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLES 10 AND 11 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's Summary

This Ordinance amends Titles 10 and 11 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.

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 10 and 11 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 November 8, 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 10 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 11 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.

EXHIBIT "A"

TITLE 10 OF THE GARDEN GROVE MUNICIPAL CODE
ATTACHED ON FOLLOWING PAGES

TITLE 10: VEHICLES AND TRAFFIC*

*For the statutory provisions relating to the regulations of traffic by local authorities, see ~~Vehicles C.A. Vehicle Code~~ §§ 21100 et seq.

CHAPTER 04: DEFINITIONS

SECTION 10.04.010: Generally

The words and phrases set forth in this ~~chapter~~Chapter, when used in this ~~title~~Title, shall for the purpose of this ~~title~~Title have the meanings respectively ascribed to them in this ~~chapter~~Chapter.
(Prior Code_§ 3100 (part)).

SECTION 10.04.020: Motor Vehicle Code ~~definitions~~Definitions to be used Used

Whenever any words or phrases used in this ~~title~~Title are not defined, but are defined in the Vehicle Code of the ~~state~~State and amendments thereto, such definitions shall apply.
(Prior Code § 3100(a)).

SECTION 10.04.030: Bicycle

A "bicycle" is any device having two (2) or more wheels in tandem, the wheels being twenty (20) inches or more in diameter, propelled by human power upon which a person may ride.
(Prior Code § 3100(c)).

SECTION 10.04.040: Coach

"Coach" means any motor-bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers.
(Prior Code § 3100(d)).

SECTION 10.04.050: Curb

"Curb" means the lateral boundary of the roadway whether defined by curb construction or not. "Curb" as used in this ~~section~~Section shall not include the boundary lines or curbing in the center of a street dividing the travelways of a street.
(Prior Code § 3100(e)).

SECTION 10.04.060: Divisional ~~island~~Island

"Divisional ~~island~~"Island" means a raised island or an area defined by painted lines located in the roadway and separating opposing or conflicting streams of traffic.
(Prior Code § 3100(f)).

~~SECTION 10.04.070: Holidays~~

~~Within the meaning of this title, "holidays" are the first day of January, the twelfth day of February, the twenty second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twelfth day of~~

~~October, the eleventh day of November, the twenty fifth day of December, and Thanksgiving Day. When one of the holidays falls on a Sunday, the next day Monday is observed as the holiday.~~
(Prior Code § 3100(g)).

SECTION 10.04.080: Intersections

An "intersection" is the area embraced within the prolongation of the lateral curblines, or, if none, then the lateral boundaries of the roadways, of two (2) highways ~~which that~~ join one another at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict.
(Prior Code § 3100(i)).

SECTION 10.04.090: Loading ~~zone~~Zone

"Loading zone" means that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials, or merchandise.
(Prior Code § 3100(j)).

SECTION 10.04.100: Park

"Park" means to stand or leave standing any vehicle, whether occupied or not.
(Prior Code § 3100(n)).

SECTION 10.04.110: Parkway

"Parkway" means that portion of the road right-of-way other than a roadway or sidewalk.
(Prior Code § 3100(o)).

SECTION 10.04.120: Pedestrian

"Pedestrian" means any person afoot, any person riding a bicycle of which the wheels of the bicycle have a diameter of less than twenty (20) inches, and including persons operating a pushcart, riding on or moving a coaster wagon, scooter, child's tricycle, roller skates, wheel chair, baby carriage, or similar conveyance.
(Prior Code § 3100(p)).

SECTION 10.04.130: Police ~~officer~~Officer

"Police ~~officer~~Officer" means every ~~police officer~~Police Officer of the ~~city~~City and any ~~officer~~Officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
(Prior Code § 3100(q)).

SECTION 10.04.140: Road ~~right~~Right-of-wayWay

"Road right-of-way" means the entire right-of-way that has been dedicated to a public agency for street and highway purposes.
(Prior Code § 3100(r)).

SECTION 10.04.150: Stopping ~~prohibited~~Prohibited

"Stopping," when prohibited," means no cessation of vehicular movement, except when necessary to avoid conflict with other traffic or in compliance with the directions of a ~~police officer~~ Police Officer or official sign, signal, or traffic-control device.

(Prior Code § 3100(t)).

SECTION 10.04.160: Stop ~~required~~ -- Required

"Stop," when required," means complete cessation of movement.

(Prior Code § 3100(s)).

SECTION 10.04.170: Time ~~standard, official~~ Standard, Official

Whenever certain hours are named herein, they mean ~~standard time~~ "Official Standard Time" or ~~daylight savings time~~ "Daylight Savings Time" as may be in current use in the ~~city~~ City.

(Prior Code § 3100(k)).

SECTION 10.04.180: Traffic-control device, ~~official~~ Control Device, Official

An "official traffic-control device" is any sign, signal, marking, or device not inconsistent with the California Vehicle Code, placed or elected by officials having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(Prior Code § 3100(l)).

SECTION 10.04.190: Traffic-control signal, ~~official~~ Control Signal, Official

"Official traffic-control signal" is any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by an official having jurisdiction.

(Prior Code § 3100(m)).

SECTION 10.04.195: Traffic Engineer

"Traffic Engineer" means the City Engineer or a person designated by the City Engineer to be responsible for traffic engineering management.

SECTION 10.04.200: Vehicle Code

"Vehicle Code" means the Vehicle Code of the ~~state~~ State.

(Prior Code § 3100(v)).

CHAPTER 08: ADMINISTRATION GENERALLY

SECTION 10.08.010: Police ~~department duty~~ Department Duty

It shall be the duty of the ~~police department~~ Police Department to enforce the traffic regulations of the ~~city~~ City and all of the ~~state~~ State vehicle laws applicable to traffic in the city, to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with the ~~city traffic engineer~~ City Traffic Engineer and other officials of the ~~city~~ City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said ~~department~~ Police Department by this ~~title~~ Title and other ~~ordinances of the city~~ Ordinances.

(Prior Code § 3101).

SECTION 10.08.020: Accident ~~studies~~Studies

The ~~police department~~Police Department shall cooperate with the ~~city traffic engineer~~City Traffic Engineer in conducting studies of high accident frequency locations in an effort to determine remedial measures.

(Prior Code § 3102).

SECTION 10.08.030: Accident ~~reports~~Reports

The ~~police department~~Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the ~~city traffic engineer~~City Traffic Engineer.

(Prior Code § 3103).

SECTION 10.08.040: Police ~~department safety report~~Department Safety Report

The ~~police department~~Police Department shall annually prepare a ~~traffic report~~Traffic Report that shall contain information on traffic matters in the city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the ~~police;~~Police Department.
- (3) The plans and recommendations of the ~~police department~~Police Department for future traffic safety activities.

(Prior Code § 3104).

SECTION 10.08.050: Traffic ~~engineering~~Engineering -- Powers and dutiesand Duties

It shall be the general duty of the ~~city engineer~~City Traffic Engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other ~~city officials~~City Officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ~~ordinances of the city. Whenever, by the provisions of this title, a power is granted to the city~~Ordinances of the City. ~~engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.~~

(Ordinance 1572 § 2, 1977).

CHAPTER 10: TRANSPORTATION DEMAND MANAGEMENT

SECTION 10.10.010: Applicability

The provisions of this ~~chapter~~Chapter shall apply to all development projects as follows:

- (1) Any new or expansion of commercial, industrial, institutional, or other use ~~which~~that is expected to employ two hundred fifty (250) or more persons, as determined by improvement plans or by the employee generation factors as provided by ~~resolution~~City Council Resolution.
- (2) Any existing facility or development for which owner/tenant submits an improvement plan to the ~~city~~City, and after such improvement will be expected to employ two hundred fifty (250) or more persons, determined by the procedures used in ~~subsection (a)~~Subsection (1) of this ~~section~~Section.
- (3) Exempt Projects. Notwithstanding any other provisions of this Code, the following uses and activities shall be specifically exempt from the provisions of this ~~chapter~~Chapter:
 - (a) Development projects projected to employ fewer than two hundred fifty (250) persons~~;~~.
 - (b) Temporary construction activities on any affected project, including activities performed by engineers, architects, subcontractors, and construction workers~~;~~.
 - (c) Other temporary activities, as defined in the ~~city's~~City's current zoning code Land Use Code, or as authorized by the ~~planning commission~~Planning Commission, when such temporary activities are for a period not to exceed thirty (30) days and held no more than once a year.

(Ordinance 2574 § 1 (part), 2002; Ordinance 2180 (part), 1991).

SECTION 10.10.020: Definitions

For purposes of this ~~chapter~~Chapter the following definitions shall apply:

- (1) "Development project" means any nonresidential or mixed-use project being processed where discretionary action by the ~~city~~City is required. (Note: Projects covered by development agreements are not exempt from the Transportation Demand Management (TDM) requirements of the Congestion Management Process (CMP)).
- (2) "Employee" means any person employed by a firm, person(s), business, educational institution, nonprofit agency or corporation, government agency, or other entity at a single worksite. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

- (3) "Employer" means any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity ~~which~~that employs or houses tenants that collectively employ one hundred (100) or more employees at a single worksite within the city on a full and/or part-time/temporary basis, and may either be a property owner or tenant of an applicable development project.
- (4) "Improvement plans" means the plans submitted to the ~~city~~City as part of an application for a building permit for the enlargement or expansion of new, existing, or change of use of any nonresidential building or use ~~which~~that either increases the total of employees to a minimum of two hundred fifty (250) or adds employees in increments of two hundred fifty (250).
- (5) "Mixed-Use Development" means new development projects that integrate any one of these land uses with another: residential, office, commercial, industrial, and business park.
- (6) "Property owner" means the legal owner of the applicable development project who serves as lessor to an employer or tenant. The property owner shall be responsible for complying with the provisions of this ~~chapter~~Chapter either directly or by delegating such responsibility as appropriate to an employer or tenant.
- (7) "Tenant" means the lessee of facility space at an applicable development project who may also serve as an employer.
- (8) "~~Transportation demand management~~Demand Management" (TDM)" means the implementation of programs, plans, or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools, and transit; reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than the peak period.
- (9) "Trip reduction" means reducing the number of work related trips taken during peak-period hours in single-occupant vehicles.
- (10) "Worksite" means a building or group of buildings located within the city ~~which~~that is in actual physical contact or separated solely by a private or public roadway or other private or public right-of-way, and ~~which~~that are owned or operated by the same employer (or by employers under common control), and includes the place of employment, base of operation, or predominate location of an employee.
(Ordinance 2574 § 1 (part), 2002; Ordinance 2180 (part), 1991).

SECTION 10.10.030: Standards— -- Adoption— -- Compliance

The ~~city~~City shall adopt standards by ~~resolution~~Resolution, and these standards

shall comply with the appropriate laws and regulations as required by ~~state~~State and local law.
(Ordinance 2180 (part), 1991).

SECTION 10.10.040: Relationship to other plans and ordinances~~To Other Plans And Ordinances~~

The provisions of this ~~chapter~~Chapter shall supersede other ~~codes~~Codes or ~~ordinances~~Ordinances of the ~~city~~City, should there be a conflict with all or part of this ~~chapter~~Chapter.
(Ordinance 2180 (part), 1991).

SECTION 10.10.050: Appeals

All rights of appeal to the provisions of this ~~chapter~~Chapter shall be as set forth in the appeals process established under the ~~zoning code~~Zoning Code ~~Land Use Code~~ set forth in Title 9 of this Code or its subsequent amendments. For all projects not regulated by Title 9, the applicant may appeal to the ~~zoning administrator~~the City Manager.
(Ordinance 2180 (part), 1991).

CHAPTER 16: ENFORCEMENT AND OBEDIENCE

SECTION 10.16.010: Authority of official traffic control personnel~~Of Official Traffic Control Personnel~~

Officers of the ~~police department~~Police Department and such officers as are assigned by the ~~chief of police~~Police Chief are authorized to direct all traffic by sign, signal, hand, voice, or other audible signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the ~~police department~~Police Department, or members of the ~~fire department~~Fire Department, or flagmen within all construction and/or maintenance project areas may direct traffic as conditions may require.
(Prior Code § 3107).

SECTION 10.16.020: Traffic direction authority~~Direction Authority~~

No person other than an ~~officer of the police department~~a Police Officer, or members of the ~~fire department~~Fire Department, or a person authorized by the ~~chief of police~~Police Chief, or a person authorized by law shall direct or attempt to direct traffic.
(Ordinance 1181 § 1, 1971; Prior Code § 3108).

SECTION 10.16.030: Obedience to police officers and firemen~~To Police Officers And Firemen~~

No person shall fail or refuse to comply with or to perform any act forbidden by any lawful order, signal, or direction of a ~~police officer~~Police Officer, or a member of the ~~fire department~~Fire Department, or a person authorized by the ~~chief of police~~Police Chief, or by law.
(Prior Code § 3109).

SECTION 10.16.040: Required ~~obedience to title~~ Obedience to Title

It is a misdemeanor for any person driving any vehicle, or other conveyance upon any street, or any pedestrian, to do any act forbidden, or fail to perform any act required as applicable to any such person under this ~~title~~ Title.
(Prior Code § 3110).

SECTION 10.16.050: Application to ~~bicycle~~ Bicycle or ~~animal riders~~ Animal Riders

Every person riding a bicycle, or riding, or driving an animal upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ~~title~~ Title, except those provisions which ~~that~~ by their very nature can have no application.
(Prior Code § 3111).

SECTION 10.16.060: Obstruction or ~~interference prohibited~~ Interference Prohibited

No person shall interfere with or obstruct in any way any ~~police officer~~ Police Officer or other officer or employee of the ~~city~~ City in his ~~the~~ enforcement of the provisions of this ~~title~~ Title. The removal, obliteration, or concealment of any chalk mark or other distinguishing mark used by any ~~police officer~~ Police Officer or other employee or officer of the ~~city~~ City in connection with the enforcement of the parking regulations of this ~~title~~ Title shall, if done for the purpose of evading the provisions of this ~~title~~ Title, constitute such interference or obstruction.
(Prior Code § 3112).

SECTION 10.16.070: Public ~~employee obedience~~ Employee Obedience

The provisions of this ~~title~~ Title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county, or city, and no operator shall violate any of the provisions of this ~~title~~ Title except as otherwise permitted in this ~~title~~ Title or by the Vehicle Code.
(Prior Code § 3113).

SECTION 10.16.080: Certain ~~vehicles exempted~~ Vehicles Exempted

- (A) The provisions of this ~~title~~ Title regulating the operation, parking, and standing of vehicles shall not apply to vehicles operated by the ~~police~~ Police or ~~fire department~~ Fire Department, or highway maintenance ~~vehicle~~ vehicles while actually performing work upon the surface of the roadway, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this ~~section~~ Section is operated in the manner specified by the Vehicle Code in response to an emergency call.
- (B) The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his ~~wilful~~ willful disregard of the safety of others.
- (C) The provisions of this ~~title~~ Title regulating the parking or standing of vehicles shall not apply to any vehicle owned, or operated by the United States Post

Office Department while in use for the collection, or delivery, of United States mail.

(Prior Code § 3114).

SECTION 10.16.090: Property ~~damage report~~ Damage Report

(A) The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, lighting post, telephone pole, electric light, or power pole, or resulting in damage to any tree, traffic-control device, or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the ~~police department of the city~~ Police Department.

(B) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property ~~damaged~~ damaged in such accident.

(C) The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this ~~section~~ Section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in ~~subsection (a)~~ Subsection (A) within twenty-four (24) hours after regaining ability to make such a report.

(Prior Code § 3115).

SECTION 10.16.100: ~~When vehicles may be removed~~ Vehicles May Be Removed

Any regularly employed and salaried ~~officer of the police department of this city~~ Police Officer may remove or cause to be removed:

(1) Any vehicle that has been parked or left standing on any street, road right-of-way, alley, park, parking lot, or other public property for seventy-two (72) or more consecutive hours;

(2) Any vehicle ~~which~~ that is parked or left standing upon a street or highway when such parking or standing is prohibited by ~~ordinance or resolution of the city~~ Ordinance or Resolution of the City and signs are posted giving notice that vehicles will be removed;

(3) Any vehicle ~~which~~ that is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any

portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement, provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four (24) hours prior to the removal.

(Ordinance 893 § 1 (part), 1966; Prior Code § 3116).

SECTION 10.16.110: Removal ~~procedure~~ Procedure

(A) Any vehicle left parked or standing on a public street within the city shall be removed by the ~~police department~~ Police Department or its designated agent, to the nearest garage or other place of safety or to a garage designated or maintained by the ~~police department~~ Police Department.

(B) If the owner of such vehicle removed pursuant to Section 10.16.100 is known, or can be ascertained from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles, he shall be notified in writing of such removal, the grounds thereof, and the place to which the vehicle has been removed.

(C) If the owner cannot be ascertained and the notice to the owner cannot be effected pursuant to this ~~section~~, Section and the vehicle is not returned to the owner within one hundred twenty (120) hours, a written report of such removal shall be made to the California Department of Motor Vehicles at ~~Sacramento~~ and a copy of such written notice filed with the proprietor of any public garage in which the vehicle may be stored. Such written notice shall be made on a form provided by the Department of Motor Vehicles and shall include a complete description of the vehicle, the date, time, and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

(Prior Code § 3116.1).

SECTION 10.16.120: Police ~~authority~~ Authority in crowds Crowds

At places where large numbers of people and vehicles are to gather or have gathered, nothing in the ~~title~~ this Title shall be construed to prevent any ~~police officer~~ Police Officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said ~~police officer~~ Police Officer shall have authority to direct the parking of vehicles in any reasonable manner, way, or direction, and it is unlawful for any person to fail to promptly obey the ~~police officer's~~ Police Officer's order, signal, or command, regardless of any other provision of this ~~title~~ Title.

(Prior Code § 3117).

SECTION 10.16.130: Unauthorized ~~signs, barricades, markings and lights~~ Signs, Barricades, Markings, and Lights

The ~~city engineer~~ City Traffic Engineer may without notice remove or cause to be removed every unauthorized sign, barricade, marking, signal, or device placed, maintained, or displayed upon any city street or road right-of-way contrary to the

provisions of Section 21467 of the California Vehicle Code.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3168).

SECTION 10.16.140: Obstructions ~~within parkway~~ Within Parkway

Whenever the ~~city engineer~~ City Traffic Engineer determines that any fence, hedge, shrubbery, tree, or other object within the parkway obstructs the view of any traffic upon the roadways, or is an undue obstruction to pedestrians attempting to walk within the parkway at locations where no sidewalks exist, he shall cause the obstruction to be removed or altered in such a manner as to permanently eliminate the problem.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3169).

CHAPTER 20: TRAFFIC-CONTROL DEVICES

SECTION 10.20.010: Authority ~~to install~~ To Install

(A) The ~~city engineer~~ City Traffic Engineer shall have the power and duty to place and maintain, or cause to be placed and maintained, official traffic-control devices when and as required to make effective the provisions of this ~~title~~ Title.

(B) Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the ~~city engineer~~ City Traffic Engineer is authorized to install, or cause to be installed, the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(C) The ~~city engineer~~ City Traffic Engineer may also place and maintain, or cause to place and maintain, such additional traffic-control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this ~~title~~ Title or as may be determined by ~~ordinance~~ Ordinance or ~~resolution~~ Resolution of the ~~council~~ City Council.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3118).

**SECTION 10.20.020: Signs ~~required~~ Required for enforcement purposes
Enforcement Purposes**

No provision of the Vehicle Code or of this ~~title~~ Title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

(Prior Code § 3119).

SECTION 10.20.030: Obedience

The operator of any vehicle, train, or pedestrian shall obey the instructions of any official traffic-control device placed in accordance with this ~~title~~ Title unless otherwise directed by a ~~police officer~~ Police Officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

(Prior Code § 3120).

SECTION 10.20.040: Existing ~~devices approved~~ Devices Approved

Until removed or relocated by the ~~traffic engineer~~ City Traffic Engineer, as provided in this ~~title~~ Title, all traffic-control devices heretofore installed and in place as of March 1, 1961, are hereby approved.

(Prior Code § 3121).

SECTION 10.20.050: Installation ~~of signals~~ Of Signals

(A) ~~The city engineer~~ City Traffic Engineer is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to relieve traffic congestion or to protect life or property from exceptional hazard.

(B) ~~The city engineer~~ City Traffic Engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts, and other traffic information as may be pertinent, and his determinations therefrom shall be made in accordance with those traffic engineering standards and instructions set forth ~~in by~~ the California State Planning Manual of Instructions (Part 8 ~~Traffic~~), issued by the Division of Highways of the State Department of ~~Public Works~~ Transportation.

(C) Whenever the ~~city engineer~~ City Traffic Engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any said intersection.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3122).

SECTION 10.20.060: Lane ~~marking~~ Marking

The ~~city engineer~~ City Traffic Engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3123).

SECTION 10.20.070: Distinctive ~~roadway markings~~ Roadway Markings

The ~~city engineer~~ City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the ~~State~~ California Department of ~~Public Works~~ Transportation pursuant to provisions of the Vehicle Code.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3124).

SECTION 10.20.080: Hours of operation~~Of Operation~~

The ~~city engineer~~City Traffic Engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this ~~title~~Title.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3125).

SECTION 10.20.090: Authority to ~~remove, relocate~~Remove, Relocate, and ~~discontinue~~Discontinue

The ~~city engineer~~City Traffic Engineer is authorized to remove, relocate, or discontinue the operation of any traffic--control device not specifically required by the Vehicle Code or this ~~title~~Title whenever he shall determine in any particular case that the conditions ~~which~~that warranted or required the installation no longer exist or obtain.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3126).

CHAPTER 24: LOCAL REGULATIONS ON STATE HIGHWAYS

SECTION 10.24.010: Effect of ~~title~~Title

(A) Any provision of this ~~title~~Title or ~~resolution which~~Resolution that regulates traffic or delegates the regulations of traffic upon state highways in any way for which the approval of the ~~development services department is~~California Department of Transportation required by ~~state~~State law, shall cease to be operative six (6) months after receipt by the ~~city council~~City Council of written notice of withdrawal of approval of the ~~development services department~~City .

(B) Whenever this ~~title~~Title delegates authority to a ~~city officer,~~City Officer or authorizes action by the ~~city council~~City Council to regulate traffic upon a state highway in any way ~~which~~that by ~~state~~State law requires the prior approval of the ~~development services department~~California Department of Transportation, no such officer shall exercise such authority nor shall such action by the ~~city council~~City Council be effective with respect to any state highway without the prior approval in writing of the ~~development services department~~California Department of Transportation in and to the extent that is required by Division ~~9 and~~Division 11 of the Vehicle Code.

(Prior Code § 3172).

CHAPTER 28: MISCELLANEOUS REGULATIONS

SECTION 10.28.010: Driving ~~through funeral procession~~Through Funeral Procession

No operator of any vehicle shall drive between the vehicles comprising a funeral procession, ~~provided,~~ that such vehicles are conspicuously designated and operating not more than fifty (50) feet apart with lighted headlamps. ~~This section~~Section shall not apply to authorized emergency vehicles.
(Prior Code § 3133).

SECTION 10.28.020: Clinging ~~to moving vehicle~~To Moving Vehicle

No person shall attach himself with his hands, or to catch on, or hold on to with his hands, or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom, except that those persons by the very nature of their work are required to do so.
(Prior Code § 3134).

SECTION 10.28.030: Driving on ~~sidewalk~~ Sidewalk

The driver of a vehicle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.
(Prior Code § 3135).

SECTION 10.28.040: New ~~pavement and markings~~ Pavement And Markings

No person shall ride or drive any animal or any vehicle over or across any ~~vehicle over or across any~~ newly made pavement or freshly painted markings in any street when a barrier, sign, cone--marker, or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.
(Prior Code § 3136).

SECTION 10.28.050: Limited ~~access~~ Access

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.
(Prior Code § 3137).

SECTION 10.28.060: Freeway ~~use restrictions~~ Use Restrictions

No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle ~~which~~ that is not drawn by a motor vehicle upon any street established as a freeway, as defined by ~~state~~ State law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.
(Prior Code § 3138).

SECTION 10.28.070: Obedience to ~~barriers and signs~~ To Barriers And Signs

- (A) No person, public utility, or department in the ~~city~~ City, other than the ~~fire and police departments~~ Fire and Police Departments, shall erect or place any barrier or sign on any road right-of-way unless a type and method of locating has been previously approved by the ~~city engineer~~ City Traffic Engineer.
- (B) No person, except ~~fire and police department~~ Fire and Police Department personnel, shall disobey the instructions, remove, tamper with, or destroy any barrier or sign lawfully placed on any road right-of-way by any person, public utility, or by any department of the ~~city~~ City.
- (C) No person, public utility, or department in the ~~city~~ City, other than the ~~fire and police departments~~ Fire and Police Departments, shall close a roadway to through traffic or reduce the number of through traffic lanes without first obtaining the approval of the ~~city engineer~~ City Traffic Engineer.

(Prior Code § 3139).

SECTION 10.28.080: Entering ~~intersection and obstructing traffic~~ Intersection and Obstructing Traffic

No operator of any vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, in spite of any traffic-control signal indication to proceed. (Prior Code § 3140).

SECTION 10.28.090: Unauthorized ~~painting of street or curb~~ Painting Of Street Or Curb

No person, unless authorized by the ~~city~~ City, shall paint any street or curb surface, provided, however, that this ~~section~~ Section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of a ~~development services department~~ City permit. (Prior Code § 3171).

CHAPTER 32: ~~TURNING~~ TURNING

SECTION 10.32.010: Marker ~~placement authority~~ Placement Authority -- **Obedience**

(A) ~~The city engineer~~ City Traffic Engineer is authorized to place markers, barriers, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the ~~city engineer~~ City Traffic Engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right- or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ~~ordinance~~ Ordinance.

(B) When authorized markers, barriers, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3127).

SECTION 10.32.020: Sign ~~placement authority~~ Placement Authority -- **Obedience**

(A) ~~The city engineer~~ City Traffic Engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. ~~The makemaking~~ making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(B) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3128).

SECTION 10.32.030: ~~Signal-controlled intersections~~Controlled Intersections -- ~~Right turns restricted~~Turns Restricted

No driver of a vehicle shall make a right turn against a red or stop signal at any intersection ~~which~~that is signposted giving notice of such restriction. (Ordinance 993 § 1, 1968; Ordinance 679 § 1, 1963; Prior Code § 3129).

CHAPTER 36: SPEED RESTRICTIONS

SECTION 10.36.010: Speed Zoning

The City Traffic Engineer is authorized and required to make the appropriate engineering and traffic investigation ~~which~~that is the basis for the current prima facie speed zones as specified in Section 10.36.030. This type of study shall be maintained current and updated every five (5) years at a minimum.

(Ordinance 2776 § 1 (part), 2010; Ordinance 2634 § 1, 2004; Ordinance 2555 § 1 (part), 2001; Ordinance 2463 § 1, 1999; Ordinance 2423 § 1, 1998; Ordinance 2360 § 1, 1996; Ordinance 2196 § 1, 1991; Ordinance 1881 § 1, 1984; Ordinance 1802 § 1, 1982; Ordinance 1544 § 1, 1976; Ordinance 1514 § 1, 1976; Ordinance 1397 §§ 1,2, 1974; Ordinance 1304 § 1, 1972; Ordinance 1228 § 1, 1971; Ordinance 1219 § 1, 1971; Ordinance 1183 § 1, 1971; Ordinance 1156 § 1, 1970; Ordinance 985 § 1, 1968; Ordinance 943 § 1, 1967; Ordinance 895 § 1, 1967; Ordinance 824 § 1, 1965; Ordinance 799 § 1, 1965; Ordinance 695 § 1, 1963; Ordinance 673 § 1, 1963; Ordinance 654 § 1, 1963; Ordinance 564 § 1 (part), 1962; Prior Code § 3164).

SECTION 10.36.020: Regulation by Traffic Signals

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speed slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

(Ordinance 2776 § 1 (part), 2010; Ordinance 2360 § 2, 1996; Ordinance 2289 § 1, 1994; Ordinance 2196 § 2, 1991; Ordinance 1579 § 1, 1977; Ordinance 1514 § 2, 1976; Ordinance 1304 § 2, 1972; Ordinance 985 § 2, 1968; Ordinance 813 § 1, 1965; Ordinance 799 § 2, 1965; Ordinance 763 § 1, 1964; Ordinance 729 § 1, 1964; Ordinance 722 § 1, 1964; Ordinance 692 § 1, 1963; Ordinance 671 § 1, 1963; Ordinance 654 § 2, 1963; Ordinance 564 § 1 (part), 1962; Ordinance 556 § 1, 1962; Prior Code § 3165).

SECTION 10.36.030: Speed Limits Established

Pursuant to California Vehicle Code Sections 22357 through 22358, upon the basis of an engineering and traffic investigation, the speed permitted by ~~state~~State law upon the following streets for safe operation of vehicles are as established herein. The prima facie speed limit shall be as set forth in this section on those streets or parts of streets herein designated when signs are erected giving notice thereof:

			Declared Prima
--	--	--	---------------------------

No.	Name of Street	Portion Affected	Facie Speed Limit
116	Brookhurst Street	Hazard Ave. to Trask Ave.	40
116	Brookhurst Street	Trask Ave. to Katella Ave.	45
117	Brookhurst Way	Stanford Ave. to Garden Grove Blvd.	25
155	Century Boulevard	Garden Grove Blvd. to Euclid St.	40
159	Chapman Avenue	Lewis St. to Harbor Blvd.	45
159	Chapman Avenue	Harbor Blvd. to Knott St.	40
159	Chapman Avenue	Knott St. to Valley View St.	45
159	Chapman Avenue	Valley View St. to Bailey St.	25
197	Dale Street	Katella Ave. to Garden Grove Blvd.	35
269	Euclid Street	Katella Ave. to Westminster Ave.	40
318	Garden Grove Boulevard	Lewis St. to Western St.	40
329	Gilbert Street	Katella Ave. to Chapman Ave.	35
329	Gilbert Street	Chapman Ave. to Garden Grove Blvd.	30
354	Harbor Boulevard	Wilken Wy. to Westminster Ave.	40
360	Haster Street	Simmons Ave. to Garden Grove Blvd.	40
363	Hazard Avenue	Euclid St. to Cork St.	40
465	Knott Street	Patterson Dr. to Garden Grove Blvd.	40
466	Lampson Avenue	Lewis St. to Dale St.	35
466	Lampson Avenue	Dale St. to Valley View St.	40
466	Lampson Avenue	Valley View St. to Manley St.	45
531	Magnolia Street	Katella Ave. to Garden Grove Blvd.	40
531	Magnolia Street	Garden Grove Blvd. to Trask Ave.	35
531	Magnolia Street	Trask Ave. to Westminster Ave.	40
533.10	Main Street	College St. to Acacia Pkwy.	25
533.10	Main Street	Acacia Pkwy. to Garden Grove Blvd.	25
607	Nelson Street	Stanford Ave. to Garden Grove Blvd.	30
610	Newhope Street	Garden Grove Blvd. to Westminster Ave.	35
611	Newland Street	Garden Grove Blvd. to Westminster Ave.	40
616	Ninth Street	Orangewood Ave. to Garden Grove Blvd.	35
618	Nutwood Avenue	Chapman Ave. to Garden Grove Blvd.	35
637	Orangewood Avenue	Eugene St. to West St.	40
637	Orangewood Avenue	West St. to Magnolia St.	35
637	Orangewood Avenue	Magnolia St. to Knott St.	40
651	Palm Street	Garden Grove Blvd. to Harbor Blvd.	25
816.6	Springdale Street	Santa Catalina Ave. to Garden Grove Blvd.	35
866	Trask Avenue	Fairview St. to Harbor Blvd.	35
866	Trask Avenue	Harbor Blvd. to Newland St.	40
866	Trask Avenue	Newland St. to Beach Blvd.	35
932	West Street	Ricky Ave. to Orangewood Ave.	40
932	West Street	Orangewood Ave. to Garden Grove Blvd.	35

933	Western Avenue	Lincoln Wy. to Orangewood Ave.	40
933	Western Avenue	Orangewood Ave. to Garden Grove Blvd.	45
935	Westminster Avenue	Buena St. to Bushard St.	45
935	Westminster Avenue	Bushard St. to Newland St.	40
890	Valley View Street	Santa Catalina Ave. to Garden Grove Blvd.	45

(Ordinance 2776 § 1 (part), 2010; Ordinance 1572 § 1 (part), 1977; Ordinance 1514 § 4, 1976).

SECTION 10.36.040: Regulation by Traffic Signals

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speed slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

(Ordinance 1572 § 1 (part), 1977; Ordinance 1514 § 3, 1976; Prior Code § 3167).

CHAPTER 40: RESTRICTED USE OF STREETS

SECTION 10.40.010: Purpose

The intention of this ~~chapter~~Chapter is to provide through-passage routes in the city for commercial vehicles exceeding six thousand (6,000) pounds on the following streets only. The ~~city~~City shall cause to be erected and maintained appropriate signs within the city designating as truck routes those streets over which commercial vehicles exceeding six thousand (6,000) pounds may be driven. This ~~chapter~~Chapter shall be effective at such time as said signs have been erected. The ~~city clerk~~City Traffic Engineer shall keep and maintain accurate maps available to the public setting out streets upon which traffic is permitted by commercial vehicles exceeding six thousand (6,000) gross pounds.

(Ordinance 1253 § 2, 1972).

SECTION 10.40.020: Definitions

(A) "Commercial vehicle" is a vehicle of a type required to be registered under the Vehicle Code of the ~~state~~State of California used or maintained for the transportation of persons for hire, compensation, or profit or designed, used and maintained primarily for the transportation of property.

Passenger vehicles whichthat are not used for the transportation of persons for hire, compensation, or profit and house cars are not commercial vehicles.

(B) "Recreation vehicle" is a vehicle ~~which~~that is designed and intended to be used primarily for outdoor recreational uses whether motorized or being towed by a motor vehicle.

(Ordinance 1253 § 4, 1972).

SECTION 10.40.030: Truck Routes And Large Truck Routes Established

It is determined that certain streets or portions of streets will be designated for the use of any commercial vehicle exceeding a maximum gross weight of six thousand (6,000) pounds and with a maximum length from the kingpin to the rearmost axle

of not to exceed thirty-eight (38) feet; these. These streets shall be signed as "truck routes" by the ~~traffic engineer~~ City Traffic Engineer and are described as follows:

No.	Name of Street	Portion Affected
005	Acacia Avenue	Knott Street east to Monarch Street
070	Beach Blvd.	Garden Grove Blvd. south to Trask Ave.
076	Belgrave Avenue	Knott Street east to Industry Street
105.1	Bolsa Avenue	All portions within city
116	Brookhurst Street	Katella Avenue south to Hazard Avenue
138	Cannery Street	Garden Grove Blvd. south to Magnolia St.
155	Century Blvd.	Garden Grove Blvd. southeast to Euclid St.
159	Chapman Avenue	Valley View Street to Lewis Street
243	Edison Way	Belgrave Avenue to Lampson Avenue
269	Euclid Street	Katella Avenue south to Hazard Avenue
275.5	Fairview Street	Garden Grove Blvd. south to Westminster Ave.
318	Garden Grove Blvd.	City limits west of Beach Blvd. east to Siemon Street
354	Harbor Blvd.	Chapman Avenue south to Westminster Ave.
360	Haster Street	City limits north of Chapman Avenue south to Garden Grove Blvd.
363	Hazard Avenue	All portions within the city
398.5	Industry Street	Chapman Avenue south to Lampson Avenue
442	Katella Avenue	Dale Street east to Euclid Street
456	Knott Street	City limits north of Orangewood Avenue south to Garden Grove Blvd.
466	Lampson Avenue	Knott Street east to east of Western Ave.
495	Lewis Street	Chapman Avenue south to Garden Grove Blvd.
531	Magnolia Street	Katella Avenue south to Westminster Ave.
588.5	Monarch Street	Chapman Avenue south to Acacia Ave.
607	Nelson Street	Stanford Avenue south to Garden Grove Blvd.
610	Newhope Street	Garden Grove Blvd. south to Westminster Avenue

618	Nutwood Street	Stanford Avenue south to Garden Grove Blvd.
648	Pala Drive	Acacia Avenue north to terminus
817	Stanford Avenue	Nutwood Street east to Nelson Street
866	Trask Avenue	Beach Blvd. east to Fairview Street
890	Valley View	City limits north of Chapman Street Avenue south to Garden Grove Freeway
933	Western Avenue	City limits north of Orangewood Avenue south to Garden Grove Blvd.
935	Westminster Ave.	Newland Street east to Fairview Street.

It is also determined that certain streets or portions of streets are designated for the use of any commercial vehicle exceeding thirty-eight (38) feet in length from the kingpin to the rearmost axle; these streets shall be signed as "large truck routes" by the ~~traffic engineer~~ City Traffic Engineer and are described as follows:

No.	Name of Street	Portion Affected
070	Beach Blvd.	Garden Grove Blvd. south to Trask Ave.
116	Brookhurst Street	Katella Avenue south to Hazard Avenue
159	Chapman Avenue	Valley View Street east to Beach Blvd.
269	Euclid Street	Garden Grove Blvd. south to Hazard Ave.
318	Garden Grove Blvd.	Knott Street east to Beach Blvd.
354	Harbor Blvd.	Garden Grove Blvd. south to Westminster Avenue
442	Katella Avenue	Dale Street east to Euclid Street
456	Knott Street	City limits north of Orangewood Avenue south to Garden Grove Blvd.
890	Valley View Street	City limits north of Chapman Avenue south to Garden Grove Freeway
933	Western Avenue	City limits north of Orangewood Avenue south to Garden Grove Blvd.
935	Western Avenue	Newland street east to Fairview Street

(Ordinance 2447 § 1, 1998; Ordinance 1253 § 5, 1972).

SECTION 10.40.040: Vehicles ~~prohibited from using certain streets~~ Prohibited From Using Certain Streets

(A) All streets in the city, except those enumerated in Section 10.40.030 and signed as "large truck route", are named as streets on which any commercial vehicle with a maximum length from king-pin to the rearmost axle exceeding

thirty-eight (38) feet or exceeding six thousand (6,000) pounds gross vehicle weight is prohibited, except as provided in this ~~section~~Section.

(B) Nothing in this ~~section~~Section shall be deemed to prohibit any vehicle from traveling on a restricted street if:

(1) The vehicle is operating as a public passenger carrier under a certificate of convenience and necessity issued under the authority of the Public Utilities Code;

(2) The street being driven upon is included in the national system of interstate or defense highways unless such restriction on said highway be approved by the California Highway Commission by a four-fifths vote;

(3) The street is a state highway and this ~~chapter~~Chapter has not been approved in writing by the ~~state~~State of California Department of ~~Public Works~~Transportation.

(4) The vehicle involved is a vehicle coming from an unrestricted street having ingress and egress, by direct route, to and from a restricted street when necessary for the purpose of transporting its occupants or of making pickups and deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street, for which a valid building permit and/or current Garden Grove business operation tax certificate has previously been obtained;

(5) The vehicle is owned by a public utility or a licensed contractor while necessarily in use in the construction, installation, or repair of any public utility;

(6) The vehicle involved is owned, leased, operated, or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project or by any highway carrier regulated by the Public Utilities Commission while transporting any materials to or from a public works project when the bids were opened prior to June 20, 1972, unless an alternate direct route is provided substantially within the city by the ~~city~~City of Garden Grove;

(7) Vehicles used for recreation purposes regardless of registration status. (Ordinance 2396 § 1, 1997; Ordinance 2034 § 3, 1988; Ordinance 1253 § 6, 1972).

SECTION 10.40.050: Repairing or greasing vehicles on public streets
Greasing Vehicles On Public Streets

No person shall construct or cause to be constructed, repair, or cause to be

repaired, grease, or cause to be greased any vehicle or any part thereof upon any public street in the city. Emergency repairs may be made upon a public street. (Ordinance 1253 § 3, 1972; Prior Code § 3161).

SECTION 10.40.060: Removal Of Parked Vehicle When Primary Purpose Is Advertising

~~SECTION 10.40.060: Removal of parked vehicle when primary purpose is advertising~~

~~Parking of Vehicles to Advertise for Sale on City Streets Prohibited. (A)~~

PARKING OF VEHICLES TO ADVERTISE FOR SALE ON CITY STREETS

PROHIBITED. No person shall park a vehicle upon a public or private street, parking lot, or any public or private property for the purpose of displaying such vehicle thereon for sale, hire, or rental, unless the property is duly zoned and licensed by the cityCity to transact that type of business at that location, except that this sectionSection shall not prohibit persons from parking vehicles displayed for sale on private residential property belonging to or resided in by the registered owner of the vehicle, nor on the public street immediately adjacent to such private residential property.

~~Removal of Vehicle:~~

(B) REMOVAL OF VEHICLE. Any vehicle in violation of this sectionSection may be removed from the public street pursuant to Vehicle Code Section 22651.9 provided a notice of parking violation has been issued within the previous thirty days(30).

(Ordinance 2295 § 2, 1994).

CHAPTER 44: ONE-WAY STREETS AND ALLEYS

SECTION 10.44.010: Signs

(A) Whenever any ordinanceOrdinance or resolutionResolution of the cityCity designates any one-way street or alley, the city engineerCity Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(B) Whenever authorized signs are erected indicating the direction of lawful traffic movement, no driver of a vehicle shall disobey the direction of any such sign. (Ordinance 1572 § 1 (part), 1977; Prior Code § 3130).

CHAPTER 48: YIELD INTERSECTIONS

SECTION 10.48.010: Signs

(A) Whenever any ordinanceOrdinance or resolutionResolution of this citythe City designates any yield intersection, the city engineerCity Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective until such signs are in place.

(B) Whenever authorized yield signs are erected, no driver of a vehicle shall

disobey the directions of any such sign.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3131).

CHAPTER 52: SPECIAL STOPS REQUIRED

SECTION 10.52.010: Through ~~streets and stop intersections~~ Streets And Stop Intersections

Whenever any ~~ordinance~~ Ordinance or ~~resolution~~ Resolution of the ~~city~~ City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the ~~city engineer~~ City Traffic Engineer shall erect and maintain stop signs as follows:

- (1) A stop sign shall be erected on each and every street or portion thereof so designated and at those entrances of other intersections where a stop is required. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. It is further provided that no such regulation shall be effective until such signs are in place.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3132(a)).

SECTION 10.52.020: Obedience ~~to stop signs~~ To Stop Signs

Whenever authorized stop signs are erected, no driver of a vehicle shall disobey the instructions of any such sign.

(Prior Code § 3132(b)).

CHAPTER 56: STOPPING, STANDING, AND PARKING*

~~*For provisions relating to parking commission, see Ch. 232 of this code.~~

SECTION 10.56.010: Application of ~~regulations~~ Regulations

(A) The provisions of this ~~title~~ Title prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified in this ~~chapter~~, Chapter and Chapter 10.60, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a ~~police officer~~ Police Officer or official traffic-control device.

(B) The provisions of this ~~title~~ Title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ~~ordinances~~ Ordinances of the ~~city~~ City prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

(Prior Code § 3144).

SECTION 10.56.020: No ~~stopping~~ Stopping and no parking areas ~~No Parking Areas~~ -- ~~Marking authority~~ Authority

The ~~city engineer~~ City Traffic Engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in Section 10.56.030.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3145).

SECTION 10.56.030: No parking or no stopping areas~~No parking or no stopping areas~~Parking or No Stopping Areas -- Restrictions

When the curb markings or signs referred to in Section 10.56.020 are in place, no operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a ~~police officer~~Police Officer or other authorized officer, or traffic sign or signal:

- (1) On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface₇.
- (2) In any area where the ~~city engineer~~City Traffic Engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface₇.
- (3) In any area established by ~~resolution of the council~~City Council Resolution as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface₇.
- (4) In any area established by ~~resolution of the council~~City Council Resolution as a no stopping area, when such area is indicated by appropriate signs or by red paint upon the curb surface₇.
- (5) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property₇.
- (6) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement₇, provided, that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking₇.
- (7) Whenever the ~~city engineer~~City Traffic Engineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, he shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking, or standing of vehicles is prohibited on such streets and alleys as he shall direct during the time

such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the ~~city engineer~~City Traffic Engineer shall cause such signs to be removed promptly thereafter.

(8) At any place within twenty (20) feet on the approach side and ten (10) feet on the far side of a crosswalk when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.

(9) Within twenty (20) feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device when such place is indicated by appropriate signs or by red paint upon the curb surface.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3146).

SECTION 10.56.040: No ~~parking~~Parking or ~~no stopping areas~~No Stopping Areas -- ~~Signs not required~~Not Required

No person shall stop, stand, or park a vehicle at any of the following locations:

(1) Within any parkway.

(2) Within any roadway divisional island.

(3) Upon, along, or across any railroad track in such a manner as to hinder, delay, or obstruct the movement of any railroad car traveling upon such track.

(Prior Code § 3147).

SECTION 10.56.050: Authority to ~~sign limited time parking areas~~Sign Limited Time Parking Areas

Whenever any ~~resolution~~Resolution of the ~~city~~City designates and describes a limited time parking area, the ~~city engineer~~City Traffic Engineer shall maintain appropriate signs or curb markings for the limited time parking areas using the specified time as defined and described in Section 10.56.060 or at other specific times as defined by the ~~city council~~City Council.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3 148).

SECTION 10.56.055: Parking for ~~physically handicapped persons~~Physically Handicapped Persons

~~Designation of Parking Spaces—Street Parking. The director of public works and development~~(A) DESIGNATION OF PARKING SPACES – STREET PARKING. The ~~City Traffic Engineer~~City Traffic Engineer may recommend to the ~~city council~~, and the ~~city council~~City Council, and the ~~City Council~~City Council shall indicate by ~~resolution~~Resolution, which street parking spaces shall be designated for the exclusive use of physically handicapped persons whose vehicles display a distinguishing license plate or placard issued pursuant to California Vehicle Code ~~Section 9105 or license plate issued pursuant to the California Vehicle Code Sections~~ 5007, 22511.5-5 or 22511.59. Whenever the ~~city council~~City Council so designates a parking space, it shall be marked by blue paint on the curb or

edge of the paved portion of the street adjacent to the space. In addition to the blue paint, the space may also be marked by signs or other suitable means.

(B) DESIGNATION OF PARKING SPACES – OFF-STREET PARKING.

(1) Designation of Parking Spaces – Off street Parking.

~~Designation of Spaces.~~ Any person owning or operating an off-street parking facility may designate stalls or spaces in such facility for the exclusive use of physically handicapped persons whose vehicles display a distinguishing license plate or placard issued pursuant to California Vehicle Code ~~Section 9105~~ Sections 5007, 22511.55, or license plate issued pursuant to California Vehicle Code Section 22511.5-9. Such designation shall be made by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background. Designation of such spaces in an off-street parking facility owned or operated by the ~~city~~ City shall take place after authorization by ~~city council resolution~~ City Council Resolution.

~~Designation of Handicapped Parking – Private Property.~~

(2) DESIGNATION OF HANDICAPPED PARKING – PRIVATE PROPERTY. The ~~city~~ City of Garden Grove has established by ~~resolution~~ Resolution designated parking spaces on private property in the city, reserved for exclusive use by physically handicapped persons. No person shall park or allow a vehicle to stand in designated handicapped parking spaces unless the vehicle has a placard or license as provided herein.

~~Enforcement.~~

(3) ENFORCEMENT. Vehicles parked in violation of any of the provisions contained in this ~~section~~ Section shall be subject to enforcement by citation.

(Ordinance 1670 § 1, 1978; Ordinance 1589 § 1, 1977).

SECTION 10.56.060: Specified ~~limited time~~ Limited Time for parking Parking

~~Twenty minute Parking.~~ (A) TWENTY (20) MINUTE PARKING. When twenty-(20) minute parking signs or green curb markings are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle between nine (9:00) a.m. and six (6:00) p.m. of any day, except Sundays, for a period of time longer than twenty minutes, except as limited by Sections 10.56.010 through 10.56.040 and Chapter 10.60.

~~One hour Parking.~~

(B) ONE (1) HOUR PARKING. When authorized signs are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle between nine (9:00) a.m. and six (6:00) p.m. of any day, except Sundays, for a period of time longer than one (1) hour, except as limited by Sections 10.56.010 through 10.56.040 and Chapter 10.60.

~~Two hour Parking.~~

(C) TWO (2) HOUR PARKING. When authorized signs are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle

between nine (9:00) a.m. and six (6:00) p.m. of any day, except Sundays, for a period of time longer than two (2) hours, except as limited by Sections 10.56.010 through 10.56.040 and Chapter 10.60.

~~Other Specified Time Parking.~~

(D) OTHER SPECIFIED TIME PARKING. When authorized signs are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle between any hours of any day for a period of time longer than that specified by ~~the city council~~ City Council Resolution, except as limited by Sections 10.56.010 through 10.56.040 and Chapter 10.60.

(Ordinance 572 § 1 (part), 1962; Prior Code § 3149).

SECTION 10.56.070: ~~Parallel parking on one-way streets~~ Parking On One-Way Streets

(A) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18) inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

(B) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

(C) ~~The city engineer~~ City Traffic Engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street, or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

(D) The requirement of parallel parking imposed by this ~~section~~ Section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3150).

SECTION 10.56.080: ~~Diagonal parking~~ Parking

(A) Whenever any ~~ordinance~~ Ordinance or ~~resolution~~ Resolution of the ~~city~~ City designates any street or portion of streets as diagonal parking zones, the ~~city engineer~~ City Traffic Engineer shall place and maintain signs and/or pavement markings indicating such diagonal parking.

(B) Whenever authorized diagonal parking signs and/or pavement markings are placed, it is unlawful for the operator of any vehicle to park said vehicle except:

(1) At the angle to the curb indicated by signs and/or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space.

(2) With the front wheel nearest the curb within six (6) inches of said curb. The provisions of this ~~section~~ Section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight, or goods, in which event the provisions of Section 10.56.070 shall apply.

(Ordinance 1572 § 1 (part), 1977; Ordinance 1124 § 1, 1970; Prior Code § 3150.1).

SECTION 10.56.090: ~~Parking space markings~~ Space Markings

(A) ~~The city engineer~~ City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

(B) When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing, or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3151).

SECTION 10.56.100: ~~Seventy-two hour limitation~~ Two (72) Hour Limitation

(A) No person who owns or has possession, custody, or control of any vehicle shall park or leave standing such vehicle upon any street, road, right-of-way, alley, park, parking lot, or other public property for more than a consecutive period of seventy-two (72) hours. For purposes of this ~~section~~ Section, movement of the vehicle by any means for a distance, on the same side of the street, of less than fifty (50) feet shall be deemed no movement at all.

~~Removal of Vehicles in Violation of Seventy-Two Hour Limitation:~~

(B) REMOVAL OF VEHICLES IN VIOLATION OF SEVENTY-TWO (72) HOUR LIMITATION. A vehicle in violation of ~~subsection (a)~~ Subsection (A) may be removed as abandoned under Vehicle Code Section 22651(k); providing, the investigating officer determines that the vehicle is found to be abandoned under the statutory criteria of Vehicle Code Sections 22523 or 22669.

(Ordinance 2257 § 1, 1993; Ord 1421 § 1, 1974; Ordinance 893 § 1 (part), 1966; Ordinance 885 § 1, 1966; Prior Code § 3152).

SECTION 10.56.110: ~~Wide vehicle and trailer parking~~ Vehicle and Trailer Parking

(A) During hours of darkness, no person shall park any vehicle, except a private passenger automobile, of a width in excess of eighty (80) inches other than to make deliveries or repairs of an emergency nature on either the vehicle itself or to the adjacent properties, on any of the following described street locations:

(1) Any street, or the cul-de-sac thereof, which has a curb-to-curb width of forty feet or less.

(2) Any street on which a traffic lane line has been painted where the distance between the painted lane line and the nearest part of the vehicle or trailer is fourteen (14) feet or less.

(B) No person shall park any trailer regardless of width on any street for a period of time greater than twenty-four (24) hours.

(C) No person shall park any commercial vehicle having a width of eighty (80) inches or more on any street or highway except when such vehicle is parked temporarily in connection with the performance of a service to the property adjacent to the curb at which such vehicle is parked.

(Ordinance 1041 § 1, 1969; Ordinance 593 § 1, 1962; Prior Code § 3152.1).

SECTION 10.56.120: ~~Parking on city property~~ On City Property

(A) Whenever the ~~city engineer~~ City Traffic Engineer determines that the orderly, efficient conduct of the ~~city's~~ City's business requires that parking or standing of vehicles on ~~city~~ City property be prohibited, limited or restricted, the ~~city engineer~~ City Traffic Engineer shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited, or restricted.

(B) When signs authorized by the provisions of this ~~section~~ Section are in place giving notice thereof, no person shall park or stand any vehicle contrary to the directions or provisions of such signs.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3153).

SECTION 10.56.130: ~~City-owned~~ Owned or operated off-street parking facilities

(A) Whenever any ~~ordinance~~ Ordinance or ~~resolution~~ Resolution of the ~~city~~ City designates or describes a parking regulation on any ~~city~~ City-owned or ~~city~~ City-operated off-street parking facility, the ~~city engineer~~ City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place.

(B) Whenever authorized signs are erected indicating the parking regulation, no driver of a vehicle shall disobey any such sign.

(Ordinance 1572 § 1 (part), 1977; Ordinance 676 § 1, 1963; Prior Code § 3153.1).

SECTION 10.56.135: ~~Privately owned and maintained roads~~ Owned and Maintained Roads

(A) Whenever any ~~ordinance~~ Ordinance or ~~resolution~~ Resolution of the ~~city~~ City designates or describes a traffic regulation on any privately owned and maintained roads that are generally held open for the use of the public for purposes of vehicular travel and ~~which that~~ so connect with highways that the public cannot determine that such roads are not highways, the ~~city~~

~~engineer~~City Traffic Engineer shall place and maintain signs or markings giving notice thereof, and no such regulation shall be effective unless such signs or markings are in place.

(B) Whenever authorized signs or markings are placed indicating the traffic regulation, no driver of a vehicle shall disobey any such sign or marking. (Ordinance 1572 § 1 (part), 1977; Ordinance 1208 § 1, 1971; Prior Code § 3153.2).

SECTION 10.56.140: Parking to ~~advertise~~Advertise

No person shall park any vehicle upon any street for the purpose of advertising any item or event. (Prior Code § 3154).

SECTION 10.56.150: Alley ~~restricted~~Restricted

No person shall stop, stand, or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Prior Code § 3155).

SECTION 10.56.160: Parking ~~off of highway~~Off of Highway

(A) No person shall stop, park, or leave standing upon any highway any vehicles, whether attended or unattended, upon the roadway when it is practicable to stop, park, or leave the vehicle off such portion of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon the roadway. ~~This section~~Section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

(B) ~~This section~~Section shall not apply to the driver of any vehicle ~~which~~that is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway. (Prior Code § 3156).

SECTION 10.56.170: Parking within ~~intersections~~Intersections

In conformance with the Vehicle Code Section 22500(a), parking is permitted adjacent to the straight curbs within all intersections having two (2) or three (3) approaches, unless parking in the area is controlled by appropriate signs or curb painting. (Ordinance 953 § 1, 1967; Prior Code § 3173).

SECTION 10.56.180: Vehicles as ~~living quarters prohibited~~Living Quarters Prohibited

(A) No person shall occupy or use any camp car, camp trailer, camper, house car, mobilehome, trailer coach, or other vehicle or trailer as a dwelling or for living or sleeping quarters upon any public street, right-of-way, alley, or other public property or nonresidential property within the city except in a public or private trailer park or camping ground. ~~This subsection~~Subsection shall not apply to

any mobilehome or trailer coach located on a permanent foundation pursuant to provisions of the Health and Safety Code.

(B) For purposes of this ~~section~~Section "dwelling", "living", or "sleeping quarters" means that any of the vehicles described herein are being used by an individual or individuals as their basic residence in lieu of traditional building structures designed to house human beings including structures maintained in mobilehome parks. ~~This section~~Section is not intended to prohibit individuals ~~travelling~~traveling from one community to another, resting in one of the above described vehicles including sleeping while in direct transit from one location outside the city to another location outside the city.

(Ordinance 1814 § 2, 1983).

SECTION 10.56.200: Parking restricted~~Restricted to facilitate street sweeping~~Facilitate Street Sweeping

(A) Any other limitation on, or regulation concerning parking contained in Title 10 of this Code to the contrary notwithstanding, it is unlawful to park or leave parked any vehicle on any street or portion thereof during the hours and on the day or days of the month indicated on signs containing the words "No Parking," which signs have been placed in appropriate locations designating said parking restrictions pursuant to the provisions of this ~~section~~Section.

(B) The ~~city engineer~~City Traffic Engineer is authorized to determine the locations of and to place and maintain, or cause to be placed and maintained, signs designating the hours during which, and day or days of the month on which, parking is prohibited in order to permit ~~city~~street sweeping equipment to sweep. Any person convicted of violating the provisions of this ~~section~~Section shall be subject to a fine.

(Ordinance 1781 § 1, 1982).

SECTION 10.56.210: Permit parking on designated streetsParking On Designated Streets

(A) Except as otherwise provided in this ~~section~~Section, it shall be unlawful for any person to stand or park any vehicle on any street, or portion thereof, restricted by ~~resolution of the city council~~City Council Resolution to permit parking only during all or certain hours of the day or night provided signs giving notice of said restriction have been posted.

(B) The provisions of ~~subsection (a)~~Subsection (A) of this ~~section~~Section shall not apply to any vehicle conspicuously displaying a guest parking permit in the left rear window thereof, or, ~~if a guest parking permit, on the dashboard immediately above the steering wheel,~~ a valid parking permit issued by the city of Anaheim pursuant to ~~subsection (c)~~Subsection (C) of this ~~section~~Section displayed on the dashboard immediately above the steering wheel.

(C) The city of Anaheim shall, upon application ~~therefore~~, issue at no cost to the applicant a parking permit exempting from the provisions of this

~~section~~Section any vehicle owned or controlled by any resident or merchant of property adjacent to the street, or portion thereof, so restricted. Said issuer of permits shall also issue a maximum of ten (10) guest parking permits to each such residence or business at no cost to the applicant.

(D) Any parking permit issued by the ~~city~~City pursuant to this ~~section~~Section shall be valid for the one- (1) year period from January 1st through December 31st of each year. Permits for the following calendar year shall be issued in December of each year.

(E) The provisions of this ~~section~~Section shall not apply to any authorized emergency vehicle as defined in the California Vehicle Code when such vehicle is responding to an emergency, or the vehicle of a licensed physician who is responding to an emergency, provided said vehicle displays an insigne approved by the California Department of Motor Vehicles indicating that the vehicle is owned by a licensed physician.

(F) Nothing contained in this ~~section~~Section shall be deemed to authorize vehicle parking at any location or at any time otherwise prohibited by any other provision of law.

~~Enforcement.~~

(G) ENFORCEMENT. Vehicles parked in violation of any of the provisions contained in this ~~section~~Section shall be subject to enforcement by citation. (Ordinance 1811 § 1, 1983).

SECTION 10.56.220: Sign requirement—Requirement Vehicle removal from private property
Removal From Private Property

The owner or person in lawful possession of any private property who desires to cause the removal of a vehicle parked on such property under the provisions of California Vehicle Code Section 22658, shall comply with the following requirement: Posted sign shall be a minimum of eighteen (18) inches by twenty-four (24) inches in size, having a white background with contrasting lettering. Such signs shall be located not less than four (4) feet nor more than six (6) feet above ground level and otherwise in compliance with Section 22658 as to content. (Ordinance 1820 § 1, 1983).

CHAPTER 60: LOADING ZONES

SECTION 10.60.010: Marking authority
Authority

Whenever any ~~resolution~~Resolution of the ~~city~~City designates and describes a loading zone, the ~~city engineer~~City Traffic Engineer is authorized to mark the location of the described bus-loading zone, material loading zone, or passenger loading zone, and the markings shall conform to this ~~chapter~~Chapter. (Ordinance 1572 § 1 (part), 1977; Prior Code § 3157).

SECTION 10.60.020: Markings designated
Designated

(A) A bus-loading zone shall be indicated by red paint on the curb with the words "Bus Loading Zone" stenciled in white letters on top of the red curb. If no

curbs exist, then appropriate signs shall be posted.

(B) A material loading zone shall be indicated by yellow paint on the curb. ~~e.~~

(C) A passenger loading zone shall be indicated by white paint on the curb.
(Prior Code § 3158).

SECTION 10.60.030: Color of markings—Of Markings Regulations

The following described curb markings are to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section ~~Section~~:

- (1) Red means no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
- (2) Yellow means no stopping, standing, or parking at any time between seven (7:00) a.m. and six (6:00) p.m. of any day, except Sundays, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.
- (3) White means no stopping, standing, or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three (3) minutes, and such restrictions shall apply between seven (7:00) a.m. and six (6:00) p.m. of any day, except Sundays, and except as follows:
 - (a) When such zone is in front of a church, hotel, or in front of a mailbox, the restrictions shall apply at all times.
 - (b) When such zone is in front of a theater, the restrictions shall apply at all times except when such theater is closed.
- (4) Blue means no stopping, standing, or parking at any time except for a vehicle displaying a disabled ~~veteran license plate~~ person parking placard or plates as issued by the California Department of Motor Vehicles.
- (5) When the ~~city engineer~~ City Traffic Engineer as authorized under this ~~title~~ Title has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this ~~section~~ Section.

(Ordinance 1589 § 2, 1977; Ordinance 1572 § 1 (part), 1977; Ordinance 572 § 1 (part), 1962; Prior Code § 3159).

CHAPTER 64: VIEW OBSTRUCTIONS

SECTION 10.64.010: Prohibited

On property at any corner formed by intersecting streets, it is unlawful to install, set out, or maintain, or to allow the installation, setting out, or maintenance of, any sign, hedge, shrubbery, natural growth, or other obstruction to the view, higher than thirty (30) inches above the level of the center of the adjacent intersection, within that triangular area between the property line and a diagonal line joining points on the property lines twenty-five (25) feet from the point of their intersection, or in the case of rounded ~~corners~~corners, the triangular area between the tangents to the curve and a diagonal line joining points on said tangents twenty-five (25) feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the ~~corner~~corner. (Ordinance 778 § 1, 1965; Prior Code § 3170).

SECTION 10.64.020: Exceptions

The provision in Section 10.64.010 shall not apply to: permanent buildings; public utility poles; trees trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to permanent buildings existing on December 5, 1957; official warning signs or signals; post signs; or to places where the contour of the ground is such that there can be no cross-visibility at the intersection. (Prior Code § 3170.1).

SECTION 10.64.030: Enforcement

The enforcement of Sections 10.64.010 and 10.64.020 shall be under the direction of the ~~development services director~~City Manager or his designee. The ~~council~~City Council shall designate representatives of the ~~development services department~~City who may, on behalf of the ~~council~~City Council, investigate violations of Sections 10.64.010 and 10.64.020, give such notices as may be required to carry out this ~~chapter~~Chapter, and perform such other duties in connection with the enforcement of this ~~chapter~~Chapter as may be imposed upon them by the ~~council~~City Council. (Prior Code § 3170.2).

SECTION 10.64.040: Remedies

In addition to the remedies provided in Sections 10.64.010 through 10.64.030, or by the law of this ~~state~~State, any obstruction maintained in violation of this ~~chapter~~Chapter shall be deemed a nuisance, and upon failure to abate the same within twenty (20) days after the posting upon the premises of notice to abate the nuisance signed by an authorized representative of the ~~council~~City Council, such representative of the ~~council~~City Council as it may so authorize may enter upon the premises and remove or eliminate the obstruction. In such event, the cost to the ~~city~~City of the abatement of the nuisance shall be a ~~lien upon the premises,~~ provided a claim therefor is filed within the time and in the manner as prescribed in ~~Section 1187 of the Code of Civil Procedure of the state.~~ The cost of such abatement shall, in addition, be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the ~~city~~City in

an action before any court of competent jurisdiction.
(Prior Code § 3170.3).

SECTION 10.64.050: Scope

No obstruction to cross-visibility shall be deemed to be excepted from the application of Sections 10.64.010 through 10.64.040 because of its being in existence at the time of December 5, 1957, unless expressly exempted by the terms of Sections 10.64.010 through 10.64.040.
(Prior Code § 3170.4).

CHAPTER 68: — PEDESTRIANS

SECTION 10.68.010: Authority ~~to establish marked crosswalks~~ To Establish Marked Crosswalks

(A) ~~The city engineer~~ City Traffic Engineer shall establish, designate, and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

- (1) Crosswalks shall be established and maintained at roadway intersections and at other places where the ~~city engineer~~ City Traffic Engineer determines that there is a particular hazard to pedestrians crossing the roadway subject to the limitation contained in ~~subsection (B)~~ Subsection (B) of this ~~section~~ Section.

(B) Other than crosswalks at intersections, no crosswalk shall be established in any block ~~which that~~ that is less than four (400) hundred feet in length.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3141).

SECTION 10.68.020: Use ~~of certain crosswalks prohibited~~ Of Certain Crosswalks Prohibited

(A) ~~The city engineer~~ City Traffic Engineer may place signs at or adjacent to an intersection in respect to any unpainted crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

(B) Whenever authorized signs are erected prohibiting the use of certain crosswalks, no pedestrian shall disobey the directions of any such signs.
(Ordinance 1572 § 1 (part), 1977; Prior Code § 3142).

SECTION 10.68.030: Pedestrian indications at ~~signalized intersections~~ Indications At Signalized Intersections

(A) ~~The city engineer~~ City Traffic Engineer is directed to install and maintain pedestrian traffic signal indications at those signalized intersections where the ~~city engineer~~ City Traffic Engineer has determined that there is a particular hazard to pedestrians crossing the roadway.

(B) Pedestrians shall obey the indication of traffic signals installed for pedestrian's use only and shall not proceed on the vehicular traffic signal indication at any location where pedestrian traffic signals are in place.

(Ordinance 1572 § 1 (part), 1977; Prior Code § 3143).

CHAPTER 72: RAILROADS

SECTION 10.72.010: Driving ~~vehicle through crossing gate or barrier~~ Vehicle Through Crossing Gate Or Barrier

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(Prior Code § 3162).

SECTION 10.72.020: Trains ~~not to block crossings~~ Not To Block Crossings

No person shall cause or permit any railway train or railway cars or similar vehicle on rails to stop, or stand, or to be operated in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to railway trains, cars, or similar vehicles on rails while blocking or obstructing a crossing because of an accident which that requires the operator of the train, car, or similar vehicle on rails to stop at or near the scene of the accident.

(Prior Code § 3163).

CHAPTER ~~10.76.80~~: MOTORCYCLES AND MOTOR-DRIVEN CYCLES

SECTION ~~10.8076.010~~: Scope

This ~~chapter~~ Chapter is designed to regulate the operation of registered and unregistered motorcycles and motor driven cycles by all persons, whether they possess a valid California motor vehicle operator's license or not, upon unimproved private property and upon all public property except highways in the city.

(Ordinance 1263 § 1 (part), 1972).

SECTION ~~10.8076.020~~: Definitions

~~Motorcycle:~~ (A) MOTORCYCLE. A "motorcycle" is any motor vehicle other than a tractor having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground and weighing less than one thousand five hundred (1,500) pounds

~~Motor-driven cycle:~~

(B) MOTOR-DRIVEN CYCLE. A "motor-driven cycle" is any motorcycle, including every motor scooter, with a motor which that produces not to exceed five (5) horsepower, and every bicycle with motor attached.

~~Highways~~

(C) HIGHWAYS. "Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

~~Unimproved private property:~~

(D) UNIMPROVED PRIVATE PROPERTY. "Unimproved private property" means any parcel of land which that either contains no structures or which that is not surfaced with cement, concrete, asphaltic concrete, or other similar material, or which that does not have a hard surface made up of a mixture of rock, sand,

or gravel bound together with a chemical or mineral substance other than natural soil.

(Ordinance 1263 § 1 (part), 1972).

SECTION 10.8076.030: Prohibited operations~~Operations~~

(A) No person shall operate a motorcycle or motor-driven cycle other than a publicly owned motorcycle or motor-driven cycle, upon any public sidewalk, walkway, parkway, or in any public park unless otherwise permitted, or recreational area or upon any other publicly owned property, except highways, within the city. This shall not be construed to prohibit the operation of a motorcycle or motor-driven cycle having a valid California vehicle registration by any person possessing a valid California operator's license upon the public highways in the city.

(B) No person shall operate a motorcycle or motor-driven cycle, other than a publicly owned motorcycle or motor-driven cycle, upon any unimproved parcel of real property within the city, except as set forth in Section 10.8076.040 below.

(Ordinance 1263 § 1 (part), 1972).

SECTION 10.8076.040: Exceptions

Any person desiring to operate a motorcycle or motor-driven cycle, and any owner of private property desiring to allow a person or persons to operate a motorcycle or motor-driven cycle on his private property, may do so upon first obtaining a permit from the ~~chief of police~~ Police Chief of the ~~city~~ City. Permits shall be issued upon his determination that:

(1) The owner or owners of said real property concerned, or the person or persons in lawful possession thereof, have consented in writing to the proposed operation, ~~and~~.

(2) That the ~~city fire marshal~~ City Fire Marshal has certified that such proposed operation will not create any undue fire hazard by reason of the nature of the vehicle and its proposed operation or by reason of the nature of the property concerned, ~~and~~.

(3) That such operation is of sufficient distance from occupied residences, churches, assembly halls, or schools, as to likely not constitute a noise, dust, or fumes nuisance.

(Ordinance 1263 § 1 (part), 1972).

SECTION 10.8076.050: Operation by permit~~Permit~~

The operation of any motorcycle or motor-driven cycle on unimproved private property by authority of a permit issued in accordance with the provisions of Section 10.8076.040 ~~above~~, shall be limited to the hours commencing one-half hour before sunrise and ending one-half hour after sunset. The operation of said vehicles shall not be permitted nearer than two hundred (200) yards to any residential structure, church, assembly hall, or school. Each permit so issued shall

specify the effective date or dates of operation for which the permit is valid and shall further specify the area or areas of permitted operation. The permit shall be displayed on the vehicle at all times and shall be presented to any peace officer Peace Officer on request. The permit is not, and shall so state on its face, an expression by the ~~city~~ City that such proposed operation can be done with safety to the operator or other persons or property, all of which said risks are assumed by the permittee or property owner.
(Ordinance 1263 § 1 (part), 1972).

SECTION 10.8976.060: Appeal

Any person whose application for a permit is denied may appeal such decision to the ~~city council~~ City Council by filing a written notice of appeal within ten (10) days after notification by the ~~chief of police~~ Police Chief that said permit has been denied. The ~~city council~~ City Council shall thereupon conduct a hearing on said appeal within thirty (30) days from the date of filing said notice of appeal with the ~~city clerk~~ City Clerk. The decision of the ~~city council~~ City Council shall be final and conclusive upon all persons concerned.
(Ordinance 1263 § 1 (part), 1972).

CHAPTER 90: MOBILE SOURCE AIR POLLUTION REDUCTION

SECTION 10.90.010: Intent

This ~~chapter~~ Chapter is intended to support the South Coast Air Quality Management District's imposition of the vehicle registration fee, and to bring the ~~city~~ City into compliance with the requirements set forth in ~~section~~ Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.
(Ordinance 2175 § 1 (part), 1991).

SECTION 10.90.020: Definitions

- (1) "City" means the ~~city~~ City of Garden Grove.
- (2) "Fee administrator" ~~Administrator~~ Administrator means the ~~controller~~ Finance Director of the ~~city~~ City.
- (3) "Mobile source air pollution reduction programs" means any program or project implemented by the ~~city~~ City to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of Division 26 of the California Health and Safety Code.
- (4) "SCAQMD" means the South Coast Air Quality Management District.
(Ordinance 2175 § 1 (part), 1991).

SECTION 10.90.030: Administration Of Vehicle Registration Fee

(A) RECEIPT OF FEES. Vehicle registration fees due pursuant to this Chapter disbursed by the SCAQMD and remitted to the City shall be accepted by the

Fee Administrator.

(B) TRANSFER OF FUNDS. Upon receipt of vehicle registration fees, the Fee Administrator shall be responsible for placement of such funds into the air quality improvement trust account as hereinafter specified.

(C) ESTABLISHMENT OF AIR QUALITY IMPROVEMENT TRUST FUND. The Fee Administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of City funds. All vehicle registration fees received by the City pursuant to this Chapter, and all interest earned by the account, shall be credited to that account and shall be used to finance mobile source air pollution reduction programs.

(D) AUDITS. The City consents to audits, at least once every two (2) years, of all programs and projects funded by vehicle registration fee revenues provided under Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD. The SCAQMD shall deduct any audit costs incurred from the City's fee revenues. (Ordinance 2175 § 1 (part), 1991).

CHAPTER 100: ESTABLISHMENT OF CIVIL PENALTIES FOR PARKING VIOLATIONS

SECTION 10.100.010: Findings and intent ~~And Intent~~

Chapter 1244 of the 1992 State Statues has decriminalized parking violations by providing that pursuant to Vehicle Code Section 40200(a) all local or ~~state~~State laws shall treat parking violations as a civil violation. Vehicle Code Section 40215(b) further provides that the processing agency shall establish a written procedure for administrative reviews to be conducted where a violator has requested an appeal of the issuance of a parking citation. (Ordinance 2282 § 1 (part), 1993).

SECTION 10.100.020: Administrative ~~review procedures~~ Review Procedures

~~Parking Violations Subject to Civil Penalty.~~ (A) PARKING VIOLATIONS SUBJECT TO CIVIL PENALTY. Notwithstanding any other provision of the ~~code~~Code to the contrary, all parking violations are deemed to be a civil violation subject to a penalty pursuant to Vehicle Code Section 40200(a). A schedule of parking violation fines shall be adopted by ~~resolution of the city council~~City Council Resolution.

~~Departmental Responsibility.~~

(B) ADMINISTRATIVE RESPONSIBILITY. The ~~public services department of the city~~City Manager or his designee shall be responsible for the administration of administrative reviews with respect to parking citations. The ~~department,~~ under the direction of city manager,City Manager or his designee shall adopt specific administrative rules implementing Chapter 1244 of the 1992 Statues.

~~Primary Rules Governing Administrative Reviews.~~

~~Initial Review:~~

(C) PRIMARY RULES GOVERNING ADMINISTRATIVE REVIEWS.

(1) INITIAL REVIEW. A violator shall have a right to contest a notice of parking violation or a notice of delinquent parking violation. The ~~department~~City Manager or his designee shall conduct an initial investigation to determine whether the violation occurred or that the registered owner was not responsible for the violation pursuant to Vehicle Code Section 40215(a)(1).

~~Administrative Review Process:~~

(2) ADMINISTRATIVE REVIEW PROCESS. If the ~~department~~City Manager or his designee determines that the violation has occurred, the violator shall then have a right to a formal appeal pursuant to Vehicle Code Section 40215(a)(2b).

(3) The administrative review procedure shall consist of the following minimum requirements:

(a) The person requesting the administrative review shall indicate whether the appeal review is to be conducted by mail or personal conference.

(b) A minor may appear at the hearing without the necessity of the appointment of a guardian.

~~Hearing Office Qualifications:~~

(4) HEARING OFFICE QUALIFICATIONS. The ~~city manager~~City Manager shall appoint a hearing officer. The ~~city manager~~City Manager shall ensure that the hearing officer has the qualification, training, and objectivity to conduct an impartial administrative hearing.

~~Required Evidence:~~

(5) REQUIRED EVIDENCE. The ~~city~~City shall not be required to produce any evidence other than the notice of parking violation or copy thereof together with information received from the ~~department of motor vehicles~~Department of Motor Vehicles identifying the registered owner of the vehicle.

(Ordinance 2282 § 1 (part), 1993).

CHAPTER 110: TRAFFIC IMPACT MITIGATION FEE

SECTION 10.110.010: Findings and ~~intent~~Intent

(A) In order to implement the goals and objectives of the ~~circulation~~ Circulation Element of the ~~general plan~~ General Plan of the City of Garden Grove, the ~~master plan~~ Master Plan of arterial highways Arterial Highways, the ~~city's growth management element~~ City's Growth Management Element to fulfill Measure M's eligibility requirements, and to mitigate the traffic impacts caused by new development within the city, certain future public roadway improvements must be constructed.

~~(B) The city council~~City Council has determined, based upon a study, that a traffic impact mitigation fee is needed to address the cumulative impacts of new development and fund improvements to ensure ~~than that~~an acceptable level of service is achieved or maintained on all arterial highways and their intersections in the city.

~~(C) The city council~~City Council has determined that a traffic impact mitigation fee program as set forth in this ~~chapter~~Chapter is needed in order to address the funding and construction of transportation facilities to achieve and maintain an acceptable level of service. This mitigation fee program is enacted under the ~~city's police~~City's Police power pursuant to the California Constitution, Article XI, Section 7.

(Ordinance 2635 § 1 (Part), 2004).

~~SECTION 10.110.020: Establishment of a transportation improvement program~~Transportation Improvement Program

An analysis of the need for public transportation roadway improvements required by new development was conducted, and is set forth in a study entitled "Revised Transportation System Improvement Program" ~~dated March, 2004~~, which is on file in the ~~office~~Office of the ~~city engineer~~City Traffic Engineer. Said study sets forth the relationship between new developments, the needed improvements, and the estimated costs of those improvements.

(Ordinance 2635 § 1 (part), 2004).

~~SECTION 10.110.030: Establishment of traffic impact mitigation fee~~Establishment of Traffic Impact Mitigation Fee ~~by Resolution.~~

(A) ESTABLISHMENT OF IMPACT FEE BY RESOLUTION. A traffic impact mitigation fee is hereby established. The ~~city council~~City Council shall, by ~~resolution~~Resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments, and set forth time for payment.

~~Time for Payment.~~

(B) TIME FOR PAYMENT. The fee shall be payable prior to issuance of building permits. Pursuant to Government Code Section 66007(b) with respect to residential development, the ~~city~~City determines that the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the ~~city~~City has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy, or that the fees are to reimburse the ~~city~~City for expenditures previously made.

~~Fee Determination.~~

(C) FEE DETERMINATION. The fee determination process will take into account the existing use of the property, such that the property owner will be charged

only for increased use of the property that affects traffic.

~~Limited Use of Fees.~~

(D) LIMITED USE OF FEES. The revenue raised by payment of the fee shall be placed in a separate and special account. Such revenues, along with any interest earnings on that account, shall be used solely to pay for the ~~city's~~City's future construction of transportation facilities described in the ~~fee resolution~~a Resolution or to reimburse the ~~city~~City for those facilities described in this "Revised Transportation System Improvement Program" that have been constructed by the ~~city~~City with funds advanced by the ~~city~~City from other sources.

~~Fee Refunds.~~

(E) FEE REFUNDS. A refund may be approved when a building permit expires and no extensions have been granted, for a development for which the funds have been collected but construction has not yet been completed.

~~Credit for Certain Street Widening Improvements.~~

(F) CREDIT FOR CERTAIN STREET WIDENING IMPROVEMENTS. The traffic impact mitigation fee street widening improvements costs include certain items that may be constructed by a developer whose project is located on an arterial highway as indicated in Tables II and III of the "Revised Transportation System Improvement Program."" If the ~~city engineer~~City Traffic Engineer determines that the developer is constructing eligible street widening improvements (right-of-way dedication is not an eligible credit), the developer shall receive credit against the traffic impact mitigation fee. In no case shall the credit exceed the traffic impact mitigation fee.

(Ordinance 2635 § 1 (part), 2004).

SECTION 10.110.040: Phased ~~projects~~Projects

When there is a requirement imposed upon a phased project for the payment of a fee, it shall be payable serially as to each phase of the project and not in one lump sum payment for the entire project.

(Ordinance 2635 § 1 (part), 2004).

SECTION 10.110.050: Exemptions

New developments or changes in property use ~~which that~~ fall within any of the categories listed shall be exempt from the provisions of this ~~chapter~~Chapter.

(1) Any residential construction that does not increase the number of permanent housing units on the parcel where the construction is proposed to take place, such ~~a~~as remodeling or rebuilding an existing house;

(2) Any industrial or commercial change, development, or construction ~~which that~~ does not:

(a) Increase the building footprint,

(b) Increase the building square footage,

(c) Change the use of the parcel where the construction is proposed to take place, or

(d) Increase peak hour trip generation_{7.2}

(3) Small traffic generators such as walk-in sandwich shops/coffee shops that do not increase restaurant type business in the center over twenty percent (20%) of the total floor space in the existing center_{7.2}

(4) Police, ~~fire~~Fire, and other public facilities.
(Ordinance 2635 § 1 (part), 2004).

EXHIBIT "B"

TITLE 11 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES

TITLE 11: PUBLIC PROPERTY*

*As to the authority of cities to prohibit and prevent encroachments upon, or obstruction of any sidewalk, street, alley, lane, court, park, or other public place, and to provide for the removal of them, see ~~Gov. C.A. Government Code~~ § 38775. For authority to construct, improve, and repair streets and sidewalks, see ~~Gov. C.A. Government Code~~ § 40401. For authority of cities to require maintenance of all streets within the city, see Streets and Highways ~~C.A. Highway's Code~~ § 1921.

CHAPTER 04: STREETS AND SIDEWALKS*

* When any section ~~Section~~ of this chapter ~~Chapter~~ refers to to an "article ~~Article~~" of this chapter ~~Chapter~~, such reference shall mean the following:

Article Number	Article Name	Sections
I	General Provisions	10010-70070
II	Expenses	80080-100
III	Obstruction Removal	110-170
IV	Excavations	180-310
V	Backfills	320-350
VI	Manholes	380-400

SECTION 11.04.010: Definitions

For the purpose of this chapter ~~Chapter~~ the following words and phrases are defined, and shall be construed as hereinafter set out, unless it is apparent from the context that they have a different meaning:

- (1) "Asphalt street" means any street the surface of which is paved with a mixture of rock, sand, and asphalt cement, including any of those ~~which that~~ are commonly known as sheet asphalt, asphalt, concrete, or bitulithic pavements.
- (2) "Concrete driveway" means any driveway paved with portland cement concrete.
- (3) "Concrete gutter" means any gutter composed of portland cement concrete, vitrified brick, or granite block.
- (4) "Concrete street" means any street paved with portland cement concrete.
- (5) "Curb" means any curb constructed of portland cement concrete.
- (6) "House mover" means any person who moves any building or similar structure or section or portion of any such building or structure over, upon, along, or across any street or sidewalk in the city.

(7) "Manhole" means any subsurface structure, which is a part of any underground system, such as sewer, storm drain, water, gas, electric light, electric power, telephone, oil, or other underground pipe or wire system, and which has a surface cover with an exposed area of one and one-half (1½) square feet or more.

(8) "Oiled street" means any street the surface of which is composed of a mixture of one or more spray coats of road oil with sand, crushed rock, or decomposed granite, having a total average thickness of approximately one (1) inch or less.

(9) "Prospect hole" means any hole made in a pavement, driveway, or sidewalk by driving a metal bar or drill into the same for the purpose of locating existing utility pipes or conduits or leaks therefrom.

(10) "Rock and oil street" means any street that has a surface composed of macadam pavement or a mixture of rock, sand, and either road oil or liquid asphalt, having a total average thickness of more than one (1) inch.

(11) "Sidewalk" means any pavement composed of portland cement concrete and provided for the exclusive use of pedestrians.

(12) "Stake hole" means any hole made in a pavement, driveway, or sidewalk by driving a metal bar pin into the same for moving a house, or for any similar purpose.

(13) "Unimproved street" means any street that has a surface composed of dirt, soil, sand, gravel, decomposed granite, or similar materials in their natural state; or a surface of unbound or waterbound gravel or decomposed granite.

(14) "Warning signs", "lights", "barriers", and "flags" means those as set forth in the "Manual of Warning Signs, Lights and Devices for Use in Performance of Work Upon Highways," issued by the Division of Highways by the state Department of Public Works, as amended from time to time. by the California Department of Transportation.

(Prior Code § 7110.1).

SECTION 11.04.020: Removal of material~~Material~~ **from streets**~~Streets~~

No material shall be removed from any street in such a manner as to render such street impassable, unless such removal is allowed under a permit granted by the department ~~City~~.

(Prior Code § 7110.6).

SECTION 11.04.030: Chapter ~~exemptions~~ **Exemptions**

None of the provisions of this chapter ~~Chapter~~ shall apply to any work done or to be done in, along or upon any street pursuant to any law of the state providing for the improvement thereof, or to any work done or to be done in, along or upon any

such street pursuant to any law of the ~~state~~State providing for the improvement thereof, or to any work done or to be done in, along ~~u~~ or upon any such street pursuant to any contract for improvement authorized by the ~~council~~City Council; provided that the provisions contained in Section 11.04.290 shall apply to all such work and to all excavations to be made in, along or upon any street; provided further that the provisions contained in Sections 11.04.320 through 11.04.350 shall apply to all such work and to all excavations made or to be made in, along or upon any street whenever the specifications for said work so provide.
(Prior Code § 7110.23).

SECTION 11.04.035: City ~~exceptions~~Exceptions

The provisions of Sections 11.04.020, 11.04.040, ~~11.04.050,~~ 11.04.110 through 11.04.170, inclusive, and 11.04.190 through 11.04.270, inclusive, shall not apply to excavations made by any ~~department,~~ ~~development services~~ department or officer of the ~~city~~City in the discharge of official duties.
(Prior Code § 7110.24).

SECTION 11.04.040: Permits to be ~~kept~~Kept on ~~jobs~~Jobs

No person shall fail to keep the original permit or a copy thereof certified by the ~~development services department~~City at all times while such work is in progress at the location for which such permit was granted for making any fill, or making or filling any excavation, or for maintaining building material or debris, or for opening a manhole, or fail upon demand ~~therefor~~therefore to exhibit such permit to any ~~staff~~ member or inspector of the ~~development services department~~City or any ~~police officer.~~Police Officer.
(Prior Code § 7110.22).

~~**SECTION 11.04.050: Maps filed on completion**~~

~~Every person owning, using, controlling or having an interest in any pipe, conduit, duct or tunnel under the surface of any street or sidewalk for supplying or conveying gas, electricity, water, steam, ammonia or oil, to or from the city to or from its inhabitants, or for any other purpose, shall file in the office of the city engineer within fifteen days after the first day of January of each and every year, a corrected map or set of maps, each drawn to a scale of not less than one inch to two hundred feet, showing the complete installation of all such pipes, conduits, ducts, mains, manholes, handholes, chambers or other appliances except service pipes, including all installations made during the previous year to and including the last day of such year provided, however, that the utility owner may at his own option, elect to provide corrected maps throughout the year as they are available.~~

~~When any construction is necessary that is not within the limits shown on the application, the application must be revised within two weeks after the installation of such work.~~

~~(Prior code § 7110.21).~~

SECTION 11.04.060: Driveways

(A) ~~The development services department~~City shall regulate the number, location, opening, closing, and design of driveways within any public street pursuant to the policy attached at Exhibit "A" to the ~~ordinance~~City Council Ordinance codified in this section on file in the office of the city clerk. ~~Section, which is on file with the City Clerk's Office.~~

(B) Where practical difficulties or unnecessary hardships, inconsistent with the purposes of the current policy, result from its literal interpretation or enforcement, the ~~city council~~City Council may waive, modify, or delay the enforcement of the policy, upon written request of the property owner filed with the ~~director of development services~~City Manager or his designee. The findings of the ~~council~~City Council in support of any waiver, modification, or delay shall contain facts which ~~that~~ are necessary to support the request. The policy may be changed by ~~resolution of council.~~City Council Resolution.

(Ordinance 2155 § 1, 1990; Ordinance 822 § 1 (part), 1965; Prior Code § 7110.32).

SECTION 11.04.070: Street standardsStandards

Street or alley or other applicable standards shall be determined by the ~~development services department~~City.

(Ordinance 822 § 1 (part), 1965; Prior Code § 7110.33).

SECTION 11.04.080: Cost determinationDetermination

The decision of the ~~development services department~~City as to the cost of any work done or repairs made by it or under its direction, pursuant to the provisions of this ~~chapter~~Chapter, shall be final and conclusive as to such costs.

(Prior Code § 7110.4).

SECTION 11.04.085: Lot book reportsBook Reports

When lot book reports are required for the preparation of easement grant deeds necessary to dedicate property to the ~~city~~City, the fees associated with the reports will be paid by the ~~city~~City.

(Ordinance 1482 § 3, 1976).

SECTION 11.04.090: Statements

(A) The ~~development services department~~City shall mail a statement to every person or to his agent in the city on or before the twelfth (12th) day of any month showing the amount due the ~~city~~City for all work performed during the previous month by the ~~city~~City under the provisions of Sections 11.04.210 and 11.04.220.

(B) Such statement shall be paid on or before the twenty-fifth (25th) day of the month in which it is mailed.

(C) In case of a special deposit the balance shall be returned within thirty (30) days after the street surface has been replaced by the ~~development services department.~~City.

~~(D)~~ The ~~city~~City shall deduct the cost of any work done, or repairs made by the ~~development services department~~City, from any and all deposits then on hand belonging to, or that may hereafter be made by any person under the provisions of this ~~title~~Title.

(Prior Code § 7110.19).

SECTION 11.04.100: Refunds

All moneys refunded pursuant to the provisions of this ~~chapter~~Chapter shall be paid upon demands audited and paid in the same manner as other demands against the ~~city~~City are audited and paid.

(Prior Code § 7110.5).

SECTION 11.04.110: Public ~~street~~Street and ~~property defined~~Property Defined

For the purposes of this Article III only, the following words and phrases are defined:

(1) "Property" means and includes any property, rail, tie, wire, pipe, pole, conduit, or any device, fixture, appliance, or structure appurtenant thereto, installed, affixed, or located in, upon, over, or under any public street in the city.

(2) "Public street" means and includes a public street, public highway, public alley, public way, or public road within the city.

(Prior Code § 7110.2(a)).

SECTION 11.04.120: Owner ~~notification~~Notification

(A) Whenever the ~~development services department~~City determines that it is reasonable and necessary that any property located in, upon, over, or under any public street in the city, owned, maintained, or controlled by any person, be temporarily disconnected and reconnected, or permanently moved, relocated, or removed from any public street, in order that the ~~city~~City or other governmental agency or instrumentality may, most economically under modern engineering and construction methods, install, construct, build, or erect any public improvement or works in, on, over, under, or along any public street, the ~~development services department~~City shall give written notice to the person owning, maintaining, or controlling such property to move, relocate, or temporarily disconnect the same as may be determined by the ~~development services department~~City.

~~Exception~~(B) EXCEPTION: When applied to franchised public utilities such notice shall not imply that the cost of such relocation shall be borne by the owner except in the case of any lawful change of grade, alignment or width of any public street, including the construction of any subway or viaduct by the ~~city~~City.

(Prior Code § 7110.2(b)).

SECTION 11.04.130: Contents of ~~notice~~Notice -- Prosecution of ~~work~~Work

The notice referred to in Section 11.04.120 shall identify and refer to the property to be moved, relocated, or temporarily disconnected. It shall be the duty of such person, within thirty (30) days after the giving of such notice, to begin the work of moving, relocating, or disconnecting the property designated in such notice, and to prosecute such work diligently to completion. Nothing contained in this Article III shall apply to any improvement, work, or works done by the ~~city~~City or other governmental agency or instrumentality, other than in a governmental capacity. (Prior Code § 7110.2(c)).

SECTION 11.04.140: Beginning and ~~completing work~~Completing Work

No person owning, maintaining, or controlling any property located in, upon, over, or under any public street in the city shall neglect, fail, or refuse to begin the work of moving, relocating, or disconnecting such property within thirty (30) days after the giving of such written notice by the ~~development services department~~City so to do, as provided in this Article III, or to prosecute such moving, relocating, or disconnecting diligently to completion. (Prior Code § 7110.2(d)).

SECTION 11.04.150: Completion by ~~city~~the City

The ~~development services department~~City shall have power to move, relocate, or temporarily disconnect any property located in, upon, over, or under any public street in the city, owned, maintained, or controlled by any person, in the event such person neglects, fails, or refuses, within thirty (30) days after the giving of notice, as aforesaid, to begin the work of moving, relocating, or disconnecting the same, or fails to prosecute such work diligently to completion. The cost necessarily incurred in doing said work by the ~~development services department~~City may be recovered by the ~~city~~City from the person owning, maintaining, operating, or controlling said property. (Prior Code § 7110.2(e)).

SECTION 11.04.160: Remedies ~~cumulative~~Cumulative

The punishment for violation of the penal provisions of this Article III shall be cumulative; and in addition to the powers conferred herein on the ~~development services department~~City, the enforcement of the penal provisions of this Article III shall not constitute a bar to the exercise by the ~~development services department~~City of the powers conferred upon it by this Article III, nor shall the exercise by the ~~development services department~~City of the powers herein conferred upon it by this Article III constitute a bar to a criminal prosecution for the violation of the penal provisions of this Article III. (Prior Code § 7110.2(f)).

SECTION 11.04.170: Encroachment ~~controls~~Controls in ~~public rights~~Public Rights-of-wayWay

(A) No person shall place, build, construct, or erect any structure, receptacle, device or other object within any dedicated public street right-of-way without a permit issued by the ~~development services department~~City authorizing such placement, building, construction, or erection.

(B) Whenever the ~~development services department~~City determines that such obstruction exists in violation of this Article III, and that it is reasonable and necessary for the obstruction to be removed, the ~~development services department~~City shall give written notice to the person(s) owning, maintaining, or controlling such obstruction to remove the same. In the event such person(s) neglect, fail, or refuse to remove the aforesaid obstruction within ten (10) calendar days after the giving of notice to do so, the ~~development services department~~City shall have the authority to remove or relocate the obstruction and recover costs incurred in doing so from the person(s) owning, maintaining, or having control of said obstruction.

(C) If, after a reasonable attempt has been made, the person(s) owning, maintaining, or controlling such obstruction cannot be contacted or identified, the ~~development services department~~City shall have the authority to remove or relocate the obstruction without further compliance with this Article III. (Ordinance 933 § 1, 1966; Prior Code § 7110.2(g)).

SECTION 11.04.180: Regulation ~~authority~~Authority

The ~~development services department~~City may adopt such regulations for the location, size, and depth of excavations as shall be necessary for the public welfare. (Prior Code § 7110.3).

SECTION 11.04.190: Permit ~~required~~Required

No person shall make excavations in or under the surface of any street or sidewalk for the installation, repair, or removal of any pipe, conduit, duct, or tunnel, or appurtenant work, without first:

a. (1) Making and filing a written application with the ~~department of public works and development;~~City.

b. (2) Receiving a written permit from the ~~department of public works and development.~~ City.

(Ordinance 1465 § 1, 1975; Prior Code § 7110.7).

SECTION 11.04.200: Permit ~~application contents~~Application Contents

Before issuing any permit provided for in Section ~~11.04.190,~~11.04.190 the ~~development services department~~City shall require:

1. (A) A written application to be made and filed with the ~~development services department which~~City that shall state:

A. ~~name~~(1) Name and residence or business address of applicant,;

B. ~~in~~(2) In detail the purpose, location, and area of each excavation intended to be made and used~~;~~

2. (B) The presentation of a plat in duplicate showing:

A. ~~the~~ (1) The location of each proposed excavation, ~~B. the~~

(2) The dimensions thereof

C. ~~such~~ (3) Such other details as the ~~development services department~~ City may require to be shown on the plat

3. ~~Exception~~ (C) EXCEPTION: No plats shall be required when excavations are made for: ~~A. service~~

(1) Service connections

B. ~~location~~ (2) Location of trouble in conduits or pipes ~~or~~

C. ~~making~~ (3) Making repairs thereto

4. (D) The applicant must show, for the purposes mentioned in the application, legal authority to occupy and use the street or sidewalk wherein the excavation is proposed to be made ~~and~~

5. (E) The ~~development services department~~ City may request the applicant to cease work at any time and establish lines and levels at the applicant's own expense, to determine if the work is being done at the location set forth in the application.

(Prior Code § 7110.8).

SECTION 11.04.240: Permits -- Duration

a. ~~(A)~~ (A) Every permit issued under the provisions of this ~~chapter~~ Chapter shall become void unless the excavation to be made is commenced within six (6) months from the date of issuance of the permit and the work diligently prosecuted to completion.

b. ~~(B)~~ (B) The ~~development services department~~ City may grant an extension of time for a period not exceeding thirty (30) days for the commencement of such work whenever the ~~development services department~~ City deems that good cause exists ~~therefor~~ therefore.

c. ~~(C)~~ (C) If any extension of time is granted, such permit shall become and be void unless such work shall have been commenced prior to the expiration of such extension of time.

(Ordinance 1538 § 17, 1976; Ordinance 1465 § 6, 1975; Prior Code § 7110.12).

SECTION 11.04.250: Refill ~~completion~~ Completion by ~~city~~ City

If any person fails, refuses or neglects to refill any excavation within a reasonable time after completion of the work referred to in Section 11.04.240, then the ~~department of public works and development~~ City may complete the refilling of the

excavation in the manner required by this chapter ~~Chapter~~ and the city shall bill the applicant for the actual costs for refilling such excavation.
(Ordinance 1465 § 7, 1975; Prior Code § 7110.13).

SECTION 11.04.260: Permit and ~~resurfacing charges~~ Resurfacing Charges

When the street surface excavated or damaged is replaced by the city ~~City~~, the actual costs of replacement or resurfacing shall be billed to the permittee.
(Ordinance 1465 § 9, 1975).

SECTION 11.04.270: Charges ~~made~~ Made to city departments City Departments

In case any excavation has been made under the direction and jurisdiction of any ~~City~~ department of the city, all the street surface excavated or damaged by reason of such excavation shall be replaced by the ~~development services department~~ City and the preceding charges ~~therefor~~ therefore shall be levied upon and paid by the department making such excavation.
(Prior Code § 7110.15).

SECTION 11.04.280: Sidewalk ~~excavations~~ Excavations

Where an excavation is made to install, remove, or abandon a structure which ~~that~~ forms a portion of the finished surface of the sidewalk, the permittee, in lieu of the placement of a temporary resurfacing, may permanently restore the surface of the sidewalk to the nearest scoring line of the square or squares of which the structure forms a portion of the finished surface; provided, ~~that~~ the repairs are made by removing and replacing the entire portion between the nearest scoring lines, and that the resurfacing is done in accordance with the standard specifications of the ~~city~~ City for public improvements. ~~When walks are cut with diamond saws, removal of the sidewalk area to the nearest scoring line may not be required.~~ (Prior Code § 7110.17).

SECTION 11.04.290: Traffic ~~crossings~~ Crossings -- Barriers

- a. ~~(A)~~ No person shall make any excavation in any street or sidewalk, without maintaining safe crossings for vehicle traffic at all street intersections and safe crossings for pedestrians where necessary.
- b. ~~(B)~~ If any excavation is made across any street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians, unless permission to close such street or alley is first obtained from the ~~city~~ City Engineer.
- c. ~~(C)~~ Free access must be provided ~~to~~ for all fire hydrants and water gates. at all times.
- d. ~~(D)~~ All materials excavated shall be laid compactly along the side of the trench and kept trimmed up, so as to cause as little inconvenience as possible to for public travel. If the street is not wide enough to hold the excavated materials without using part of the adjacent sidewalk, the person by whom the excavation is made shall keep open a passageway at least ~~one-half~~ the

width fourty-eight (48) inches wide of the sidewalk open along such excavation.

- e.— (E) Permittee shall make adequate provision for drainage as and when necessary.
- f.— (F) It shall be the duty of every person cutting or making any excavation in or upon any public street or sidewalk or upon any other public place to place and maintain at each end of such excavation and at distances of not more than fifty (50) feet along the line thereof the following warnings and barriers:
- 1.— (1) Warning signs, lights, or barriers, ~~which~~ that satisfy the requirements of Section 11.04.010;
 - 2.— (2) Such other additional warning signs, barriers, temporary bridges, and watchmen, or any or all of the foregoing as the ~~development services department~~ City may deem necessary and order to be installed, kept, and maintained at such place, to safeguard the public.
- g.— (G) Whenever any person makes or causes to be made any excavation whatsoever in any street, sidewalk, alley, or other public place and fails to provide or maintain barriers or other safety devices as required by ~~state~~ State law, this ~~title~~ Title or the ~~development services department~~ City, then, in that event, the ~~development services department~~ City shall cause ~~city~~ City forces to provide or maintain such barriers or other safety devices. The amount of the costs thereby incurred by the ~~city~~ City shall be a debt to the ~~city~~ City of the person responsible for making said excavations and the ~~city~~ City may sue in any court of competent jurisdiction for the recovery of the amount of such costs.

(Prior Code § 7110.18).

SECTION 11.04.300: Depth

- a.— (A) No person shall install any service pipe, main pipe, conduit, duct, tunnel, or other structure less than two (2) feet below the surface ~~or of~~ the established grade, whichever governs.
- b.— (B) Manholes, culverts, and catch basins are exempt from this requirement.
- e.— (C) When it is not feasible to make installations two (2) feet below the surface or the established grade, the ~~city engineer~~ City Engineer may permit a lesser depth when sufficient evidence has been submitted showing the necessity ~~therefor.~~ therefore.

(Prior Code § 7110.20).

SECTION 11.04.310: Emergency ~~excavations~~ Excavations

Nothing contained in this ~~chapter~~ Chapter shall be construed to prevent any person maintaining any pipe or conduit in any street by virtue of any law, ordinance, or

permit, from making such excavations as may be necessary when such necessity arises from emergency conditions; provided, ~~that~~ the person making such excavation shall obtain a permit ~~therefor~~ therefore within four (4) days after the ~~offices of the city~~ City Offices are first opened on the next regular business day following the day on which such excavation was commenced.
(Prior Code § 7110.25).

SECTION 11.04.320: General ~~compaction requirements~~ Compaction Requirements

All backfill replaced in excavations within the road right-of-way shall be compacted until the relative compaction within six (6) feet of the top surface is not less than ninety percent (90%) and below six (6) feet is not less than the adjacent undisturbed soil as determined by the Relative Compaction Test specified in Section 6, Article b-21 of the State Standard Specifications.
(Prior Code § 7110.16(a)).

SECTION 11.04.330: ~~Compaction of clayey soils~~ Clayey Soils

(A) Clayey materials shall be defined as a soil containing more than thirty percent (30%) of material ~~which that~~ will pass a No. 200 mesh screen. Clayey material replaced as backfill ~~may~~ shall not be ponded or jetted, but shall be compacted as specified under general compaction requirements by any other suitable method providing the material is first conditioned by wetting or drying to within two percent (2%) of optimum moisture content.

(B) In lieu of backfilling with clayey material, the permittee, at his option, may elect to furnish sandy or granular material, less than thirty percent (30%) of which will pass a No. 200 mesh screen in which case compaction may be obtained as specified under general compaction requirements.
(Prior Code § 7110.16(b)).

SECTION 11.04.340: ~~Finishing and clean-up~~ Clean-Up

After the work has been completed, all debris and excess material from excavation and backfill operations shall be removed from the right-of-way and the roadway left in a neat and orderly condition. All roadside drainage ditches shall be restored to the original grades and the inlet and outlet ends of all culverts shall be left free and clear. All approaches to private driveways and intersecting highways and streets shall be kept open to traffic at all times. Excess and non-surfacing materials ~~which that~~ adhere to roadway surfacing as a result of construction operations shall be removed by approved methods to the satisfaction of the ~~city engineer.~~ City Engineer.
(Prior Code § 7110.16(c)).

SECTION 11.04.350: ~~Vehicle and pedestrian traffic~~ Pedestrian Traffic

After operation referred to in Sections 11.04.320 through 11.04.340 on all streets or portions thereof having an improved surface, including sidewalks, the top surface of the backfill shall be covered with not less than one (1) inch nor more than two (2) inches of premixed bituminous material satisfactory to the ~~development services department~~ City and shall conform closely enough to the level of the adjoining

surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the surface of the backfill safe for pedestrian and vehicular traffic until the excavation has been resurfaced. If it is impracticable to maintain the surface of the backfill in safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and ~~red lights~~traffic control consistent with the requirements of the Department of Public Works, around it until the excavation has been resurfaced.
(Prior Code § 7110.16(d)).

SECTION 11.04.380: Emergency ~~openings~~Openings

When in case of emergency, it becomes necessary to open or remove a manhole cover immediately to inspect, repair, adjust or renew any cable, wire, pipe, valve, instrument or apparatus installed or contained in any such manhole, the cover thereof may be opened or may be removed for a period of time actually necessary for such inspection, repair, adjustment or renewal; during which period of time a watchman or guard shall be kept in constant attendance at the exposed opening of the manhole.

~~Any person who has, in case of emergency, opened the cover of any manhole, must, within forty eight hours after the time of said emergency opening, report the location of such manhole and the approximate time of such opening to the development services department or the person having ownership or control of such manhole.~~

(Prior Code § 7110.28).

SECTION 11.04.390: Warning ~~signs~~Signs

(A) No person, except as provided in Section 11.04.380, shall open or remove the cover of any manhole, or allow any manhole to remain open in or upon any street or sidewalk, without first placing and at all times maintaining immediately adjacent to the opening of any manhole, and while such manhole remains open, at least two (2) red flags or two (2) danger signs, between one-half hour before sunrise and one-half hour after sundown, and at least two (2) red lights between one-half hour after sundown and one-half hour before sunrise.

(B) Such red flags, danger signs or red lights shall comply with the requirements of the Manual of Warning Signs referred to in Section 11.04.010.

(Prior Code § 7110.29).

SECTION 11.04.400: Exemptions

Nothing in this ~~article~~Code shall be construed as requiring a permit for the opening of its manholes by a franchised public utility or for the opening of track switch box covers, nor reports of such openings in connection with their renewal, maintenance or repair or in connection with the operation of a railway, railroad, or any franchised public utility.

(Prior Code § 7110.30).

CHAPTER 08: BUILDING MATERIALS IN STREETS

SECTION 11.08.010: Permit ~~required~~ Required

No person shall deposit or maintain in or upon any street, any building material of any kind, any debris from any building or building excavation, or any other kind of material or equipment used or intended for use in connection with any building or other work upon adjacent private property without first making and filing a written application with the ~~department of public works and development~~ City and receiving a permit therefrom to do so.

(Ordinance 1465 § 10, 1975; Prior Code § 7120.1 (a)).

SECTION 11.08.030: Permit ~~application~~ Application

The application for the permit referred to in Section 11.08.010 shall contain:

1.— (1) The name, residence, ~~and~~ and business address of the applicant; ~~and~~ and

2.— (2) The name, location, and area of street for which a permit is desired.
(Prior Code § 7120. 1 (c)).

SECTION 11.08.040: Permit ~~exceptions~~ Exceptions

There are no exceptions and ~~sections~~ Sections of the ~~building code which~~ Building Code that refer to temporary use of streets and alleys for the work under a building permit are superseded by this ~~section.~~ Section.

(Prior Code § 7120.1(d)).

SECTION 11.08.050: Permit ~~conditions~~ Conditions

a.— (A) Every permit granted under Sections 11.08.010 through 11.08.040 shall be granted upon the condition that the person to whom the permit was granted shall conform in every respect to the provisions of this ~~chapter.~~ Chapter.

b.— (B) The ~~development services department~~ City may revoke any permit granted under Sections 11.08.010 through 11.08.040 for the violation of any ~~section~~ Section of this ~~chapter.~~ Chapter.

c.— (C) No person shall continue to perform any work under any permit after the permit has been revoked by the ~~development services department.~~ City.

(Prior Code § 7120.2).

SECTION 11.08.060: Failure to ~~remove~~ Remove

a.— (A) No person shall fail to remove any building material of any kind whatsoever, or any debris deposited or maintained on any street, within five (5) days after the completion of the construction, alteration, repair, ~~or~~ or demolition of any building in front of which such material or debris is deposited or maintained, nor fail to leave the street in as good a condition as the same was prior to the depositing of such material or debris therein.

b.— ~~(B)~~ The city~~City~~ shall proceed to do such work or have the same done upon failure of any person charged to do so under this ~~section~~Section, and the ~~city~~City shall bill the permittee for the actual costs for any such work. (Ordinance 1465 § 13, 1975; Prior Code § 7120.3).

SECTION 11.08.070: Illumination

No person shall maintain any building material of any kind whatsoever, or any debris on any street, without placing a ~~red-light~~reflectorized barricade at each end of each pile of such material or debris during the whole of each night from one hour after sunset until one hour before sunrise. (Prior Code § 7120.4).

SECTION 11.08.080: Deposit ~~restrictions~~Restrictions

No person shall deposit or maintain any building material of any kind whatsoever, or any debris from any building or excavation, in or upon any street:

- 1.— ~~(1)~~ Within twenty-five (25) feet of any fire hydrant.
- 2.— ~~(2)~~ Within eleven (11) feet of the nearest rail of any railroad track on such street.
- 3.— ~~(3)~~ Where no railroad track exists, not more than ten (10) feet from such curb on the opposite side of the street.
- 4.— ~~(4)~~ In any manner as to prevent the passage of any vehicle.
- 5.— ~~(5)~~ In any manner as to obstruct the gutter space of the street.
- 6.— ~~(6)~~ Except upon the same side of the street and immediately in front of the building in actual course of construction, alteration, repair, or demolition.

(Prior Code § 7120.5).

SECTION 11.08.090: Mixing ~~plaster~~Plaster

No person shall mix, make, place, or pile any mortar, plaster, or lime, or any similar substance or mixture upon any surface of any paved street, or cause the same to remain at any place in such a manner that the same will fall or leak upon the surface of any street. (Prior Code § 7120.6).

SECTION 11.08.100: Permit to be ~~exhibited~~Exhibited

No person shall fail to keep the permit granted for maintaining building material or debris at all times at the place where such work is being done; nor fail, upon demand ~~therefor~~therefore, to exhibit such permit to any staff member or inspector of the ~~development services department~~City, or any public officer. (Prior Code § 7120.7).

SECTION 11.08.110: Building ~~material removal~~Material Removal

No person shall store or keep upon any street any material or debris taken from any excavation or building, or fail to remove the same from day to day as it is produced or to wet any dry debris or rubbish, so as to prevent the same from being blown by the wind, whether in the course of removal from any building or excavation, or on any street.
(Prior Code § 7120.8).

SECTION 11.08.120: Permit duration~~Duration~~

- a. ~~(A)~~ Every permit granted by the ~~development services department~~ City under Sections 11.08.010 through 11.08.040 shall become and be void within sixty ~~(60)~~ days from the date issued.
- b. ~~the development services department~~ (B) The City may extend the time of the permit for a period not to exceed sixty ~~(60)~~ days.
- e. ~~(C)~~ None of the provisions of this ~~chapter~~ Chapter shall apply to work performed under an excavation permit.
(Prior Code § 7120.9).

CHAPTER 12: STRUCTURES IN STREETS

SECTION 11.12.010: Permit required~~Required~~

- (A) No person shall erect or maintain any temporary structure or appliance in, upon, over, along, or across any street, nor erect or maintain any permanent structure within the planned right-of-way, except as otherwise provided by law, without filing a written application and obtaining a written permit ~~therefor~~ therefore from the ~~department of public works and development~~ City.
- a. ~~The department of public works and development~~ (B) The City is authorized to grant such permits.
- b. ~~(C)~~ The written application referred to in this ~~section~~ Section shall contain a description of the structures or appliance proposed to be erected or maintained, and the purposes for which the same are to be used. The application shall be accompanied by a map or diagram showing the location of the structure or appliance.
- e. (D) Any permit granted under this ~~section~~ Section shall specify:
 - 1. (1) The nature of the structure or appliance ~~;~~
 - 2. (2) The purpose for which it will be erected or maintained ~~;~~
 - 3. (3) The time during which such structure may be maintained ~~;~~
 - 4. (4) The location thereof.
- d. (E) If required by the ~~department of public works and development~~ City before the above work is commenced, complete plans and specifications

thereof shall be submitted to and approved by the ~~department of public works and development.~~City.

e.— ~~(F)~~ No permit granted under this ~~section~~Section shall be issued until the person applying for it has paid ~~five dollars~~a fee in an amount set by City Council Resolution for the issuance of each permit, ~~plus fifteen dollars for each encroachment,~~ and has also executed a good and sufficient bond to the ~~city~~City in a sum designated by the ~~department of public works and development~~City with at least two ~~(2)~~(2) sureties approved by the ~~department of public works and development~~city, conditioned that the person will save and keep the ~~city~~City, and all officers thereof, harmless from any and all costs, damages, or expenses that the ~~city~~City or any of its officers may be obliged to pay by reason of, or that may arise out of, the granting of such permit or the erection or maintenance of the structure or appliance for which the permit is granted.

f.— ~~The public works and development department~~(G) The City may revoke the permit at any time. Prior to the expiration date of the permit or at the revocation of the same, the structure or appliance shall be wholly removed from the location stated in the permit.

g.— ~~(H)~~ Notwithstanding the requirements of this ~~section~~Section, pursuant to Chapter 11.36, the ~~city council~~City Council may authorize installation and maintenance of benches or shelters or similar structures related to transportation services provided to the public; and pursuant to Chapter 5.48, the ~~city council~~City Council may authorize installation and maintenance of taxi stands.

(Ordinance 2060 § 4, 1988; Ordinance 1465 § 19, 1975; Prior Code § 7130.1).

SECTION 11.12.020: Electric ~~wiring~~Wiring -- Permit

a.— ~~(A)~~ (A) REQUIRED. No person shall string, place, or attach any electric wires or electric lights of any nature whatsoever over, under, or in any manner directly or indirectly attached to or in front of any building or structure, or over any street, without first obtaining a written permit from the ~~development services department~~soCity to do.

b.— ~~(B)~~ (B) CONTENTS. The permit required by ~~subsection (a)~~Subsection (A) shall state the kind of work to be done thereunder and the place where such work is to be done. Said permit shall be valid only for the location so stated. No person shall perform any work other than that designated in the permit.

e.— ~~(C)~~ (C) DURATION. If the work authorized under the permit required by ~~subsection (a)~~Subsection (A) is not commenced within thirty ~~(30)~~(30) days after the date thereof, such permit shall thereupon be void.

~~(D)~~ (D) None of the provisions of Sections 11.12.010 through 11.12.040 shall apply to work performed under an excavation permit.

(Prior Code §§ 7130.2, 7130.4, 7130.6).

SECTION 11.12.030: Electric wiring ~~Wiring~~ -- Supervision

The ~~development services department~~ City shall have the power and authority to regulate, inspect, and supervise the stringing, placing, and attaching of wires and electric lights of every nature whatsoever, now or hereafter placed over, under, or in any manner directly or indirectly attached to or in front of any building or structure or over any street.

(Prior Code § 7130.3).

SECTION 11.12.040: Electric wiring ~~Wiring~~ -- Safety

No electric lights or wires shall be so constructed, placed and supported over any street so as to cause fire or accident, injury or damage, to life or property.

(Prior Code § 7130.5).

SECTION 11.12.050: Exemption -- Franchises

a. ~~(A)~~ Nothing in Sections 11.12.020 through this ~~section~~ Section shall be construed as interfering with any rights granted to any person to string electric wires, telephone wires, telegraph wires, or wires of any other kind, which right is exercised under and by virtue of any franchise of the state or of the city, previously obtained.

b. ~~(B)~~ Nothing contained in this ~~chapter~~ Chapter shall be construed so as to interfere with the exercise of its rights under a franchise by a public utility.

(Prior Code § 7130.7).

SECTION 11.12.060: Irrigation water permit ~~Water Permit~~

No person shall deposit, place, discharge, or conduct any water used or intended to be used for irrigating ~~and any~~ land into or upon any street without first having obtained a permit so to do from the ~~development services department~~ City.

(Prior Code § 7130.8).

SECTION 11.12.070: Water in ~~streets~~ Streets

No person shall drain water or other liquid or permit water or other liquid to be drained from land or premises under such person's management or control, onto any public street by any means which ~~result~~ that results in damage to the street or causes interference with or hazard to public travel on or maintenance of said public street.

(Prior Code § 7130.9).

SECTION 11.12.080: Washing ~~private alleys~~ Private Alleys

No person shall wash or flush any private alley, way, or place so that the water from the washing or flushing thereof shall run or be discharged into or upon any public street or into the gutter of any public street.

(Prior Code § 7130.10).

~~**SECTION 11.12.090: Driving over improved sidewalk or curb**~~

~~No person shall drive any wagon or other vehicle over, along or across any cement or other improved sidewalk or curb, unless planking is laid thereon in~~

~~such a manner as to protect such sidewalk or curb. No person shall remove any such planking, except the person by or for whom it was laid, unless permission therefor is granted by the development services department, provided, however, that the provisions of this section shall not apply to the driving of vehicles over sidewalks and curbs at places where cement or asphalt crossings are constructed across such sidewalks or curbs.
(Prior code § 7130.11).~~

SECTION 11.12.100: Tire ~~specifications~~Specifications

No person shall operate upon or permit to be on or operated upon the improved portion of any concrete, asphalt, rock, and oil, or oiled street or public way in the city any vehicle having thereon a tire or tires, on the periphery of which there is or are any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which ~~that~~ projects beyond the tread of the traction surface of the tire. This ~~section~~Section shall not prohibit the use of tire chains of reasonable size to prevent skidding when upon wet or slippery surfaces, nor shall the restrictions of this ~~section~~Section apply to such a vehicle when its operation on any street or road is necessary in the construction or repair thereof.
(Prior Code § 7130.12 (part)).

SECTION 11.12.110: Sidewalk or ~~curb repairs~~Curb Repairs -- Notification

When a sidewalk or curb constructed on any street shall be out of repair or in need of construction, or in a condition to endanger persons or property passing thereon, or in a condition to interfere with the public convenience in the use thereof, the ~~development services department~~City is authorized to require the owners or occupants of lots or portions of lots fronting on said sidewalk, or curb and on the same side of the street where such sidewalk or curb is located to repair or reconstruct the sidewalk or curb, or both. The ~~development services department~~City shall give written notice thereof to the owners of the adjoining premises, or to their agents or to the occupants of such premises, or by leaving a copy of such notice on such premises.

- 1.— (1) NOTICE CONTENTS. The notice shall contain a description of the work required to be done and shall designate the materials to be used and specify the manner in which said work shall be done.
- 2.— (2) TIME REQUIRED FOR REPAIRS. Any owner, agent, or occupant of any such premises, within seven (7) days after notice given as provided in this ~~section~~Section, shall commence the work of repair or reconstruction, or both and shall do said work in the manner and with the materials specified in said notice.
- 3.— (3) FAILURE TO REPAIR. No owner, agent, or occupant of any such premises where notice is given as provided in this ~~section~~Section, shall fail, refuse, or neglect to begin the work required in said notice within the time permitted herein, nor shall any such person after having begun such

work, fail, refuse, or neglect to prosecute the work diligently to completion in the manner and with the materials specified in the notice. (Prior Code § 7130.12 (part)).

SECTION 11.12.120: Improvement ~~permit~~ Permit and ~~approval~~ Approval

No person shall lay, construct, reconstruct, or repair in any public street or any right-of-way, any curb, sidewalk, gutter, roadway surface, pavement, sanitary sewer, sewage works, water works, storm drain, culvert, stairway, retaining wall or similar structure, building or improvement, or perform any grading or filling, or subject any sewer or storm drain to excessive live or dead loading without obtaining a written permit thereof from the ~~development services department~~ City, providing a certificate of insurance evidencing liability coverage and obtaining approval of plans and specifications and the lines and grades ~~therefor~~ therefore from the ~~city engineer~~ City Engineer.

(Ordinance 1997 § 1, 1987; Prior Code § 7130.13(a)).

SECTION 11.12.121: Liability ~~insurance requirement for encroachment~~ Insurance Requirement for Encroachment Permits

Standards for required liability insurance coverage shall be established by the ~~city engineer~~ City Engineer, based on the degree and extent of liability risks to the ~~city~~ City from particular types of projects.

(Ordinance 1997 § 2, 1987).

SECTION 11.12.130: Improvement ~~fees~~ Fees and ~~deposits~~ Deposits

Any person who desires to make any such improvement upon any private property not dedicated to a public use, may, in order to obtain the ~~city engineer~~ City Engineer's approval of plans and specifications ~~therefor~~ therefore, ~~city~~ City inspection and supervision of the work, and to assure that the improvement when completed will be to the satisfaction of the ~~city engineer~~ City Engineer and that his acceptance ~~therefor~~ therefore will be available if the improvement be later submitted for dedication to public use, apply for and obtain a permit ~~therefor~~ therefore which shall, after such voluntary application, be treated in all respects as a permit required by law, except that the bond for the faithful performance of the work, provided for in Section 11.12.210 may be waived. All fees, and all deposits, provided for in the following ~~sections~~ Sections of this ~~chapter~~ Chapter must be demanded and received as in the case of permits required by law, and the ~~city engineer~~ City Engineer may impose such other conditions as may, in his discretion, be required to assure that the work may be inspected and supervised without cost or expense to the ~~city~~ City, that the work will not cause loss or damage to the ~~city~~ City or to the public, and that the improvements when completed, will be acceptable for public use if and when they shall be dedicated to or devoted to such use.

(Prior Code § 7130.13(b)).

SECTION 11.12.140: Inspection ~~bond~~ Bond

The inspection, supervision, and other services rendered or undertaken by the ~~city~~ City shall be consideration for any condition imposed upon the applicant and shall be withheld if he refuses any such condition. Whenever any applicant

hereunder posts with the ~~city engineer~~City Engineer a bond conditioned in all respects as provided in Section 11.12.210, and adequate in amount to comply therewith, such bond shall for all purposes be deemed a bond posted pursuant to that ~~section.~~Section.
(Prior Code § 7130.13(c)).

SECTION 11.12.150: Acceptance of ~~improvement~~Improvement

Nothing in Sections 11.12.120 through 11.12.140 shall be deemed to bind the ~~city~~City to accept such improvements for public use, however, if for any reason said improvements are not in a condition satisfactory to the ~~city engineer~~City Engineer at the time they are offered for acceptance for public use.
(Prior Code § 7130.13(d)).

SECTION 11.12.160: Permit ~~classification~~Classification

All permits for work mentioned in Sections 11.12.120 through ~~11.12.150~~11.12.150 shall be granted under one of the following classes:

1.— (1) Class "A" shall include only the repair, construction, or reconstruction of curbs, sidewalks, driveways, or gutters and work appurtenant to the foregoing, where, in the opinion of the ~~city engineer~~City Engineer, the work contemplated is so limited in extent and of such simplicity of design that the deposit of those fees provided hereinafter for class "A" permits will with reasonable certainty compensate and reimburse the ~~city~~City for the costs of the inspection and supervision entailed.

2.— (2) Class "B" shall include all permits for work not included in ~~class~~Class "A."

(Prior Code § 7130.14).

SECTION 11.12.170: Inspection

All work mentioned in Sections 11.12.120 through 11.12.150 shall be performed in accordance with the specifications, or the specifications and plans, if plans are made, referred to in said permit, and shall be performed to the satisfaction of the ~~development services department~~City and under the supervision of an inspector appointed by the ~~development services department~~City for such work.
(Prior Code § 7130.15).

SECTION 11.12.180: Permit ~~application contents~~Application Contents

Any person desiring a permit to perform any work mentioned in Sections 11.12.120 through 11.12.150 shall file a written application ~~therefor~~therefore with the ~~development services department~~City, which shall specify:

1.— (1) The location, nature, and amount of work to be performed.

2.— (2) The material to be used.

3.— ~~(3)~~ Such other information as the ~~development services department~~ City may require.
(Prior Code § 7130.16).

SECTION 11.12.200: Class "B" Permits -- Costs

a.— ~~(A)~~ If the application is for a ~~class~~ Class "B" permit, the applicant must, before the permit is issued, deposit with the ~~development services department~~ City an amount estimated by the ~~city engineer~~ City Engineer to be sufficient to reimburse the ~~city~~ City for its costs of design, surveying, inspection, supervision, testing of materials, and appurtenant work and incidental costs, plus fifteen percent ~~(15%)~~ of said costs.

b.— ~~(B)~~ Final charges for a ~~class~~ Class "B" permit shall be the actual cost to the ~~city~~ City for its expenses incurred in connection therewith, plus fifteen percent ~~(15%)~~ of said cost. The permittee shall be entitled to a refund of any excess between the amount deposited and the final charges. In the event the final charges exceed the deposit, the permittee shall be required to pay the deficit to the ~~city~~ City, and such payment shall be made before acceptance of the work.

c.— ~~(C)~~ Upon completion of the work and acceptance thereof by the ~~development services department~~ City, an itemized statement of the final charges shall be rendered at the request of the permittee.

(Prior Code § 7130.18).

SECTION 11.12.210: Class "B" Permits -- Plans and Bonds

a.— ~~(A)~~ PLANS--WHEN REQUIRED. Upon the issuance of a class "B" permit, special plans shall be prepared ~~therefor~~ therefore and thereafter approved by the ~~city engineer~~ City Engineer, if in the opinion of the ~~city engineer~~ City Engineer such plans are necessary.

b.— ~~(B)~~ BOND REQUIRED. No class "B" permit for the doing of any work for which such permit is required shall be issued unless the applicant shall first file with the ~~city engineer~~ City Engineer a good and sufficient bond, approved by the ~~development services director~~ City Manager or his duly authorized representative. The bond shall be in an amount equal to the cost of the proposed work as estimated by the ~~city engineer~~ City Engineer and shall be conditioned upon the faithful performance and completion of the work for which the permit is issued, in accordance with the permit and the plans and specifications prepared ~~therefor~~ therefore, and referred to in the permit, and also upon the payment of all necessary costs and expenses ~~which that~~ may be incurred or expended by the ~~city~~ City in causing such required work to be done, and the payment of all engineering and inspection costs and fees incurred by the ~~city~~ City. The bond shall be either a cash bond or a bond executed by a company authorized to act as surety in this state.

c.— ~~(C)~~ CASH BOND--REIMBURSEMENT TO BE MADE THEREFROM. Whenever the applicant elects to post a cash bond, the ~~development services director~~ City

Manager or his designee is empowered, in the event of any default on the part of the permittee in the performance of any work or improvement for which the permit was granted or in the payment of any charges due ~~to the city~~City arising out of the issuance of such permit, to deduct therefrom on behalf of the ~~city~~City an amount sufficient to reimburse and to indemnify the ~~city~~City for any and all damages sustained by the ~~city~~City by reason of faulty or defective work, or by reason of carelessness or negligence of the permittee, or by reason of any failure on the part of the permittee faithfully and properly to perform and complete the work in accordance with the plans and specifications. In the event of any such default on the part of the permittee, the ~~development services director~~City Manager or his designee may, at his option, cause all the required work to be done and may expend ~~therefor~~therefore the whole amount of such cash bond or any part thereof.

d. — (D) SURETY BOND--COLLECTION AND ENFORCEMENT. Whenever a surety bond has been filed in compliance with this ~~section,~~Section, the ~~development services director~~City Manager or his designee is empowered, in the event of any default on the part of the principal, to enforce collection, under such bond, of all sums due and unpaid to the ~~city~~City as charges arising out of the issuance of the permit, and for any and all damages sustained by the ~~city~~City by reason of faulty or defective work, or by reason of the carelessness and negligence of the permittee in the performance of the work, or by reason of any failure on the part of the permittee faithfully and properly to perform, in accordance with the permit and the plans and specifications, the work or improvement for which the permit was issued. In the event of any such default on the part of the permittee, the ~~development services director~~City Manager or his designee may, at his option, cause all the required work to be done and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

e. — (E) TERMINATION OF BOND. The term of each bond filed or posted pursuant to this ~~section,~~Section shall begin upon the date of the filing or posting thereof and shall end upon the date of completion, to the satisfaction of the ~~city engineer~~City Engineer, of all the improvements covered by the permit. The fact of such completion shall be evidenced by a statement thereof signed by the ~~city engineer~~City Engineer, a copy of which shall be furnished to any surety upon request. In any case where a cash bond has been posted there shall be returned, on demand, to the permittee or to his successors or assigns, upon or after the date of the issuance of said certificate, the amount of such cash bond less the amount, if any, expended by the ~~development services department~~City to complete the work or otherwise taken or deducted by the ~~development services department~~City to reimburse or to indemnify the ~~city~~City for any loss or damage incurred prior to the date of such acceptance as a result of any default covered by the cash bond.

f. — (F) DUPLICATION OF SECURITY. NOT REQUIRED. If the application has ~~already on file~~was filed with the ~~city engineer~~City Engineer and in full force and effect, a surety bond or a deposit posted pursuant to the provisions of the

~~subdivision title~~Subdivision Title, completion of the work for which the permit is requested, and adequate in amount to meet the requirements of this ~~section~~Section, no other bond shall be required to be posted by him in order to comply with this ~~section~~Section.

(Prior Code § 7130.19).

SECTION 11.12.240: Permit ~~duration~~Duration - Expiration - Cancellation

a. ~~(A)~~ All ~~class~~Class "A" and "B" permits issued under the provisions of Sections 11.12.150 through 11.12.260, shall expire and be cancelled six ~~(6)~~(6) months after the ~~date of their issue~~date, unless sooner requested by the permittee and unless actual construction of the work authorized by the permit has been commenced prior to the expiration of the six ~~(6)~~(6) month period; all ~~class~~Class "A" and "B" permits shall expire and be cancelled sixty ~~(60)~~(60) days after the date on which actual construction of the work was commenced, unless a longer construction period is specified in the permit, in which case such permit shall expire at the end of the longer construction period specified therein. The ~~development services department~~City may extend the time for the starting or the completion of the work, upon good and sufficient cause being shown ~~therefor~~therefore by the permittee, and such extension shall not be deemed to release any surety or bond posted pursuant to Section 11.12.210.

b. ~~(B)~~ In the event any permittee shall not construct a portion of the work authorized by a ~~class~~Class "A" permit, such permit, upon the application of the permittee, may be cancelled as to the omitted work only.

(Prior Code § 7130.22).

SECTION 11.12.260: Permits -- Amount of ~~work allowed~~Work Allowed

No person to whom a permit has been granted under the provisions of Sections 11.12.120 through this ~~section~~Section shall perform any of the work mentioned in Sections 11.12.120 through 11.12.150 in an amount or quantity greater than that specified in the permit, except that upon approval by the ~~city engineer~~City Engineer, additional work may be done under the provisions of this permit in an amount not greater than ten ~~(10%)~~(10%) percent of the amount specified in the permit. Any bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this ~~section~~Section, within the limit mentioned herein.

(Prior Code § 7130.24).

SECTION 11.12.270: Removal of ~~debris~~Debris

No person performing any work under the provisions of Sections 11.12.120 through 11.12.260, shall fail, neglect or refuse to remove all material and debris within three ~~(3)~~(3) days after the completion of the work. Where new work is covered with earth, the terms of the specifications of this ~~city~~City governing such work shall control.

(Prior Code § 7130.25).

SECTION 11.12.280: Exemptions

- a.— (A) Sections 11.12.120 through 11.12.260 shall not be construed to apply to the performance of any of the classes of work therein mentioned under contracts made by property owners and duly authorized by ordinance Ordinance, or under contracts made by the development services department City in accordance with the provisions of the general laws of the state General Laws of the State, providing for the improvement of streets in municipalities.
- b.— (B) Sections 11.12.120 through 11.12.260 shall not be construed to apply to the construction, reconstruction, or repair of any curb or sidewalk by any department of the cityCity or other governmental agency ~~which that~~ elects to perform such work using its own departmental forces where in the opinion of the ~~city engineer~~ City Engineer surveys, plans, or inspection inspections are not required. This exception shall not apply to the performance of any such work by any contractor engaged to perform the same by any such department or governmental agency.

(Prior Code § 7130.26).

SECTION 11.12.290: Special improvementsImprovements

(A) Any person who desires to have the development services department City perform any special service or any grading, construct any pavement or other surfacing, or curb, sidewalk, gutter, or any other public works in any street, alley, or other public way either by the letting of a contract ~~therefor~~ therefore or by using labor employed by the cityCity and materials purchased by the cityCity, and who desires to pay the cityCity the cost or any portion of the cost of such work, may apply to the development services department ~~therefor~~. ~~The development services department~~ City ~~therefore~~. The City is empowered, at its discretion, to arrange for the performance of said work and to accept deposits of such amounts as shall be determined by the development services director City Manager or his designee to be necessary to pay the costs of the said work or portion thereof, and the amount of incidental expenses incurred by the cityCity, or portion thereof, in connection with the performance of said work. Said amounts shall be deposited with the ~~city treasurer~~ City Treasurer to the credit of appropriate funds under the jurisdiction of the development services department City for which a proper receipt shall be rendered to the depositor.

(B) Upon the completion of the work, any unused portion of the money deposited shall be refunded to the depositor.

(Prior Code § 7130.27).

SECTION 11.12.300: Oversize permitsPermits

No persons shall transport a vehicle and/or load with a width in excess of ninety-six (96) inches and/ or a height of fourteen (14) feet and/or a length in excess of forty (40) feet and/or a weight in excess of eighteen thousand (18,000) pounds per axle or nine thousand five hundred (9,500) pounds per wheel over any city street without first obtaining an oversize permit from the development services department City.

(Ordinance 2290 § 1 (13), 1994: Ordinance 1465 § 17, 1975).

SECTION 11.12.310: Fees

Upon application for an oversize permit, the applicant shall pay a fee in the amount set by ~~city council resolution.~~City Council Resolution. (Ordinance 2290 § 1 (14), 1994; Ordinance 1465 § 18, 1975).

SECTION 11.12.320: Structures in the Public Right-of-Way

In instances where Sections of the Municipal Code would otherwise prohibit certain structures in the public right-of-way, and upon written request of the property owner, the Public Works Director City Manager or his designee may waive, modify, or delay the enforcement of any such Section when it is determined by the City Manager or his designee that application of such Section will be detrimental in keeping with the existing character of the neighborhood.

CHAPTER 16: WATERCOURSES AND DRAINS

SECTION 11.16.010: Obstructions

No person shall fill ~~or~~± obstruct, or maintain any fill or obstruction in, any natural watercourse or any channel carrying storm water unless a permit to do so has been obtained from the ~~development services department.~~City. (Prior Code § 7140.1).

SECTION 11.16.020: Drainage ~~structures~~Structures

No person shall construct, reconstruct, alter, repair, install ± or maintain any drainage structure in any natural watercourse or channel carrying storm water unless a permit to do so has been obtained from the ~~development services department.~~City. (Prior Code § 7140.2).

SECTION 11.16.030: Interference

No person shall do anything to any natural watercourse or any channel carrying stormwater that will in any manner obstruct or interfere with the flow of water through such watercourse or channel, and any property owner, lessee ± or tenant of any property through which a natural watercourse or any channel carrying storm water passes shall keep and maintain the same free from any obstructions that will in any manner prevent or retard the flow of water through such water course or channel, except that a water course or channel may be filled or altered if a permit to do so has been first obtained from the City pursuant to this chapter.Chapter. (Prior Code § 7140.3).

SECTION 11.16.040: Permit application — Application Contents -- Deposit

a. ~~(A)~~ Any person desiring to obtain a permit to construct, reconstruct ± or repair any drainage structure or to alter or change any natural watercourse or natural drainage channel, or to fill or obstruct the same, shall file an application in writing ~~therefor~~therefore with the ~~development services department~~ which City that shall state:

- 1.— ~~(1)~~ The name and address of the applicant, and if applicant is a corporation, the names and addresses of the principal officers thereof~~;~~
 - 2.— ~~(2)~~ The place where such construction, reconstruction, repair, or alteration is to take place~~;~~
 - 3.— ~~(3)~~ The type of construction proposed to be used in such construction, reconstruction, repair, or alteration, together with the materials to be used, shown on an accompanying diagram of the proposed work, and such other information as the ~~development services department~~City may require to carry out the purposes of this ~~section~~Section.
- b.— ~~(B)~~ If the ~~development services department~~City determines that the proposed structure, fill, alteration, or repair:
- 1.— ~~(1)~~ Will not constitute a part of the ~~city~~City's permanently improved storm water drainage system;
 - 2.— ~~(2)~~ Will not interfere with the flow of natural storm water; and
 - 3.— ~~(3)~~ Will not injure adjoining property, the ~~development services department~~City shall issue a permit to do the proposed work in the manner specified in the application, or in such manner as the ~~development services department~~City may determine is required to carry out the purposes of this ~~chapter~~Chapter.
- e.— ~~(C)~~ The applicant at the time of obtaining any such permit shall deposit a fee of two dollars ~~(\$2)~~ with the ~~development services department~~city if the estimated value of the work does not exceed two hundred dollars ~~(\$200)~~ and an additional fee of one dollar ~~(\$1)~~ for each one hundred dollars ~~(\$100)~~, or fraction thereof, of estimated value in excess of two hundred dollars ~~(\$200)~~, up to one thousand dollars ~~(\$1,000)~~. If the estimated value of the work exceeds one thousand dollars ~~(\$1,000)~~, there shall be an additional fee of fifty cents ~~(\$.50)~~ for each one hundred dollars ~~(\$100)~~, or fraction thereof, of estimated value in excess of one thousand dollars ~~(\$1,000)~~.
- d.— ~~(D)~~ If the ~~development services department~~City determines that the proposed structures will constitute a part of the ~~city~~City's permanently improved storm water drainage system, the applicant shall obtain a ~~class~~Class "B" permit and perform the work under the provisions of Sections 11.12.200 through 11.12.290 in accordance with plans and specifications ~~therefor~~therefore approved by the ~~city engineer~~City Engineer.
- (Prior Code § 7140.4).

SECTION 11.16.050: Trespass ~~prohibited~~Prohibited

- a.— ~~(A)~~ It is unlawful to enter or remain upon any posted water well, reservoir, pumping plant, aqueduct, canal or any other structure, facility, or conductor for storing, diverting, conserving, treating, or conveying water.

b. — ~~(B)~~ (B) This section ~~Section~~ does not apply to any entry in the course of duty of any peace ~~Peace~~ or police officer ~~Police Officer~~ or other duly authorized public officer. ~~Public Officer.~~
(Ordinance 1710 § 1, 1980).

CHAPTER 20: STREET LIGHTS AND POLES

SECTION 11.20.010: Permits ~~required~~ Required

No person shall erect, move, remove, locate or relocate any pole or anchor in, upon, along, over or under any street or sidewalk without:

1. — ~~(1)~~ (1) Obtaining a written permit from the development services department ~~City~~ to do so;
2. — ~~(2)~~ (2) Making a deposit with the development services department ~~City~~ of an amount of money sufficient to:
 - A. ~~cover~~ (a) Cover the cost of inspection,
 - B. ~~restore~~ (b) Restore the street or sidewalk to its original condition, and
 - C. ~~cover~~ (c) Cover incidental expenses in connection therewith, as provided in excavation provisions of this title. ~~Title.~~

(Prior Code § 7150.1).

SECTION 11.20.020: Removal ~~authority~~ Authority

~~(A)~~ (A) The development services department ~~City~~ is empowered to order and cause the removal of any poles and anchors located in, upon, along, over or under any street or sidewalk, whenever the public safety or necessity requires the removal of such poles or anchors.

~~(B)~~ (B) When such public necessity requires the moving or relocating of any pole or anchor, the development services department ~~City~~, upon notice from the person who has undertaken or is actually engaged in the performance of any public improvement ~~which~~ that necessitates the removal or relocation of any pole or anchor, shall notify the person owning, operating or controlling any such pole or anchor, to move or relocate the pole or anchor, as directed in said notice. Said notice shall state the number and location of the poles or anchors to be moved or relocated.

(Prior Code § 7150.2).

SECTION 11.20.030: Removal ~~after notice~~ After Notice

No person shall fail, refuse or neglect to commence to move or relocate any pole or anchor within a reasonable time as may be fixed by the development services

~~department~~City after the receipt of the notice as provided in Section 11.20.020 and to prosecute the work with due diligence to its completion.
(Prior Code § 7150.3).

SECTION 11.20.040: Placement

Every pole erected and maintained pursuant to a permit as provided by Section 11.20.050 shall be set flush with the inner edge of the street curb or at some other point to be approved and designated by the ~~development services department~~City.
(Prior Code § 7150.4).

SECTION 11.20.050: Excavations

(A) Every excavation made pursuant to a permit issued as provided by Section 11.20.010 shall be refilled as provided in Sections 11.04.320 through 11.04.350.

(B) Every such excavation and fill shall be made under the direction and to the satisfaction of the ~~development services department~~City.
(Prior Code § 7150.5).

SECTION 11.20.060: Emergency ~~work~~Work

Nothing in this ~~chapter~~Chapter shall apply when an emergency exists for the preservation of life or property when such necessity arises during such hours as the offices of the ~~city~~City are closed; provided, that the person making the excavation shall obtain the necessary permit within four (4) days after the offices of the ~~city~~City are opened on the following day.
(Prior Code § 7150.6).

CHAPTER 24: CONVERSION OF EXISTING OVERHEAD FACILITIES

SECTION 11.24.010: Definitions

Whenever in this ~~chapter~~Chapter the words or phrases defined in this ~~section~~Section are used, they shall have the respective meanings assigned to them in the following definitions:

- (1) "~~City manager~~Manager" means the ~~city manager~~City Manager of the ~~city~~City of Garden Grove or his designated representative.
- (2) "~~Commission~~" means the Public Utilities Commission of the ~~state~~State of California.
- (3) "~~Person~~" means and includes individuals, firms, corporations, partnerships, and their agents and employees.
- (4) "~~Poles~~", "~~overhead wires~~" and "~~associated overhead structures~~" means poles, towers, supports, wires, conductors, buys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances

located above-ground within a district and used or useful in supplying electric, communication or similar or associated services.

(5) "~~Underground utility district~~Utility District" or "~~district~~District" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a ~~resolution~~Resolution adopted pursuant to the provisions of Section 11.24.030.

(6) "Utility" includes all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices.

(Ordinance 1050 § 1 (part), 1969; Ordinance 984 § 1 (part), 1968; Prior Code § 7170).

SECTION 11.24.020: Public hearing~~Hearing by council~~the City Council

The ~~council~~City Council may from time to time call ~~public hearings~~Public Hearings to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The ~~city clerk~~City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the ~~council~~City Council shall be final and conclusive.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.1).

SECTION 11.24.030: District designation~~Designation~~

If, after any such ~~public hearing~~Public Hearing the ~~council~~City Council finds that the public necessity, health, safety, or welfare requires such removal and such underground installation within a designated area, the ~~council~~City Council shall, by ~~resolution~~Resolution, declare such designated area an ~~underground utility district~~Underground Utility District and order such removal and underground installation. Such ~~resolution~~Resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.2).

SECTION 11.24.040: Installing overhead structures after removal~~date~~Overhead Structures After Removal Date

Whenever the ~~council~~City Council creates an ~~underground utility district~~Underground Utility District and orders the removal of poles, overhead wires,

and associated overhead structures therein as provided in Section 11.24.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such ~~resolution~~Resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 11.24.090, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this ~~chapter~~Chapter.
(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.3).

SECTION 11.24.050: Emergency ~~installation~~Installation of overhead facilitiesOverhead Facilities

Notwithstanding the provisions of this ~~chapter~~Chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the ~~city manager~~City Manager or his designee in order to provide emergency service. The ~~city manager~~City Manager or his designee may grant special permission, on such terms as he may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.
(Ordinance 1050 § 1 (part), 1969; Ordinance 984 § 1 (part), 1968; Prior Code § 7170.4).

SECTION 11.24.060: Additional ~~exceptions~~Exceptions

In any ~~resolution~~Resolution adopted pursuant to Section 11.24.030, the ~~city~~City Council may authorize any or all of the following exceptions:

- 1.— (1) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the ~~city manager~~City Manager or his designee.
- 2.— (2) Poles, or electroliers used exclusively for street lighting .
- 3.— (3) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited, when these wires do not compromise the intent of such district as determined by the ~~city manager~~City Manager or his designee.
- 4.— (4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts .

- 5.— ~~(5)~~ Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street~~;~~_±
- 6.— ~~(6)~~ Antennae, associated equipment_± and supporting structures~~;~~_± used by a utility for furnishing communication services~~;~~_±
- 7.— ~~(7)~~ Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts~~;~~_±
- 8.— ~~(8)~~ Temporary poles, overhead wires_± and associated overhead structures used or to be used in conjunction with construction projects. (Ordinance 1050 § 1 (part), 1969; Ordinance 984 § 1 (part), 1968; Prior Code § 7170.5).

SECTION 11.24.070: Notice to ~~property owners and utility companies~~Property Owners and Utility Companies

~~(A)~~ Within ten ~~(10)~~ days after the effective date of a ~~resolution~~Resolution adopted pursuant to Section 11.24.030, the ~~city clerk~~City Clerk shall notify all affected utilities and all persons owning real property within the district created by said ~~resolution~~Resolution of the adoption thereof. The ~~city clerk~~City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

~~(B)~~ Notification by the ~~city clerk~~City Clerk shall be made by mailing a copy of the ~~resolution~~Resolution adopted pursuant to Section 11.24.030, together with a copy of this ~~chapter~~Chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.6).

SECTION 11.24.080: Utility ~~company responsibility~~Company Responsibility

If underground construction is necessary to provide utility service within a district created by any ~~resolution~~Resolution adopted pursuant to Section 11.24.030, the supplying utility shall furnish that portion of the conduits, conductors_± and associated equipment required to be furnished by it under its applicable rules, regulations_± and tariffs on file with the ~~commission~~Commission.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.7).

SECTION 11.24.090: Property ~~owner responsibility~~Owner Responsibility

a.— ~~(A)~~ Every person owning, operating, leasing, occupying_± or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section

11.24.080 and the termination facility on or within said building or structure being served.

b. ~~(B)~~ (B) In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of ~~subsection (a)~~ Subsection (A) of this ~~section~~ Section within the time provided for in the ~~resolution~~ Resolution enacted pursuant to Section 11.24.030, the ~~city~~ City Manager or his designee shall post written notice on the property being served and thirty ~~(30)~~ (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

(Ordinance 1050 § 1 (part), 1969; Ordinance 984 § 1 (part), 1968; Prior Code § 7170.8).

SECTION 11.24.100: City ~~responsibility~~ Responsibility

The ~~city~~ City shall remove at its own expense all ~~city~~ City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the ~~resolution~~ Resolution enacted pursuant to Section 11.24.030.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.9).

SECTION 11.24.110: Extension of ~~time~~ Time

In the event that any act required by this ~~chapter~~ Chapter or by a ~~resolution~~ Resolution adopted pursuant to Section 11.24.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ordinance 984 § 1 (part), 1968; Prior Code § 7170.10).

SECTION 11.24.120: Authority to ~~assess~~ Assess

The ~~city council~~ City Council may cause any property that has not been prepared to accept underground utility service on or before the date specified in such notice or extension, to be prepared and the costs thereof assessed against the property.

(Ordinance 2041 § 1 (part), 1988).

SECTION 11.24.130: Right of ~~entry~~ Entry

The ~~city~~ City or ~~city~~ City's contractor may use all lawful means to enter upon any property in the city for the purpose of inspecting and preparing the same to accept underground utility service in accordance with the provisions of this ~~chapter~~ Chapter. If permission to enter upon any such property for any such purposes is refused, the ~~city~~ City shall apply to a judge for an order authorizing the entering upon such property to perform any such inspection, or work necessary to prepare the property to accept underground utility service.

(Ordinance 2041 § 1 (part), 1988).

SECTION 11.24.140: Accounting for ~~costs~~ Costs

The ~~director of public works~~City Manager or his designee shall keep a record of all costs incurred in connection with the preparation of each parcel to accept underground utility service as provided in this ~~chapter~~. The ~~public works director~~Chapter. The City Manager or his designee shall periodically submit the same to the ~~city council~~City Council for confirmation. A notice of assessment, with a copy of the schedule showing the costs of the conversion for each property, shall be mailed by regular mail, postage prepaid, to each person to whom the property described in the notice of assessment is assessed in the last equalized assessment roll available on the date such notice of assessment is mailed, at the address of such person shown on such assessment roll. Such notice shall state that objections to such assessment may be filed with the ~~city clerk~~City Clerk within fifteen (15) days from such mailing, and that if no such objections are so filed, the property will be assessed without any hearing or further notice, for the amount shown in such schedule of costs.

(Ordinance 2041 § 1 (part), 1988).

SECTION 11.24.150: ~~City Council hearing~~Public Hearing on costs~~Costs of conversion~~Conversion

If, within fifteen (15) days from the mailing of such notice of assessment, any objections are filed to the schedule of costs of conversion, the ~~council~~City Council shall hear such objections and fix the amount of assessment for conversion. If no such objections are so filed, the property shall be assessed, without any hearing or further notice, for the amount shown in such schedule of costs. Notice of the hearing of such objections by the ~~council~~City Council shall be given at least fifteen (15) days before such hearing by a written notice served personally upon or sent by regular mail, postage prepaid, to said objector.

(Ordinance 2041 § 1 (part), 1988).

SECTION 11.24.160: Lien

The cost of the ~~city~~City in converting any parcel of real property to accept underground utility service as provided in this ~~chapter~~,Chapter is made a special assessment against, and a lien on, such parcel and shall remain a lien thereon until paid, by the filing of a ~~resolution of the city council~~City Council Resolution certifying the amount thereof and that it has been established pursuant to this ~~chapter~~.Chapter.

(Ordinance 2041 § 1 (part), 1988).

SECTION 11.24.170: ~~Collection procedure~~Procedure

A certified copy of the ~~city council's resolution~~City Council's Resolution establishing, confirming, or certifying the cost of the conversion under this ~~chapter~~Chapter shall be filed with the ~~county auditor~~Orange County Assessor. The amount of such assessment shall be collected at the same time and in the same manner as ordinary municipal taxes. If delinquent, the amount of such assessment shall be subject to the same penalties and the same procedure for foreclosure and sale, as are provided for ordinary municipal taxes.

(Ordinance 2041 § 1 (part), 1988).

CHAPTER 28: ADDRESSES AND STREET NAMES

SECTION 11.28.010: Addresses

Street addresses shall be assigned by and may be changed by the ~~department of development services~~City. Every person, having, controlling, or occupying any building or structure to which one or more addresses have been assigned by the ~~department of development services,~~City shall display each address at the location in a manner that makes said address visible from the adjacent street or public thoroughfare.

(Ordinance 1210 § 1, 1971; Ordinance 822 § 1 (part), 1965; Prior Code § 7160).

SECTION 11.28.020: Names

All street names shall be established, and changes thereto recommended by the ~~development services department~~City and confirmed by the ~~city council~~City Council. No street name shall be changed, however, until the ~~planning commission~~Planning Commission has held a ~~hearing~~Public Hearing and has submitted a recommendation thereon to the ~~city council~~City Council.

(Ordinance 822 § 1 (part), 1965; Prior Code § 7160.1).

APPENDIX "A"

STREET NAME CHANGES The names of the following streets located in the city are changed as follows and wherever in this ~~code~~Code the street names below appear, they are changed as follows:

From	Description	To
Acacia St.	Between Nelson St. and Ninth St.	Acacia Pkwy.
Belfast Dr.	(1) Kerry St. to Garden Grove Blvd.	Kerry St.
	(2) Galway St. to Garden Grove Blvd. and Garden Grove Blvd. to Acacia Ave.	Galway St.
Berrydale Ave.		Fairview St.
Cannery St.	(1) Garden Grove Fwy. to Westminster Ave.	Magnolia St.
	(2) Garden Grove Blvd. to Larson Ave.	Remains Cannery St.
Cooney St.		LaVaughn St.
Downie Pl.	Pierce St. to Rancho Pl.	Rancho Pl.
Euclid Ave.	(1) Between Paloma Ave. and 690 feet South of Lampson Ave.	Main St.
	(2) 690 feet South of Lampson Ave. to northern city limits	Euclid St.

Geraldine Cir.		Seacrest Cir.
Holder St.		Springdale St.
Huntington Beach Blvd.		Coast St.
Knott Ave.		Knott St.
Knott Ave.	Adjacent to Tract No. 3808 from garden <u>Garden</u> Grove Blvd. to Stanford Ave.	Brady Way
Magnolia Ave.		Kelly St.
Magnolia St.	Garden Grove Blvd. to Larson Ave.	Remains Magnolia St.
Miller St.		Valley View St.
Oertley Dr.		Oertly Dr.
Osage Ave.		Ann Cross Dr.
Sixth St.	Acacia St. to Garden Grove Blvd.	Civic Center Dr.
State Hwy. No. 39		Beach Blvd.
Sugar Ave.		McFadden Ave.
Taft Ave.		Taft St.
Verano St.	Garden Grove Blvd. to southern city limits	Euclid St.
Vista Verde Dr.		Atlantis Way
Warner St.	Hazard Ave. to Thirteenth St.	Kerry St.
West St. and/or West Ave.		Westlake St.

(Ordinance 1559 § 1, 1977; Ordinance 1492 § 1, 1976; Ordinance 1162 § 1, 1970; Ordinance 981 § 1, 1967; Ordinance 948 § 1, 1967; Ordinance 936 § 1, 1967; Ordinance 918 § 1, 1966; Ordinance 916 § 1, 1966; Ordinance 891 § 1, 1966; Ordinance 857 § 1, 1966; Ordinance 822 § 1 (part), 1965; Ordinance 781 § 1, 1965; Ordinance 773 § 1, 1965; Ordinance 747 § 2, 1964; Ordinance 721 § 1, 1964; Prior Code § 7160.2)

CHAPTER 32: TREES

SECTION 11.32.010: Definitions

For the purposes of this ~~chapter~~, Chapter the following terms are defined unless from the context a different meaning is intended:

(1) "Park" includes all existing public parks having individual names and those to be developed in the future.

(2) "Private street or vehicular thoroughfare" includes all nonpublic ways, streets, alleys, or drives ~~which~~ that serve as primary access to five or more dwelling units.

(3) "Public places" includes all other areas owned by the ~~city~~ City or to which the public has free access.

(4) "Public thoroughfare" includes all land lying between property lines on either side of all city streets ~~;~~ and alleys ~~;~~ and boulevards.

(5) "Trees and shrubs" includes all woody vegetation.

(Ordinance 768 § 2 (part), 1964; Prior Code § 7200).

SECTION 11.32.020: Permits

Written permission of the ~~director of recreation and parks~~ City Manager or his authorized agents shall be obtained by all persons before committing any of the following acts:

1. — (1) Removing, cutting, pruning, breaking, injuring, defacing, or in any other way interfering with any tree or shrub, or any part thereof, either above or below the ground, growing on any public thoroughfare, park, or public place ~~;~~ and

2. — (2) Planting any tree or shrub on any public thoroughfare, park, or public place ~~;~~ and until such tree or shrub be approved and the planting space designated ~~;~~ and

3. — ~~praying~~ (3) Spraying with any chemical any tree or shrub on any public thoroughfare, park, or public place ~~;~~ and

4. — (4) Securing any rope, wire, sign, or other device on or about such tree or shrub ~~;~~ and

5. — (5) Removing or injuring any guard or device on or about the base of a tree or shrub to permit access of water, air, and/or fertilizer ~~;~~ and

6. — (6) Closing or obstructing any open space provided about the base of a tree or shrub to permit access of water, air, and/or fertilizer.

(Prior Code § 7201).

SECTION 11.32.030: Nuisance ~~abatement~~Abatement

Any tree, ~~or shrub~~ or part thereof in the city which~~that~~ interferes with the use of any public thoroughfare, park, or public place or is unsafe and constitutes a hazard to the life, health, safety, or property of the public, or constitutes a center of infection for disease or insects which~~that~~ may endanger the health and life of other trees or shrubs shall be declared a public nuisance and the owner thereof shall be required to correct or remove it. The owner shall be notified in writing of the existence of such public nuisance and given reasonable time for its correction or removal. If not corrected or removed within the time allowed, the ~~director of the department of recreation and parks~~City Manager or his designee shall cause said nuisance to be corrected or removed at once, and initiate such court action as necessary to defray all cost resulting therefrom.
(Prior Code § 7202).

SECTION 11.32.040: Placing ~~injurious substance on public place~~Injurious Substance on Public Place

No person shall place salt, oil, or any other substance injurious to plant growth upon any public thoroughfare, park, or public place in such manner as to injure any tree or shrub growing thereon.
(Prior Code § 7203(a)).

SECTION 11.32.050: Injury from ~~fire~~Fire or ~~fumes~~Fumes

No person shall build any fire or station any engine in any public place in such a manner that the heat, vapors, or fumes therefrom may injure the trees or shrubs growing thereon.
(Prior Code § 7203(b)).

SECTION 11.32.060: Leak in ~~gas pipe~~Gas Pipe or ~~main~~Main

No person shall permit any leak to exist in any gas pipe or main within the root zone of any tree or shrub.
(Prior Code § 7203(c)).

SECTION 11.32.070: Injurious ~~chemicals~~Chemicals

No person shall allow or continue to pollute the air surrounding any tree or shrub with toxic smoke, gases, or other injurious chemicals which~~that~~ may be harmful to the health or life of such tree or shrub.
(Prior Code § 7203(d)).

SECTION 11.32.080: Permit ~~certification where trees~~Certification Where Trees or shrubs~~are involved~~Involved

The ~~director of the department of recreation and parks~~City Manager or his designee shall certify all ~~city~~City permits for construction, installation, altering, moving, or razing of all buildings, utilities, sidewalks, sewers, or other operations where trees or shrubs, or parts thereof are involved.
(Prior Code § 7204(a)).

SECTION 11.32.090: Protecting ~~trees~~Trees or ~~shrubs prior to construction~~Shrubs Prior to Construction or ~~repair~~Repair

Prior to the erection, altering, repairing, or razing of any building, sidewalk, or other structure the owner or contractor thereof shall place guards around all public trees and shrubs as will effectually prevent injury to such trees and shrubs.
(Prior Code § 7204(b)).

SECTION 11.32.100: Protection from ~~electrical wiring~~Electrical Wiring

No person shall permit any wire designed to carry electric current to come in contact with any tree or shrub unless protected by approved methods; further, any person having or maintaining such electric service shall maintain them in such a manner as will safeguard the trees and shrubs and shall make periodical adjustments whenever necessary to prevent damage to same.
(Prior Code § 7204(c)).

SECTION 11.32.110: Moving ~~building~~Building or object — ~~Tree repair, removal or replacement responsibility~~Object -- Tree Repair, Removal or Replacement Responsibility

When the moving of any building or object along a public highway will necessitate the removal or injury or threaten the safety of any tree or shrub on public property, the owner or contractor thereof shall assume full responsibility for such removal, replacement, repair, or alteration of such trees or shrubs.
(Prior Code § 7204(d)).

SECTION 11.32.120: Protection ~~responsibility in public places~~Responsibility in Public Places

It shall be the duty of the person maintaining services or structures in a public highway, park, or public place to assume responsibility for the protection of such facilities during the progress of tree operations deemed necessary by the ~~director of the department of recreation and parks~~City Manager or his designee providing prior notice has been given said person of the existence of such tree operations.
(Prior Code § 7204(e)).

SECTION 11.32.130: Compliance with ~~regulations~~Regulations

Full compliance with all regulations of ~~other departments~~the City shall be required in reference to this ~~chapter~~Chapter.
(Prior Code § 7204(f)).

SECTION 11.32.140: Enforcement

- a. ~~(A) It shall be the duty of the department of recreation and parks aided by the development services department~~City Manager or his designee to see that all the provisions of this ~~chapter~~Chapter are obeyed, and all complaints as to the violation of this ~~chapter~~Chapter shall be presented in writing to the ~~director of the department of recreation and parks~~, and prosecution for all violations of this ~~chapter~~Chapter shall be instituted by said ~~department~~ and shall be prosecuted in the name of the ~~city~~City.
- b. ~~The director of recreation and parks~~(B) The City Manager or his designee reserves the right to assign an inspector to supervise the

provisions of all permits herein involved, and the cost of such service shall be charged to the person involved.

(Prior Code § 7205).

SECTION 11.32.150: ~~Correction responsibility~~ Responsibility

Any person violating any of the provisions of this ~~chapter~~ Chapter shall assume full responsibility for the removal, replacement, repair, or alteration of such trees and shrubs according to the specifications deemed necessary by the ~~director of the department of recreation and parks~~ City Manager or his designee.
(Prior Code § 7206).

SECTION 11.32.160: ~~Interference with authority~~ Authority

No person shall hinder, prevent, or interfere with the agents or employees of the ~~department of recreation and parks~~ City while engaged in carrying out the provisions of this ~~chapter~~ Chapter.
(Prior Code § 7207).

SECTION 11.32.170: ~~City Council review~~ Review

Where practical difficulties or unnecessary hardships, inconsistent with the purposes of this part, result from its literal interpretation or enforcement, the ~~city council~~ City Council may waive, modify, or delay the enforcement of these provisions, upon written request of the developer or the property owner, which request shall be in writing and filed with the ~~director of recreation and parks~~ City Clerk and shall contain any and all facts ~~which~~ that are offered in support of said request.
(Ordinance 768 § 2 (part), 1964; Prior Code § 7213).

CHAPTER 36: BENCHES AND SHELTERS

SECTION 11.36.010: ~~Short title~~ Title and definitions ~~Definitions~~

This ~~chapter~~ Chapter shall be known and may be cited as the "~~city~~ City of Garden Grove bus shelter ordinance" Bus Shelter Ordinance." In this ~~chapter~~ Chapter, unless from the context a different meaning is intended, or unless a different meaning is specifically defined:

- a.— (1) "Bench" means a seat located upon public property or right-of-way, along any public way, designed or used for the accommodation of passersby or persons awaiting transportation.
- b.— (2) "Shelter" means an enclosure, whole or partial, located upon public property or rights- of-way, along any public way, designed or used for the accommodation of passersby or persons awaiting transportation. A shelter may enclose or cover a bench. When a shelter so encloses or covers a bench, the combination shall be included in the term "shelter."
- c.— (3) "Street" means any public thoroughfare or way including the sidewalk, the parkway, and any other public property bordering upon a public way.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.020: License ~~required~~Required

(A) No person shall install or maintain any bench or shelter or combination thereof, ~~which that~~ incorporates advertising panels on any street unless such benches or transit shelters are installed in accordance with a license granted by the ~~city~~City. Installation and maintenance of benches, and shelters, with or without benches, are subject to the provisions of this ~~chapter~~Chapter.

(B) Any bench or shelter ~~which that~~ is in violation of the provisions of this ~~section~~Section at the time of adoption of the ~~ordinance~~Ordinance codified in this ~~chapter~~Chapter shall be removed within thirty (30) days of the effective date of the ordinance codified in this ~~chapter~~Chapter.

(C) Any shelter or bench installed without a permit may be removed by the ~~city~~City without notice and at owner's expense.

(D) The grant of this license by ~~city~~the City is subject to whatever right, interest, or privilege others may have in the use and occupation of the sidewalks, ~~or~~ curbs, ~~or~~ streets where the shelters are located.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.030: License

(A) In the event that ~~city~~City shall issue to the applicant a nonexclusive, revocable license to construct, operate, and maintain one (1) or more bus shelters within the city, such license shall constitute both a right and an obligation to provide such pursuant to the provisions of this ~~chapter~~Chapter and the license agreement. The agreement shall include those provisions of the grantee's application that are finally accepted by the ~~city~~City.

(B) This license is granted under the terms and conditions contained in this ~~chapter~~Chapter and consistent with laws of the ~~city, county, state and federal~~City, County, State and Federal governments. In the terms and conditions on which the ~~city~~City can grant a license, the requirements of such laws shall without exception, control.

(C) This license is made subject to the general ordinance provisions of the ~~city~~City now in effect or hereafter made effective. Nothing in this license shall be deemed to waive the requirements of the various ~~codes~~Codes and ~~ordinances~~Ordinances of the ~~city~~City regarding permits, fees to be paid, or manner of construction.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.040: Territory

The ~~city~~City may grant a license for all or any defined bus stop locations in the city. The service area shall include all bus stops defined in the license agreement.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.050: ~~Not exclusive license~~Exclusive License

The rights granted in this ~~chapter~~Chapter are not exclusive, and during the term of a license, ~~city~~the City may grant to any other company or individual the right to install benches or shelters on public streets and sidewalks within its corporate limits.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.060: ~~Permits required~~Required

A separate permit from ~~city~~the City is required for each bench or shelter location, and each such permit shall be valid only for the particular location specified therein. Each permit to install a bench or shelter must state the name and address of the licensee, and be accompanied by the following:

- 1.— ~~(1)~~(1) A plan showing the proposed location of each bench or shelter and such other information as the ~~director of public works~~City Manager or his designee may require;
- 2.— ~~(2)~~(2) Detailed plans and specifications of the bench or shelter showing materials of construction;
- 3.— ~~(3)~~(3) Affidavit or declaration of licensee reciting that licensee has caused the owner or person in lawful possession or control of the real property abutting on the public street at the place where the bench or shelter is proposed to be located to be served with a notice. Such notice shall state that licensee will file an application for a permit to erect the bench or shelter and that the person receiving such notice may object to the location of the bench or shelter and that such objection shall be filed with the ~~director of public works;~~City Manager or his designee; and
- 4.— ~~(4)~~(4) Performance bond as required hereafter in Section 11.36.140. Licensee shall pay all fees, costs, and permit charges regularly assessed by ~~city~~the City, and further agrees that the shelters shall be constructed in conformity with the Uniform Building Code, as adopted by the ~~city council of the city.~~City Council.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.070: ~~Term of license permit~~License Permit

The term of a license shall commence at 12:01 a.m. on the day following execution of the license therefore by ~~city~~City, and shall continue for a term of up to a maximum of fifteen (15) years unless previously terminated as hereafter provided, or a transfer of title or control of the shelter has occurred. It is the responsibility of the transferee to apply for and obtain an original license hereunder. Such application shall be made not less than thirty ~~(30)~~(30) days prior to such transfer.

(Ordinance 2704 § 1, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.080: Renewal

The licensee may apply for renewal of a license in the same manner as an original application. Renewal applications shall be filed not less than ninety ~~(90)~~(90), nor more than one hundred eighty ~~(180)~~(180) days prior to expiration of the existing license.

(Ordinance 2704 § 2, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.090: Transfer of ~~ownership~~Ownership or control~~Control~~

a.— ~~(A)~~ Any license granted under this ~~chapter~~Chapter shall be a privilege to be held for the benefit of the public. Such license cannot in any event be sold, transferred, leased, assigned, or disposed of, including but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means without the prior consent of the ~~city~~City, and then only under such conditions as the ~~city~~City may establish. Such consent as required by the ~~city~~City shall, however, not be unreasonably withheld.

b.— ~~Ownership or Control.~~ ~~(B)~~ The licensee shall promptly notify the ~~city~~City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the licensee. The word "control" as used in this ~~section~~Section is not limited to major stockholders but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of ten percent ~~(10%)~~ of the voting shares of the licensee. Every change, transfer, or acquisition of control of the licensee shall make the license subject to cancellation unless and until the ~~city~~City shall have consented thereto, which consent will not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the ~~city~~City may inquire into the qualification of the prospective controlling party, and the licensee shall assist the ~~city~~City in any such inquiry.

c.— ~~(C)~~ The ~~city~~City agrees that any financial institution having a pledge of the license or its assets for the advancement of money for the construction and/or operation under the license shall have the right to notify the ~~city~~City that it or its designee satisfactory to the ~~city~~City will take control, operate, and maintain the bus shelters and benches under such license, and subject to the terms of this ~~chapter~~Chapter.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.100: Termination

a.— ~~Grounds for Revocation~~ ~~(A)~~ GROUND FOR REVOCATION. The ~~city~~City reserves the right to revoke any license granted hereunder and rescind all rights and privileges associated with the license in the following circumstances, each of which shall represent a default and breach under this ~~chapter~~Chapter and the license:

1.— ~~(1)~~ If the licensee shall default in the performance of any of its material obligations under this ~~chapter~~Chapter or under such documents, contracts and other terms and provisions entered into by and between the ~~city~~City and the licensee;

- 2.— ~~(2)~~ If the licensee should fail to provide or maintain in full force and effect the liability and indemnification coverages or the performance bonds as required in this ~~chapter~~Chapter;
 - 3.— ~~(3)~~ If any court of competent jurisdiction determines that any material provision of the license documents, including this ~~chapter~~Chapter, is invalid or unenforceable;
 - 4.— ~~(4)~~ If the licensee ceases to provide services for any reason within the control of the licensee. The licensee shall not be declared at fault or be subject to any sanction under any provision of this ~~chapter~~Chapter in any case in which performance of any such provision is prevented for reasons beyond the licensee's control. A fault shall not be deemed to be beyond the licensee's control if committed by a corporation or other business entity in which the licensee holds a controlling interest, whether held directly or indirectly;
 - 5.— ~~(5)~~ If the licensee attempts to evade any of the provisions of this ~~chapter~~Chapter or the license agreement or practices any fraud or deceit upon the ~~city~~City; or
 - 6.— ~~(6)~~ The license becomes insolvent, unable ~~u~~ or unwilling to pay its debts, or is adjudged bankrupt.
- b.— ~~Procedure Prior to Revocation.~~ (B) PROCEDURE PRIOR TO REVOCATION.
- 1.— ~~(1)~~ The ~~city~~City may make written demand that the licensee comply with any such requirement, limitation, term, condition, rule ~~u~~ or regulation or correct any action deemed cause for revocation. If the failure, refusal ~~u~~ or neglect of the licensee continues for a period of thirty ~~(30)~~ days following such written demand, the ~~city~~City may place its request for termination of the license upon a regular ~~council~~City Council meeting agenda. The ~~city~~City shall cause to be served upon such licensee, at least ten ~~(10)~~ days prior to the date of such ~~council~~City Council meeting, a written notice of this intent to request such termination, and the time and place of the meeting.
 - 2.— ~~(2)~~ The ~~council~~City Council shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal ~~u~~ or neglect by the licensee was with just cause.
 - 3.— ~~(3)~~ If such failure, refusal ~~u~~ or neglect by the licensee was with just cause, the ~~council~~City Council shall direct the licensee to comply within such time and manner and upon such terms and conditions as the ~~council~~City Council determines.
 - 4.— ~~(4)~~ If the ~~council~~City Council shall determine such failure, refusal ~~u~~ or neglect by the licensee was without just cause, then the ~~council~~City

Council may, by ~~resolution~~Resolution, declare that the license of such licensee shall be terminated and bond forfeited.

- e. ~~Disposition of Facilities~~(C) DISPOSITION OF FACILITIES. In the extent a license expires, is revoked, or otherwise terminated, the ~~city~~City may order the removal of the shelters and benches or require the original licensee to maintain and operate the shelters and benches until a subsequent licensee is selected.
- d. ~~City's Right Not Affected~~(D) CITY'S RIGHT NOT AFFECTED. The termination and forfeiture of any license shall in no way affect any of the rights of the ~~city~~City under the license or any provision of law. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.110: Location

(A) Benches or shelters shall be installed only at those certain site locations as expressly approved by the ~~director of public works~~Director of Public Works. Benches or shelters shall be located only at active bus stops. If a bus stop is discontinued, the bench or shelter shall be removed and the site restored to its original condition by licensee at its sole expense within fourteen (14) days following written notification by the ~~director of public works~~Director of Public Works. The precise location of the benches or shelters at each such site shall be approved by the ~~director of public works of the city and the transit district~~Director of Public Works and the Transit Agency serving such bus stop prior to the issuance of a building permit ~~therefor~~therefore. The precise location of the benches or shelters shall generally, in addition to any other applicable provisions hereof, comply with each of the following requirements:

- a. (1) A location shall be selected generally in accordance with the needs and priorities of the ~~city~~City;
- b. (2) If the property owner, tenant, or person in lawful possession or control of the property abutting the street at proposed shelter location objects to such proposal, the shelter shall not be permitted at that location;
- c. (3) No bench or shelter shall be permitted to block existing business signs on neighboring property;
- d. (4) No bench or shelter shall be located over storm drain openings or similar structures;
- e. (5) No bench or shelter shall be located so as to interfere with the growth of parkway trees;
- f. (6) The bench or shelter shall be located no less than fifteen (15) feet from any driveway, driveway apron or curb cut;

- g. ~~(7)~~ The bench or shelter structure including the roof shall be set back a minimum of twenty- four (24) inches from the face of the curb-;
- h. ~~(8)~~ The bench or shelter shall be placed to allow on the sidewalk an unobstructed pedestrian travel-way of thirty-six (36) inches minimum, four (4) feet preferred-;
- i. ~~(9)~~ Benches or shelters, in relationship to oncoming ~~bus~~buses, may be placed either on the near or far side of the intersection; however, if the curb lane on the near side of the intersection is a right-turn-only lane, the bench or shelter shall be placed only on the far side of such intersection. Any bench or shelter rendered nonconforming by subsequent installation of a right-turn-only lane, licensee shall move the bench or shelter to conform or remove such bench or shelter at expense of licensee. The placement must be approved by the ~~director of public works~~Director of Public Works for satisfactory visibility based on design speed of adjacent highway-;
- j. ~~(10)~~ As each site is different, no set of location/placement specifications can be entirely satisfactory. Thus, additional consideration shall be given to the unique characteristics of each location, such as street function or appurtenances, features of adjacent properties, and vehicular/pedestrian movements-;
- k. ~~(11)~~ Any of the above requirements in this ~~section~~Section may be waived by ~~city~~City at its sole discretion, if in the interest of public convenience or necessity-; and
- l. ~~(12)~~ The bench or shelter's material shall reflect a responsible and compatible design with the surrounding area.

(B) This ~~section~~Section shall not be construed to prohibit installation of benches or shelters by ~~city~~the City for public convenience in any public place, provided the benches or shelters do not display advertising.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.120: Time of installation

Licensee shall install the first bench or shelter within sixty (60) days from and after the date of issuance of the license, and shall install each remaining authorized bench or shelter within successive fifteen (15) day periods from each preceding date for installation. In the exercise of his/~~her~~ discretion, the ~~director of public works~~Director of Public Works may extend the time limits set forth herein. Time is of the essence in installation of benches or shelters.

(Ordinance 2704 § 3, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.130: Installation

- a. (A) Licensee shall obtain all requisite permits and licenses, including building and electrical permits, from the ~~city~~City prior to the construction of any shelter. (Reference Chapter 11.12 structures in streets.)

- b. ~~(B)~~ The installation shall be plumb, level, true, neat, and rigid in every respect, and in accordance with engineering drawings and the specifications.
- e. ~~(C)~~ All benches or shelters shall be on concrete pads with the concrete extending from the shelter to the back of curb. Installation of sidewalk approach and ramps to such bench or shelter may be necessary as determined by the ~~director of public works~~ Director of Public Works.
- d. ~~(D)~~ The installation base shall be a relatively smooth and level concrete floor with no more than about one and one-half percent (1½%) to two percent (2%) cross slope and no (or slight) longitudinal slope. Other slope specifications may be approved for reasons of drainage or structural integrity.
- e. ~~(E)~~ Where installation of benches or shelters requires the disturbing of existing pavement, excavation, and restoration of pavement shall be performed in a manner satisfactory to the ~~director of public works~~ Director of Public Works. Any necessary removal of existing sidewalk shall be taken to the nearest scoreline unless otherwise approved by the ~~director of public works~~ Director of Public Works.
- f. ~~(F)~~ Before any excavation for trench work or for foundation work is to begin, the existing sidewalk shall be sawcut in order to provide a neat excavation and restoration.
- g. ~~(G)~~ Where existing curbing is found to be in good condition and presents no hazard to bus stop users, such curbing shall not be disturbed during the installation of the bench or shelter. Conduit shall be passed under the curb in a manner that does not affect the curbing.
- h. ~~(H)~~ Where existing curbing is found to be in a condition that presents a potential hazard to bus stop users, such curbing shall be repaired or replaced by the licensee concurrently with construction of the bench or shelter. All aspects of this work shall comply with ~~director of public works~~ City standard specifications and all details of the work shall be shown on the site plan.
- i. ~~(I)~~ Electrical and telephone service lines shall be underground, except as waived by the ~~director of public works~~ City Engineer.
- j. ~~(J)~~ Immediately prior to acceptance, the licensee shall clean the entire shelter in strict accordance with the various materials manufacturer's directions.
- k. ~~(K)~~ The licensee shall remove all excess materials and restore the work area to its original condition.
- l. ~~(L)~~ If the licensee's work results in any damage to utilities, street furniture, vegetation or private property, it will be his responsibility to restore or repair

the damaged items or properties so that they will be in the original, or better, condition. Any costs involved will be borne solely by the licensee.

m. ~~(M)~~ Any of the above provisions of this ~~section~~ Section may be waived by ~~city~~ the City at its sole discretion. ~~n.~~

~~(N)~~ Licensees shall install and maintain trash receptacles next to the benches. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.140: Security ~~deposits~~ Deposits

Before the issuance of any permits for the installation of any bus shelter, ~~the~~ licensee shall, as directed by the City, make a cash deposit or provide a performance bond, in a form acceptable to the ~~city attorney~~ City Attorney, in the amount approved by the ~~city council~~ City Council Resolution (Ordinance 2704 § 4, 2007; Ordinance 2290 § 1 (15), 1994; Ordinance 2151 § 1, 1990; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.150: Compensation

a. ~~(A)~~ In consideration of the authorization granted, licensee shall pay to ~~city~~ the City a fee in the amount as designated in the license. In the ~~city's~~ discretion, the fee may be a specified percentage of the gross advertising revenues received by licensee for the rental of advertising space in and on each bench or shelter, a minimum basic fee per month per bus shelter or bench, a flat fee per month for all bus shelters or benches to be installed and maintained pursuant to the license, ~~or~~ such other fee as the ~~city~~ City determines is appropriate.

b. ~~(B)~~ Licensee shall make payment to ~~city~~ the City on a monthly basis, such payment to commence upon the date of commencement of installation of the respective bench or shelter, or as otherwise provided in the license. Such monthly payment shall be made to ~~city~~ the City in advance on or before the 1st day of each month for the next following monthly period.

c. ~~(C)~~ All payments from licensee to ~~city~~ the City based in whole or in part on a percentage of gross advertising revenues shall be supported by a statement of account showing all bench or shelter locations and revenues received.

d. ~~(D)~~ Licensee shall allow inspection of its books and records by ~~city~~ City officials as authorized by ~~city's manager or director of finance at licensee's~~ the City Manager or Finance Director at licensee's office during reasonable business hours to determine revenues due to ~~city~~ the City.

e. ~~(E)~~ If the fee paid by ~~the~~ licensee to ~~city~~ the City is based in whole or in part on a percentage of gross advertising revenues, licensee shall provide quarterly reports (unaudited) concerning gross advertising receipts derived from benches or shelters within ~~city to the director of public works and director of finance of city~~ the City to the Finance Director within thirty ~~(30)~~ days after the conclusion of each calendar quarter.

f. — ~~(F)~~ No acceptance of any payment by the ~~city~~City shall be construed as a release or as an accord and satisfaction of any claim the ~~city~~City may have for further or additional sums payable under this ~~chapter~~Chapter or for the performance of any other obligation of the licensee. In the event that any payment or recomputed amount is not made on or before the dates specified in this ~~section~~Section, licensee shall pay as additional compensation:

1. — ~~(1)~~ An interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate in effect upon the due date~~;~~;

2. — ~~(2)~~ A sum of money equal to five percent ~~(5%)~~ of the amount due in order to defray those additional expenses and costs incurred by the ~~city~~City by reason of delinquent payment.

g. — ~~(G)~~ As part of the consideration to be paid to the ~~city~~City by licensee for granting of the license, ~~city~~the City may require licensee to provide ~~city~~the City with up to twenty ~~(20)~~ percent ~~(20%)~~ of the total advertising space on each bench or shelter for ~~city~~the City's use for public service advertisements~~;~~; as requested by ~~city~~the City.

(Ordinance 2704 § 5, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.160: Maintenance

~~(A)~~ Licensee shall maintain, repair, clean~~;~~; and service the shelters. Licensee shall be at liberty to enter upon and into shelters at any reasonable time with personnel and all necessary materials, including but not limited to electric wires, meters, clock work machinery~~;~~; and other items reasonably necessary for making such shelter effective. All such work shall be performed at the sole expense of licensee. Each bench or shelter shall be cleaned not less than two ~~(2)~~ times per week.

~~(B)~~ Licensee shall comply with each of the following requirements:

a. — ~~(1)~~ Such bench or shelter shall ~~have displayed~~display, in a conspicuous place thereon, the name, address~~;~~; and telephone number of licensee~~;~~;
and

b. — ~~(2)~~ Licensee shall, at its sole expense, maintain such bench or shelter in a neat, attractive, safe, and sanitary manner at all times during the term of this license or any extension thereof. Routine maintenance and cleaning, including emptying of trash receptacles and related services, shall be provided the bench or shelter by licensee at least once per week. Any damaged, defective, defaced, or worn out part of the bench or shelter shall be repaired or replaced by licensee within forty-eight ~~(48)~~ hours following discovery thereof by licensee or receipt of notice thereof by licensee from ~~the city~~the City, whichever is earlier; provided, however, that any condition ~~which, that,~~ in the opinion of the ~~director of public works~~Director of Public Works, constitutes a safety hazard shall be corrected, repaired, replaced or

removed by licensee immediately upon notification thereof by ~~city~~the City. In the event licensee fails to repair or replace such bench or shelter within the time herein specified, ~~city~~the City may, at its sole discretion, cause the repair or removal of the bench or shelter and apply licensee's cash deposit toward the cost thereof, in whole or part. Any costs not so applied shall be paid directly to ~~city~~the City by licensee within ten (10) days following receipt by licensee of an invoice ~~therefor~~therefore. Licensee shall, at its sole expense, be responsible for the restoration of all sidewalks, curbs, streets, or other public improvements ~~which~~that are disturbed during, or as the result of the construction, maintenance, or removal of the bench or shelter. Such improvements shall be restored to a condition at least comparable to that which existed immediately prior to licensee's activities. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.170: Costs of ~~improvement~~Improvement

Licensee shall pay all costs and expenses for:

- a. (1) The design, construction, maintenance, and removal of the benches and shelters; and
- b. (2) The restoring to proper condition of the sidewalks, curbs, or streets ~~which~~that may be disturbed during the construction or removal of any bench or shelter.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.180: Removal for ~~public~~Public ~~improvements~~Improvements

Licensee shall remove any bench or shelter ~~which~~that will interfere in any way with the construction, maintenance, or repairs of any public utilities, public works, or public improvements of any description, and restore the respective sidewalks and curbs to their proper and original condition, if so required by ~~city~~the City; the cost and expense of such removal and restoration shall be borne by licensee.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.190: Limitations on ~~advertising display~~Advertising Display

Licensee agrees that it shall utilize any authorized bench or shelter for advertising material only in accordance with the following:

- a. (1) No advertising shall be permitted on any bench located within a shelter that displays advertising;
- b. (2) Advertising display area shall not exceed maximum dimensions of four (4) feet by six (6) feet;
- c. (3) No advertisement or sign on any shelter shall be displayed except in the area designated for advertising;

- d. ~~(4)~~ No advertising or sign on any shelter shall display or depict any specified sexual activity or specified anatomical area as described in Article IX, Part 16C, Section 9216C.3 of this code. 9.16.020.070(B)(1);
- e. ~~(5)~~ No advertisement or sign on any shelter shall display any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.
- f. ~~(6)~~ Licensee shall remove all such advertising within twenty-four ~~(24)~~ hours after ~~city~~ the City serves notice upon licensee requiring the removal of such advertising pursuant to this paragraph. Section;
- g. ~~(7)~~ No advertising for tobacco products or alcoholic beverages shall be displayed. Any advertising in violation of this ~~section~~ Section may be summarily removed by ~~city~~ the City at expense of licensee; and
- ~~(8)~~ No advertising shall be permitted on those shelters provided by the licensee as nonadvertising benches or shelters under the provisions of the program.

(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.200: Removal of ~~shelter~~ Shelter

- a. ~~(A)~~ Licensee shall retain the right to remove any bench or shelter upon thirty ~~(30)~~ days notice to ~~city~~ the City in the event the federal, state, municipal, or other proper authorities should, after the effective date of the ordinance Ordinance codified in this ~~chapter~~ Chapter, establish any rules, regulations, or taxations ~~which~~ that shall so restrict location, construction, maintenance, or operation of the benches or shelters as to substantially diminish the value of the benches or shelters for advertising purposes, or in the event of "chronic vandalism," as hereinafter defined.
- b. ~~n(B)~~ In the event ~~city~~ the City fails to receive notice of renewal of the permit not less than ninety ~~(90)~~ days before the expiration date thereof, or fails to receive renewal of the performance guarantee bond, the comprehensive general liability insurance, or any of them, not less than thirty ~~(30)~~ days before the expiration date thereof, or in the event either or both the performance bond or comprehensive general liability insurance are cancelled and no evidence of equal coverage is filed with ~~city~~ the City not less than thirty ~~(30)~~ days prior to the expiration date of either coverage, or upon termination of the license for any reason, licensee agrees to immediately remove all of its benches or shelters and if it fails to do so within thirty ~~(30)~~ days after notice to do so is mailed by ~~city~~, ~~city~~ the City, the City shall have the right to remove the benches or shelters and licensee agrees to pay to ~~city~~, ~~city~~ the City, City's costs for such removal and site restoration.
- e. ~~(C)~~ "Chronic vandalism" shall be defined as damages inflicted to an individual bench or shelter during any six- ~~(6)~~ month period ~~which~~ that require

cumulative expenditures for replacement and repair that exceed the original cost of construction and installation of the bench or shelter.

d.— ~~(D)~~ Upon removal of any or all benches or shelters erected by licensee hereunder, all material shall be removed from the site, including, but not by way of limitation, all wires. The site shall be restored to the condition as it existed prior to installation of the bench or shelter, including complete restoration of any sidewalk upon which the bench or shelter was located. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.210: Utilities

Licensee shall pay all sums that may become due for electrical energy supplied to the benches or shelters and shall keep ~~city~~the City indemnified against any and all such costs. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.220: Taxes

Licensee shall be solely responsible and liable for payment of any and all property taxes levied upon possessory or other interests ~~which~~that may arise by virtue of the grant of a franchise or license to licensee under this ~~chapter~~Chapter. (Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.230: Insurance

~~Indemnification~~(A) INDEMNIFICATION. Licensee will indemnify and save harmless ~~city~~the City, its officers, agents, servants, and employees, against all claims, costs, expenses, damages, liabilities, and judgments of every kind and character, resulting by reason of the erection, maintenance, operation, or removal of any of the benches or shelters subject of the license granted pursuant to this ~~chapter~~Chapter, sustained or claimed by any person, firm, or corporation whomsoever and whatsoever, caused or alleged to have been caused, directly or indirectly, by an act or omission, negligent or otherwise, of licensee, its agents, servants, and employees, or occasioned by any work performed by licensee or by the permission granted by ~~city~~the City in this ~~chapter~~Chapter, and shall defend any such action or suit brought against those so indemnified, and shall pay all costs and expenses of whatsoever nature resulting therefrom, and in connection therewith and to pay, on behalf of those so indemnified, the amount of any judgment that may be entered against any of them in any such action or suit.

~~Insurance~~(B) INSURANCE. Licensee shall at all times carry on all operations hereunder, bodily injury and property damage liability insurance, including automotive bodily injury and property damage liability insurance, in forms and underwritten by insurance companies satisfactory to ~~city~~the City for: all operations, subcontract work, contractual obligations, product, or completed operation, all owned vehicles and ~~non-owned~~non-owned vehicles. Such insurance coverage obtained by licensee shall name ~~city~~the City, its officers, agents, and employees and all public agencies as determined by ~~city~~the City as additional insureds on such policies. Licensee shall require its insurer to waive

its subrogation rights against ~~city~~the City and agrees to provide certificates evidencing the same.

(1) Before licensee performs any work at, or prepares or delivers materials to, the sites of construction, licensee shall furnish to ~~city~~the City certificates of insurance subject to approval of the ~~city attorney~~City Attorney. Certificates shall provide the name and policy number of each carrier and policy and indicate that the insurance is in force and will not be cancelled without thirty (30) days written notice to ~~city~~the City. All of the foregoing insurance coverages shall be maintained in force until the work is fully completed and accepted by ~~city~~the City.

(2) The requirement for carrying the foregoing insurance shall not derogate from the provisions for indemnification under this ~~section~~Section and the license. The following insurance coverage shall be obtained and maintained: not less than one million dollars (\$1,000,000) combined single limit coverage for all items:

- a- (a) Bodily injury liability and automotive bodily injury liability (including ~~non-ownership~~non-ownership and hired cars);
- b- (b) Property damage liability and automotive property damage liability;
- c- (c) General public liability insurance; and
- d- (d) Products liability insurance.

~~The city manager, or his or her designee,~~(3) The City Manager may, in his/her sole discretion, require the above minimum insurance coverages to be increased to up to two million dollars (\$2,000,000) upon giving sixty (60) days written notice to licensee.

(4) The ~~city attorney~~Finance Director shall at all times have the right to demand the original or a copy of all such policies of insurance. All premiums on the insurance required in this ~~section~~Section shall be prepaid by the principal insured and shall not be an obligation of ~~city~~the City.

~~Workers Compensation~~(C) WORKER'S COMPENSATION. Licensee shall comply with all applicable provisions of the ~~Workers~~Worker's Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Divisions 4 and 5 of the California Labor Code and all amendments thereto; and all similar state or federal acts or laws applicable; and shall indemnify and hold harmless ~~city~~the City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description, including ~~attorneys~~attorney's fees and costs presented, brought, or recovered against ~~city~~the City, for or on account of any liability for failure to obtain Workers' Compensation Insurance. Licensee shall furnish evidence of workers' compensation and ~~employer~~employer's liability insurance with limits of at

least statutory coverage to ~~city~~the City in such form as is acceptable to the ~~city attorney~~City Attorney.
(Ordinance 2704 § 6, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.240: Transfer of ~~ownership~~Ownership

Whenever a bench or shelter for which a permit has been issued, has been sold, or title or control thereof is transferred, a new permit must be obtained by the new owner.
(Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.250: Permit ~~index file~~Index File

The ~~director of public works, or his or her designee,~~Director of Public Works shall keep and maintain an index file of all permits granted or renewed under the provisions of this ~~chapter~~Chapter, and shall furnish a copy of all permits granted or renewed to the ~~city clerk.~~ The ~~director of public works, or his or her designee,~~City Clerk. The Director of Public Works shall make annual surveys as to the location and condition of all such benches and shelters permitted in this ~~chapter~~Chapter.
(Ordinance 2704 § 7, 2007; Ordinance 2060 § 3 (part), 1988).

SECTION 11.36.260: Enforcement

The ~~director~~Director of ~~public works~~Public Works shall enforce the provisions of this ~~chapter.~~Chapter.
(Ordinance 2060 § 3 (part), 1988).