AGENDA
CITY COUNCIL REGULAR MEETING
CITY OF CERES, CALIFORNIA

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, the Ralph M. Brown Act (California Government Code Section 54950, Et Seq.), and the Federal Americans with Disabilities Act.

THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE AND COMMENT BY VIEWING THE CITY’S LIVE STREAM OF THE MEETING ON THE CITY’S YOUTUBE CHANNEL AT https://www.youtube.com/user/CityofCeres FOR MORE INFORMATION REGARDING REAL-TIME PUBLIC COMMENTS, PLEASE VISIT OUR LIVE COMMENTING PILOT PAGE AT http://www.ci.ceres.ca.us/554/Live-City-Council-Meetings---Pilot

REMOTE PUBLIC COMMENT IS ALSO AVAILABLE DURING THE MEETING BY EMAILING CITYCLERK@CI.CERES.CA.US OR COMMENTING ON CITY’S YOUTUBE CHANNEL OR CALLING (209) 252-2862. THE MAYOR WILL ANNOUNCE THE PUBLIC COMMENT PERIOD DURING THE MEETING.

City Council Chambers, 2701 Fourth Street
Monday, March 23, 2020 – 6:00 p.m.

Mailing Address: Ceres City Hall, 2720 Second Street, Ceres, CA 95307-3292
Phone: (209) 538-5700 Fax: (209) 538-5780

Members of the public are advised that all cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

CALL TO ORDER
Mayor Vierra

ROLL CALL
Mayor: Vierra
Vice Mayor: Ryno
Council Members: Condit, Durossette, Kline

INVOCATION
Invocation by Toby Wells, City Manager
PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Mayor Vierra

PRESENTATIONS

CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (five minutes).

PLEASE FILL OUT A SPEAKER CARD

While the City Council welcomes and encourages participation in City Council meetings, adopted rules allow no more than 5 minutes (Resolution No. 2007-106) for expression of non-agenda items. Matters under the jurisdiction of the City Council, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the City Council from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the City Council. Citizens are entitled to address the City Council on any agenda item subject to the 5 minute provision.

APPOINTMENTS TO BOARDS/COMMISSIONS

CONFLICT OF INTEREST DECLARATION

CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by a single motion unless otherwise requested by an individual Council Member or public for special consideration. Otherwise the recommendation of staff will be accepted and acted upon by roll call vote.


2. Waive Readings. All Readings of Ordinances and resolutions are waived. (Waive reading in full of all ordinances and resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title). (Nayares-Perez)

3. Approval of Minutes (Nayares-Perez)
   a. Minutes of the March 9, 2020, Regular City Council meeting.

4. Register of Audited Demands for Period covering March 5, 2020 through March 12, 2020. (Dias)

5. General Correspondence – Information Only
   a. February 2020 Construction Activity and Revenue Generation Report (Westbrook)

   (Postponed at March 9, 2020 Council meeting to the March 23 meeting.)

6. Resolution No. 2020-19, ratifying the Appointment of Leticia Dias to the Position of Director of Finance. (Wells)
7. **Resolution No. 2020-20**, ratifying the Appointment of Aaron Slater to the Position of Director of Human Resources. (Wells)

8. Final Adoption of **Ordinance No. 1057**, an Ordinance amending in their entirety the following titles of the Ceres Municipal Code:
   - Title 5 – Business Licenses and Regulations
   - Title 12 – Streets and Sidewalks (Wells)

9. Final Adoption of **Ordinance No. 1058**, an Ordinance amending in their entirety the following titles of the Ceres Municipal Code:
   - Title 15 - Buildings and Construction
   - Title 16 - Benefit Assessment Districts
   - Title 17 - Subdivisions
   - Title 3 - Revenue and Finance (Wells)

10. Final Adoption of **Ordinance No. 1059**, an Ordinance amending in its entirety the following Title of the City of Ceres Municipal Code:
    - Title 18 – Zoning (Wells)

11. Set public hearing date of April 27, 2020, for the City Council to consider a proposal for a Rezoning of the property located at the northeast corner of East Hatch Road and Golf Links Drive to modify the existing “MX-2, Mixed Use – 2” zoning designation to a “CC, Community Commercial” zoning designation within the Mitchell Road Corridor Specific Plan, and to consider an appeal of the Planning Commission’s decision of approving a Vesting Tentative Parcel Map and a Specific Plan Site Plan entitlement involving the subdivision of a 2.16-acre commercial-zoned site into three parcels with a new commercial building proposed for each parcel. (Westbrook)

12. **Resolution No. 2020-22**, approving the Mid-Year Budget Amendment for Fiscal Year 2018-2019. (Dias)

13. **Resolution No. 2020-23**, Ratifying the Director of Emergency Services Proclamation Declaring the Existence of a Local Emergency in the City of Ceres. (Wells)

14. **Resolution No. 2020-24**, approving the City of Ceres Strategic Plan for 2020-21. (Wells)

**CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

**UNFINISHED BUSINESS**
PUBLIC HEARING

NEW BUSINESS

DISCUSSION ITEMS

COUNCILMEMBER REFERRALS
Any Council Member that would like to have an agenda item placed on a future agenda shall make a request under this section of the agenda.

REPORTS
At this time, any Council Members or City Staff will make an announcement, or report briefly on his or her activities.

• Mayor
• City Council
• City Manager
• City Attorney
• Departments
• County Supervisor

CLOSED SESSION

1. THREAT TO PUBLIC SERVICES OR FACILITIES
   (Pursuant to Government Code section 54957)

   Consultation with: Ceres Police Department, Rick Collins, Police Chief

REPORTS FROM CLOSED SESSION

ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on April 13, 2020 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

AFFIDAVIT OF POSTING

I, Diane Nayares-Perez, City Clerk, for the City of Ceres, declare under penalty of perjury that the foregoing agenda for the Regular City Council Meeting was posted on March 19, 2020, at 6:30 p.m. at the following locations in Ceres:

• Community Center Display Case - 2701 Fourth Street

Diane Nayares-Perez
City Clerk
**Council Agenda:** The City Council agenda is available for public review on the City’s website at [www.ci.ceres.ca.us](http://www.ci.ceres.ca.us) and posted at the time and places noted above.

**Related Materials:** Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk’s Office at City Hall located at 2720 Second Street, Ceres, CA during normal business hours. Persons with questions concerning any agenda item may call the City Clerk’s Office at (209) 538-5731.

**Notice regarding Americans with Disabilities Act:**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting or if you need the agenda and/or the documents in the agenda packet provided in an alternative format, please contact the city clerk’s office at (209) 538-5731 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made (28CFR 35.102-35.104 ADA TITLE II)
CALL TO ORDER

Mayor Vierra called the Regular City Council meeting to order.

ROLL CALL - Present:

Mayor: Vierra
Vice Mayor: Ryno
Council Members: Condit, Durossette, Kline

Absent: None

INVOCATION

Invocation was given by Pastor Chris Henry, Valley Christian Center.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mayor Vierra

PRESENTATIONS

A. Youth Government Program (Lohr)

Mayor Vierra and Matt Lohr, Recreation Manager presented Certificates of Recognition to the Youth in Government Program participants.
CITIZEN COMMUNICATIONS to the Council on matters not included on the agenda (five minutes).

Krishan Malhotra, beautification committee member commented on the election this past week. He also spoke about election signs being attached to utility poles and stated that the city should enforce the illegal posting of signs.

Duane Thompson commented that City Manager Toby Wells has done a great job as City Manager for the City and he is sad to see him go. He also stated that he thinks Tom Westbrook would do a great job as City Manager as he knows the City very well.

Don Donaldson stated that he is glad that he has weekends free to spend with his family and watch his grandchildren play sports. He further stated that after 55 years he finally received a medal for his service.

APPOINTMENTS TO BOARDS/COMMISSIONS

No items scheduled.

CONFLICT OF INTEREST DECLARATION

No Council conflicts.

CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by a single motion unless otherwise requested by an individual Council Member or public for special consideration. Otherwise the recommendation of staff will be accepted and acted upon by roll call vote.

1. Clerks Report of Posting. The agenda of the March 9, 2020 City Council meeting was posted on March 4, 2020. (Nayares-Perez)

2. Waive Readings. All Readings of Ordinances and resolutions are waived. (Waive reading in full of all ordinances and resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title). (Nayares-Perez)

3. Approval of Minutes (Nayares-Perez)
   a. Minutes of the February 24, 2020 Regular City Council meeting.

4. Register of Audited Demands for Period covering February 18, 2020 through February 28, 2020. (Dias)

5. General Correspondence – Information Only
   b. Technology Services (IT) Quarterly Report. (Ball)
6. **Resolution No. 2020-15**, awarding the Construction Contract for the WWTP Improvement – Phase 2 Project. (Padilla)

7. **Resolution No. 2020-16**, authorizing the retirement of Canine Dex from the Ceres Police Department and sale of Canine Dex to Officer Coey Henson. (Collins)

   (Removed from Consent/Vice Mayor Ryno)


9. **Resolution No. 2020-18**, rejecting the bids for the River Bluff Regional Park Lower Terrace Phase 2B. (Padilla)

   (Removed from Consent/Vice Mayor Ryno)

10. **Resolution No. 2020-19**, ratifying the Appointment of Leticia Dias to the Position of Director of Finance. (Wells)

   (Removed from Consent/Vice Mayor Ryno)

11. **Resolution No. 2020-20**, ratifying the Appointment of Aaron Slater to the Position of Director of Human Resources. (Wells)


14. **Resolution No. 2020-21**, authorizing Upgrades to Audio/Visual Equipment for Council Chambers and authorizing the City Manager to execute a Purchase Order for the purchase and installation of equipment, and authorize the Finance Director to execute a budget amendment. (Wells)

Mayor Vierra asked if any Council Member or citizen would like an item pulled from the Consent Calendar and be heard under separate motion. Items 8, 10, and 11 were removed from Consent.

Mayor Vierra asked if anyone from the Public had any comments. There being no comments, Mayor Vierra brought the item back to Council for direction.

**MOTION:** Motion by **Council Member Durossette**, seconded by **Council Member Kline**, approving Items 1-7, 9, 12–14. 5/0/0 Motion passes see below by the following roll call vote:

| AYES: 5 | Council Members: Condit, Durossette, Kline, Ryno and Mayor Vierra |
| NOES: 0 | Council Members: None |
| ABSENT: 0 | Council Members: None |
CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Item 8/Vice Mayor Ryno
Vice Mayor Ryno commented that the staff report states that the consultant will assist with weed abatement and the fireworks program. Chief Wise stated that the consultant will provide consulting for questions regarding weed abatement and fireworks. Vice Mayor Ryno asked if the Fire Department will be actively doing weed abatement. She further asked about the budgeted amount for the consultant. The agreement asks for $50,000, but also states that the budgeted amount for the fiscal year 20/21 budget will be determined through the budget process. Chief Wise stated that the $39,000 is for next fiscal year and $11,000 is to get them through this fiscal year for a total of $50.000.

Vice Mayor Ryno further inquired about Item 6 of the Agreement and that it states the term of the agreement is for up to 18 months from the execution date. If they sign now, then 18 months is September 2021. Fire Chief stated yes, that should have been changed to 16 months and he will modify that. Vice Mayor Ryno commented wouldn’t the term go through the fiscal year which is June 30, 2021.

Mayor Vierra asked if anyone from the Public had any comments, and there being no comments Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by Vice Mayor Ryno, seconded by Council Member Condit, approving Item 8; Resolution No. 2020-17 with the change in the constant agreement to show a term end date of June 30, 2021. 5/0/0 Motion passes see below by the following roll call vote:

AYES: 5 Council Members: Condit, Durossette, Kline, Ryno and Mayor Vierra
NOES: 0 None
ABSENT: 0 None

Item 10/Vice Mayor Ryno
Vice Mayor Ryno stated that both appointments, Items 10 and 11 should be held off until Council has had a discussion in closed session with what they will be doing with the City Manager position. She does not think they should be making a decision on department heads at this time. Council Member Condit commented that he agrees with the Vice Mayor.

Mayor Vierra asked if anyone from the Public had any comments, and there being no comments Mayor Vierra brought the item back to Council for direction.

MOTION: Motion by Vice Mayor, seconded by Council Member Condit, that Item 10 - Resolution No. 2020-19 be continued to the next regular City Council meeting. 4/1/0 Motion passes see below by the following roll call vote:

AYES: 4 Council Members: Condit, Durossette, Kline, Ryno
NOES: 1 Mayor Vierra
ABSENT: 0 None
**Item 11/Vice Mayor Ryno**

Vice Mayor Ryno removed the item from consent to make a motion to postpone the item for the same reason as item 10.

Mayor Vierra asked if anyone from the Public had any comments, and there being no comments Mayor Vierra brought the item back to Council for direction.

**MOTION:** Motion by Vice Mayor, seconded by Council Member Condit, that Item 11 - Resolution No. 2020-20 be continued to the next regular City Council meeting. 4/1/0 Motion passes see below by the following roll call vote:

**AYES:** 4  Council Members: Condit, Durossette, Kline, Ryno

**NOES:** 1  Mayor Vierra

**ABSENT:** 0  None

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**UNFINISHED BUSINESS**

No items scheduled.

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**PUBLIC HEARING**

15. Public Hearing to Consider introduction and waiving of first reading of Ordinance No. 1057 an Ordinance amending in their entirety the following titles of the Ceres Municipal Code:

- Title 5 – Business Licenses and Regulations
- Title 12 – Streets and Sidewalks (Wells)

City Manager Wells gave the report. He provided an overview of Titles 5 and 12 and discussed the changes made at the direction of Council.

Mayor Vierra opened the Public Hearing and asked if anyone from the Public had any comments, and the following citizens spoke:

John Warren asked if this section addresses sidewalk vending. He commented that this past weekend there was a sidewalk vendor that was blocking the sidewalk. He asked what are the rules that will be in place regarding sidewalk vendors.

There being no further comments, Mayor Vierra closed the Public Hearing and brought the item back to Council for direction.

**MOTION:** Motion by Council Member Kline, seconded by Vice Mayor Ryno, introducing and waiving the first reading of Ordinance No. 1057. 5/0/0 Motion passes see below by the following roll call vote:

**AYES:** 5  Council Members: Condit, Durossette, Kline, Ryno and Mayor Vierra
16. Public Hearing to Consider introduction and waiving of first reading of Ordinance No. 1058 an Ordinance amending in their entirety the following titles of the Ceres Municipal Code:

- Title 15 - Buildings and Construction
- Title 16 - Benefit Assessment Districts
- Title 17 - Subdivisions
- Title 3 - Revenue and Finance

City Manager Wells gave the report. He provided an overview of Titles 15, 16, 17 and 3. He stated that Title 3 has already been adopted, but with the action, this evening one chapter was moved from Title 16 to Title 3 and staff recommends re-adoption of Title 3.

He discussed the changes made to the Titles at the direction of Council.

Mayor Vierra opened the Public Hearing and asked if anyone from the Public had any comments. There being no comments, Mayor Vierra closed the Public Hearing and brought the item back to Council for direction.

MOTION: Motion by Council Member Kline, seconded by Vice Mayor Ryno, introducing and waiving the first reading of Ordinance No. 1058. 5/0/0 Motion passes see below by the following roll call vote:

AYES: 5 Council Members: Condit, Durossette, Kline, Ryno and Mayor Vierra
NOES: 0 None
ABSENT: 0 None

17. Public Hearing to Consider introduction and waiving of first reading of Ordinance No. 1059 an Ordinance amending in its entirety the following Title of the City of Ceres Municipal Code:

- Title 18 – Zoning

City Manager Wells presented the staff report. He provided an overview of Title 18 and discussed the changes made to the Title at the direction of Council.

Council Member Kline asked if methadone or similar clinics can be added as a CUP in a residential zone. City Manager Wells stated no, it would not be allowed in residential. Clinics are expressly prohibited in residential zones.

Vice Mayor Ryno asked where the definition for PODs is. Vice Ryno asked could it be an issue that it says rented to owners. What if it’s not actually rented? Can they take rented
out? A discussion ensued. City Manager Wells stated that they can remove the word rented. He further stated that staff will clarify that in the definition.

Mayor Vierra opened the Public Hearing and asked if anyone from the Public had any comments.

Don Donaldson asked what if someone has had a container for about 10-15 years. He asked if that will be grandfathered in. A discussion ensued about shipping containers in the back yard and the allowed dimensions for those types of containers.

A discussion further ensued amongst Council about including a grandfather clause for people who already have a container in their back yard. Mayor Vierra asked staff to include a grandfather clause for those types of containers.

Dave Pratt commented on storage containers and asked what happens when the city expands its boundary outwards, and somebody has a 40 ft container.

John Warren commented on PODS and stated that PODS are the same as shipping containers. He further asked why the council decided not to allow PODS to be a permanent structure in the front, but a box truck can sit out there. He asked about a 26-foot box truck that is not moved. He stated that it’s not esthetically pleasing, He asked if tires are what allows a box truck or utility trailer sit out front. He thinks the council should address that. There should be a restriction on that as well. He stated that beautification in the city needs to address junk cars and the repair of cars that sit in yards. A lengthy discussion ensued.

Don Donaldson stated that if you take a car and show kids how cars are repaired and how they are put together they learn. Kids ask questions regarding cars. Kids need to learn different trades. He thinks that’s education for the kids.

There being no further comments, Mayor Vierra closed the Public Hearing and brought the item back to Council for direction.

**MOTION:** Motion by **Vice Mayor Ryno**, seconded by **Council Member Kline**, introduction and waiving of first reading of **Ordinance No. 1059** with following modifications - remove “rented” from the definition of PODS and include a grandfather clause regarding shipping container to be effective the date of adoption of the Ordinance. **5/0/0 Motion passes see below** by the following roll call vote:

<table>
<thead>
<tr>
<th>AYES</th>
<th>5</th>
<th>Council Members:</th>
<th>Condit, Durossette, Kline, Ryno and Mayor Vierra</th>
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<tbody>
<tr>
<td>NOES</td>
<td>0</td>
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<tr>
<td>ABSENT</td>
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</table>

**NEW BUSINESS**

No items scheduled.
18. Concerts in the Park (Lohr)

Matt Lohr, Recreation Manager presented the staff report. He asked for Council direction regarding continuing to offer the concerts in the park series, or no concerts, or offer a movie in the park program. He detailed the budget for offering movies in the park.

Vice Mayor Ryno stated that she sat on the Concerts in the Park Committee for about six years, and every year the interest in the committee has dwindled. She has noticed that the audience has also dwindled. This past year, one committee member suggested something different, similar to what Modesto does. She stated that at the last concert there were about 30 people. Her personal feeling is they need to take a break from the concerts. She just can’t see spending that much money and staff time when you’re getting 30 people there. She would be okay with skipping a summer then that might bring more interest from the community.

Council Member Durossette asked how many concerts they had last year. He suggested maybe reducing it to two concerts and maybe serve brews from local craft breweries like Blaker Brewing. If you lose it one year, it’ll never come back.

A lengthy discussion ensued regarding having two events and improving the sound system.

Vice Mayor Ryno suggested they come up with a name so it’s more of an event, such as brats and brews.

Council Member Kline stated that he agrees with Council Member Durossette and he doesn’t want concerts to be canceled. Once you lose it it’s gone. He thinks they should do at least two events maximum of three.

Mayor Vierra asked if anyone from the Public had any comments, and the following citizens spoke:

Don Donaldson commented that he thinks a church singing contest would be great. He stated that his family will donate funds. He also stated a kid’s talent show would be great.

Vice Mayor Ryno asked Mr. Lohr if his staff will reach out to Mr. Donaldson.

Mayor Vierra brought the item back to Council for direction.

**ACTION:** Council directed staff to come up with a couple of events and return to Council for consideration.
COUNCILMEMBER REFERRALS

Any Council Members that would like to have an agenda item placed on a future agenda shall make a request under this section of the agenda.

Council Member Durossette asked for clarification on the motion made on Items 10 and 11. He wanted to make sure that those two items will return to Council.

REPORTS

At this time, any Council Members or City Staff will make an announcement, or report briefly on his or her activities.

- Mayor Vierra commented regarding coronavirus wanted to assure the citizens that the City will take precautionary measures to make sure that their staff is safe as possible and will make sure they still provide essential services to citizens. He asked everyone to exercise precaution and be safe with health and sanitary issues and to be kind to their neighbors.
- City Council
- Council Member Kline thanked the staff for keeping the ordinances on track. The update of the Municipal Code was a big undertaking and staff should be commended on how they kept the timeline.
- Council Member Condit announced that he will be hosting office hours on Saturday, March 21 from 12-2 pm.
- City Manager Wells thanked the Finance Department for the item on the agenda this evening which was the acceptance of the audit with clean findings; they did a fantastic job on it and delivered solid financial results. The Centennial Committee will meet tomorrow evening. The Stanislaus Homeless Alliance meets this Wednesday and Council Member Kline will be attending. Tom Westbrook, Community Development Director will attend the Census meeting on Wednesday and there is also a Beautification Committee meeting scheduled on Wednesday as well.
- City Attorney – nothing to report.
- Departments
  - Daniel Padilla, City Engineer provide a traffic advisory to the public due to a construction project on El Camino Avenue and Park Street. The project is expected to last six weeks. Mayor Vierra asked Mr. Padilla for a status of the pavement overlays. Mr. Padilla stated that he will send the overlay projects list to the Council.
  
  Matt Lohr, Recreation Manager announced new class offerings in May.

- County Supervisor not in attendance.

Mayor Vierra adjourned the Regular City Council meeting at 7:18 p.m. and convened in a Closed Session meeting with the below-listed item being discussed.

CLOSED SESSION

1. PUBLIC EMPLOYMENT
   (Pursuant to Section 54957 of the Government Code)

   Title: City Manager
REPORTS FROM CLOSED SESSION

ACTION: No reportable action.

ADJOURNMENT

The next regularly scheduled City Council Meeting is scheduled to be held on March 23, 2020 at 6:00 p.m. in the City Council Chambers located in the Community Center at 2701 Fourth Street, Ceres, CA

There being no further business, Mayor Vierra adjourned the meeting at 7:50 p.m.

Mayor Chris Vierra

Diane Nayares-Perez, CMC, City Clerk

Consistent with Council Policy, the minutes referenced above are in Action Format. The complete recording of the meeting can be viewed online.
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Leticia Dias, Acting Finance Director lericia.dias@ci.ceres.ca.us
(209) 538-5765

SUBJECT: Register of Audited Demand(s) Dated March 5, 2020 through March 12, 2020

RECOMMENDED COUNCIL ACTION:

City Council approve the register of audited demand(s) dated March 5, 2020 and March 12, 2020 covering obligations to be paid by general warrants #115861 through #115973 in the amount of $1,074,972.12.

I. BACKGROUND:

In accordance with Section 37202 of the Government Code of the State of California this is presented herewith a summary of demands against the City of Ceres covering obligations to be paid for the period ending March 12, 2020.

Each demand has been audited and I hereby certify to their accuracy and conformance with the budget. Sufficient funds are available for payment of these demands.

I declare under penalty of perjury that the register of audited demands has been examined by me and to the best of my knowledge and belief is a true, correct and complete listing of claims audited and payable.

Submitted by,

Leticia Dias
Acting Finance Director
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- Bank code: Westa
- City or county: Bronx
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- Vendor: FEB SEC SVC’S. J. KAUR 2/7720 CC
- Vendor: Office Supplies
- Vendor: DEC AMEND 10 PNL DESIGN MITCH.
- Vendor: NOV AMEND 10 PNL DESIGN MITCH.
- Vendor: JAN’S SIGNAL SYNCHRONIZATON
- Vendor: JAN’S SIGNAL SYNCHRONIZATON
- Vendor: JAN’S SIGNAL SYNCHRONIZATON
- Vendor: DEP & SEC OVRPMNT RND LMC
- Vendor: (6) CYLINDER RNTL
- Vendor: EASTGATE PK P/L 9104 PLAN SF
- Vendor: TIRE SPARE MOUNT & DISMC
- Vendor: MOCY TRUCK FIRE SVC CRT. INC.
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- Vendor: TOTAL PRE-TO-SOCER’S SOC. 1.8
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- Vendor: WAR PLANNING COMMISSIONER C

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**Bank Total:** 115973
March 1, 2020

MEMORANDUM

TO: Mayor and City Council
FROM: Denise Schiefer, Building Permit Technician, Tom Westbrook, Director of Community Development
SUBJECT: FEBRUARY 2020 CONSTRUCTION ACTIVITY AND REVENUE GENERATION

CONSTRUCTION ACTIVITY

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<th>DU VALUATION</th>
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<th>PERMITS YTD 19/20</th>
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REVENUE

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*Year to Date reflects fiscal year totals
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Toby Wells, City Manager, Toby.Wells@ci.ceres.ca.us, (209) 538-5751

SUBJECT: Resolution No. 2020-19, Ratifying the Appointment of Leticia Dias to the Position of Director of Finance

RECOMMENDED COUNCIL ACTION:

Staff recommends Council approve the resolution ratifying the appointment of Leticia Dias to the position of Director Finance and approving the employment agreement.

I. BACKGROUND:

Leticia Dias joined the City as an Account Clerk 1 in August of 1994 and worked her way through the ranks in the Finance Department to an Accountant. After a short stint with the City of Oakdale from April 2017 to April 2019, she returned as the Deputy Director of Finance. The former Director retired in October 2019 and she has been filling the role in an interim capacity since that time.

After careful and thorough consideration of the alternatives for filling the critically important role, it is clear the obvious and best choice for the City of Ceres is Leticia Dias.

II. REASONS FOR RECOMMENDATION:

Mrs. Dias has a long tenure with the City of Ceres working in nearly every role in the Finance Department. Her career spans nearly 25 years and a broad level of experience and expertise in the Finance field. After two years in Oakdale, she returned to the City of Ceres last year to fill the role of Deputy Director.
Mrs. Dias has an Associate of Arts degree in Business Administration from Modesto Junior College and a Bachelor of Science degree in Accounting from CSU, Stanislaus. She is an active member of California Society of Municipal Finance Officers (CSMFO).

Mrs. Dias is a highly qualified finance professional with continuous experience in the public sector. She possesses the technical and managerial skills necessary to provide a high level of leadership and direction to the Department. Her extensive knowledge of the City of Ceres and the Finance Department uniquely positions her to continue the success of the Finance Department and is the perfect fit to the management team.

The negotiated Employment Agreement with Mrs. Dias is attached, and staff recommends Council’s ratification of the appointment pursuant to Municipal Code section 2.03.040. The salary is set at Range J89, Step B ($10,154 per month).

III. **FISCAL IMPACTS:**

The position is included in the current budget, therefore there are no fiscal impacts associated with the appointment.

IV. **EXISTING POLICY / RELATIONSHIP TO THE STRATEGIC PLAN:**

The services provided by Mrs. Dias will assist the City in accomplishing its goal of enhancing its government operations to provide quality services to meet community needs and assuring that the City is sufficiently staffed and trained.

V. **STEPS FOLLOWING APPROVAL:**

Execute the agreement with an effective date of March 23, 2020.

Approved by: __________________________________________

Toby Wells, P.E., City Manager

Attachments:

1. Resolution
2. Employment Agreement
RESOLUTION NO. 2020-19

RESOLUTION RATIFYING THE APPOINTMENT OF LETICIA DIAS TO THE POSITION OF DIRECTOR OF FINANCE AND APPROVING AN EMPLOYMENT AGREEMENT

THE CITY COUNCIL
City of Ceres, California

WHEREAS, as provided in Section 2.03.040, of the Ceres Municipal Code, the City Manager has the authority to appoint all Department Heads subject to ratification by the City Council; and,

WHEREAS, the City Manager has appointed Leticia Dias to the position of Director of Finance; and,

WHEREAS, an Employment Agreement has been negotiated with Leticia Dias, which sets forth the rights, duties, and obligations of the parties, a copy of which Agreement is attached hereto as Exhibit “A” and incorporated herein by reference; and,

WHEREAS, the City Council has reviewed the terms and conditions of said Agreement and finds that the terms and conditions contained therein are reasonable and in the best interest of the citizens of the City of Ceres.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Ceres that it does ratify the appointment of Leticia Dias to the position of Director of Finance and does approve the Employment Agreement and directs the City Manager to execute the Agreement on behalf of the City.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 23rd day of March 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

_____________________________
Chris Vierra, Mayor

ATTEST:

_____________________________
Diane Nayares-Perez, CMC, City Clerk
EMPLOYMENT AGREEMENT
FOR THE DIRECTOR OF FINANCE

This agreement is made and entered into by and between the City of Ceres, State of California, a municipal corporation, hereinafter called “EMPLOYER,” and Leticia Dias, hereinafter called “EMPLOYEE”.

WITNESSETH

WHEREAS, it is the desire of the EMPLOYER to provide certain benefits, establish certain conditions of employment and to set working conditions of said EMPLOYEE, which conditions will help to:

1. Secure and retain the services of EMPLOYEE and to provide inducement for EMPLOYEE to remain in employment;

2. Make possible full productivity by assuring EMPLOYEE’S morale and peace of mind with respect to future security;

3. Act as a deterrent against malfeasance or dishonesty for personal gain on the part of the EMPLOYEE;

4. Provide a just means for terminating EMPLOYEE’S services at such time as EMPLOYER may desire to terminate the EMPLOYEE.

WHEREAS, EMPLOYEE has agreed to accept employment as the Director of Finance for the City of Ceres.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the EMPLOYER and EMPLOYEE agree as follows:

SECTION I - EMPLOYMENT

EMPLOYEE is employed to serve as the EMPLOYER’S Director of Finance. EMPLOYEE shall serve as an "at will employee" at the pleasure of the City Manager, who has the power pursuant to local ordinance to appoint, remove, promote, and demote EMPLOYEE, subject to ratification by the City Council.

SECTION II - DUTIES

Employee shall perform those duties as set forth in Chapter 2.11 Finance Department, of the Ceres Municipal Code, and as set forth in the job description attached by reference hereto.
SECTION III – HOURS OF WORK

It is recognized that the EMPLOYEE’S position is an executive management position which often requires more than a conventional forty-hour week to provide the desired level of professional service. It is further recognized that to properly fulfill the duties and responsibilities of the position, EMPLOYEE will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, while EMPLOYEE shall spend sufficient hours on site to perform the duties of the position, EMPLOYEE has discretion over the work schedule and work location and will not be required to maintain a strict forty (40) hour-per-week on-site presence at City Hall, and may be occasionally absent from City Hall during normal business hours as is reasonable and appropriate.

SECTION IV- SALARY

The salary for the EMPLOYEE shall be set at Range J89, Step B ($10,154 per month).

EMPLOYER agrees that EMPLOYEE’S compensation for next two fiscal years will increase by 1.5% effective on July 1, 2020.

EMPLOYER agrees that EMPLOYEE’S compensation for subsequent fiscal years will be reconsidered as part of the budgetary process for those Fiscal Years. Step increases to be considered consistent with City Personnel Rules on an annual basis.

SECTION V - TERMINATION AND SEVERANCE PAY

In the event the EMPLOYEE is terminated by the EMPLOYER during such time that EMPLOYEE is willing and able to perform the duties under this agreement, then in that event, EMPLOYER agrees to pay EMPLOYEE a lump sum cash payment equal to three (3) months aggregate salary; increasing by two (2) weeks per year of employee service each calendar year. The total severance pay will not exceed six (6) months aggregate salary in total. However, in the event EMPLOYEE is terminated because of the commission of any illegal act involving personal gain or moral turpitude, then, in that event, EMPLOYER shall have no obligation to pay the aggregate severance sum designated in this paragraph.

For the purpose of this SECTION V the term “aggregate salary” is defined as the EMPLOYEE’S regular gross monthly salary on the date of termination less all mandatory withholdings for State and Federal income tax, Social Security, and State Disability.
SECTION VI – FRINGE BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. Term Life Insurance

1. EMPLOYEE shall receive an EMPLOYER paid term life insurance policy having a face policy value of $50,000.

2. The EMPLOYER reserves the right to provide this life insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or insurance companies selected by the EMPLOYER.

B. Health and Welfare Plan

1. EMPLOYEE must enroll in an available City medical plan unless she opts out. In order to opt out, the EMPLOYEE must provide the following:

   a. Proof that the EMPLOYEE and all individuals for whom EMPLOYEE intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with the City’s plan year to which the opt out applies (“tax family”), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies (“opt out period”); and

   b. EMPLOYEE must sign an attestation that EMPLOYEE and his/her tax family have or will have such minimum essential coverage for the opt out period. EMPLOYEE must provide the attestation every plan year at open enrollment.

2. The City shall contribute the following amounts toward the combined premiums for medical, dental and vision on a semi-monthly basis (24 pay periods). The City’s contribution shall not exceed the actual premiums or the contribution amounts listed below, whichever is less. EMPLOYEE shall be responsible for the balance of premiums, if any.

   a. $355 semi-monthly ($710 monthly) for EMPLOYEE enrolled in EMPLOYEE-Only medical coverage.

   b. $735 semi-monthly ($1,470 monthly) for EMPLOYEE enrolled in EMPLOYEE + 1 medical coverage.

   c. $1,045 semi-monthly ($2,090 monthly) for EMPLOYEE enrolled in EMPLOYEE + Family (more than one dependent) medical coverage.
3. The City shall pay one-hundred percent (100%) of the dental and vision premiums for EMPLOYEE who waives medical coverage.

4. EMPLOYEE who waives medical coverage shall receive $100 semi-monthly ($200 monthly) taxable compensation.

5. The City shall continue a Section 125 program for pre-tax deductions for the EMPLOYEE share of medical, dental and vision insurance premiums.

6. Benefits shall stop at the end of the month when City employment is ended for any reason. All coverage, except as required to be offered or extended under federal and state law, shall end.

There is no responsibility on the part of the City to pay, either in money or premiums, any remaining City or EMPLOYEE obligations beyond the month of termination of EMPLOYEE’s employment.

Cash payment for medical waivers will be paid only through the end of the month in which EMPLOYEE's employment terminated. Such payment will be included in EMPLOYEE's final pay received from the City.

Any outstanding premiums required to continue benefits through the end of the month of EMPLOYEE's termination of City employment will be withheld from the final pay received from the City.

The City retains the discretion to select the City plan(s) each year. In the event the City makes changes to the plan selection, EMPLOYEE will receive advance notice and opportunity to discuss concerns regarding the changes.

C. **Sick Leave & Sick Leave Conversion**

1. Sick leave accumulation for EMPLOYEE shall be one day (8 hours) per month for 12 days per year (3.692 hours earned per pay period). Sick leave accumulation is unlimited.

2. If EMPLOYEE has not taken more than 36 hours of sick leave during the twelve (12) month period beginning the first pay period in January and ending the last pay period in December of each year employee shall be entitled to convert up to 24 hours of unused sick leave to pay or leave with pay (1:1 ratio), providing that at no time shall EMPLOYEE’S sick leave balance fall below 192 hours.

3. Accumulated sick leave shall be paid to EMPLOYEE at 50% of the accumulated balance upon retirement from City service at the EMPLOYEE’S current base hourly rate at time of retirement.
a. For the purpose of this section, the term “retirement” is defined, understood and intended to mean, EMPLOYEE’S separation from employment with the City at a time when the EMPLOYEE qualifies for pension benefits through the 1937 Act Retirement System, concurrent with the filing of an application by EMPLOYEE for retirement benefits and subsequent notification by the administrators of the 1937 Act Retirement System of approval of the application and the right of EMPLOYEE to commence receipt of current benefits from the retirement system. Discontinuance of paid work for the City under any circumstances other than defined herein, or election by EMPLOYEE for deferral of retirement payments, are not considered as “retirement” for eligibility to receive payment for a portion of any unused sick leave benefit as stated herein.

b. The City agrees to implement upon retirement a retiree health savings plan administered by a provider selected by the City. EMPLOYEE will contribute upon retirement 100% of allowable Sick Leave Conversion and or Cash Out to a Retiree Health Savings account.

D. **Vacation & Vacation Conversion**

1. Vacation shall be accrued for EMPLOYEE shall be 7.69 hours per pay period (25 days) per year.

2. Maximum vacation accumulation shall be 480 hours. If EMPLOYEE reaches the 480 hours maximum vacation accumulation employee shall not accrue additional vacation hours. Accrual of vacation hours shall resume once the balance is reduced through time off.

3. Pay-out of accumulated vacation hours at separation of service shall be limited to 480 hours.

4. EMPLOYEE may convert per fiscal year up to forty (40) hours of vacation leave to be accrued in the coming fiscal year into cash, so long as the employee irrevocably elects to convert the amount of vacation leave at least twelve (12) months prior to the conversion. Payment will be at EMPLOYEE’S current hourly rate of pay (1:1 ratio).

E. **Conversion of Leave to Deferred Compensation Account**

1. EMPLOYEE shall be given the opportunity to convert forty (40) hours per fiscal year of a combination of sick and/or vacation leave to EMPLOYEE’S individual deferred compensation account.

F. **Management Leave**

1. EMPLOYEE is declared as exempt under Fair Labor Standards Act executive exemption guidelines.
2. EMPLOYEE shall receive twelve (12) management leave days (96 hours of leave) per fiscal year, including the current fiscal year. Management leave must be used during the fiscal year in which it is earned and is not accumulative. Carryover of unused management leave days into the subsequent fiscal year may be allowed only upon prior written approval of the City Manager.

G. Holidays

EMPLOYEE shall receive such paid City holidays as are granted to the Mid-Managers’ Bargaining Group.

H. Bereavement Leave

1. EMPLOYEE shall be entitled to leave with pay for a maximum of five (5) scheduled work days in the event of the death of the employee’s spouse, registered domestic partner or children, including stepchildren.

2. EMPLOYEE shall be entitled to leave with pay for a maximum of three (3) scheduled work days, in the event of the death of the employee’s parents, siblings or grandchildren. The definition of parent and siblings as used herein shall include step-parent or sibling, foster parent as well as natural parent of the employee.

3. EMPLOYEE shall be entitled to leave with pay for a maximum of one (1) scheduled work day in the event of the death of an employee’s brother or sister by marriage or domestic partnership, parents by marriage or domestic partnership, and grandparents of employee or by marriage or domestic partnership.

4. Additional bereavement time may be granted but paid from the EMPLOYEE’S accrued vacation or management leave time upon request from the EMPLOYEE and approval by the City Manager.

5. The EMPLOYER reserves the right to request proof of the death of the deceased and the employee’s relationship to the deceased.

I. Retirement System and Contribution

1. The EMPLOYER shall provide EMPLOYEE enhanced retirement benefits pursuant to the formula outlined in Government Code Section 31664.1 commonly known as 2% at 55.

2. The EMPLOYEE shall pay 100% of the EMPLOYEE’S contribution into the 1937 Act Stanislaus County Employee’s Retirement System. Said contribution shall be vested in the employee’s name as permitted under the rules and regulations of the Act. To offset the Classic member’s full payment
of the employee retirement contribution, EMPLOYEE shall be paid an additional 6% base wage increase.

J. Professional Development

1. As an incentive for furthering individual professional and managerial growth by EMPLOYEE, EMPLOYER will annually budget $900.00 for EMPLOYEE in the interest of promoting and supporting EMPLOYEE’S professional development. Independent of, supplemental to, and not to be used as a substitution for or in conjunction with other budgeted City funds for training or conferences, this benefit may be used to assist in the payment of expenses for EMPLOYEE to attend a national or international professional conference associated with or related to the EMPLOYEE’S profession and responsibilities with this City, enrollment in pertinent management training courses, enrollment in academic/educational classes or curriculum relative to City employment, and/or payment for applicable tuition, books, or reference resources. Acquisition of computer hardware, computer software, or other technological equipment may be allowed, provided it is for EMPLOYEE’S individual use and benefit in the course of performing their City-employment responsibilities and the purchase(s) remain the property of the City.

2. EMPLOYEE shall obtain the City Manager’s written approval of the intended use of said professional development funds prior to each encumbrance or expenditure. The annual allocation of funds for this purpose may be carried-over into one subsequent fiscal year. No portion of these monies shall be provided to the EMPLOYEE for cash purposes or as additional compensation.

K. Other Voluntary Benefits

Through a Section 125 program and effective with the plan year beginning January 1, 2017, the City shall provide EMPLOYEE a $1,200 annual allowance for payment of pretax life/AD&D, long-term disability or other supplemental insurance premiums, and contributions to Flexible Spending Accounts (daycare and unreimbursed medical expenses) or Health Savings Accounts (HSA).

The selection of these benefits is voluntary on the part of the EMPLOYEE.

The allowance shall be provided on a semi-monthly basis—$50 over 24 pay periods.

The City shall continue a Section 125 program for pre-tax deductions for the EMPLOYEE share of life/AD&D, long-term disability or other supplemental insurance premiums, and for Flexible Spending Accounts (daycare and unreimbursed Medical expenses) or Health Savings Accounts (HSA).

The City retains the discretion to select the voluntary benefit plans offered to EMPLOYEE. In the event the City makes changes to the plan selection,
EMPLOYEE will receive advance notice and opportunity to discuss concerns regarding the changes.

L. Educational Incentive

In order to promote highly trained and skilled professionals, the City is willing to provide education incentive to those individuals who demonstrate their improved education level. Education must be from an accredited college. Director of Finance with a Master’s degree shall receive an additional pay incentive of seven and one-half percent (7.5%).

M. Bi-Lingual Pay

The City requires from time-to-time, the services of employees who are bilingual to provide translation for non-English speaking citizens. EMPLOYEE has been certified and meets the requirements of other City Employee groups to provide this vital service to the public and will continue to receive a 2.5% salary incentive for continue to provide bilingual services.

SECTION VII - GENERAL PROVISIONS

1. The text herein shall constitute the entire agreement between the parties.

2. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.

3. This agreement shall become effective upon its “effective date” upon the adoption of a resolution of the City Council approving this agreement.

4. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable and shall not be affected, but shall remain in full force and effect.

5. This agreement may be modified in writing from time to time, by resolution of the City Council. Changes will be considered at least annually.

SECTION VIII – EFFECTIVE DATE

This Employment Agreement shall be effective on March 23, 2020.
<table>
<thead>
<tr>
<th>Dated: ______________, 2020</th>
<th>Dated: ______________, 2020</th>
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<tbody>
<tr>
<td>CITY OF CERES, EMPLOYER</td>
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<tr>
<td>By:</td>
<td></td>
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<tr>
<td>Toby Wells, P.E., City Manager</td>
<td>Leticia Dias, EMPLOYEE</td>
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<td>APPROVED AS TO FORM:</td>
<td>ATTEST:</td>
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<tr>
<td>Tom Hallinan</td>
<td>Diane Nayares-Perez, CMC, City Clerk</td>
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<tr>
<td>City Attorney</td>
<td>(Seal)</td>
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</table>
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Toby Wells, City Manager, Toby.Wells@ci.ceres.ca.us, (209) 538-5751

SUBJECT: Resolution 2020-20, Ratifying the Appointment of Aaron Slater to the Position of Director of Human Resources

RECOMMENDED COUNCIL ACTION:

Staff recommends Council approve the resolution ratifying the appointment of Aaron Slater to the position of Director of Human Resources and approving the employment agreement.

I. BACKGROUND:

Aaron Slater joined the City as a Human Resources Analyst in January 2018. The former Director retired in October 2019 and Mr. Slater has been filling the role in an interim capacity since that time.

After careful and thorough consideration of the alternatives for filling the critically important role, it is clear, the obvious and best choice for the City of Ceres is Aaron Slater.

II. REASONS FOR RECOMMENDATION:

Mr. Slater was recruited by the former Human Resources Director to fill the Human Resource Analyst role in late 2017 and joined the City in January 2018. Aaron hit the ground running with the City and immediately made an impact by taking the lead role in gathering the data and completing the analysis of the Citywide Classification and
Compensation Study. This study was the foundation for the negotiations that were completed in 2018 with all bargaining units.

Mr. Slater has a Bachelor's of Science degree in Accounting from Arizona State University. He is currently pursuing an Executive Master's in Business Administration from Seattle University that is scheduled to be completed in June 2021. Aaron has received certification as a Senior Professional in Human Resources (SPHR) from HRCI and Senior Certified HR Professional from IPMA-HR. In addition, he possesses an Advanced Negotiation Certification from CalPELRA.

Mr. Slater’s education and experience strongly qualifies him for the role as the Director of Human Resources. He has a strong record of organizational stewardship of and commitment to the success of City employees and City leadership. He brings a fresh perspective and a proactive approach to broadly engage with and assist departments to sustaining a strong organizational culture and operational excellence. Aaron is a great fit with the existing management team, and we look forward to a long successful tenure with the City of Ceres.

The negotiated Employment Agreement with Mr. Slater is attached, and staff recommends Council’s ratification of the appointment pursuant to Municipal Code section 2.03.040. The salary is set at Range J89, Step A ($9,671 per month).

III. FISCAL IMPACTS:

The position is included in the current budget, therefore there are no fiscal impacts associated with the appointment.

IV. EXISTING POLICY / RELATIONSHIP TO THE STRATEGIC PLAN:

The services provided by Mr. Slater will assist the City in accomplishing its goal of enhancing its government operations to provide quality services to meet community needs and assuring that the City is sufficiently staffed and trained.

V. STEPS FOLLOWING APPROVAL:

Execute the agreement with an effective date of March 23, 2020.

Approved by: ________________________________
Toby Wells, P.E., City Manager

Attachments:
1. Resolution
2. Employment Agreement
RESOLUTION NO. 2020-20

RESOLUTION RATIFYING THE APPOINTMENT OF AARON SLATER TO THE POSITION OF DIRECTOR OF HUMAN RESOURCES AND APPROVING AN EMPLOYMENT AGREEMENT

THE CITY COUNCIL
City of Ceres, California

WHEREAS, as provided in Section 2.03.040, of the Ceres Municipal Code, the City Manager has the authority to appoint all Department Heads subject to ratification by the City Council; and,

WHEREAS, the City Manager has appointed Aaron Slater to the position of Director of Human Resources; and,

WHEREAS, an Employment Agreement has been negotiated with Aaron Slater, which sets forth the rights, duties, and obligations of the parties, a copy of which Agreement is attached hereto as Exhibit “A” and incorporated herein by reference; and,

WHEREAS, the City Council has reviewed the terms and conditions of said Agreement and finds that the terms and conditions contained therein are reasonable and in the best interest of the citizens of the City of Ceres.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Ceres that it does ratify the appointment of Aaron Slater to the position of Director of Human Resources and does approve the Employment Agreement and directs the City Manager to execute the Agreement on behalf of the City.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 23rd day of March 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

____________________________________________________________
Chris Vierra, Mayor

ATTEST:

____________________________________________________________
Diane Nayares-Perez, CMC, City Clerk
EMPLOYMENT AGREEMENT
FOR THE DIRECTOR OF HUMAN RESOURCES

This agreement is made and entered into by and between the City of Ceres, State of California, a municipal corporation, hereinafter called “EMPLOYER,” and Aaron Slater, hereinafter called "EMPLOYEE”.

WITNESSETH

WHEREAS, it is the desire of the EMPLOYER to provide certain benefits, establish certain conditions of employment and to set working conditions of said EMPLOYEE, which conditions will help to:

1. Secure and retain the services of EMPLOYEE and to provide inducement for EMPLOYEE to remain in employment;

2. Make possible full productivity by assuring EMPLOYEE’S morale and peace of mind with respect to future security;

3. Act as a deterrent against malfeasance or dishonesty for personal gain on the part of the EMPLOYEE;

4. Provide a just means for terminating EMPLOYEE’S services at such time as EMPLOYER may desire to terminate the EMPLOYEE.

WHEREAS, EMPLOYEE has agreed to accept employment as the Director of Human Resources for the City of Ceres.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the EMPLOYER and EMPLOYEE agree as follows:

SECTION I - EMPLOYMENT

EMPLOYEE is employed to serve as the EMPLOYER’S Director of Human Resources. EMPLOYEE shall serve as an "at will employee" at the pleasure of the City Manager, who has the power pursuant to local ordinance to appoint, remove, promote, and demote EMPLOYEE, subject to ratification by the City Council.

SECTION II - DUTIES

Employee shall perform those duties as set forth in Chapter 2.13 Human Resources Department, of the Ceres Municipal Code, and as set forth in the job description attached by reference hereto.
SECTION III – HOURS OF WORK

It is recognized that the EMPLOYEE’S position is an executive management position which often requires more than a conventional forty-hour week to provide the desired level of professional service. It is further recognized that to properly fulfill the duties and responsibilities of the position, EMPLOYEE will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, while EMPLOYEE shall spend sufficient hours on site to perform the duties of the position, EMPLOYEE has discretion over the work schedule and work location and will not be required to maintain a strict forty (40) hour-per-week on-site presence at City Hall, and may be occasionally absent from City Hall during normal business hours as is reasonable and appropriate.

SECTION IV- SALARY

The salary for the EMPLOYEE shall be set at Range J89, Step A ($9,671 per month). EMPLOYEE shall be eligible to move to Step B after at least six months of satisfactory service and completion of an evaluation. Step increases to be considered consistent with City Personnel Rules on an annual basis after the initial evaluation.

EMPLOYER agrees that EMPLOYEE’S compensation for next fiscal year will increase by 1.5% effective on July 1, 2020.

EMPLOYER agrees that EMPLOYEE’S compensation for subsequent fiscal years will be reconsidered as part of the budgetary process for those Fiscal Years.

SECTION V - TERMINATION AND SEVERANCE PAY

In the event the EMPLOYEE is terminated by the EMPLOYER during such time that EMPLOYEE is willing and able to perform the duties under this agreement, then in that event, EMPLOYER agrees to pay EMPLOYEE a lump sum cash payment equal to three (3) months aggregate salary; increasing by two (2) weeks per year of employee service each calendar year. The total severance pay will not exceed six (6) months aggregate salary in total. However, in the event EMPLOYEE is terminated because of the commission of any illegal act involving personal gain or moral turpitude, then, in that event, EMPLOYER shall have no obligation to pay the aggregate severance sum designated in this paragraph.

For the purpose of this SECTION V the term “aggregate salary” is defined as the EMPLOYEE’S regular gross monthly salary on the date of termination less all mandatory withholdings for State and Federal income tax, Social Security, and State Disability.
SECTION VI – FRINGE BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. Term Life Insurance

1. EMPLOYEE shall receive an EMPLOYER paid term life insurance policy having a face policy value of $50,000.

2. The EMPLOYER reserves the right to provide this life insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or insurance companies selected by the EMPLOYER.

B. Health and Welfare Plan

1. EMPLOYEE must enroll in an available City medical plan unless he opts out. In order to opt out, the EMPLOYEE must provide the following:

   a. Proof that the EMPLOYEE and all individuals for whom EMPLOYEE intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with the City’s plan year to which the opt out applies (“tax family”), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies (“opt out period”); and

   b. EMPLOYEE must sign an attestation that EMPLOYEE and his/her tax family have or will have such minimum essential coverage for the opt out period. EMPLOYEE must provide the attestation every plan year at open enrollment.

2. The City shall contribute the following amounts toward the combined premiums for medical, dental and vision on a semi-monthly basis (24 pay periods). The City’s contribution shall not exceed the actual premiums or the contribution amounts listed below, whichever is less. EMPLOYEE shall be responsible for the balance of premiums, if any.

   a. $355 semi-monthly ($710 monthly) for EMPLOYEE enrolled in EMPLOYEE-Only medical coverage.

   b. $735 semi-monthly ($1,470 monthly) for EMPLOYEE enrolled in EMPLOYEE + 1 medical coverage.
c. $1,045 semi-monthly ($2,090 monthly) for EMPLOYEE enrolled in EMPLOYEE + Family (more than one dependent) medical coverage.

3. The City shall pay one-hundred percent (100%) of the dental and vision premiums for EMPLOYEE who waives medical coverage.

4. EMPLOYEE who waives medical coverage shall receive $100 semi-monthly ($200 monthly) taxable compensation.

5. The City shall continue a Section 125 program for pre-tax deductions for the EMPLOYEE share of medical, dental and vision insurance premiums.

6. Benefits shall stop at the end of the month when City employment is ended for any reason. All coverage, except as required to be offered or extended under federal and state law, shall end.

There is no responsibility on the part of the City to pay, either in money or premiums, any remaining City or EMPLOYEE obligations beyond the month of termination of EMPLOYEE's employment.

Cash payment for medical waivers will be paid only through the end of the month in which EMPLOYEE's employment terminated. Such payment will be included in EMPLOYEE's final pay received from the City.

Any outstanding premiums required to continue benefits through the end of the month of EMPLOYEE's termination of City employment will be withheld from the final pay received from the City.

The City retains the discretion to select the City plan(s) each year. In the event the City makes changes to the plan selection, EMPLOYEE will receive advance notice and opportunity to discuss concerns regarding the changes.

C. Sick Leave & Sick Leave Conversion

1. Sick leave accumulation for EMPLOYEE shall be one day (8 hours) per month for 12 days per year (3.692 hours earned per pay period). Sick leave accumulation is unlimited.

2. If EMPLOYEE has not taken more than 36 hours of sick leave during the twelve (12) month period beginning the first pay period in January and ending the last pay period in December of each year employee shall be entitled to convert up to 24 hours of unused sick leave to pay or leave with pay (1:1 ratio), providing that at no time shall EMPLOYEE’S sick leave balance fall below 192 hours.
3. Accumulated sick leave shall be paid to EMPLOYEE at 50% of the accumulated balance upon retirement from City service at the EMPLOYEE’S current base hourly rate at time of retirement.

a. For the purpose of this section, the term “retirement” is defined, understood and intended to mean, EMPLOYEE’S separation from employment with the City at a time when the EMPLOYEE qualifies for pension benefits through the 1937 Act Retirement System, concurrent with the filing of an application by EMPLOYEE for retirement benefits and subsequent notification by the administrators of the 1937 Act Retirement System of approval of the application and the right of EMPLOYEE to commence receipt of current benefits from the retirement system. Discontinuance of paid work for the City under any circumstances other than defined herein, or election by EMPLOYEE for deferral of retirement payments, are not considered as “retirement” for eligibility to receive payment for a portion of any unused sick leave benefit as stated herein.

b. The City agrees to implement upon retirement a retiree health savings plan administered by a provider selected by the City. EMPLOYEE will contribute upon retirement 100% of allowable Sick Leave Conversion and or Cash Out to a Retiree Health Savings account.

D. Vacation & Vacation Conversion

1. Vacation shall be accrued as follows:

<table>
<thead>
<tr>
<th>Years of Continuous Service</th>
<th>Hours Earned Per Pay Period</th>
<th>Annual Accumulation</th>
</tr>
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<tbody>
<tr>
<td>0-2</td>
<td>3.08 hours</td>
<td>10 days</td>
</tr>
<tr>
<td>3-10</td>
<td>4.62 hours</td>
<td>15 days</td>
</tr>
<tr>
<td>11-19</td>
<td>6.15 hours</td>
<td>20 days</td>
</tr>
<tr>
<td>20 Plus</td>
<td>1 additional day per year for each year over 20 to a maximum of 25 days per year</td>
<td></td>
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</tbody>
</table>

2. Maximum vacation accumulation shall be 480 hours. If EMPLOYEE reaches the 480 hours maximum vacation accumulation employee shall not accrue additional vacation hours. Accrual of vacation hours shall resume once the balance is reduced through time off.

3. Pay-out of accumulated vacation hours at separation of service shall be limited to 480 hours.

E. Conversion of Leave to Deferred Compensation Account
1. EMPLOYEE shall be given the opportunity to convert eighty (80) hours per fiscal year of a combination of sick and/or vacation leave to EMPLOYEE’S individual deferred compensation account.

F. Management Leave

1. EMPLOYEE is declared as exempt under Fair Labor Standards Act executive exemption guidelines.

2. EMPLOYEE shall receive twelve (12) management leave days (96 hours of leave) per fiscal year, including the current fiscal year. Management leave must be used during the fiscal year in which it is earned and is not accumulative. Carryover of unused management leave days into the subsequent fiscal year may be allowed only upon prior written approval of the City Manager.

3. EMPLOYEE shall be credited with sixty (60) hours of Management Leave immediately upon approval of this Agreement.

G. Holidays

EMPLOYEE shall receive such paid City holidays as are granted to the Mid-Managers’ Bargaining Group.

H. Bereavement Leave

1. EMPLOYEE shall be entitled to leave with pay for a maximum of five (5) scheduled work days in the event of the death of the employee’s spouse, registered domestic partner or children, including stepchildren.

2. EMPLOYEE shall be entitled to leave with pay for a maximum of three (3) scheduled work days, in the event of the death of the employee’s parents, siblings or grandchildren. The definition of parent and siblings as used herein shall include step-parent or sibling, foster parent as well as natural parent of the employee.

3. EMPLOYEE shall be entitled to leave with pay for a maximum of one (1) scheduled work day in the event of the death of an employee’s brother or sister by marriage or domestic partnership, parents by marriage or domestic partnership, and grandparents of employee or by marriage or domestic partnership.

4. Additional bereavement time may be granted but paid from the EMPLOYEE’S accrued vacation or management leave time upon request from the EMPLOYEE and approval by the City Manager.
5. The EMPLOYER reserves the right to request proof of the death of the deceased and the employee’s relationship to the deceased.

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1. As an incentive for furthering individual professional and managerial growth by EMPLOYEE, EMPLOYER will annually budget $900.00 for EMPLOYEE in the interest of promoting and supporting EMPLOYEE’S professional development. Independent of, supplemental to, and not to be used as a substitution for or in conjunction with other budgeted City funds for training or conferences, this benefit may be used to assist in the payment of expenses for EMPLOYEE to attend a national or international professional conference associated with or related to the EMPLOYEE’S profession and responsibilities with this City, enrollment in pertinent management training courses, enrollment in academic/educational classes or curriculum relative to City employment, and/or payment for applicable tuition, books, or reference resources. Acquisition of computer hardware, computer software, or other technological equipment may be allowed, provided it is for EMPLOYEE’S individual use and benefit in the course of performing their City-employment responsibilities and the purchase(s) remain the property of the City.

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L. Educational Incentive

In order to promote highly trained and skilled professionals, the City is willing to provide education incentive to those individuals who demonstrate their improved education level. Education must be from an accredited college. Director of Human Resources with a Master’s degree shall receive an additional pay incentive of five percent (5.0%).

M. Senior Certified Professional in Human Resources

Subject matter expertise in California and across the nation is recognized by the accomplished designation of certain certifications through a rigorous testing process as well as time and tenure requirements. If the Director of Human Resources achieves any of the following certifications, the City shall pay an incentive of two and one half percent (2.5):

Senior Professional in Human Resources, (SPHR) – HRCI
Senior Certified Professional, (IPMA-SCP) – IPMA- HR
Senior Certified Professional, (SHRM-SCP) – SHRM

Regardless of the number of certifications achieved, EMPLOYEE will be eligible for no more than two and one half percent (2.5%).

SECTION VII - GENERAL PROVISIONS

1. The text herein shall constitute the entire agreement between the parties.

2. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.
3. This agreement shall become effective upon its “effective date” upon the adoption of a resolution of the City Council approving this agreement.

4. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable and shall not be affected, but shall remain in full force and effect.

5. This agreement may be modified in writing from time to time, by resolution of the City Council. Changes will be considered at least annually.

SECTION VIII – EFFECTIVE DATE

This Employment Agreement shall be effective on March 23, 2020.

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<th>Dated: ___________, 2020</th>
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<tr>
<td>CITY OF CERES, EMPLOYER</td>
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<tr>
<td>By: ___________________</td>
<td>______________________</td>
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<tr>
<td>Toby Wells, P.E., City Manager</td>
<td>Aaron Slater, EMPLOYEE</td>
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<th>APPROVED AS TO FORM:</th>
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<td>Tom Hallinan</td>
<td>Diane Nayares-Perez, CMC, City Clerk</td>
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<td>City Attorney</td>
<td>(Seal)</td>
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</table>
MEETING DATE: March 23, 2020
TO: Mayor and City Council
FROM: Toby Wells, P.E., City Manager
CONTACT: Toby Wells, P.E., City Manager, (209) 538-5751, Toby.Wells@ci.ceres.ca.us
SUBJECT: Final Adoption of Ordinance No. 2020-1057, Amending in their entirety the following titles of the Ceres Municipal Code:

    Title 5 - Business Licenses and Regulations
    Title 12 - Streets and Sidewalks

RECOMMENDED COUNCIL ACTION:

Staff recommends Council adopt Ordinance No. 2020-1057, Amending their entirety of Titles 5 and 12 of the Ceres Municipal Code.

I. BACKGROUND:

The comprehensive update to the Municipal Code was initiated in 2018. At the Council Goal setting meeting on February 8, 2019, Council gave direction to create a schedule to complete the update process. On June 24, 2019, Council approved the review process and the detailed schedule to complete the update of the Municipal Code by grouping Titles of the Municipal Code together. The schedule was last updated on December 9, 2020.

A discussion item was considered by the City Council for Titles 5 and 12 on December 9, 2019. Direction was given to staff and these titles returned to Council as a Public Hearing on January 13, 2020 with corrections and direction. No changes were made from the Public Hearing on March 9, 2020.
II. REASONS FOR RECOMMENDATION:

Since adoption of the first ordinance in 1918, the Municipal Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century. Many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures.

Staff has worked diligently with the City Attorney’s office to modernize and prepare significant revisions to the Code with direction from the Council and the public to update Titles 5 and 12 in the interests of clarity and accessibility.

Due to the comprehensive nature of the review and the process to update the Code in smaller manageable Groups, the proposed ordinance authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, to effectuate the adoption of Titles 5 and 12.

Ordinance 2020-1057 was approved for introduction and first reading with a unanimous vote on March 9, 2020. Staff recommends final adoption of Ordinance 2020-1057 with an effective date of May 1, 2020.

III. FISCAL IMPACTS:

There are only minor fiscal impacts for the codification process that will follow the formal adoption process. The existing budget is expected to accommodate the impacts associated with the adoption process.

IV. POLICY ALTERNATIVES:

There are no viable policy alternatives.

V. STEPS FOLLOWING APPROVAL:

If adopted, the effective date of Ordinance 2020-1057 will be May 1, 2020.

Approved by:__________________________
Toby Wells, P.E., City Manager

Attachments:
1. Ordinance 2020-1057
ORDINANCE NO. 2020-1057

AN ORDINANCE OF THE CITY OF CERES ADOPTING COMPREHENSIVE REVISIONS TO TITLE 5, BUSINESS LICENSES AND REGULATIONS; AND TITLE 12, STREETS AND SIDEWALKS OF THE CERES MUNICIPAL CODE

WHEREAS, the Municipal Code of the City of Ceres (the “Code”) contains the ordinances of the City Council of the City of Ceres (“City”); and

WHEREAS, since adoption of the first ordinance in 1918, the Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century; and

WHEREAS, many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures; and

WHEREAS, City staff and the Ceres City Council (“City Council”) have worked carefully with the City Attorney’s office to modernize and prepare significant revisions to the Code; and

WHEREAS, in the interests of clarity and accessibility, the City Council wishes to adopt this ordinance superseding the entirety of Title 5, Business Licenses and Regulations; Title 12, Streets and Sidewalks, in their entirety.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CERES ORDAIN:

SECTION 1. Title 5, Business Licenses and Regulations, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit A).

SECTION 2. Title 12, Streets and Sidewalks, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit B).

SECTION 3. The City Council authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, that do not change the substance of any section, to effectuate the adoption of Title 5, Business Licenses and Regulations; and Title 12, Streets and Sidewalks.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent
jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall become effective on May 1, 2020, after its final passage and adoption, and publication of the Ordinance shall occur in a newspaper of general circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

**Passed, Approved, and Adopted** on this 23rd day of March 2020.

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

__________________________
Chris Vierra
Mayor of the City of Ceres

ATTEST:

__________________________
Diane Nayares-Perez, CMC
City Clerk of the City of Ceres
Title 5

Business Licenses and Regulations

Chapters:
5.01 Business Licenses Generally
5.02 Business License Application
5.03 General Permit Procedure
5.04 Enforcement of Licenses and Permits
5.05 General Business License and Permit Appeals
5.06 Patrol Services
5.07 Junk Dealers and Scrap Metal Recyclers
5.08 Alcoholic Beverages
5.09 Special Events and Temporary Street Closures
5.10 Mobile Food Vending from Motor Vehicles
5.11 Sales of Vehicles, Vessels, and Other Personal Property
5.12 Fortunetelling
5.13 Taxicabs
5.14 Video Service Provided by State Franchise Holders
5.15 Adult Entertainment Businesses
5.16 Massage Establishments
5.17 Sidewalk Vending
5.18 Garage Sales
5.19 Bingo
5.20 Fireworks Sales
5.21 Ambulances
5.22 Cannabis Business Pilot Program
5.23 Vehicles for Hire
5.24 Charitable Solicitation
Chapter 01

BUSINESS LICENSES GENERALLY

Sections:
5.01.010  Definitions.
5.01.020  Purpose.
5.01.030  License and Tax Payment Required.
5.01.040  Business License Taxes.
5.01.050  Contents.
5.01.060  Posting and Keeping.
5.01.070  Evidence of Doing Business.
5.01.080  License Subject to Other Regulations and Fees.
5.01.090  Separate License for Each Place of Business.
5.01.100  Carrying on Two or More Business at One Location.
5.01.110  Posting, Keeping, and Exhibiting Licenses.
5.01.120  Records.
5.01.130  Effect on Other Licensing Laws.
5.01.140  Business License and Permit Fees Set by Resolution of City Council.
5.01.150  No Vested Right.

5.01.010  Definitions.
For the purpose of this Title, and except where otherwise expressly defined in another Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Title, they shall be construed as their ordinary meaning within the context which they are used:

“Business” means professions, trades, and occupations, and all and every kind of calling, whether or not carried on for profit.

“Collector” means the, City Manager, Finance Director, other City officer, and their designees, charged with the administration of this Title.

“Gross receipts” means the total of amounts actually received or receivable from sales, or for the performance of any act or service, for which a charge is made or credit allowed, whether or not such act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Included in “gross receipts” shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor, or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from “gross receipts” shall be the following:

1. Cash discounts allowed and taken on sales;

2. Credit allowed on property accepted as part of the purchase price and which property may
later be sold;

3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

5. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;

6. That portion of the receipts of a general contractor which represent payments to subcontractors, provided the general contractor furnishes the collector with the names and addresses of the subcontractors and the amounts paid to each subcontractor, and further provided that such subcontractors secure a license under this Chapter and pay the business license taxes which represent payments received from the general contractor;

7. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

8. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

9. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of part 2 of division 2 of the Revenue and Taxation Code of the State of California;

10. As to a retail gasoline dealer, the special motor fuel tax imposed by section 4041 of title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser;

11. That portion of gross receipts which represent business conducted in another jurisdiction and which portion of gross receipts has been taxed by that jurisdiction, provided the business submits proof satisfactory to the collector of such taxation and the payment thereof.

“License” means a general business license issued pursuant to this Title.

“Permit” means an activity-specific permit issued pursuant to this Title.

“Person” means any individual, trust, firm, joint stock company, corporation, partnership, association, city, county, district, state, local agency, or state department, and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations,
partnerships of every kind, clubs, societies, and individuals transacting and carrying on any business in the City other than as an employee.

“Sale” includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying, or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

“Sworn statement” means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

5.01.020 Purpose.
This Title is enacted solely to raise revenue for municipal purposes and all regulatory provisions of this Title are intended to carry out this purpose.

5.01.030 License and Tax Payment Required.
A. It shall be unlawful for any person to commence, establish, maintain or carry on any business enterprise in the City without:

1. First obtaining a license from the City, whether the business enterprise or the person is subject to a City license tax under Section 5.01.140 or not;

2. Paying any license taxes and fees payable prior to the commencement, establishment, or maintenance of any business enterprise in the City; and

3. Fully complying with all other regulations of such business contained in this Chapter, or other regulatory provisions now existing or hereafter to be adopted by the City.

B. This Section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or the state. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this Code.

5.01.040 Business License Taxes.
Every person who engages in business with the City must pay a business license tax and annual registration tax at the rate set, from time to time, by resolution of the City Council and according to the provisions of Section 5.01.140.

5.01.050 Contents.
Whenever the tax imposed under the provisions of Section 5.01.140 is measured by the number of vehicles, devices, machines, or other pieces of equipment used, or whenever the license tax is measured by the gross receipts from the operation of such items, the collector shall issue only one license. The Collector may issue for each tax period for which the license tax has been paid one (1) identification sticker, tag, plate, or symbol for each item included in the measure of the
tax or used in a business where the tax is measured by the gross receipts from such items.

5.01.060 Posting and Keeping.
A. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a license tax, the person to whom such stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefor at such locations as are designated by the collector. Such sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine, or piece of equipment kept in use, during the period for which the sticker, tag, plate, or symbol is issued.

B. No person shall fail to affix as required pursuant to this Title any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment, for which it has been issued at the location designated by the collector, or to give away, sell, or transfer such identifying sticker, tag, plate, or symbol to another person, or to permit its use by another person.

5.01.070 Evidence of Doing Business.
When any person, by use of signs, circulars, cards, telephone book, or newspapers, advertises, holds out, or represents that he or she is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he or she is in business in the City, and such person fails to deny by a sworn statement given to the Collector that he or she is not conducting a business in the City, after being requested to do so by the Collector, then these facts shall be considered prima facie evidence that he or she is conducting a business in the City.

5.01.080 License Subject to Other Regulations and Fees.
A. Persons required to pay a license for transacting and carrying on any business under this Chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the City and shall remain subject to the regulatory provisions of other ordinances.

B. No person shall be entitled to a business license, and the Collector shall not issue a business license to any person commencing business, unless the person has complied with all applicable provisions of this Code.

C. No license covering any food or drink dispensing establishment, restaurant, pet hospital, pet shop, veterinarian, or kennel services shall be issued until the applicant has obtained clearance from the County Department of Health.

5.01.090 Separate License for Each Place of Business.
A separate license must be obtained for each branch establishment or location of the business transacted and carried on and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in the license. Warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments.
5.01.100 **Carrying on Two or More Business at One Location.**
If a person conducts two (2) or more types of business at the same location but uses a single set or integrated set of books and records for these businesses, only one license is required for the businesses at that one location.

5.01.110 **Posting, Keeping, and Exhibiting Licenses.**
A. Each licensee transacting and carrying on a business at a fixed location in the City shall keep each license and permit required by this Title posted in a conspicuous place upon the premises of the business.

B. Any licensee transacting and carrying on business, but not operating in a fixed location in the City, shall keep each license or permit required by this Title upon his person while conducting business in the City and shall display same upon demand.

5.01.120 **Records.**
All persons subject to the provisions of this Title shall keep complete records of business transactions, including sales, receipts, purchases, and other expenditures, and shall retain all such records for examination by the collector. Such records shall be maintained for a period of at least three (3) years. No person required to keep records under this Section shall refuse to allow authorized representatives of the collector to examine the records at reasonable times and places.

5.01.130 **Effect on Other Licensing Laws.**
Neither the adoption of this Title nor its superseding of any portion of any other City ordinance shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date of this Title, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

5.01.140 **Business License and Permit Fees Set by Resolution of City Council.**
All business license and permit fees authorized by the provisions of this Chapter shall be set and established or modified from time to time by resolution of the City Council. The resolution shall identify the specific category of business or type of fee authorized by this Chapter, state the amount of the fee applicable to each such category, and state the effective date of such fees or tax rates.

Prior to passing any such resolution establishing or modifying any fees pursuant to this Section, the City Council shall hold at least one public hearing. Notice of said public hearing shall be published one time in the Ceres Courier or other newspaper of general circulation, circulated and distributed in the City of Ceres, at least ten (10) days prior to the public hearing.

5.01.150 **No Vested Right.**
No license granted pursuant to this Title shall confer any vested right to any person or business for more than the license period.

{CW091111.2}
Chapter 02

BUSINESS LICENSE APPLICATION

Sections:

5.02.010 Application.
5.02.020 Verification of Application.
5.02.030 Information Confidential.
5.02.040 Grant and Denial of Application.
5.02.050 Power of Collector to Extend Time for Filing.
5.02.060 Contents of Business License.
5.02.070 Term of Application.
5.02.080 Renewal of License.
5.02.090 Collector’s Power to Enforce.
5.02.100 Display of Business License.
5.02.110 City Manager’s Authority–Rules and Regulations.
5.02.120 Time of Mailing.
5.02.130 No License Transferable–Amended License for Changed Location.
5.02.140 Duplicate License.
5.02.150 No Vested Right.

5.02.010 Application.

An application for a business license under this Title shall be deemed complete upon the submission of the following items to the Collector:

A. An application on a form provided by the Collector setting forth the following information:

1. The exact nature or kind of business for which a license is requested;

2. The place where the business is to be carried on, or the owner’s place of residence if the business has no permanent or fixed location;

3. The names, contact information, and a copy of a government-issued identification card of the person(s) owning the business;

   a. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business;

   b. In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;

4. The names, contact information, and a copy of a government-issued identification card of
any person(s) operating or managing the business if such person is not also the owner;

5. Any further information which the Collector may require to enable him or her to issue the type of license applied for, and for the Collector to properly determine the amount of the license tax to be paid by the applicant where the amount of the license tax to be paid is measured by gross receipts;

6. For business license renewals, the applicant shall submit a sworn statement setting forth such information concerning the applicant’s business during the preceding year as may be required by the Collector to enable him or her to ascertain the amount of the license tax to be paid by the applicant pursuant to Section 5.01.140;

7. A written and dated statement by the applicant swearing to and certifying that all information contained in the application is true and correct, and that he or she has received a copy of this Chapter and understands its contents.

B. An initial application fee to the Collector as set pursuant to Section 5.01.140.

C. The payment of the business license tax, as set pursuant to Section 5.01.140.

D. Annual registration tax.

5.02.020 Verification of Application.
A. No application shall be conclusive as to the matters set forth in the application, nor shall the filing of the same preclude the City from collecting by appropriate action such tax as is actually due and payable under this Title. Each application, and all statements and information contained within each application, may be subject to review, audit and verification by the City Manager, his or her designee, or other authorized employee of the City at any time.

B. All licensees, license applicants, and persons engaged in activity regulated by this Title in the City are required to permit examination of their books, records and papers for the purposes of this Title. The information or data obtained from such examination or audit, or from any application required under this Title, shall be deemed to be confidential, except that such may be used for the purpose of enforcing the provisions of this Title.

5.02.030 Information Confidential.
A. The Collector or any person charged with an administrative duty pursuant to this Chapter is authorized to inspect and examine any and all statements, applications, records and equipment of any person required to obtain a license or pay a license tax, for purposes of enforcement of this Title.

B. It is unlawful for the Collector or any person charged with an administrative duty pursuant to this Chapter, to deliberately or negligently disclose in any manner, information obtained as a result of an investigation of records or equipment of any person required to either obtain a license or pay a license tax, or of any person visited or examined in the discharge of official duty by a City official.
C. It is also unlawful for the Collector or any person charged with administrative duty pursuant to this Chapter, to deliberately or negligently disclose in any manner, information regarding the amount(s) or source(s) of income, profits, losses, expenditures, as set forth in a statement or application filed pursuant to this Chapter.

D. The Collector or a person charged with an administrative duty pursuant to this Chapter, shall take reasonable measures to prevent any person other than the Collector, the applicant(s), or the person charged with an administrative duty, from seeing or examining any statement or application, or a copy of either, or of any book containing information prohibited from disclosure pursuant to this Section.

D. Nothing in this Section shall be construed to prevent:

1. The disclosure to, or the examination of records and equipment by, another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this Chapter, or collecting taxes imposed hereunder;

2. The disclosure of information to, or the examination of records by, Federal or State officials, or the tax officials of another city or county, or city and county, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;

3. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayers to the City;

4. The disclosure after the filing of a written request to that effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the collector may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

5. The disclosure of the names and business addresses of persons to whom licenses have been issued, and the general type or nature of their business;

6. The disclosure by way of public meeting or otherwise of such information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for license taxes, or when acting upon any other matter; and

7. The disclosure of general statistics regarding taxes collected or business done in the City.
5.02.040 Grant and Denial of Application.
A. The Collector, or his or her designee, shall grant, deny the application within thirty (30) calendar days of receipt of a completed application. If the Collector fails to take action on the application within thirty (30) calendar days after a properly completed application is stamped as received, the application shall be deemed granted, subject to strict compliance with this Chapter.

B. The Collector, upon reading the application, may deny the application in the following instances:

1. Where the Collector is of the opinion that granting the license would endanger the public health or safety of the City.

2. The Collector or police staff determines that the applicant made fraudulent, false, or misleading statements on the application;

3. The application is incomplete or illegible;

4. The applicant has been convicted of a crime that is substantially related to the qualification, functions, or duties associated with the license or permit and the time for appeal has elapsed, provided, however, an applicant shall not be denied a permit solely on the basis that he or she has been convicted of a crime if he or she has obtained a certificate of rehabilitation under California Penal Code section 4852.01; or

5. The applicant failed to meet any of the requirements of this Chapter and any chapter relevant to the specific business permit at issue.

C. The Collector may modify, add, or delete any license condition to protect the public peace, health, safety, morals, or welfare.

5.02.050 Power of Collector to Extend Time for Filing.
In addition to all other powers conferred upon him or her, the Collector shall have the power to extend the time for filing any required sworn statement or application for a period not exceeding thirty (30) days, and in such case to waive any applicable penalty related to the deadline for filing a sworn statement or application.

5.02.060 Contents of Business License.
Upon approval of a complete business license application, payment of the application fee prescribed in 5.02.010, payment of the prescribed license taxes in 5.01.140, and completion of any other requirement pursuant to this Title, the Collector shall issue to the applicant a business license containing the following information:

A. The name of the person to whom the license is issued;

B. The name and description or activity of the business licensed;

C. The place where such business is to be transacted and carried on;
D. The date of the expiration of such license; and

E. Such other information as may be necessary for the enforcement of the provisions of this Chapter.

5.02.070 **Term of Application.**
No license shall be issued under this Title for a term in excess of one (1) year. All annual licenses shall expire on April 1 of each year.

5.02.080 **Renewal of License.**
Any license under this Title may be renewed subject to payment of a renewal fee to the Collector, in an amount as established by resolution of the City Council.

5.02.090 **Collector’s Power to Enforce.**
It shall be within the authority of the Collector to enforce the provisions of this Chapter. The Chief of Police shall assist in the enforcement of this Chapter as may from time to time be required by the City Manager.

5.02.100 **Display of Business License.**
Any person possessing an issued license certificate who willfully fails to display it shall be guilty of an infraction.

5.02.110 **Collector’s Authority–Rules and Regulations.**
A. The Collector may establish rules and regulations consistent with the provisions of this Chapter.

B. The Collector, in the exercise of the duties imposed upon him pursuant to this Chapter and acting through his or her designees or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Chapter have been complied with.

5.02.120 **Time of Mailing.**
Whenever the Collector receives any payment, statement, report, request, or other communication after the time prescribed by this Chapter, but is in an envelope bearing a postmark showing that it was mailed prior to the time prescribed in this Chapter the Collector may regard such payments, statement, report, request or other communication as having been timely received.

5.02.130 **No License Transferable–Amended License for Changed Location.**
A. Licenses issued pursuant to this Title are not transferable.

B. Where a license is issued authorizing a person to carry on a business at a particular place, the licensee may, upon approval of an application and payment of a fee, in an amount as established by the City Council by a resolution, have the license amended to authorize the carrying on of the business at some other location.
C. Transfer of an issued license, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership of the license after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this Section. For the purpose of this Section, stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity as defined in Section 5.01.010 to be a person are regarded as having the real or ultimate ownership of such corporation or other entity.

5.02.140 Duplicate License.
A duplicate license may be issued by the Collector to replace any license previously issued under this Chapter which has been lost or destroyed upon the licensee filing a statement of such fact and paying to the Collector a fee for the duplicate license pursuant to Section 5.02.010 of this Chapter.

5.02.150 No Vested Right.
No permit granted pursuant to this Title shall confer any vested right to any person or business for more than the permit period.
Chapter 03

GENERAL PERMIT PROCEDURE

Sections:
5.03.010 General.
5.03.020 Activities Not Requiring a General Business License.

5.03.010 General.
A. Certain activities in the City require permits issued by the City Manager or designee. The following activities require a permit issued by the City:

1. Patrol services;
2. Motion picture and television production;
3. Alcoholic beverages;
4. Junk dealers and scrap metal recyclers;
5. Special events and temporary street closures;
6. Public dances, dancing places, and concerts;
7. Fortunetelling;
8. Taxicabs;
9. Adult entertainment businesses;
10. Garage sales;
11. Massage establishments;
12. Mobile food vendor;
13. Bingo;
14. Firework sales;
15. Ambulances;
17. Sidewalk vending
B. All requirements of this Chapter are in addition to the requirements of Chapters 5.06 through 5.24.

5.03.020  **Activities Not Requiring a General Business License.**
A general business license is required prior to obtaining a permit. However, the following activities may obtain activity specific permits without a general business license:

A. Alcoholic beverages;

B. Special events and temporary street closures, with exceptions as provided in Chapter 5.09;

C. Garage sales; and

D. Taxi drivers.
Chapter 04

ENFORCEMENT OF LICENSES AND PERMITS

Sections:
5.04.010 Penalties for Violation of this Title.
5.04.020 Licenses for Unlawful Uses Prohibited.
5.04.030 Suspension and Revocation.
5.04.040 Notice of Decision to Fine or Deny, Suspend, or Revoke License.
5.04.050 Summary Suspension.

5.04.010 Penalties for Violation of this Title.
A. A new business determined to be operating without a business license or permit shall have ten (10) calendar days to obtain the necessary business license or permit. If a completed and legible application is not received by the end of the ten (10) calendar-day period, the applicant shall be subject to a penalty of fifty percent (50%) of the application fee(s). If the business continues to operate beyond the ten (10) day period, the business may be subject to additional late fees or penalties as determined by resolution of the City Council and may be subject to penalties authorized under this Title or Title 19.

B. Payment for renewal of a business license or permit will be deemed late and subject to a penalty of fifty percent (50%) of the processing fee if the complete application, including all fees, is not received within sixty (60) days of the date of expiration of the immediately preceding license or permit. If the business continues to operate without a valid license, the business may be subject to penalties authorized under this Title, Title 19, or other penalty established by resolution of the City Council.

C. Operating a business without a business license or permit in violation of this Chapter, after written notice of violation and order to cease operations, is deemed to be a public nuisance.

D. Violations of this Title shall be misdemeanors, unless otherwise indicated. Where the conduct constituting the violation is of a continuing nature, each calendar day that the conduct continues shall be deemed a separate and distinct violation.

E. Any person who knowingly makes any false statement or misrepresentation of material fact in any application for a business license, in any report or document required under this Chapter, or to any officer or employee of the City is guilty of an infraction and may be punished as provided for in Title 19.

F. It is unlawful for any person to operate a business after denial of an application, summary suspension of a permit, or after revocation of a license.

G. The City may use one or more of the remedies prescribed in this Chapter and the use of one remedy shall not bar the use of any other remedy for the same violation of this Chapter.

I. Should court action be required to collect any license or permitting fees or penalties, an
additional penalty shall be charged equal to costs of suit, including reasonable attorney’s fees. The penalties shall be added to the delinquent fees and they shall become due and payable and collected along with the outstanding fees at the conclusion of the court action.

J. Any person issued an administrative citation due to a violation of this Chapter may appeal the administrative citation pursuant to Title 19.

**5.04.020 Licenses for Unlawful Uses Prohibited.**
Notwithstanding any provision to the contrary, no license, permit, or land use entitlement shall be issued for any use or business which is unlawful under the terms of any applicable Federal, State, or local law. Notwithstanding Chapter 5.22, this prohibition includes, but is not limited to, uses or businesses that distribute, possess or use any prohibited or unlawful substance under the terms of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (“the Controlled Substances Act,” 21 U.S.C. section 801 et seq.).

**5.04.030 Suspension and Revocation.**
A. The Collector reserves the right to revoke any license or permit issued under this Title on good cause. Good cause includes, but is not limited to:

1. Any fraudulent, misleading, or false statement of material fact contained in the application;

2. Violation of this Title, any City ordinance, or any other laws relating to the permitted business;

3. Conviction of the permittee of a felony or of a misdemeanor involving theft, embezzlement, or moral turpitude which has not been expunged;

4. Publishing, utterance, or dissemination of any false, deceptive, or misleading statements or advertisements in connection with the operation of the licensed business;

5. Refusal or failure to provide any records relating to the permitted business which are deemed necessary for the enforcement of this Title to the City Manager or other individual designated to accept the permit application;

6. Conducting the business permitted under this Title in any unlawful manner or in contravention to any rule or regulation adopted by City Council relating to the licensee’s business; or

7. Conducting the business in such manner that is injurious to the health, safety or general welfare of the public.

B. If the applicant or permittee submits a timely request for a hearing, the license or permit shall not be revoked until after a hearing before the City Council, which is governed by Chapter 5.05, unless otherwise stated by another provision of this Code or by applicable state or federal law. Upon revocation of a license, the City Council may, in such cases as it deems proper, order
refunded to the person whose license is revoked any prepaid license fees of such person.

5.04.040 Notice of Decision to Fine or Deny, Suspend, or Revoke License.
A. Upon determining the existence of any of the grounds for fines or denial, suspension, or revocation, the Collector shall issue a notice of decision to fine or deny, suspend, or revoke the license or permit. The notice of decision shall state the grounds and reasons upon which the fine or denial, suspension, or revocation is based.

B. The notice of decision shall be mailed to the applicant, licensee, or permittee, by personal service or certified mail, with proof of service attached, at the address stated on the application or permit.

C. The notice of decision shall advise that the fine or denial, suspension, or revocation shall become final unless the applicant or permittee files a written request for hearing within the time period specified pursuant to Section 5.05.060

5.04.050 Summary Suspension.
A. If the Collector, Police Chief, Fire Chief, or other duly authorized personnel finds that a license or permit holder’s activity is a public health risk, or subjects any individual, or the community, to imminent danger, he or she may suspend the license or permit, effective immediately, prior to any revocation hearing. The Collector’s finding that there is an imminent threat to the public health, safety, or welfare shall be based on one or more of the following:

1. There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within one hundred fifty (150) feet of the licensed or permitted premises; or

2. There has been a violation of a permit or license condition or other requirement of this Title that creates an imminent danger to the public health, safety or welfare on or within one hundred fifty (150) feet of the licensed or permitted premises; or

3. The licensee or permittee has conducted the licensed or permitted activity in a manner that creates or results in a public nuisance.

B. The summary suspension shall take effect immediately upon service of a written notice of suspension by the Collector. Notice given to the licensee or permittee shall include the following information:

1. The effective date and time period of the summary suspension;

2. The grounds and reasons upon which the summary suspension is based;

3. The licensee or permittee who wishes to challenge the summary suspension may request a hearing before the Collector;

4. The method for requesting a hearing before the Collector; and
5. The notice of summary suspension shall become final unless the Collector receives a written request for a hearing from the permittee or licensee within the time period specified in this Chapter.

C. Summary suspension shall be subject to the appeal procedures established in this Chapter.
Chapter 05

GENERAL BUSINESS LICENSE AND PERMIT APPEALS

Sections:
5.05.010 Definitions.
5.05.020 Business License and Permits Appeals—Generally.
5.05.030 Construction with Other Provisions of this Title or Other Applicable Law.
5.05.040 Appealing City Council Decisions.
5.05.050 Right to Appeal.
5.05.060 Timely Filing of a Notice of Appeal.

5.05.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Applicant” means the affective person or person aggrieved by the decision by a City official regarding the issuance, denial, suspension, or revocation of a business license or permit pursuant to this Title.

“Hearing Officer” means the City official or body who shall consider and make a determination regarding an applicant’s appeal.

“Hearing” means the hearing where the applicant presents testimony, evidence, or witnesses in support of the applicant’s appeal to the Hearing Officer.

“Notice of appeal” means the written document the applicant must submit to appeal a City official’s determination made pursuant to this Title.

5.05.020 Business License and Permits Appeals—Generally.
A. All appeals pertaining to permits and licenses which may be issued, denied, revoked, suspended, or otherwise administered pursuant to this Title shall be governed by this Chapter and the applicable provisions of Title 1.

B. Except for summary suspensions under section 5.04.050, if an appeal is timely filed, the suspension or revocation of the license or permit subject to the appeal shall not be effective until a final decision has been rendered. However, if the City official responsible for determining whether to suspend or revoke a license or permit, determines, in his or her sole discretion, that the suspension or revocation is necessary to protect public health, safety or general welfare the revocation or suspension may take effect immediately. If no appeal is filed pursuant to Section 5.05.060 the effective date of the suspension or revocation shall be the date the period for filing an appeal expires.
5.05.030 Construction with Other Provisions of this Title or Other Applicable Law.
The procedures established by this Chapter shall not apply to decisions regarding the issuance, denial, suspension, or revocation of a business license or permit, if there are specific appeal procedures already established in any other chapter of this Title or any other provision of law that are applicable to the subject matter of the appeal and that are inconsistent with this Chapter. If such procedures exist and are applicable, then those specific procedures shall prevail and be applied for any appeal relating to that administrative decision. In all other instances for appeals regarding business license and permits provided under this Title, the appeals procedure of this Chapter and Title 1 shall apply.

5.05.040 Appealing City Council Decisions.
Decisions by the City Council concerning appeals of the issuance, denial, revocation, or suspension of a business license or permit pursuant to this Chapter, shall not be subject to appeal, except as otherwise provided in this Code, state law, or by judicial proceedings in accordance with applicable law. A decision by the City Council regarding an appeal made to the City Council pursuant to this Chapter shall constitute an exhaustion of administrative remedies as a condition precedent to filing any court action pursuant to the California Code of Civil Procedure section 1094.5.

5.05.050 Right to Appeal.
Only persons who were denied the issuance of license or permit pursuant to this Title, or persons whose valid license or permit was revoked or suspended by a City official pursuant to this Title, may appeal such actions. No right to appeal shall exist if the decision regarding the business license or permit was ministerial in nature, and thus does not involve the exercise of administrative discretion or personal judgment exercised under any of the provisions of this Title.

5.05.060 Timely Filing of a Notice of Appeal.
A notice of appeal must be filed with the City Clerk within fifteen (15) days of the City official’s decision to issue, deny, revoke, or suspend a license or permit (hereinafter refer to as the “City official’s action” or as the “City official’s decision”). A notice of appeal shall not be deem filed until the applicant pays a reasonable hearing fee in an amount established by the City Council, which may be amended from to time. The applicant’s right to appeal shall terminate if a notice of appeal is not filed within the fifteen (15) days of the City Official’s action. A City Official’s decision shall become final upon the expiration of the fifteen (15) day period specified in this Section.
Chapter 06

PATROL SERVICES

Sections:
5.06.010 Definitions.
5.06.020 Patrol Services; Permit; Application.
5.06.030 Provision of Additional Information.
5.06.040 Patrol Services; Permit; Eligibility.
5.06.050 Patrol Services; Control of Uniforms and Equipment.
5.06.060 Patrol Services; Permit; Requirements.

5.06.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Patrol services” means a watchperson, guard, patrolperson, or other person employed in protecting persons or property, preventing the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind, or performing the service of such watchperson, guard, patrolperson, or other person for any of such purposes.

“Patrol operator” means an individual or entity providing patrol services.

5.06.020 Patrol Services; Permit; Application.
A. It is unlawful for any person to manage, carry on, or conduct a business of patrol services within the City, without first securing a permit to do so from the Collector and paying a license tax as set pursuant to Section 5.01.040

B. The permit form for Patrol Services shall contain:

1. If the patrol operator has previously operated a patrol services business, the name of the business, dates of operation, and location of the business; and

2. The uniforms, badges, and vehicles, if applicable, the operator will require the employee to use while on duty.

5.06.030 Provision of Additional Information.
A. It shall be unlawful for a patrol operator to hire an individual to provide patrol services unless the individual is registered with the California Bureau of Security and Investigative Services (BSI).

B. Patrol operators shall be required to notify the Ceres Police Department of new employees providing patrol services within five (5) days of hire. It shall be unlawful for an employee to
provide patrol services unless the patrol operator has provided the new hire’s name and BSI information to the Ceres Police Department.

C. Patrol operators shall be required to notify the Ceres Police Department if an individual is no longer providing patrol services under the patrol operator’s business within five (5) days of termination of patrol services duties with the patrol operator.

5.06.040 Patrol Services; Permit; Eligibility.
The Chief of Police shall make or cause to be made such investigation as is deemed necessary to determine the fitness and moral character of the applicant. In addition to the provisions of Section 5.02.040, no permit shall be issued to the following:

A. Any person under the age of twenty-one (21); or

B. Any person not a citizen of the United States, or who has not lawfully declared his intention to become a citizen;

5.06.050 Patrol Services; Control of Uniforms and Equipment.
A. The Chief of Police shall approve the design and color scheme of any uniforms or badges, or the color and markings of any automotive equipment used by a private police patrol service prior to granting a permit.

B. It is unlawful for any operator or employee of a private patrol service to wear any uniform or badge resembling the uniform or badge of the Ceres Police Department, or to operate a vehicle which, by color or markings, resembles the vehicles used by the Ceres Police Department.

5.06.060 Patrol Services; Permit; Requirements.
Permits required in this Chapter shall be in the form of a card, which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate, and one (1) copy shall be placed on file with the Police Department.
Chapter 07

JUNK DEALERS AND SCRAP METAL RECYCLERS

Sections:
5.07.010 Definitions.
5.07.020 Authority.
5.07.030 Exemptions.
5.07.040 Reporting.
5.07.050 Articles Not to be Sold for Thirty (30) Days–Exceptions.
5.07.060 Seller's Age Limit.
5.07.070 Hours.
5.07.080 Payment.
5.07.090 Immediate Notice of Certain Transactions.
5.07.100 Permit.
5.07.110 Grant of Permit.

5.07.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Junk” means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, but does not include secondhand and used furniture or pallets.

“Scrap metals and alloys” includes, but is not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household-generated waste, or aluminum beverage containers, as defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code.

“Junk dealer” includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

“Junk yard” means any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept.

“Recycler” means any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code, who buys or sells scrap metal that constitutes junk as defined under this Section.
5.07.020 Authority.
This Chapter is adopted pursuant to the City’s police power under Article XI, Section 7 of the California Constitution and in supplementation of Business and Professions Code sections 21600 through 21609. This Chapter is not intended to supersede the provisions of these statutes. Any conflict that may exist between this Chapter and State law shall be resolved in favor of the latter. Nothing contained in this Chapter shall relieve any person or legal entity of obligations contained in the Business and Professions Code or other provisions or State or local law.

5.07.030 Exemptions.
This Chapter shall not apply to any of the following:

A. Secondhand furniture merchants;

B. Pawnbrokers;

C. Secondhand car dealers or merchants in connection with automobile and motor vehicle sales agencies but not carried on and conducted in conjunction with a junk yard;

D. Persons engaged in the business of selling new automobile tires or batteries or other equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same;

E. Secondhand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard; or

F. Secondhand clothing merchants and ragpickers.

5.07.040 Reporting.
A. Junk dealers or recyclers shall report to the Police Chief at the Police Department, before twelve o'clock (12:00) noon every weekday and day the junk dealer or recycler business is open for business, on a form provided by the Police Chief, a record of all sales and purchases of the previous twenty-four (24) hours. The report shall contain the information required by this Chapter and any additional information required by the Police Chief as shown on the forms.

B. The report shall at a minimum contain the following information:

1. The name, business name, business address, telephone number, facsimile number, and electronic mail address;

2. The place and date of each sale or purchase of junk made in conduct of his or her business as a junk dealer or recycler;

3. The name, valid driver's license number and state of issue or California-issued identification card number, and vehicle license number including the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business;
4. The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business;

5. A full and complete description of the item or items of junk purchased or sold, including the item type, quantity, length, diameter, size, brand, model, manufacturer, and identification number;

6. A statement indicating either that the seller of the junk is the owner of it, or the name of the person he or she obtained it from, as shown on a signed transfer document;

7. The fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact fingerprinted of the person from whom junk is received.

5.07.050 Articles Not to be Sold for Thirty (30) Days—Exceptions. Each article received by a junk dealer shall be kept and not be resold, melted down, altered or repaired for a period of thirty (30) days after receipt of the article; provided, however, that if an article is inspected by an officer of the law during the thirty (30) days and the officer issues a written permit for the sale of the article, it may thereafter be sold or otherwise disposed of.

5.07.060 Seller's Age Limit. It is unlawful for any junk dealer or recycler to purchase, or otherwise acquire, any junk from any person known, or reasonably should be known by the junk dealer or recycler, to be under the age of eighteen (18) years.

5.07.070 Hours. It is unlawful for any junk dealer or recycler to conduct his or her business as a junk dealer within the City limits between the hours of seven o'clock (7:00) P.M., of one day and seven o'clock (7:00) A.M., of the next day.

5.07.080 Payment. It is unlawful for any junk dealer or recycler to make payment to any person in a form other than paper draft or check for the purpose of junk except when the total amount paid to the person is less than ten dollars ($10.00).

5.07.090 Immediate Notice of Certain Transactions. Every junk dealer or recycler shall immediately notify the Police Department by telephone, or other means likely to reach the Police Department without delay, of the sale or purchase, or attempted sale or purchase, of any junk which reasonably appears to be used only by governments, utilities, railroads, or for specific purposes, such as guardrails, manhole covers, high voltage transmission lines, historical markers, cemetery plaques, light poles, and bleachers.

5.07.100 Permit. A. Any person desiring a permit, or to renew a permit, hereunder shall make application to the
Police Department upon a form provided by the City. In addition to the information in Section 5.02.010, the applicant shall also provide the following information:

1. The name under which, and the place where, the applicant has conducted a similar business within twelve (12) months immediately preceding the date of the application, if applicable;

2. If the business is to be engaged in by a partnership, association or corporation, the application for a license shall be made by the general manager thereof, or by one having the authority of a general manager. In such case, the application shall state the true name of the organization, the date of its organization, its type, the location of its principal place of business, the names and addresses of its officers, or, in the case of a co-partnership, the names and addresses of all the partners;

3. In accordance with Business and Professions Code sections 12703 and 12733, the applicant shall attach to the application documentation to the satisfaction of the Police Department that the applicant holds a current and active California Weighmaster License. A copy of the applicant's current Weighmaster License shall be displayed in a prominent location at each location where the applicant conducts business;

4. Acknowledgment that the applicant read Penal Code Section 496a, which shall be prominently set forth within the application in bold type; and

5. Photographs and fingerprints of all the individuals who are to be actively engaged in the management of the business or in buying or otherwise acquiring junk for the business for which the license is requested.

B. In the event any person other than the permittee, after the permit has been granted, is engaged in the management of the business or in buying or otherwise acquiring such junk, the permittee shall furnish to the Police Department on request the photograph and fingerprints of such person. No permit shall be issued until any such demand has been complied with, and any permit that has been issued shall be suspended or revoked if the permittee does not, within a reasonable time, comply with the provisions of this Section.

5.07.110  Grant of Permit.
A. Upon submission of a complete and legible application for the license under this Chapter, the application shall be immediately referred to the Community Development Department, and to the Police Chief for investigation concerning the applicant's business and character of the applicant. These departments shall, after investigation, file a report upon the application designating whether or not the applicant is a proper person to be granted the license applied for. No applicant shall be reported as a proper person to be granted a license under this Chapter unless and until it appears that the applicant's conduct or proposed conduct of the business does and will comply with all applicable laws and ordinances, including but not limited to those relating to the public health and to zoning. The departments shall be allowed sixty (60) days from the date of receiving a completed application within which to file their respective reports to the City Manager.
B. The City Manager or his or her designee shall grant or deny the application within twenty (20) days of receiving the department reports. If the City Manager fails to take action on the application within twenty (20) calendar days after a properly completed application is stamped as received, the application shall be deemed granted, subject to strict compliance with this Chapter.
Chapter 08

ALCOHOLIC BEVERAGES

Sections:

5.08.010 Application.

5.08.010 Application.
A nonprofit entity requesting a waiver pursuant to Section 9.07.020 shall submit an application with the Chief of Police providing the following:

A. The name, address, and phone number of the applicant;

B. The location, date, and times for which the permit is requested;

C. Nature of the event;

D. The name, address, and phone number of the individual or organization representative hosting the event; and

E. Any other information the City Manager or Chief of Police, may require.
Chapter 09

SPECIAL EVENTS AND TEMPORARY STREET CLOSURES

Sections:
5.09.010 Definitions.
5.09.020 Applicability.
5.09.030 Permit for Temporary Street Closure.
5.09.040 Business License Required for Certain Sales.
5.09.050 No Obligation on City.
5.09.060 Singular License for Multiple Events in 12-Month Period.
5.09.070 Exemptions.
5.09.080 Events on Private Commercial Property.
5.09.090 Special Event Permit–Application.
5.09.100 Time for Filing.
5.09.110 Application Deemed Complete.
5.09.120 Review of License.
5.09.130 License – Conditions.
5.09.140 Departmental Service Charges and Reimbursement of Costs to the City.
5.09.150 Police Protection.
5.09.160 Public Conduct During Temporary Street Closures.
5.09.170 Insurance and Indemnity Requirements.
5.09.180 Prohibited Activities.
5.09.190 Permit Denial.
5.09.200 Notice to Applicant of Action on Application.
5.09.210 Revocation or Suspension.

5.09.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Cul-de-sac” means a street or passage closed at one end;

“Expressive activity” means activity or other conduct that is protected by the First Amendment of the United States Constitution.

5.09.020 Applicability.
This Chapter shall apply to any amusement, concession, carnival, flea market, event, parade, and event necessitating temporary street closure within the City.

5.09.030 Permit for Temporary Street Closure.
No person shall close any portion of a public street or alley to vehicular or pedestrian traffic for the purpose of conducting a celebration, block party, street dance, local special event or for other purposes, without first obtaining a permit from the Collector as provided in this Chapter. This
Section shall not apply to those governmental agencies which are otherwise authorized to close streets. No person shall violate any of the terms of a permit for temporary street closure, nor in any manner interfere with the progress or orderly conduct of a temporary street closure.

5.09.040 Business License Required for Certain Sales.
In the event that a charitable solicitation, collection, or gratuity is involved, or food, beverages, or other merchandise is to be sold, Chapter 5.02 shall be complied with prior to issuance of a permit under this Chapter.

5.09.050 No Obligation on City.
Issuance of a permit pursuant to this Chapter does not obligate or require the City to provide City services, equipment, or personnel in support of an event, although the City may provide such services, equipment, or personnel if such are reasonably available, and the event organizer makes provisions to reimburse the City for the cost, at the discretion at the City.

5.09.060 Singular License for Multiple Events in 12-Month Period.
Persons who desire to conduct, operate, maintain, organize, advertise, sell, or furnish tickets to more than one (1) special event in a twelve (12) month period may submit a single application for an annual permit covering all events specified in the application. The application shall include the information required by Section 5.02.010 for each event.

5.09.070 Exemptions.
An individual or entity is not required to seek a permit under Section 5.09.090 for the following activities:

A. An event conducted in or on residential property in a residential zone so long as the event conforms to other provisions of this Code;

B. Any activity otherwise constituting a special event conducted on private property that the Collector determines meets all the requirements Section 5.09.080;

C. Events involving expressive activity, including, but not limited to, lawful picketing.

5.09.080 Events on Private Commercial Property.
A. A special event conducted on private commercial property requires a permit pursuant to this Chapter if the event:

1. Involves the use of public property or facilities or will have a substantial impact on traffic, public property, or facilities in a way that may require the provision of City public services in response, as determined in the Collector’s sole discretion;

2. Creates noise in excess of the standards set forth in Chapter 9.04;

3. Involves the use of any pyrotechnic device as defined in Health and Safety Code section 12526, as amended or superseded;
4. Involves the construction or installation of any temporary or permanent tents, canopies or other structures; provided, that such construction or installation requires a permit from the City’s fire or planning department; and

5. Involves the use of any exotic or non-domesticated animals, or mechanical amusement rides.

B. An individual seeking an exemption from the permitting requirements under this Section shall submit a statement containing the following to the Collector:

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

2. The date, time, and location of the special event;

3. If located on private property, signed approval from the property owner acknowledging application for a special event; and

4. A sworn statement and any supporting evidence that the event meets the requirements of Subsection A.

The Collector’s determination concerning an exception to the special event permit pursuant to this Section shall be final, but subject to appeal under Title 1.

5.09.090 Special Event Permit—Application.
A. An application for a special event permit shall be made to the Collector in writing, on a form furnished by the Collector, and signed by the applicant under penalty of perjury. If the application is filed by an organization, the application shall be prepared, signed under penalty of perjury, and filed by an officer of such organization who is not less than eighteen (18) years of age.

B. The application for a special event permit shall contain the following information:

1. The name, address, and telephone number of the applicant, the event organizer, an alternative person who may be contacted if the event organizer is unavailable, and all persons having an interest or position of management or control in such organization;

2. If located on private property, signed approval from the property owner acknowledging application for a special event;

3. If the applicant is an organization, the name, address, and telephone number of the organization and the authorized head of the organization shall be provided. The person designated as the applicant by an organization shall provide written authorization from the organization verifying such designation;

4. The name, address, and telephone number of the person who will be present and in charge on the day(s) of the special event;
5. A description of the nature or purpose of the special event for which the permit is requested and an estimate of the maximum number of persons who will be attending the special event;

6. Date(s) and estimated starting and ending time(s) of the special event;

7. Location of the special event, including its boundaries, the street or other public property, and the specific area or areas that will be utilized in connection with the proposed special event, or, if on private property, the business name, street address, and telephone number at which the special event will be conducted;

8. The type and estimated number of animals, equestrian units, animal-drawn conveyances, floats, vehicles, bicycles, motorized displays, and identifiable marching units such as bands, color guards, and drill teams to attend;

9. An estimated number of persons who will attend;

10. Locations of assembly and dispersal of all persons and units listed in subsections (8) and (9); 

11. The provision or operation of first aid or emergency aid stations at the special event;

12. The provision or operation of sanitary facilities, including handicap accessible sanitary facilities;

13. Whether any food or beverages, including alcoholic beverages, will be sold at the special event; a separate permit may be necessary to serve alcohol at an event;

14. Whether charity, gratuity, or offering will be solicited or accepted;

15. The type of security or other arrangements that will be provided to ensure that participants are properly directed; and = to ensure the prevention of unlawful conduct by participants and attendees;

16. Anticipated parking needed and parking plan for the special event;

17. A proposed plan for seating for the special event, if applicable, and the maximum legal occupancy of the proposed premises, if applicable;

18. Whether sound amplification equipment will be used and a plan for control of noise, including, but not limited to, the noise generated by amplification equipment, motors, and other equipment that may affect nearby premises, with special attention to prevention of noise nuisance to nearby residences, if any, subject to the noise standards set forth in Chapter 9.04;
19. A detailed floor plan and site plan of the premises showing the building interior and exterior grounds, including parking spaces, amusement ride location, seating arrangements, dance floor area, bar location, fire exits, and the dimensions of each portion with the layout of the special event, when applicable;

20. A trash and litter collection and off-site disposal plan;

21. The manner of providing notice of the permit conditions to the permit participants and those businesses or residents who may be directly affected by the conduct of the special event;

22. Evidence of liability insurance to the satisfaction of the Collector; and

23. Such other information pertaining to public health and safety that the applicant may wish to include.

C. The application for special events, such as parades or public assemblies, which require temporary full or partial street closures, shall, in addition to the above information, contain the following information:

1. The assembly point for the special event and the time at which people or units of the special event will begin to assemble and the location of the disbanding area;

2. The proposed route, or such intersections or blocks in which such closure occur, including the maximum length of the special event in miles or fractions of miles;

3. The date, and beginning and ending hours of such temporary street closure;

4. The purpose of the temporary street closure;

5. Whether parking is requested to be restricted or prohibited during such closure;

6. Whether such temporary street closure will occupy all or only a portion of streets or intersections involved;

7. Whether a permit has been requested or obtained from any other jurisdiction in which the activity shall commence, terminate or occur in part; and

8. Other such information as the Chief of Police or other Director deems reasonably necessary in order to carry out his or her duties under this Chapter.

5.09.100 Time for Filing.
A completed application shall be filed not less than thirty (30) days in advance of the proposed date of the event. Failure to file within such period is sufficient grounds for denial of a permit. The City Manager may waive the minimum thirty (30) day filing period and accept an application filed within a shorter period if it is found that unusual circumstances or good cause
exists and no unreasonable burden upon the City or its citizens will be created thereby.

5.09.110 Application Deemed Complete. The City shall notify an applicant, in person or by certify mail, within five (5) business days if the application is missing any information necessary for the City to make a determination. An application will be deemed complete if the City does not provide notice to the applicant within five (5) business days. Notwithstanding the Collector’s acceptance of a completed application, no special event date shall be considered confirmed or take place until a special event permit is issued pursuant this Chapter.

5.09.120 Review of Permit. Upon receipt of the application and application fee, the Collector shall refer it to the appropriate City departments, as he or she deems necessary from the nature of the application, for review, evaluation, investigation, and recommendation. Each City department shall also determine the estimated number of hours of service that will be incurred by each department in connection with the permit.

5.09.130 Permit – Conditions. The Collector may impose conditions on any permit issued pursuant to this Chapter to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful, or impermissible uses, protect the safety of persons and property, and to control vehicular and pedestrian traffic in and around the venue.

5.09.140 Departmental Service Charges and Reimbursement of Costs to the City. A. Applicants shall pay the City for all City departmental service charges incurred in connection with, or due to, the applicant’s activities under the permit.

B. If City property is destroyed or damaged due to the applicant’s use, event, or activity, the applicant shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

C. Departmental service charges will be established by resolution of the City Council, and will reflect the City’s reasonable cost of providing personnel on an hourly basis at rates established in accordance with City personnel rules and regulations and conditions contained within memorandum of understanding between the City and its employees.

D. At least two (2) days prior to a special event permitted under this Chapter, the applicant shall pay to the City a deposit in an amount sufficient to cover the total estimated City departmental service charges identified pursuant to this Section that are anticipated to be incurred by the City in connection with the permit. The deposit shall be paid in cash or other adequate security, as determined by the City Manager. An applicant may appeal, pursuant to Chapter 5.05, the amount of the deposit determined under this Section.

E. The City shall submit final invoices and billings for departmental service charges to the applicant no later than twenty (20) working days after the expiration date of the permit. If the deposit is less than the final charges, the applicant shall pay the difference to the Collector within
ten (10) working days of being invoiced for such charges from the City. If the deposit is more than such final charges, the City shall refund the difference to the applicant within sixty (60) days after the event.

F. Collection of costs shall be governed by Title 19.

### 5.09.150 Police Protection.

A. The Collector shall consult with the Chief of Police regarding additional police protection requirements. The Chief of Police shall base this decision on the size, location, duration, time, and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the temporary street closure is deemed necessary by the chief of police, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

B. Persons seeking a temporary street closure for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

### 5.09.160 Public Conduct During Temporary Street Closures.

A. No person shall unreasonably hamper, obstruct or impede, or interfere with any event or activity which has secured a valid permit pursuant to this Chapter, or with any person, vehicle or animal participating or used in connection with the event or activity.

B. No driver of a vehicle shall drive between the vehicles or persons comprising a temporary street closure when such vehicles or persons are in motion and are conspicuously designated as a temporary street closure.

C. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a temporary street closure. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

### 5.09.170 Insurance and Indemnity Requirements.

A. For all special events subject to the requirements of this Chapter, the Collector shall require as a condition of the issuance of a permit that the applicant obtain, furnish proof of, and maintain, a policy of insurance issued by an insurance company authorized to do business in the state of California. The insurance policy shall be endorsed to name the City of Ceres and its elected and appointed boards, officers, agents, and employees as an additional insured, and shall provide that any other insurance maintained by the City of Ceres shall be in excess of, and not contributing to, the insurance coverage provided to the City of Ceres under the applicant’s policy. The minimum limits of liability shall conform to a schedule which shall be adopted by a separate resolution of
the City Council; provided, however, that in no case shall the minimum limits of liability be lower than one million dollars ($1,000,000), combined single limits, per occurrence and in the aggregate.

B. The applicant shall also be required to sign an indemnity agreement in a form approved by the City Attorney, which shall expressly provide that the applicant agrees to defend, protect, indemnify and hold the City, its officers, employees, volunteers and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of applicant, its officers, agents or employees, in connection with the permitted event or activity; and the permit shall expressly provide that the applicant shall, at applicant’s own cost, risk and expense, defend any and all claims of legal action that may be commenced or filed against the City, its officers, employees, volunteers and agents, and that the applicant shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the City, its officers, employees, volunteers and agents as a result of the alleged acts or omissions of applicant or applicant’s officers, agents, or employees in connection with the uses, events or activities under the permit. If an applicant provides proof that the insurance obligations, pursuant to subsection (A) of this Section, provide contractual liability coverage for any obligations contemplated by the indemnity provisions in this Section, the City agrees not to enforce the indemnity agreement against the applicant.

5.09.180 Prohibited Activities.

A. No person shall engage in any event or activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property.

B. No person shall participate in any temporary street closure while carrying or possessing any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth inch (1/4”) or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch (3/4”) in its thickest dimension.

C. No person shall participate in any temporary street closure while carrying any sign, poster, plaque, or notice, whether or not mounted on a length of material as specified in subsection (E) of this Section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material.

D. It shall be unlawful for any person participating in a temporary street closure to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Chapter 9.04.

E. It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

5.09.190 Permit Denial.

A. A permit may be denied by the Collector when, from a consideration of the application or from such other information as may otherwise be obtained, the Collector finds that one or more
of the following circumstances exist:

1. The applicant has knowingly and with intent to deceive made any false, misleading or fraudulent statements of a material fact in the application for a permit or in any other document required pursuant to this Chapter;

2. The application has failed to meet the standards in this Chapter, has failed to pay in advance any fee required or refuses to agree to such conditions as are imposed in the permit;

3. The event or activity is proposed to be located, or is located, in or upon a premises, building, or structure, which is hazardous to the health or safety of the employees or patrons of the premises, business, activity, or event, or the general public, under the standards established by the California Building Standards or Fire Codes, or other applicable codes, as set forth in Title 15;

4. The event or activity is proposed to be located, or is located, in or upon a premises, building, or structure, which lacks adequate on-site parking for participants attending the proposed event or activity under the applicable standards set forth in this Code;

5. The event or activity is scheduled to occur at a location and time in conflict with another event or activity scheduled for the same day or weekend, where such conflict would adversely impact the City’s ability to provide adequate City services in support of other scheduled events or scheduled government functions;

6. The event will substantially disrupt the orderly and safe movement of public transportation, or other vehicular and pedestrian traffic, around its location;

7. The event will require the diversion of public safety or other City employees from their normal duties, to unreasonably reduce adequate levels of service or municipal functions to any other portion of the City;

8. The concentration of persons, animals, or vehicles will unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles, equipment, or personnel;

9. The event or activity: (a) will have a substantial adverse impact on the health and safety of the general public, residents, or businesses within a five hundred (500) foot radius of the event; or (b) will violate the City’s noise standards set forth in Chapter 9.04;

10. The event or activity will take place in an area of the City, or on any public right-of-way scheduled for maintenance, construction or repair prior to the submission of the application for the event and either (a) the conduct of the event would interfere with such maintenance, construction, or repair; or (b) the maintenance, construction, or repair would represent a threat to the health or safety of the participants in the event;

11. The ability of persons to enter and exit residential or business properties impacted by the
11. The event will be unreasonably impaired considering factors such as the duration, size, and scope of the event;

12. The proposed use, event, or activity will have a significant adverse environmental impact;

13. The applicant has violated condition(s) of a previous permit issued pursuant to this Chapter for the same or similar event within the prior thirty-six (36) months; provided, that the City notified the applicant in writing of any such violation within sixty (60) days of the violation;

14. The conduct of the event or activity is reasonably likely to cause injury to persons or property;

15. The event or activity will lack adequate sanitation and other required health facilities; and

16. The event or activity will not have sufficient police protection.

B. When the grounds for denial of an application are based on any of the circumstances specified in subsection (A) of this Section, and those circumstances can be corrected by altering the date, time, duration, route, location, or other detail of the special event or temporary street closure, the Collector shall, instead of denying the application, conditionally approve the application upon the applicant’s acceptance of conditions for permit issuance. The conditions imposed shall provide only for such modification of the special event as are necessary to alleviate the circumstances set forth in subsection (A) of this Section.

5.09.200 Notice to Applicant of Action on Application.
Within fifteen (15) business days of receipt of a complete application for a permit, the Collector shall provide notice to the applicant of the Collector’s decision on the application by written notice, together with a list of conditions imposed if the application has been granted or, if the application has been denied, the specific factual reason for the denial pursuant to Section 5.09.190. The Collector shall also provide notice of the decision to the City Council.

The notice shall inform the applicant of his or her right to appeal the decision or any conditions imposed if the application has been granted, and shall state the last date on which such an appeal may be filed, which shall be the third business day after the date on which the notice was delivered personally, by certified mail, or via facsimile to the applicant. Any appeal of the Collector’s decision on an application under this Chapter shall be subject to the appeal provisions set forth in Title 1 of this Code.

5.09.210 Revocation or Suspension.
A. A permit issued under this Chapter shall be revoked or suspended by the Collector or the Chief of Police if he or she finds that one or more of the following conditions exists and have not been corrected by the applicant after reasonable notice of the condition’s existence has been given:
1. The permit is being used to conduct an activity different from that for which it was issued;

2. That one or more of the conditions listed in 5.09.190 exists;

3. That the activity is being conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit pursuant to Section 5.09.130 or fails to conform to the plans and procedures described in the application;

4. The applicant violates or attempts to violate any federal, state, or local laws and regulations; or

5. The special event is being conducted in a fraudulent or unlawful manner, or in a manner which endangers the public health or safety.

B. Such suspension shall become effective immediately upon order of the Collector or Chief of Police and shall remain in effect until the applicant has corrected the violation or the permit has expired on its own terms. Revocation shall not be effective until notice is provided pursuant to Section 5.04.040.

C. In the event a permit is revoked pursuant to the provisions of this Section, another permit shall not be granted to the applicant within twelve (12) months after the date of such revocation.

D. The Collector’s or Chief of Police’s determination to revoke or suspend a permit shall be based upon written findings, and shall be subject to appeal as set forth in Chapter 5.05, if the revocation or suspension occurs prior to the date(s) of the special event.

E. No license shall be revoked until after a hearing before the City Council, which is governed by Chapter 5.05. Upon revocation of a license, the City Council may, in such cases as it deems proper, order refunded to the person whose permit is revoked any prepaid permit fees of such person.
Chapter 10

Mobile Food Vending from Motor Vehicles

Sections:
5.10.010 Purpose.
5.10.020 “Mobile Food Vendor” Definition.
5.10.030 Permitted Sales.
5.10.040 General Development and Operational Standards for Mobile Food Vendors.
5.10.050 Additional Operational Standards for Ice Cream Trucks.
5.10.060 Permit Application.
5.10.070 Decision and Limitations.
5.10.080 Transfer of Permit.

5.10.010 Purpose.
The purpose of this Chapter is to establish a permitting and regulatory program for mobile food vendors operating from motor vehicles. The provisions of this Chapter allow the City to encourage small business activities while still permitting regulation and enforcement of unpermitted mobile food vending activities to protect the public’s health, safety, and welfare.

5.10.020 “Mobile Food Vendor” Definition.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Mobile food vendor” means a person who displays, prepares, or processes food on a motor vehicle for the purpose of selling food to a consumer.

5.10.030 Permitted Sales.
Mobile food vendors shall acquire mobile food vendor permit issued under the provisions of this Chapter, and any necessary business license as required by this Title.

5.10.040 General Development and Operational Standards for Mobile Food Vendors.
Unless otherwise exempt, the following general and operational standards shall apply to all mobile food vendors (including ice cream trucks):

A. All mobile food vendors shall obtain any required permits from the City, County, and the State, if applicable.

B. All mobile food vendors shall comply with the Vehicle Code and Health and Safety Code.

C. Mobile food vendors shall not operate in an unsafe manner, including but not limited to impeding on- or off-site vehicle circulation and obstructing the view of pedestrians by motorists.

D. Operations on Private Property.
1. Notwithstanding any other provision of this Chapter, mobile food vendors may operate on private property; provided, that prior to conducting such business operations, they have the authorization from the property owner upon which the operations are occurring; and provided further, that they have the authorization from any other building-enclosed restaurant located within a three hundred fifty (350) foot radius of the operations, as measured from the primary customer entrance of the restaurant; and provided further, that neither such restaurant nor the City has articulated a public safety concern due to traffic, parking, or otherwise, arising out of such mobile food vendor’s operations. Vendor must be able to demonstrate property owner authorization as provided in this section.

2. Mobile food vendors shall not use or permit use of parking spaces on the site (e.g., for customer queuing, tables, chairs, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-street parking available for the primary use(s) of the site during peak periods as determined by the Community Development Director.

3. Mobile food vendors shall provide adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.

E. Operations in Public Right of Way.

1. Mobile food vendors shall not operate within three hundred fifty (350) feet of any building-enclosed restaurant as measured from the primary customer entrance of the restaurant, except when the mobile food vendor has written authorization from all building-enclosed restaurants that are within that same three hundred fifty (350) foot radius.

2. Mobile food vendors shall not stop, stand, or park in any clear vision triangle or no parking zone.

3. Mobile food vendors shall not operate within three hundred fifty (350) feet of a public or private school in which children at or below the twelfth (12th) grade level are enrolled, and which is in session.

4. Mobile food vendors shall maintain a clear path of travel on the sidewalk pursuant to the Americans with Disabilities Act free of customer queuing, signage, and all portions of the vehicle for the clear movement of pedestrians.

5.10.050 Additional Operational Standards for Ice Cream Trucks.
Standards for ice cream trucks shall be governed under Vehicle Code section 22456. In addition, development and operational standards in Section 5.01.040 shall apply to ice cream trucks. To the extent that Section [above] is more restrictive, it shall supersede the requirements of Vehicle Code section 22456.

5.10.060 Permit Application.
An applicant for a mobile food vendor’s permit shall submit an application to the City Manager.
The application shall include, among other things, the following:

A. The true name of the applicant, together with the names of all persons directly or indirectly interested in the conduct of such business, including all members of any firm or partnership. A corporate applicant shall list the officers, directors and principal owners, including all owners of ten percent (10%) or more of the corporate stock;

B. The phone number and address of the applicant;

C. Whether the applicant has at any time been convicted of a felony or of any offense involving moral turpitude or has been convicted of any narcotics violation;

D. Whether or not any permit or license heretofore granted to applicant to engage in any business or to do any act within the City or elsewhere has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial;

E. The location at which the applicant proposes to conduct the business;

F. The type of food, wares, or merchandise to be sold, the proposed hours of operation, and a description, drawing or picture of the vehicle which is to be operated at the location;

G. Such additional information bearing on the identity and character of the applicant or applicant’s employees, the location proposed or the nature of the business as the City Manager may require; and

H. A nonrefundable application fee pursuant to Section 5.01.140.

5.10.070 Decision and Limitations.
A. The City Manager may deny an application for a mobile food vendor’s permit if the applicant has been convicted of one of the type of category of crimes enumerated in Section 5.10.060 of this Chapter or, if in his or her opinion, the business is to be located or operated under circumstances where it would tend to cause a law enforcement problem or create a public nuisance or where the granting of the permit would not be compatible with the public health, safety, or welfare, or would not comply with the provisions of this chapter or would be contrary to the public interest. The City Manager shall deny the permit if the application does not meet the location requirements or any other requirements of this chapter.

B. The City Manager shall have the authority to limit the area which a mobile food vendor may cover, to approve the design of any mobile food vendor’s vehicle, and to specify the exact location on a block where the mobile vendor shall operate, taking into account pedestrian and vehicular traffic flow and the other standards imposed by this article. The City Manager may impose such additional reasonable terms and conditions upon the operation of the business as he or she deems necessary or desirable under the circumstances to protect the health, safety, and well-being of the public. The City Manager may require all food to be located on the mobile food vendor’s vehicle and may prohibit the location of any food on sidewalks.
C. If, for a period of ten (10) or more consecutive days between May 1st and September 30th, or sixty (60) or more consecutive days between October 1st and April 30th, a person with a mobile food vendor’s permit fails to maintain or operate their business, then the permit shall be deemed abandoned and shall be revoked.

D. The mobile food vendor’s permit shall be attached to and prominently displayed on the mobile food vendor’s vehicle.

E. Prior to the issuance of any permit under this Chapter, the applicant shall pay to the City any business operations tax required by Section 5.01.140.

F. Decisions of the City Manager relating to the granting or denial of an application for a mobile food vendor’s permit shall be rendered in writing not less than sixty (60) days after the date of application. Copies of decisions shall be mailed to the applicants not later than five (5) days after the date of decision, and shall be mailed to the address of any business, conducted on the street level, which is located within one hundred (100) feet of the site of the mobile food vendor’s permit.

5.10.080 Transfer of Permit.
A mobile food vendor’s permit is not property and shall have no value. Permits may not be sold, leased, assigned, hypothecated or transferred in any manner to another person, firm, partnership, or corporation, including new owners in a corporation or partnership, except that a mobile food vendor holding a valid permit may transfer said permit to another location where the mobile food vendor wishes to operate with the consent of the City Manager.
CHAPTER 11

SALES OF VEHICLES, VESSELS, AND OTHER PERSONAL PROPERTY

Sections:
5.11.010 Definitions.
5.11.020 Display of Vehicles and Other Property for Sale Prohibited.
5.11.030 Exceptions.
5.11.040 Evidence That Property is Offered for Sale.
5.11.050 Evidence of Violation.
5.11.060 Dismissal When Bona Fide Sale Has Been Made.
5.11.070 Violations.

5.11.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Other personal property” means any type of tangible personal property which is offered for sale.

“Vehicle” means a vehicle as defined in Vehicle Code section 670, as the same now reads or may hereafter be amended.

“Vessel” means a vessel as defined in Vehicle Code section 9840(a), as the same now reads or may hereafter be amended.

5.11.020 Display of Vehicles and Other Property for Sale Prohibited.
No person shall park or place a vehicle, vessel, or other personal property upon a public or private street, parking lot, or any public or private property for the purpose of displaying such vehicle, vessel, or other personal property for sale, hire or rental.

5.11.030 Exceptions.
A. Section 5.11.020 shall not apply if the real property is properly zoned by the City for such purpose, the vendor is duly licensed to transact such business at that location, and the vendor owns or has lawful possession of said real property or has written permission in his possession from the owner or person in lawful possession of the real property to vend the personal property at the location.

B. Section 5.11.020 shall not prohibit any person from parking or placing a vehicle, vessel or other personal property on private residential property for the purpose of displaying the same for sale, hire, or rental, provided the property displayed on is owned by the person who owns or occupies the residential property on which it is displayed for sale.

C. Section 5.11.020 shall not prohibit any person from placing a vehicle or vessel advertised
for sale on the public street immediately adjacent to the private residential property belonging to
or occupied by the owner of such vehicle or vessel, so long as such advertising sign is not more
than ten inches by twelve inches (10” × 12”). The person advertising the vehicle or vessel for
sale must be the registered owner of the vehicle or vessel as per Vehicle Code sections 505 and
9853.

5.11.040 Evidence That Property is Offered for Sale.
The parking or placing of any vehicle or vessel or other personal property with a sign or other
advertising device thereon or proximate thereto, indicating such vehicle or vessel or other
personal property is for sale, hire or rental, shall constitute prima facie evidence that such
vehicle, vessel, or other personal property was parked or placed for the purpose of displaying
same for sale, hire or rental.

5.11.050 Evidence of Violation.
In any prosecution for violation of this Chapter against the registered owner of a motor vehicle or
vessel, proof that the particular vehicle or vessel described in the complaint was in violation of
this Chapter, together with proof that the defendant named in the complaint was at the time the
registered owner of the vehicle or vessel, shall constitute prima facie evidence that the registered
owner of the vehicle or vessel was the person who placed the vehicle or vessel at the point
where, and for the time during which, the violation occurred. The foregoing provisions shall
apply only when the notice procedure as established by Vehicle Code sections 40202 et seq., as
the same now reads or may hereafter be amended, has been complied with.

5.11.060 Dismissal When Bona Fide Sale Has Been Made.
Any charge under this Chapter shall be dismissed when the person charged has made a bona fide
sale or transfer of the vehicle or vessel and has delivered possession thereof to the purchaser and
has complied with the requirements of Vehicle Code section 5602(a) or (b), or section 9905(a) or
(b), prior to the date of the alleged violation and has advised the court of the name and address of
the purchaser, and of the date of sale.

5.11.070 Violations.
A violation of this Chapter shall constitute an infraction.
Chapter 12

FORTUNETELLING

Sections:
5.12.010 Definitions.
5.12.020 Purpose and Intent.
5.12.030 Applications.
5.12.040 Referral of Application to Other Departments.
5.12.050 Issuance, Refusal, Revocation, or Suspension of Permit.
5.12.060 Filing and Fee Provisions.
5.12.070 Permit Renewal Fees.
5.12.080 Sale, Transfer or Change of Location.
5.12.090 Operating Requirements.
5.12.100 Register and Permit Number of Employees.
5.12.110 Identification Cards.
5.12.120 Employment of Persons Under the Age of Eighteen Prohibited.
5.12.130 Inspection.
5.12.150 Exceptions.
5.12.160 Violation; Penalty.

5.12.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Applicant” means a person who is required to file an application for a permit under this Chapter, including a fortuneteller, individual owner, managing partner, managing officer of a corporation, or any other operator, manager or employee of a fortunetelling establishment.

“For pay” means a fee, reward, donation, loan or receipt of anything of value.

“Fortunetelling” means telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic, of any kind or nature.

“Fortunetelling establishment” means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities defined in subsection (c) of this Section.

“Fortuneteller” means any person who, for any consideration whatsoever, engages in the practice
of fortunetelling as defined in subsection C of this Section unless otherwise excepted.

“Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

5.12.020 Purpose and Intent.
The purpose and intent of the City Council in enacting this Chapter is to protect the health, welfare, and safety of the public at large and patrons of fortunetelling establishments by ensuring that the services provided by those establishments are, to the greatest extent possible, free from fraud, corruption, vice, trickery and other criminal influences. It is also the purpose and intent of the City Council to minimize the impact upon local neighborhoods caused by concentration of fortunetelling establishments in localized areas and to provide that such establishments are located in areas designated to serve broader portions of the community.

5.12.030 Applications.
A. Every application submitted to the Chief of Police shall include the following information:

1. The type of permit for which application is made;

2. The name, including all aliases, by which the applicant is or has ever been known;

3. The applicant's present residence address and the residence addresses and dates thereof for the three (3) years immediately preceding the date of the application;

4. Written proof that the applicant is at least eighteen (18) years of age;

5. The applicant's height, weight, color of eyes and hair;

6. The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application;

7. The applicant's social security number and driver's license number or California identification card number;

8. The fortunetelling or similar business license or permit history of the applicant including:

   a. Whether such person has previously operated in this or another city or state under a license or permit,

   b. Whether such person has had such license or permit revoked or suspended and the reason therefor,

   c. The business activity or occupation of such person subsequent to such action of suspension or revocation;
9. Whether the applicant has ever been convicted of theft, fraud or crimes involving moral turpitude or any felony involving such offenses unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offenses, whichever is later. The applicant may any certificates of rehabilitation from a court of competent jurisdiction;

10. The location at which the permittee is to be employed;

11. Every application for a permit to operate a fortunetelling establishment shall also set forth the exact nature of the services to be provided and the proposed place of business and facilities therefor;

12. Every application for a permit to operate a fortunetelling establishment shall give the name and address of the owners and lessors of the real property upon or in which the business is to be conducted;

13. If an applicant is a corporation, the application shall also set forth the name of the corporation exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding five percent (5%) or more of the stock of the corporation; The corporation shall designate one of its officers to act as the responsible managing officer of the fortunetelling establishment. Such officer shall complete the application form as an individual applicant under this Chapter;

14. If the applicant is a partnership, the application shall also set forth the name and residence address of each of the partners, including limited partners; The partnership shall designate one of the partners to act as the managing partner of the fortunetelling establishment. Such a partner shall complete the application form as an individual applicant under this Chapter. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply;

15. Such other identification and information necessary to disclose the truth of matters specified required to be set forth in the application pursuant to subparagraphs (#1-#14) above; and

16. Every application for a permit shall be verified by affidavit, or by declaration or certification, dated and signed by the applicant, under penalty of perjury as provided in the California Code of Civil Procedure.

5.12.040 Referral of Application to Other Departments.
A. All applications for permits for fortunetelling establishments shall be referred by the Chief of Police to the Planning Commission of the City, who shall determine if a proper use permit has been obtained for the proposed location of the use. The Planning Commission shall report to the Chief of Police any conditions placed upon the use permit. No permit shall be issued without a use permit having first been obtained from the Planning Commission.
B. The Chief of Police shall require an applicant to have his or her fingerprints taken and may require such additional information as may be necessary to establish the identification of the applicant. In addition to permit fees as set forth under Section 5.01.140 to be paid, the applicant shall pay for the cost of fingerprinting and processing. The fee for this expense shall be the current fee charged by the Department of Justice of the State of California.

5.12.050 Issuance, Refusal, Revocation, or Suspension of Permit.
The Chief of Police shall issue all permits after the filed application has been reviewed and approved by Chief of Police. For good cause the Chief of Police may refuse, revoke, or suspend a permit for a fortunetelling establishment, for any of the reasons in Section 5.02.040 in addition to the following reasons. The Chief of Police shall state the reasons in writing and deliver his or her written determination to the applicant or permittee:

A. That the operation as proposed by the applicant permitted, will not or does not comply with all applicable laws, including but not limited to ordinances relating to planning, zoning or other applicable laws and regulations which the departments named in this Chapter have a responsibility to administer, and particularly the provisions of this Chapter related to minimum distances between fortunetelling establishments;

B. That the applicant or any other person who will be directly engaged in the management and operation of a fortunetelling establishment has been convicted of any of the offenses enumerated in subsection A9 of Section 5.12.030, or convicted of an offense outside of the State of California that would have constituted any of the described offenses if committed within the State of California.

C. A permit may be issued to any person convicted of any of the offenses enumerated in subsection A9 of Section 5.12.030 if such conviction occurred more than five (5) years prior to the date of the application; or

D. That any of the provisions of this Chapter have been violated or that the permittee or fortuneteller is engaged in any conduct at a fortunetelling establishment which violates any State or local law, or ordinance, or that such permittee or any other person acting on the permittee's behalf has refused to allow any duly authorized building inspector or police officer of the City to inspect the premises or the operations therein pursuant to the provisions of this Chapter.

E. Any person whose permit is denied or revoked may not apply for a permit to operate a fortunetelling establishment or practice fortunetelling in the City for a period of one year from the date of such revocation.

5.12.060 Filing and Fee Provisions.
A. Every person who proposes to maintain, operate or conduct a fortunetelling establishment in the City shall file an application with the Chief of Police upon a form provided by the City and shall pay a filing fee an amount established by the City Council which shall not be refundable, which may be amended by the City Council from time to time by resolution, and which shall be on file with the City Clerk and the Chief of Police.
B. Every person who proposes to engage in the practice of fortunetelling shall file an application with the Chief of Police upon a form provided by the City and shall pay a filing fee of an amount set by the City Council, which shall not be refundable, and which may be amended by the City Council from time to time by resolution, and which shall be on file with the City Clerk and the Chief of Police.

C. A permit when issued shall state whether it is for a fortunetelling establishment or for a fortuneteller.

D. Fortunetelling establishment applicant(s) must post with the City Clerk, a surety bond in the principal sum amount of ten thousand dollars ($10,000.00) executed as surety by a good and sufficient corporate surety authorized to do a surety business in the State of California and as a principal by the applicant. The form of the bond shall be approved by the City Attorney and shall be given to insure good faith and fair dealing on the part of the applicant and as a guarantee of indemnity for any and all loss, damage, theft, or other unfair dealings suffered by any patron of the applicant during the term of the permit.

5.12.070 Permit Renewal Fees.
Permits issued under the provisions of 5.12.050 of this Chapter shall be valid for a period of one (1) year from the date of issuance and may be renewable annually.

A. An application for the renewal of a fortunetelling establishment permit shall be accompanied by a filing fee of eighty-five dollars ($85.00) which shall not be refundable, and which may be amended from time to time by the City Council by resolution and which shall be on file with the City Clerk and Chief of Police, and shall contain the same information as in subsection A of Section 5.12.030, excluding therefrom subsections A4, 6, 7, and 8.

B. An application for the renewal of a fortuneteller permit shall be accompanied by a filing fee of an amount set by the City Council, which shall not be refundable, and which may be amended from time to time by the City Council by resolution and which shall be on file with the City Clerk and Chief of Police and shall contain the same information as in subsection A of Section 5.12.030, excluding therefrom subsections A4, 6, 7 and 8.

C. All applications for renewal shall be referred to the Chief of Police, who may require an applicant to have his or her fingerprints taken and to furnish such additional information as may be necessary to establish the identification of the applicant. In addition to any permit fees as required pursuant to Section 5.12.060 to be paid, the applicant shall pay for the cost of fingerprinting and processing. The fee for this expense shall be the current fee charged by the Department of Justice of the State of California.

5.12.080 Sale, Transfer or Change of Location.
A. Upon the sale, transfer, or relocation of a fortunetelling establishment, the permit therefor shall be null and void. However, upon the death or incapacity of the permittee, a fortunetelling establishment may continue in business for a reasonable period of time, not to exceed three (3) months, to allow for an orderly transfer of the business.
B. No permittee shall operate under any name or conduct his business under any designation or at any location not specified in the permit.

C. Any fortuneteller may have a valid and unexpired permit transferred for use at any other fortunetelling establishment upon written application to the Chief of Police accompanied by a nonrefundable fee of an amount set by the City council, which fee may be amended from time to time by resolution of the City council.

5.12.090 Operating Requirements.
A. No fortunetelling establishment or any portion of a building in which the fortunetelling establishment is located, shall be used for residential purposes.

B. Fortunetelling establishments may be open for operation only between the hours of seven o'clock (7:00) A.M. and twelve o'clock (12:00) A.M., inclusive, of each day, or as otherwise permitted by applicable zoning regulations.

C. No fortunetelling establishment shall be located closer than one thousand feet (1,000’) to any other licensed fortunetelling establishment, nor shall any fortunetelling establishment be located closer than one thousand feet (1,000’) from any church or school facility.

5.12.100 Register and Permit Number of Employees.
Every permittee of a fortunetelling establishment must maintain a register of all fortunetellers employed on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any police officer of the City.

5.12.110 Identification Cards.
The Chief of Police shall provide each fortuneteller, or other employee granted a permit with an identification card which shall contain a photograph and the name and permit number of said fortuneteller or employee which must be displayed at all times during the hours of employment.

5.12.120 Employment of Persons Under the Age of Eighteen Prohibited.
It shall be unlawful for any individual owner, managing partner, managing officer, or other person in charge of any fortunetelling establishment to employ any person who is not at least eighteen (18) years of age.

5.12.130 Inspection.
The Chief of Police shall from time to time cause an inspection to be made of the premises of each fortunetelling establishment in the City for the purpose of determining compliance with the provisions of this Chapter.

It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of a fortunetelling establishment to employ any person who is not in possession of a valid, permit to practice fortunetelling within a fortunetelling establishment.
5.12.150 Exceptions.

A. The provisions of this Section shall not apply to any person solely by reason of the fact that he or she is engaged in the business of entertaining the public by demonstrations of mind-reading, mental telepathy, thought conveyance, or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers.

B. No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, or clairvoyant (hereinafter collectively referred to as a “minister”) from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided that:

1. Except as provided in subsection B3 hereof, the fees, gratuities, emoluments, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection B.

2. The minister holding a certificate of ordination from a church or religious association, as defined in this subsection B, shall file with the Chief of Police a certified copy of the minister's certificate of ordination with the minister's name, age, street address, and phone number in this City where the activity set forth in this subsection B is to be conducted.

3. Such bona fide church or religious association, as defined in this subsection B, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

5.12.160 Violation; Penalty.

A violation of any provision of this Chapter shall be punishable as an infraction, except where provisions of this Title specifically make such violation a misdemeanor.
Chapter 13

TAXICABS

Sections:
5.13.010 Definitions.
5.13.020 Purpose and Scope.
5.13.030 Exception.
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5.13.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this
Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Certificate of public convenience and necessity” means a certificate issued by the California Public Utilities Commission for certain transportation services.

“Driver” means every person in charge of operating any taxicab, as defined under Subsection E, either as agent, employee or otherwise, of owner, as owner, or under the direction of the owner as herein defined.

“Driver’s permit” means the permission granted by the City Manager, or designee to a person to drive a taxicab upon the streets of the City.

“Owner” means every person having use or control of any taxicab, as defined under subsection #, whether as owner, lessee or otherwise.

“Street” means any place commonly used for the purpose of public vehicular travel.

“Taxicab” means every automobile or motor-propelled vehicle of a distinctive color or colors, such as is in common usage in this country for taxicabs, and/or operated at rates per mile, or for waiting time, or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City and not over a defined route and irrespective of whether the operations initiate or extend beyond the boundary limit of the said City, and such vehicle is routed under the direction of such passenger.

“Taxi driver’s permit” shall mean a permit issued under Section 5.13.110

“Taximeter” means any mechanical instrument, appliance, device or machine, by which the charge for hire of a taxicab is mechanically calculated, either for distance traveled or time consumed, or both, and upon which instrument, appliance, device or machine such charge is indicated by figures.

“Taxi owner’s license” shall mean a permit issued under Section 5.13.050

5.13.020 Purpose and Scope.
A. The purpose of this Chapter is to protect the public health, safety, and welfare by regulating the operation and licensing of taxicabs and the drivers of taxicabs as authorized by Vehicle Code section 21100.

B. All taxicabs authorized to operate within the City shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all State and local laws and regulations relating to the licensing and commercial operation thereof, including this Chapter. No taxicabs operated in the City shall be rented to any owner or driver unless such owner or driver has obtained the appropriate permits pursuant to this Chapter.

C. This Chapter is limited in scope to the regulation of taxicabs. This Chapter is not intended to
regulate vehicles or businesses required to obtain a certificate of convenience and necessity issued by the California Public Utilities Commission, nor does this Chapter apply to any passenger transportation services owned and operated by a public agency.

5.13.030 Exception.
The provisions of this Chapter shall not apply to animal-drawn vehicles, or taxicabs licensed by another municipality when operating in the City in response to a request to convey a person from other such municipality to the City.

5.13.040 Rules and Regulations of Council and Authority of City Manager.
A. All drivers and owners of taxicabs shall be governed by rules and regulations established by the City Council.

B. The City Manager shall have power to grant the permits and licenses in this Chapter to persons who have complied with the provisions under this Chapter and any other rules and regulations adopted by the City Council. The City Manager and/or designee shall have the power to suspend or revoke any permit for failure, neglect, or refusal to comply with this Chapter, or any rule or regulation of the City Council appertaining to taxicabs.

5.13.050 Taxi Owner's License Application Fee.
Any person or entity seeking to operate as a business owner shall apply in the manner set forth in this Section. A written application for a Taxi Owner’s License shall be made to the City Manager and must be signed by the owner of the taxi business. In addition to the information required by Section 5.02.010, the application shall set forth the information and accompanying documentation required in Section [permit application], in addition and including, but not limited to, the following:

A. Name and address of the location from which the business will be operated;

B. Fictitious business name of the applicant, if any;

C. A description of any motor vehicle which the applicant proposes to use, including its trade name, motor and serial number, license plate number, year and model;

D. Description of the color scheme, insignia, trade style, and any other unique characteristics of the taxicab design and placement of City required markings and company markings;

E. Signed copy of the company’s policies regarding driver conduct and discipline, including suspension and termination;

F. Type of dispatch service provided;

G. Location of dispatch center, including phone number and customer service or management contact information;

H. The number of taxicabs that the applicant requests to have in service under his or her
business;

I. Any facts that the applicant believes tend to demonstrate that public convenience and necessity require the operation of such vehicles;

J. A schedule of proposed fees;

K. A copy of the insurance policy covering each taxicab for public liability and property damage;

L. The names and addresses of each driver to be employed together with proof that each driver holds a valid chauffeur’s license issued by the State of California; and

M. Such further information as the City Manager may require.

5.13.060 Investigation of Application.
Before any application is acted upon by the City Manager, the City Manager or designee shall make an investigation and shall report his or her findings in writing on the following:

A. The demand of the public for additional taxicab service.

B. The adequacy of existing mass transportation and taxicab service.

C. The financial responsibility and experience of the applicant.

D. The number, kind and type of equipment and the color scheme to be used.

E. The effect which such additional taxicab service may have upon traffic congestion and parking.

F. Such other relevant facts as the City Manager may deem advisable or necessary.

5.13.070 Grant of Taxi Owner’s License Application.
A. A Taxi Owner’s License may be granted only if the City Manager or designee determines that:

1. The applicant has submitted satisfactory proof that he or she will comply with the provisions of this Chapter;

2. The applicant has not violated this Chapter three (3) or more times within the last three (3) years;

3. The applicant is not otherwise subject to denial, suspension, or revocation under Section 5.04.030;

4. Additional taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and conform to
the provisions of this Chapter and the rules promulgated by the City Council;

5. Approval would not pose an unreasonable risk to the public safety or welfare; and

6. Each driver of such taxicab has a valid California driver’s license and a valid driver’s permit issued by the City, within the limits and in the manner set forth in this Chapter.

B. No license shall be issued to any person who shall not have fully complied with all of the requirements of this Chapter necessary to be complied with before the commencement of operation of the proposed service.

5.13.080 One Taxi Owner’s License Permitted for Each Person or Entity.

No person, partnership, cooperative, corporation, firm, association, or other entity of whatever type may possess or operate more than one Taxi Owner’s License at any one time.

5.13.090 Taxi Owner’s License – Nontransferable.

A. No Taxi Owner’s License issued under this Section shall be transferable, either by contract or operation of law, without the written consent of the City Manager.

B. Any person or entity who wants to transfer a Taxi Owner’s License shall submit a written application to the City Manager or his or her designee. The application shall be in writing, signed by the business owner, and shall set forth all the information required in the permit transfer application form and accompanying documentation. The application shall not be accepted without payment of the Taxi Owner’s License fee.

C. The City Manager or designee shall make a final determination on the Taxi Owner’s License transfer application within thirty (30) days after the filing of the application.

D. The Taxi Owner’s License transfer will not be valid or recognized by the City unless the current holder or transferor of the Taxi Owner’s License submits along with the Taxi Owner’s License transfer application a notarized statement to the City Manager surrendering his or her Taxi Owner’s License and all rights to the taxi company name.

E. A Taxi Owner’s License transfer will not be valid unless all other requirements of this Chapter for operating the business have been met.

5.13.100 Taxi Driver’s Permit Required.

It is unlawful for any driver to operate any taxicab in the City without a valid Taxi Driver’s Permit to do so as provided in this Chapter. However, drivers are not required to procure a business license under this Title.

5.13.110 Taxi Driver’s Permit Application.

Each application for a Taxi Driver’s License shall be in writing, duly certified under oath, and it, together with a copy thereof, shall be filed with the City Manager, who shall transmit the original to the City Clerk, who shall file the same. In addition to the requirements of Section 5.02.010, each Taxi Driver’s License application shall include the following:
A. The name, birth date and address of the driver;

B. The name and address of each of the driver’s employers during the preceding three (3) years;

C. Whether or not a taxicab driver’s permit issued to the driver by the City or any other jurisdiction has ever been revoked and, if so, the circumstances of such revocation;

D. The name and address of the owner by whom the driver is to be employed as a driver;

E. The applicant’s experience in the operation of an automobile and transportation of passengers;

F. A copy of the applicant’s California commercial driver license, if any;

G. A copy of the applicant’s complete driver’s history report from the State Department of Motor Vehicles;

H. The applicant must demonstrate proficient knowledge of the traffic laws of the State, and demonstrate his or her ability to operate a taxicab, all to the satisfaction of the City Manager;

I. Fingerprints, taken by the Ceres Police Department;

J. Two photographs of the driver (size one and one-half inch by one and one-half inch) taken by the City, one to be filed with the application and one to be permanently attached to the driver’s permit when issued;

K. Satisfactory proof that the insurance required by this Chapter covers the driver when operating the taxicab; and

L. Additional information as the City Manager may require.

M. Any fees as provided by Section 5.01.140,

5.13.120 Renewal of Taxi Driver’s Permit.
Renewal fees for Taxi Driver’s Permits shall be used solely to defray the costs of the City’s investigations and reports required under this Chapter.

5.13.130 Notification Requirements.
A. Any accident arising from or in connection with the operation of a taxicab which results in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of one hundred dollars ($100.00), shall be reported within twenty-four (24) hours from the time of occurrence to the Police Department.

B. A taxi driver holding a permit issued under this Chapter shall at all times keep the City notified of his or her current address. He or she shall notify the City in writing within ten (10) days of any address change.

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C. Taxi vehicle drivers are required to report all Vehicle Code violations to the Finance Department within five (5) calendar days of receiving a citation.

5.13.140 Taxi Driver’s Permit Contents.
Upon approval of an application for a Taxi Driver’s Permit, the City Manager shall issue a permit to the applicant which shall bear the name, address, ethnicity, age, signature, and photograph of the applicant. The Taxi Driver’s Permit shall also state the name of the employer of the applicant.

5.13.150 Granting of Taxi Driver’s Permit.
A. A Taxi Driver’s Permit may be granted only if the City Manager or designee determines that the applicant:

1. Submitted a complete and legible application;
2. Submitted satisfactory proof that he or she will comply with the provisions of this Chapter;
3. Possesses a valid California driver’s license;
4. Has not operated a vehicle in violation of this Chapter three (3) or more times in the past three (3) years;
5. Would not pose an unreasonable risk to the public safety or welfare;
6. Is not otherwise subject to denial under Section 5.02.040; and
7. Has ensured that he or she will only operate a vehicle which has received a valid vehicle permit for a business owner who has received a valid Taxi Owner’s License.

B. No permit shall be issued to any person who shall not have fully complied with all of the requirements of this Chapter necessary to be complied with before the commencement of operation of the proposed service.

5.13.160 Denial of Taxi Driver’s Permit.
The City Manager may deny any Taxi Driver’s Permit application if it is determined that:

A. The applicant has physical or mental limitations which, in the discretion of the City Manager or his or her designee, renders such applicant incompetent to operate a taxicab;

B. The applicant has been found guilty of or has been convicted of more than four (4) moving traffic violations within three (3) years of the date of application, or has been found guilty of or has been convicted of more than two (2) moving traffic violations within one (1) year of the date of application;
C. The driver’s license of the applicant has been suspended or revoked;

D. The driver is not in compliance with the provisions of this Chapter or State or Federal regulations governing the operation of a motor vehicle;

E. The driver has received a positive result in any random test for controlled substances or alcohol within the prior twelve (12) calendar months;

F. Granting the permit would violate any law or would endanger the public health, safety, or welfare;

G. The driver is under the age of eighteen (18); or

H. The driver has had a taxi driver’s permit or taxi owner’s license revoked in any jurisdiction for just cause.

5.13.170 Duration of Validity of Taxi Driver’s Permit - Employer.
Every Taxi Driver’s Permit issued under this Chapter shall be valid only so long as the driver continues in the employ of the owner indicated on the Taxi Driver’s Permit. Upon the termination of such employment or affiliation with the owner, the driver shall surrender the driver’s permit to the City Manager within two (2) days of the termination.

5.13.180 Display of Taxi Driver’s Permit.
The Taxi Driver’s Permit shall be posted in full view of the passenger at all times while said driver is operating the vehicle. Every driver’s permit shall show the photograph of the driver, driver’s permit number, name of the business owner by which the driver is employed, if any, a telephone number of the business and a City telephone number such that passengers may communicate complaints. This notice and information must be provided verbally upon the request of the passenger.

5.13.190 Copies of Permits.
On receipt of a license or permit application under this Chapter, the City Clerk shall immediately forward a copy thereof to the City Manager.

5.13.200 Suspension and Revocation of Permits and Licenses.
A. Any permit or license granted under the provisions of this Chapter may be suspended immediately by the City Manager or designee for any of the following reasons:

1. The taxi driver is operating a taxicab without a valid driver’s license.

2. The vehicle: (1) has physical defects or is damaged and may cause harm or injury to persons or property or impairs the routine operation of the vehicle; (2) has mechanical defects or malfunctions; (3) cannot be operated safely; (4) is not registered with the State of California; or (5) the vehicle does not meet the requirements of this Chapter. Such vehicle shall not be allowed to operate until all violations are corrected and proof of correction has been provided in writing to the City’s Finance Department.
3. Any business owner or driver adjudged to have violated this Chapter three (3) times or more in the same calendar year shall have his or her Taxi Owner’s License or Taxi Driver’s Permit suspended.

4. Any business owner, taxi driver, or vehicle that does not have the proper insurance as required by this Chapter shall have his or her Taxi Owner’s License or Taxi Driver’s Permit immediately suspended;

5. A business owner that employs of drivers without a Taxi Driver’s Permit pursuant to this Chapter shall his or her Taxi Owner’s License suspended;

6. A Taxi Owner’s License or Taxi Driver’s Permit may be suspended if the applicant fails to comply with all local, state, and federal laws, including this Chapter;

7. A Taxi Owner’s License or Taxi Driver’s Permit may be suspended for any cause which, in the opinion of the City Manager or designee, makes it contrary to the public health, safety, or welfare for the license to be continued;

8. A Taxi Driver’s Permit may be suspended if he or she is no longer able to demonstrate either proficient knowledge of the traffic laws of the state of California and the City;

9. A Taxi Driver’s Permit may be suspended for any violation of laws relating to the operation of a motor vehicle including but not limited to reckless driving, driving under the influence of alcohol or controlled substances, or other violations indicating that a driver is not competent to operate a vehicle for hire in a consistently safe manner;

10. A Taxi Driver’s Permit may be suspended for any motor vehicle accident resulting in injuries to persons or property caused by the culpable act or omission of the driver or business owner;

11. A Taxi Owner’s License or Taxi Driver’s Permit may be suspended for any failure to pay any judgment for damages arising out of the unlawful or negligent operation of any vehicle for hire;

12. A Taxi Owner’s License or Taxi Driver’s Permit may be suspended for the existence of any fact which, at the time of application, would have caused the City to deny the application, whether or not such fact existed at the time of the application or occurred thereafter; or

13. Drivers receiving four (4) or more points within a twelve (12) month period may be considered a negligent driver, and his or her Taxi Driver’s Permit may be suspended.

B. If the City Manager has not been notified within ten (10) days that the violations have been corrected, the City may issue a notice of revocation and proceed as set forth in this Chapter. During the time that the permit is suspended, it shall be unlawful for the permittee to exercise
any of the rights granted under this Chapter.

C. No license shall be revoked until after a hearing before the City Manager, which is governed Chapter 5.05. Upon revocation of a license, the City Manager may refund to the person whose license is revoked any prepaid license fees of such person.

D. In the event of such suspension or revocation of any permit or license issued pursuant to this Chapter, the holder of the permit shall immediately surrender it to the City Manager.

A driver may not operate a taxicab unless the taxicab has been certified pursuant to this Chapter.

5.13.220 Rules and Regulation for Operation of Taxicabs.
The following rules and regulations shall be observed by all individuals operating taxicabs governed under this Chapter:

A. Every taxicab shall have visible from the outside a schedule of all rates and charges, established by resolution of the City Council, in a minimum of one (1) inch numeral and letter size on each side of the taxicab. One additional schedule of all rates and charges shall be posted in full view of the backseat passenger while seated in the taxicab;

B. No charge shall be made by any driver or owner in excess of the posted rates established pursuant to resolution of the City Council, which may be amended from time to time by resolution of the City Council;

C. No taxicab shall be operated unless kept in a clean, sanitary, and mechanically safe condition;

D. The interior of every taxicab shall be thoroughly cleaned at least once in every twenty-four (24) hours;

E. Unoccupied taxicabs shall not be operated over public streets in search of, or soliciting prospective passengers for hire;

F. The driver of any taxicab shall transport passengers in a safe and expeditious manner to their destination by the most direct and accessible route;

G. No owner or operator of any taxicab shall indulge in unfair competition or commit fraud upon the public. The City Manager, or designee, shall determine what constitutes unfair competition or fraud;

H. Every taxicab shall have in the passenger compartment, securely attached and centered two (2) inches above the door handle of each rear passenger door, or as near thereto as feasible, a sign with the number of such taxicab and the name of the taxicab business, in Grade 2 Braille;

I. No driver of any taxicab shall accept, take into his vehicle or transport any larger number of passengers than the rated seated capacity of his vehicle, and seat belts shall be provided for each
occupant of the vehicle;

J. Drivers shall provide receipts to passengers upon the passenger’s request;

K. An individual engaging a taxicab shall have the exclusive right to the full and complete use of the taxicab and it is unlawful for the driver to solicit or carry additional individuals without the prior permission of the passenger;

L. The driver of a taxicab shall not display any device indicating that the taximeter is recording when such taxicab is not actually employed;

M. The driver of a taxicab while carrying passengers or under employment, except on an hourly basis or contract basis, shall not display the flag or device affixed to such taximeter in such position as to denote that he or she is employed at a rate of fare different from that to which he or she is entitled;

N. All taxicabs shall operate under a two-way radio dispatch system;

O. Taxicab drivers shall offer and provide reasonable assistance, if requested, to passengers in entering and leaving the vehicle. Drivers shall confirm that passengers are securely seated, their possessions are secure, and the door is closed before beginning the trip. Drivers shall ensure that passengers and their possessions are safely clear of the vehicle and in an appropriate deboarding location before leaving the destination. Drivers shall board passengers at the nearest safe, legal, and feasible point to the passenger’s location and shall deboard passengers at a point from which they can safely proceed;

P. It is unlawful for a driver or taxi business owner to refuse a prospective fare based on the distance of the route for which the service is requested, or the geographic location of either the origin or destination of the trip except where that distance exceeds a total of fifty (50) miles beyond the City limits of the City of Ceres, or to take any action to actively discourage a prospective fare solely on the basis of race, creed, color, age, sex, sexual orientation, national origin, disability, or other protected class;

Q. Drivers may inquire whether an animal is a service animal, but may not require a disabled person to show any documentation of disability or certification of the animal’s status as a service animal. The driver may require service animals not in carrying containers to remain on the floor of the vehicle; and

R. The taxicab driver shall immediately return any property of value left in his vehicle to the property’s owner or report such an incident to the police department within twenty-four (24) hours.

5.13.230 Conditions Deemed to Make Taxicabs Unsafe or Unsuitable.
Any taxicab which is found, after any inspection by the City Manager or designee, to be unsafe or in any way unsuitable for taxicab service shall be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.
The existence of the following conditions, but not to the exclusion of other conditions set forth by other provisions of this Code or other applicable laws, shall be deemed to make a taxicab unsafe or unsuitable for taxicab service:

A. Excessive leakage of oil, grease, gas or any other substance from any part of the taxicab;

B. The existence of any defects in the frame of the taxicab;

C. The failure of any movable parts of the car, including doors, windows, trunk, lights, etc. to function in the proper working order;

D. Failure to maintain the tires, lights, turning signals or brakes in good and safe working condition;

E. Failure to maintain the motor and other mechanical parts of the car in good and safe operating condition;

F. The existence of large or excessive dents in the body of the taxicab;

G. Failure to maintain the exterior approved paint color scheme;

H. The existence of excessive wear and tear on the upholstery, floor mats, and other parts of the interior of the taxicab;

I. Failure to have adequate interior lighting in proper working condition;

J. An inoperable two-way radio;

K. Failure to possess a basic first-aid kit; and

L. Failure to possess a charged fire extinguisher.

5.13.240 Vehicle Inspection.
A. A Taxi Owner’s License holder shall be responsible for having each taxicab inspected for mechanical fitness every six (6) months by a qualified mechanic certified by the State Department of Consumer Affairs. The City shall provide inspection forms which the mechanic shall complete and certify and the license holder shall submit the completed forms to the City.

B. New Taxi Owner’s License applicants must have the inspection prior to consideration of application for approval of a Taxi Owner’s License.

5.13.250 Posting Rate.
The City Council shall adopt a resolution setting maximum rates charged for taxicabs. The rates set pursuant to this Section may from time to time be changed or amended by resolution of the City Council. Upon the adoption of any such resolution, the amendment shall become effective.
5.13.260 Liability Insurance.
A. No taxicab shall be driven or operated in the City unless the owner or operator thereof obtains and maintains a motor vehicle liability insurance policy or policies from a responsible and solvent corporation, authorized to issue such policies under the laws of the State of California, insuring said owner or operator and covering such taxicab or vehicle for hire.

B. Such policy shall insure any individual driving, using or responsible for the use of any taxicab covered by said policy with the consent, express or implied, of the owner, against loss from liability imposed on any of them by law for injury to or death of any individual, or damage to property, arising from or growing out of the maintenance, operation or ownership of any taxicab covered by the policy to not less than the type and amounts or limits required for operation as prescribed by the City Manager.

C. The applicant or permittee shall file with the City said policy or policies or certificates thereof. The policy or policies shall provide that they shall not be canceled except after thirty (30) days written notice to the City.

D. Upon the City Manager receiving notice of cancellation, the City Manager by written notice shall inform the Taxi Owner’s License that the permit will be automatically suspended on the expiration date of the policy, without further notice unless evidence of required insurance is filed with the City Manager on or before that date.

5.13.270 Taximeter.
A. Every taxicab shall be equipped with an accurate single tariff taximeter. It is unlawful to tamper with any taximeter or other measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time, or for the purpose of fixing rates to be collected from the public or to operate a taxicab with a broken lead tag or lead wire or upon notification from the Stanislaus County Department of Weights and Measures or other appropriate agency that the meter is inaccurate.

B. The taxicab business owner shall ensure that each vehicle’s taximeter is inspected a minimum of once a year by the Stanislaus County Department of Weights and Measures and immediately upon a charge effecting the meter rate. The permittee’s taximeter(s) shall be subject to inspection, at any time by the Stanislaus County Department of Weights and Measures.

C. The taximeter shall be so placed in said taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab, unless such taximeter is equipped and operated as a receipt-printing taximeter.

D. Every such taximeter shall register the charge to the nearest ten cents ($0.10) and be equipped with a flag or other mechanical device, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this Chapter. However, such taximeter shall not be required to operate on any trip that goes outside
the City limits unless the beginning point and the ending point of such trip are inside the City limits. For any trip which begins or ends inside the City limits, but for which the taximeter is not required by this Chapter to be in operation, the taxi driver shall inform the passenger before beginning the trip that it is a nonmetered trip and what the flat charge is.

E. Taximeters placed in taxicabs for the purpose of replacing broken or faulty meters shall under no circumstances be operated more than twenty-four (24) hours prior to being approved, inspected and tested by the Chief of Police and Stanislaus County Sealer of Weights and Measures.

F. Sealing of taximeters may be required by the Stanislaus County Sealer of Weights and Measures.

5.13.280 Accessible Taxi Service.
A. Prior to assigning a driver to an accessible taxi the taxi business and taxi driver shall demonstrate to the Finance Department that the taxi driver is competent to operate an accessible taxi by demonstrating the following:

1. Driver knowledge and operation of the lift system;
2. Driver knowledge and operation of the restrain system; and
3. Driver knowledge of the User manuals and equipment operating manuals.

B. Operators and Drivers of accessible taxis shall grant priority to requests for service from passengers who use ambulatory aids, and may not accept any other service request while responding to a dispatched call from a person who uses an ambulatory aid. In the absence of a request for service by a passenger who uses an ambulatory aid, an accessible taxi may transport any person.

C. Drivers of accessible taxis must provide the following services:

1. Assist the passenger from the curbside to the vehicle;
2. Assist the passenger from the vehicle to the curbside;
3. Secure the passenger within the vehicle;
4. Wait for the passenger at the curbside for at least ten (10) minutes after the agreed upon pickup time; and
5. The taxi company owner, dispatcher or driver shall confirm the agreed upon pickup time at least fifteen (15) minutes prior to arriving at the location.

D. All accessible taxis must be maintained in a safe operating condition. All business owners and drivers operating an accessible taxi are jointly and severally responsible for ensuring that all
accessible taxis for which they hold permits meet all equipment requirements listed in this Section. Any accessible taxi may be removed from service for any violation of this Section until the violation is corrected and the vehicle is re-inspected and approved for service.

E. Vehicle conversions and the installation or placement of any adaptive equipment shall be done by a facility with individuals certified or licensed to perform vehicle conversions and equipment installations. Adaptive equipment installations shall not interfere with the driver’s visibility or the operation of any original manufacturer’s equipment. The adaptive equipment operator’s manual shall be in the vehicle at all times.

F. All lifts shall be powered by electric or hydraulic systems. Lift ramps shall be no less than thirty (30) inches wide. Lift capacity shall be no less than five hundred (500) pounds.

5.13.290 Inspection of Taxicabs.
A. The City Manager or his or her designee shall inspect each taxicab to be employed at issuance of the Taxi Owner’s License for compliance with this Chapter prior to issuance of any Taxi Owner’s License.

B. After issuance of a Taxi Owner’s License, a taxi business owner must request the [proper City official] to inspect each new taxicab to be employed prior to the taxi being used to pick up passengers as part of the taxi business.

C. Upon finding compliance with this Chapter, the City Manager shall issue a certificate to the Taxi Owner’s License for each taxicab in compliance.

5.13.300 Replacement of Taxicabs.
Whenever an owner sells or transfers title to a taxicab for which a certificate has been granted by the City Manager or designee pursuant to this Chapter, and purchases another taxicab, the City Manager, upon written request of applicant, shall issue a new certificate for the operation of such replacement taxicab, provided said owner has complied with all the provisions of this Chapter. No replacement taxicab shall be put into operation before a certificate covering its operation has been obtained as required by this Section.

5.13.310 Substitute Taxicabs.
Any owner holding a certificate to operate one or more taxicabs, who desires to temporarily substitute a different vehicle for a taxicab operated under such certificate, shall do so only upon obtaining from the City Manager, permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this Chapter. The City Manager shall determine the period of time the substitute vehicle may be used, and no such vehicle shall be used as a taxicab beyond said time period without the written consent of the City Manager or designee.

5.13.320 Parking Taxicabs.
A. For purposes of on-street parking, a taxi driver shall be authorized to park one taxicab on the public right of way immediately adjacent to his or her primary residence; provided, that the business owner has a valid Taxi Driver’s Permit.
B. A taxicab may be parked on any available legal on-street parking space for not more than three (3) minutes, when the driver is actually engaged in loading or unloading passengers.

C. Except while awaiting or soliciting employment, a taxicab may be parked in any City off-street parking facility, provided that the driver of said taxicab shall pay the prescribed parking fee for using the off-street parking facility. The driver of a taxicab, however, may park, await and solicit employment in any private off-street parking area after having obtained the property owner's permission.

D. Between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. of the following day, the driver of a taxicab may stop, stand or park a taxicab in any place where the parking of vehicles is legally permitted, except in taxicab stands established for other taxicab companies.

5.13.330 Record Keeping Requirements.
A. The driver of taxicab shall keep a separate waybill of every service rendered by such driver, which waybill shall include the following information:

1. Location where passengers entered vehicle;
2. Date and time of entry;
3. Number of passengers;
4. Location where passengers were discharged;
5. Amount of fare collected.

B. The business owner shall keep said waybills in his or her office files for a period of ninety (90) days after date of service rendered, and the same shall at all convenient times be open to examination by the City. The failure to complete any waybill shall subject the business owner or driver to citation. The falsifying of any waybill by a business owner or driver shall be grounds for revocation of his or her Taxi Owner’s License and Taxi Driver’s Permit.

C. Each taxi business owner shall keep a record of all vehicles operated and shall maintain at all times a complete and accurate record of all drivers employed, which shall show in detail the names and addresses and the dates of beginning and termination of employment of the drivers, the vehicle driven by each driver, and the hours during each day and night worked by each driver. Such records shall be displayed to the City at any time upon demand, and shall not be destroyed without permission of the City.

5.13.340 Taxicab Stands Authorized.
A. The Police Chief, in consultation with the City Engineer, is hereby authorized to locate and establish taxicab stands on City streets. Such regulations shall become effective when appropriate signs are placed giving notice of such regulations to the public. The right to use a taxicab stand heretofore or hereafter established for the use of special taxicab operator shall be
nontransferable.

1. The number of taxicab stands to which each person operating taxicabs shall be entitled shall be determined by the Police Chief based on his finding as to the need for same in order to adequately serve the public.

2. It shall be unlawful for the driver of any taxicab to allow said taxicab to remain standing or parked in any taxicab stand established for that specific taxicab or taxicab company, unless said driver is inside or within five feet (5’) of the taxicab, except when the driver is assisting passengers to load or unload.

B. The fee to be paid to the City for each taxicab stand heretofore or hereafter established for the use of a taxicab operator shall be fixed by resolution of the City Council, and may be amended from time by resolution of the City council.

1. Taxicab stand rental fees due hereunder shall be paid in advance at the office of the Director of Finance and shall be due and payable on the first of each month and delinquent at five o'clock (5:00) P.M. on the tenth of the month.

2. To all delinquent taxicab stand rental fees there shall be added a penalty of twenty five percent (25%) of the amount due for the period, plus interest at the rate of one-half of one percent (0.5%) per month or fraction thereof until paid.

5.13.350 Termination of Employment.

It shall be the duty of the owner of each taxicab company to notify the Police Chief in writing within five (5) days whenever a driver has either voluntarily or involuntarily terminated employment.

The taxicab company shall cause, and be responsible for each taxicab driver returning his or her taxicab drivers permit to the Police Chief within five (5) days after the termination of his employment as a taxicab driver.

5.13.360 City Held Harmless.

A taxicab permittee shall, and by acceptance of a Taxicab Owner’s Permit or Taxicab Driver’s Permit, keep and hold the City, its agents, and employees free and harmless from any and all claims, costs, liabilities, damages or expenses, including costs of suits and fees and expenses for legal services on account of any damages claimed by any third party, including such claims by agents or employees of the business permit holder, alleged to have been sustained in or about any taxicab stand established or maintained by or for taxicabs, or in or about any of the permittee’s premises, or arising out of the permittee's operations, as a result of anything claimed to have been done or not done by the permittee, or by anyone claiming or acting under the permittee.

5.13.370 Annual Operating Statement.

Each person granted a Taxi Owner’s License within the City pursuant to the provision of this Chapter, shall annually file with the City Manager a detailed financial statement, including a balance sheet and profit and loss statement, for the operation of said taxicab business separate
from any other business owned or operated by said person. Said financial statement shall cover the fiscal or calendar year used by said person for Federal income tax purposes and shall be filed with the City Manager on or before the filing date of said person's Federal income tax return for said taxicab business. Alternatively, such person may satisfy the filing requirement by filing a copy of the filer's Federal income tax return.

5.13.380 Investigation of Complaints.
A. The Chief of Police shall be responsible for maintaining files of and investigating complaints of owners or drivers that advertise or operate vehicles for hire. The Chief of Police shall initiate appropriate action against vehicle owners and drivers when a complaint or complaints warrant such action.

B. Pursuant to the investigation in subsection A, the Chief of Police shall do all of the following:

1. Determine which businesses, if any, are required to have in effect a valid taxicab certificate, license, or permit as required by this Chapter, but do not have the valid authority to operate;

2. Inform any business not having valid authority to operate that it is in violation of law;

3. Within sixty (60) days of informing the owner or driver pursuant to subsection (B)(2) of this Section, institute civil or criminal proceedings, or both, pursuant to any applicable authority.

C. The Chief of Police shall also adopt criteria establishing the type of information that, when contained in a complaint, is sufficient to warrant an investigation pursuant to Government Code section 53075.7 to investigate complaints of unauthorized taxicab operations. These operating procedures shall be in writing and may be revised from time to time by the Police Chief.
Chapter 14

VIDEO SERVICE PROVIDED BY STATE FRANCHISE HOLDERS

Sections:
5.14.010 Purpose and Applicability.
5.14.040 Public, Educational, and Governmental Channel Facilities.
5.14.050 Payment of Fees.
5.14.090 Authority to Examine and Audit Business Records.
5.14.100 Emergency Alert System.

5.14.010 Purpose and Applicability.
The purpose of this Chapter is to set forth regulations for the provision of video service by State franchise holders, in accordance with the Digital Infrastructure and Video Competition Act, California Public Utilities Code section 5800 et seq. (“DIVCA”). This Chapter shall apply only to video service providers issued a State franchise to serve any area within the City by the California Public Utilities Commission (“CPUC”) pursuant to DIVCA.

A. Copy or application to city. An applicant for a state video franchise within the City must concurrently provide a complete copy to the City Manager of any application or amendments to an application filed with the California Public Utilities Commission (CPUC).

B. City Manager comments to CPUC. Within thirty (30) days of receipt, the City Manager will provide any appropriate comments to the CPUC regarding an application or an amendment to an application for a state video franchise.

Any State franchise holder shall remit to the City a franchise fee in the amount of five percent (5%) of the gross revenues of the State franchise holder in compliance with Public Utilities Code sections 5840(q) and 5860.

5.14.040 Public, Educational, and Governmental Channel Facilities.
A. The City may by an amendment of this Chapter establish a fee applicable to all holders of state video franchises to support PEG channel facilities pursuant to the authority, requirements, and restrictions of Section 5870 of the Public Utilities Code and any subsequent amendment(s) to said provisions.

B. The current cable franchise designates one channel for Public, Educational and Government
PEG programming. Local franchisees and holders of state franchises under the Act shall upon the request of the City, provide at least three (3) PEG channels.

C. All state franchisees shall comply with the provisions of the Act related to PEG channels. Without limiting the foregoing, the PEG channels shall all be carried on the basic service tier. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the basic service tier and the channel numbers for the PEG channels shall be the same channel numbers used by the incumbent cable operator unless prohibited by federal law and shall provide picture and sound quality and channel accessibility and location equal to, or substantially equal to, that provided by the incumbent cable provider. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless the change is required by federal law.

D. Any State franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of PEG channels in accordance with Public Utilities Code section 5870. Any State franchise holder shall have three (3) months from the date the City requests the PEG channels to designate the capacity. The three (3) month period shall be tolled by any period during which the designation or provision of PEG channel capacity is technically infeasible. Any state franchise holder who believes that the designation or provision of PEG channel capacity is technically infeasible, shall provide to City, in writing, its reasons therefore and its plan for correcting or solving the infeasibility. City may hold a hearing on the claim of infeasibility and, thereafter, take such action as City deems proper to require the designation and provision of the PEG channels on the state franchise holder's system.

E. This Section shall be enforced, and disputes regarding this Section shall be resolved, pursuant to Public Utilities Code section 5870.

5.14.050 Payment of Fees.
A. Any State franchise holder shall pay all fees required pursuant to Sections 5.14.030 and 5.14.040 on a quarterly basis in a manner consistent with Public Utilities Code section 5860.

B. Any State franchise holder shall deliver to the City by check, or other means agreeable to the City Manager, a separate payment for the franchise fee established in Sections 5.14.030 and 5.14.040 not later than forty-five (45) days after the end of each calendar quarter.

C. Each payment of the franchise fee established in Section 5.14.030 delivered to the City shall be accompanied by a summary report explaining the basis for the calculation of the payment.

D. If any State franchise holder fails to remit all fees required pursuant to Sections 5.14.030 and 5.14.040 when due, the State franchise holder shall remit to the City a late payment charge at the rate per year equal to the highest prime lending rate during the period of delinquency plus one percent (1%). If the state franchisee has overpaid the franchise fees, it may deduct the overpayment from its next quarterly payment.

A. Any State franchise holder shall comply with: the customer service provisions set forth in
Public Utilities Code section 5900; Government Code sections 53055, 53055.1, 53055.2 and 53088.2; the FCC customer service and notice standards set forth in 47 CFR sections 76.309, 76.1602, 76.1603 and 76.1619; Penal Code section 637.5; the privacy standards of 47 U.S.C. section 551; and all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, including any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this subsection shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

B. The City shall impose the following penalties against a State franchise holder for any material breach of the customer service provisions set forth in Public Utilities Code section 5900:

1. For the first occurrence of a material breach, a fine of five hundred dollars ($500.00) shall be imposed for each day of each material breach, not to exceed one thousand five hundred dollars ($1,500.00) for each occurrence of the material breach.

2. For a second occurrence of a material breach of the same nature as the first material breach that occurs within twelve (12) months, a fine of one thousand dollars ($1,000.00) shall be imposed for each day of each material breach, not to exceed three thousand dollars ($3,000.00) for each occurrence of the material breach.

3. For a third or further occurrence of a material breach of the same nature as the previous material breaches that occurs within twelve (12) months, a fine of two thousand five hundred dollars ($2,500.00) shall be imposed for each day of each material breach, not to exceed seven thousand five hundred dollars ($7,500.00) for each occurrence of the material breach.

C. The City shall provide the State franchise holder with written notice of any alleged material breach of the customer service provisions set forth in Public Utilities Code section 5900 and shall allow the State franchise holder at least thirty (30) days from receipt of the notice to remedy the specified material breach.

D. A material breach for the purposes of assessing penalties shall be deemed to have occurred for each day within the jurisdiction of the City, following the expiration of the period specified in subsection C of this Section, that any material breach has not been remedied by the State franchise holder, irrespective of the number of customers affected. No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the State franchise holder.

E. Pursuant to Public Utilities Code section 5900, any penalty remitted to the City by a State franchise holder for a material breach of the customer service provisions set forth in Public Utilities Code section 5900 shall be split in half, and the City shall submit one-half of the penalty amount to the Digital Divide Account established by Public Utilities Code section 280.5.

Any State franchise holder may appeal any customer service penalty assessed pursuant to
Section 5.14.060 according to the following procedure:

A. The State franchise holder may file a request for hearing form with the City Clerk within thirty (30) days from receipt of the written notice specified in Section 5.14.060, subdivision (C) with an advance deposit of the penalty amount.

B. A request for hearing form may be obtained from the City Clerk.

C. The State franchise holder requesting the hearing shall be notified by the City Clerk of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

D. The hearing shall be set by the City Clerk for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing form is filed with the City Clerk.

E. At the hearing, the City shall bear the burden of proof by a preponderance of the evidence that the material breach occurred as charged. The City may be represented by counsel.

F. At the hearing, the State franchise holder may cross-examine any witness against the State franchise holder and may present evidence. The State franchise holder may be represented by counsel.

G. The formal rules of evidence shall not apply at the hearing. The hearing officer may rely upon such evidence as he or she believes reasonable persons would rely upon in the conduct of their affairs. Any witnesses shall testify under oath.

H. After hearing and reviewing all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the penalty and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

I. If the hearing officer determines that the penalty should be canceled, the City shall promptly refund the amount of the deposited penalty, together with interest at the average rate earned on the City’s investment portfolio for the period of time that the penalty amount was held by the City.

J. Any interested person may obtain review of the decision of the hearing officer by filing an appeal in a court of competent jurisdiction pursuant to Public Utilities Code section 5900.

A. The City shall allow any State franchise holder to install, construct, and maintain a network within public rights-of-way pursuant to Chapter 13.01, streets, sidewalks and public places, and in a manner consistent with Public Utilities Code section 5885.

B. The City shall either approve or deny an encroachment permit application within sixty (60) days of receiving a completed application. An application is considered complete when the
applicant has complied with all statutory requirements, including the California Environmental Quality Act (Public Resources Code section 21000 and following).

C. If the City denies the encroachment permit, it shall provide the applicant with a detailed explanation of the reason for the denial. A determination regarding the encroachment permit by the Public Works Director and the Community Development Director may be appealed to the City Council per Section 5.14.070.

5.14.090 Authority to Examine and Audit Business Records.
A. The City may examine and audit once per year the business records of any State franchise holder relating to gross revenues pursuant to Public Utilities Code section 5860.

B. All State franchise holders shall keep and maintain all business records reflecting any gross revenues, regardless of change in ownership, for at least four (4) years after those gross revenues are recognized by the State franchise holder on its books and records pursuant to Public Utilities Code section 5860.

C. If the State franchise holder has underpaid the franchise fee established by Section 5.14.030 by more than five percent (5%), the State franchise holder shall pay the reasonable and actual costs of the examination and audit. If the State franchise holder has not underpaid the franchise fee established in Section 5.14.030, the City shall pay the reasonable and actual costs of the examination and audit. If the State franchise holder, however, has underpaid the franchise fee established by Section 5.14.030 by five percent (5%) or less, the State franchise holder and the City shall each bear their own costs of the examination and audit.

5.14.100 Emergency Alert System.
All State franchise holders shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over State franchise holders’ networks.

Any State franchise holder is prohibited from discriminating against or denying access to service to any group of potential residential subscribers within the City because of the income of the residents on the local area in which the group resides. The requirement may be satisfied pursuant to Public Utilities Code section 5890. The City may bring complaints to the CPUC that a State franchise holder is not offering video services as required by Public Utilities Code section 5890.
Chapter 15

ADULT ENTERTAINMENT BUSINESSES

Sections:
5.15.010 Definitions.
5.15.020 Purpose and Intent.
5.15.030 Location Requirements.
5.15.040 Adult Newsracks.
5.15.050 Amortization of Nonconforming Adult Business Uses.
5.15.060 Application for Extension of Time for Termination of Nonconforming Use.
5.15.070 Adult Business Regulatory Permit Applications.
5.15.080 Investigation and Action on Application.
5.15.090 Permit Denial, Expiration, and Renewal.
5.15.100 Transfer of Adult Business Regulatory Permits.
5.15.110 Adult Business Performer Permit Application.
5.15.120 Investigation and Action on Application.
5.15.130 Suspension or Revocation of Adult Business Regulatory Permits and Adult Business Performer Permits.
5.15.140 Register and Permit Number of Employees.
5.15.150 Display of Permit and Identification Cards.

5.15.010 Definitions.

For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

"Adult business operator" or "Operator" means a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult business or the conduct or activities occurring on the premises thereof.

"Adult business" means any one of the following:

1. "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions, thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

2. "Adult bookstore" means an establishment that has thirty percent (30%) or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio...
representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

3. "Adult cabaret" means a nightclub, restaurant, or similar business establishment which:

   a. Regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities;

   b. Regularly features persons who appear semi-nude; or

   c. Shows films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

4. "Adult hotel" or "Adult motel" means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which:

   a. Provides patrons with closed-circuit television transmission, films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproduction thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas; and

   b. Rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty-four (24) hour period.

5. "Adult motion picture theater" means a business establishment where, for any form of consideration, films, computer-generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

6. "Adult theater" means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

7. "Modeling studio" means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities".
“Adult newsrack” means any coin-operated machine or device which dispenses material substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas," or any magazine or book display inside a store other than an "adult business" as defined in this Section.

“Bar” means any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

“Church” means a structure which is used primarily for religious worship and related religious activities.

"Distinguished or characterized by an emphasis upon" means and refers to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas.

To "establish" an adult business means and includes any of the following:

1. The opening or commencement of any adult business as a new business;
2. The conversion of an existing business, whether or not an adult business, to any adult business defined in this Section;
3. The addition of any of the adult businesses defined in this Section to any other existing adult business; or
4. The relocation of any such adult business.

“Figure model” means any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

“Nudity or state of nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

"Operate an adult business" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult business or activities within an adult business.

"Regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or
characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct,

“School” means any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

“Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human 1) genitals or pubic region; 2) buttocks; and 3) female breasts below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state even if completely and opaquely covered;

3. Any device, costume or covering that simulates any of the body parts included in subsection A or B of this definition.

"Specified sexual activities" means and includes any of the following, whether performed directly or indirectly through clothing or covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Excretory functions as part of or in connection with any of the other activities described in subsections A through C of this definition.

5.15.020 Purpose and Intent.
The purpose of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.
It is also the purpose of this Chapter to regulate adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials.

Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material. Nothing in this Chapter is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof. It is the intent of this Chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult businesses in close proximity to each other or proximity to other incompatible

5.15.030 Location Requirements.
Adult businesses shall be zoned in accordance with the guidelines in Title 18.

5.15.040 Adult Newsracks.
Material offered for sale from adult newsracks shall not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations of specified anatomical areas or specified sexual activities.

5.15.050 Amortization of Nonconforming Adult Business Uses.
Any use of real property existing on the effective date of this Ordinance, which does not conform to the provisions of Section 5.15.030 of this Chapter, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued for a period of one (1) year after the effective date of this Ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved in accordance with the provisions of Section 5.15.060 of this Chapter.

A. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult business for six (6) continuous months shall result in a loss of legal nonconforming status of such use.

B. Any adult business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of Section 5.15.030 of this Chapter shall be terminated within one year of the date of annexation unless an extension of time has been approved in accordance with the provisions of Section 5.15.060 of this Chapter.

5.15.060 Application for Extension of Time for Termination of Nonconforming Use.
The owner or operator of a nonconforming use as described in Section 5.15.030 of this Chapter
may apply under the provisions of this Section to the City Manager for an extension of time within which to terminate the nonconforming use.

A. An application for an extension of time within which to terminate a use made nonconforming by the provisions of Section 5.15.050 of this Chapter, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the City Manager at least ninety (90) days but no more than one hundred eighty (180) days prior to the time established in Section 5.15.050 of this Chapter for termination of such use.

B. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.

C. The hearing officer shall set the matter for hearing within forty-five (45) days of receipt of the application and shall be conducted pursuant to Chapter 5.05. The owner or operator shall be notified of the hearing pursuant to Section 5.05.060.

D. The hearing officer shall approve an extension under the provisions of this Section for a reasonable period of time commensurate with the investment involved. The hearing officer shall only approve the application only if he or she makes all of the following findings or such other findings as are required by law:

1. The applicant has made a substantial investment (including, but not limited to, lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use;

2. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 9.42.030 of this Chapter.

5.15.070 Adult Business Regulatory Permit Applications.

A. Every person who proposes to maintain, operate or conduct an adult business in the City shall file an application with the Chief of Police upon a form provided by the City and shall pay a filing fee, as established by resolution adopted by the City Council from time to time, which shall not be refundable. Adult business regulatory permits are nontransferable, except in accordance with Section 5.15.100 of this Chapter. Therefore, all applications shall include the following information:

1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.

2. If the applicant is a partnership, the partners shall state the partnership's complete name,
address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.

3. If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.

4. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten percent (10%) or greater interest in the business entity shall sign the application.

5. If the applicant intends to operate the adult business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.

6. A description of the type of adult business for which the permit is requested and the proposed address where the adult business will operate, plus the names and addresses of the owners and lessors of the adult business site.

7. The address to which notice of action on the application is to be mailed.

8. The names of all employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 5.15.110 of this Chapter to obtain an adult business performer permit (for ongoing reporting requirements see Section 5.15.110 of this Chapter).

9. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6").

10. A certificate and straight-line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult business.

11. A diagram of the off-street parking areas and premises entries of the adult business showing the location of the lighting system required by Title 18.

12. Any other information required by the Chief of Police to verify the information contained in the application and compliance with this Chapter.

13. A written, dated, and signed statement by the applicant certifying, under penalty of perjury, that:
a. All information contained in the application is true and correct;

b. The owner(s) will only employ or retain performers who are permitted under [adult entertainment performer permit];

c. The owner(s) will be responsible for the conduct of all entertainment business operators, employees, agents, independent contractors, or other representatives while such persons are on the premises of the adult entertainment business establishment, and that failure to comply with the provisions of this Chapter and any federal, state, or local law may result in the suspension or revocation of the massage establishment permit; and

d. The applicant has received a copy of this Chapter and of the obligations pursuant to this Chapter.

B. If the Chief of Police determines that the applicant has completed the application improperly, he shall promptly notify the applicant of such fact and, on request of the applicant, grant the applicant an extension of time of ten (10) days or less to complete the application properly. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Chief of Police to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

C. The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining an adult business regulatory permit.

D. If any of the information provided in the application changes during the permitting process, the applicant must notify the Chief of Police within ten (10) days.

515.080 Investigation and Action on Application.

A. Upon receipt of a completed application and payment of the application and permit fees, the Chief of Police shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult business regulatory permit.

B. Within thirty (30) days of receipt of the completed application, the Chief of Police shall complete the investigation and grant or deny the application in accordance with the provisions of this Chapter, and so notify the applicant as follows:

1. The Chief of Police shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

2. If the application is denied, the Chief of Police shall attach to the application a statement of the reasons for denial.

3. If the application is granted, the Chief of Police shall attach to the application an adult business regulatory permit.
4. The application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.

C. The Chief of Police shall grant the application and issue the adult business regulatory permit upon findings that:

1. The proposed business meets the locational criteria of Title 18;

2. That the applicant has met all of the developmental and performance standards and requirements of Section 5.15.070 of this Chapter; and

3. The application should not be denied for one or more of the reasons set forth in Section 5.15.090 of this Chapter.

D. The permittee shall post the permit conspicuously in the adult business premises.

E. If the Chief of Police grants the application or if he neither grants nor denies the application within thirty (30) days after it is stamped as received (except as provided in subsection 5.15.090B of this Chapter), the applicant may begin operating the adult business for which the permit was sought, subject to strict compliance with the development and performance standards and requirements of Section 5.15.070 of this Chapter.

5.15.090 Permit Denial, Expiration, and Renewal.

A. The Chief of Police shall deny the application for any of the following reasons:

1. The building, structure, equipment, or location used by the business for which an adult business regulatory permit is required does not comply with the requirements and standards of the health, zoning, fire and safety laws of the City and the State, or with the locational or development and performance standards and requirements of these regulations.

2. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading, or fraudulent statement of material fact in the application for an adult business regulatory permit.

3. An applicant is under eighteen (18) years of age.

4. The required application fee has not been paid.

5. The adult business does not comply with the Zoning Ordinance locational standards.

B. Each adult business regulatory permit shall expire one (1) year from the date of issuance, and may be renewed only by filing with the Chief of Police a written request for renewal, accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be
stayed. Applications for renewal shall be acted on as provide in this Chapter for action upon applications for permits.

5.15.100 Transfer of Adult Business Regulatory Permits.
A. A permittee shall not operate an adult business under the authority of an adult business regulatory permit at any place other than the address of the adult business stated in the application for the permit.

B. A permittee shall not transfer ownership or control of an adult business or transfer an adult business regulatory permit to another person unless and until the transferee obtains an amendment to the permit from the Chief of Police stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Chief of Police in accordance with Section 5.15.070 of this Chapter, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Chief of Police determines in accordance with Section 5.15.080 of this Chapter that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the Chief of Police has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this Section is hereby declared void, and the permit shall be deemed revoked.

5.15.110 Adult Business Performer Permit Application.
A. No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult business, without a valid adult business regulatory permit issued by the City. All persons who have been issued an adult business regulatory permit shall promptly supplement the information provided as part of the application for the permit required by Section 5.15.070 of this Chapter, with the names of all performers required to obtain an adult business performer permit, within thirty (30) days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the adult business regulatory permit.

B. The Chief of Police shall grant, deny and renew adult business performer permits.

C. The application for a permit shall be made on a form provided by the Chief of Police. An original and two (2) copies of the completed and sworn permit application shall be filed with the Chief of Police.

D. The completed application shall contain the following information and be accompanied by the following documents:

1. The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;

2. Age, date and place of birth;
3. Height, weight, hair and eye color;

4. Present residence address and telephone number;

5. Whether the applicant has ever been convicted of:

   a. Any of the offenses set forth in sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereinafter by amended or renumbered.

   b. The equivalent of the aforesaid offenses outside the State of California.

6. Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution;

7. State driver's license or identification number;

8. Satisfactory written proof that the applicant is at least eighteen (18) years of age;

9. The applicant's fingerprints on a form provided by the Police Department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant;

10. If the application is made for the purpose of renewing a permit, the applicant shall attach a copy of the permit to be renewed.

E. The completed application shall be accompanied by a nonrefundable application fee. The amount of the fee shall be set by resolution of the City Council and may be amended from time to time.

F. Upon receipt of an application and payment of the application fees, the Chief of Police shall immediately stamp the application as received and promptly investigate the application.

G. If the Chief of Police determines that the applicant has completed the application improperly, he shall promptly notify the applicant of such fact and grant the applicant an extension of time of not more than ten (10) days to complete the application properly. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Chief of Police to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.
H. If any of the information provided in the application changes during the application process, the applicant must notify the Chief of Police within ten (10) days.

5.15.120 Investigation and Action on Application.
A. Within five (5) days after receipt of the completed application, the Chief of Police shall grant or deny the application and so notify the applicant as follows:

1. The Chief of Police shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

2. If the application is denied, the Chief of Police shall attach to the application a statement of the reasons for denial.

3. If the application is granted, the Chief of Police shall attach to the application an adult business performer permit.

4. The application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.

B. The Chief of Police shall grant the application and issue the permit unless the application is denied for one or more of the reasons set forth in subsection D of this Section.

C. If the Chief of Police grants the application or if he neither grants nor denies the application within five (5) days after it is stamped as received (except as provided in subsection 5.15.110G of this Chapter), the applicant may begin performing in the capacity for which the permit was sought.

D. The Chief of Police shall deny the application for any of the following reasons:

1. The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application.

2. The applicant is under eighteen (18) years of age.

3. The adult business performer permit is to be used for performing in a business prohibited by State or City law.

4. The applicant has been registered in any state as a prostitute.

5. The applicant has been convicted of any of the offenses enumerated in subsection 5.15.110D5 of this Chapter or convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California. A permit may be issued to any person convicted of the described crimes if the conviction occurred more than five (5) years prior to the date of the application.
E. Each adult business performer permit shall expire one (1) year from the date of issuance and may be renewed only by filing with the Chief of Police a written request for renewal, accompanied by the application fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided in Section 5.15.110.

5.15.130 Suspension or Revocation of Adult Business Regulatory Permits and Adult Business Performer Permits.

In addition to the reasons set forth in Section 5.04.030, an adult business regulatory permit or adult business performer permit may also be suspended or revoked for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult business:

A. The permittee, employee, agent, partner, director, stockholder, or manager of an adult business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business, or in the case of an adult business performer, the permittee has engaged in one of the activities described below while on the premises of an adult business:

1. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

2. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

3. Any conduct constituting a criminal offense which requires registration under Penal Code section 290.

4. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Penal Code sections 315, 316, 318, or 647(b).

5. Any act constituting a violation of provisions in the Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to, sections 311 through 313.4.

6. Any conduct prohibited by this Chapter.

B. Failure to conform to the building, structure, equipment, zoning, and other requirements of this Code.

5.15.140 Register and Permit Number of Employees.

Every permittee of an adult business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all persons
so performing on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any police officer or health officer of the City.

5.15.150 Display of Permit and Identification Cards.
An adult business performer shall have such card available for inspection at all times during which such person is on the premises of the adult business.
Chapter 16

MASSAGE ESTABLISHMENTS

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5.16.040 Massage Establishment Permit Required.
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5.16.250 Notices.
5.16.260 Compliance with Code.
5.16.270 Changes of Business.
5.16.280 Transfer and Renewal of Permits.
5.16.290 Exemptions.

5.16.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Applicant” means a person who is required to file an application for a permit under this Chapter, including a masseur, masseuse, instructor, trainee, individual owner, managing partner, managing officer of a corporation, or any other operator, manager or employee of a massage
establishment or school of massage.

“Baths” means the giving or furnishing of Russian, Finnish, Swedish, hot-air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation, or electric baths or baths of any kind whatever, excluding ordinary tub baths or showers where an attendant is not required.

“Bona fide nonprofit organization” means any fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular membership association primarily for mutual, social, mental, political, and civic welfare to which admission is limited to the members and guests and revenue accruing therefrom is to be used exclusively for the purposes of said organization, and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent, or other nonprofit organization and in which any massage or bath services provided are incidental to its primary operation.

“California Massage Therapy Council (CAMTC)” means the state organized nonprofit organization created to regulate the massage industry set forth in Cal. Bus. & Prof. Code Division 2, Chapter 10.5 (commencing with Section 4600).

“CAMTC certificate” means a current and valid certificate issued by the California Massage Therapy Council to a massage technician.

“Health officer” means the designated health official within the City’s Building Department.

“Instructor” means a person employed by a school of massage for the purpose of teaching and/or demonstrating courses in said school.

“Massage” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of a human body with the use of the hands, arms, or other portion of another human body, with or without the aid of any mechanical or electrical apparatus or appliances and with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used on the human body. Massage shall also include the giving of any baths as listed under "bath" of this Section.

“Massage establishment” means any establishment having a fixed place of business where any person, firm, partnership, association, corporation or combination thereof engages in, carries on, or permits to be engaged in or carried on, any massage techniques for compensation or any other consideration. This includes any establishment engaged in, carrying on, or permitting any combination of massage or bodywork or bathhouse.

“Massage practitioner” means any person who for any consideration whatsoever engages in the practice of massage or bodywork techniques as defined in this Section, unless otherwise exempted. The terms “massage therapist,” “massage technician,” or any other terms used within the massage industry are included within this definition for the purposes of this Chapter.

“Massage techniques” means any method of pressure on or friction against, or striking, kneading,
rubbing, tapping, pounding, vibrating or stimulating of the external parts of another human body with the use of hands, arms, or other portions of the body, or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. This includes giving baths where an attendant is present.

“Masseur” or “Masseuse” means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this Section unless otherwise excepted.

“Out-call massage service” means to engage in or perform massage or bodywork for a fee or other consideration at a location other than a duly licensed massage or bodywork establishment or school of massage.

“Owner” means any of the following individuals:

1. The sole practitioner of a sole proprietorship operating a massage establishment.

2. Any general partner of a general or limited partnership that owns a massage establishment.

3. Any person who has ten percent (10%) or greater ownership interest in a corporation that owns a massage establishment.

4. Any person who is a member of a limited liability company that owns a massage establishment.

5. All owners of any type of business entity that owns a massage establishment.

6. Any person identified as an owner on a massage establishment permit.

“Patron” means a customer receiving massage or bodywork services in exchange for consideration.

“School of massage” means any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study not less than one hundred eighty (180) class hours to be given in not less than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to Education Code section 29007.5.

“Trainee” means a person accepted for enrollment in a course of study leading to a degree or certificate of graduation from a school of massage in the State of California.

5.16.020 Purpose.
The City recognizes that massage is a viable professional field offering services with public health and therapeutic benefits. The purpose of this Chapter is to regulate massage and bodywork
businesses within the City as is necessary to protect the health, safety and welfare of City residents.

The regulations created in this Chapter are pursuant to California Government Code section 51030 et seq. and California Business and Professions Code section 4600 et seq. These regulations are meant to ensure that massage establishments within the City are operated in a safe, professional, and lawful manner. It is the purpose of the City that these regulations ensure massage practitioners within the City have the proper skill and experience to provide safe and sanitary services. It is also the purpose of this Chapter to create health and safety standards to ensure the safety of massage establishment patrons in the City.

5.16.030  CAMTC Certification Required.
A. It is unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, in or upon any premises within the City the business of providing massage, for any compensation, without being in the possession of a valid California Massage Therapy Council (hereinafter “CAMTC”) certificate.

B. It shall be unlawful for a massage establishment to employ or retain any person to practice massage therapy for compensation, or to allow any person to perform massage therapy for compensation on the premises of a massage establishment, unless that person is a CAMTC certified massage professional.

5.16.040  Massage Establishment Permit Required.
No person shall conduct, or permit the operation of a massage establishment on their premises, without first having obtained a massage establishment permit issued by the City. It is unlawful for a massage establishment to continue to operate following the sale or transfer of any interest in the massage establishment to any person who was not identified as an owner in the massage establishment permit application. If a massage business is sold, the new owner must apply for a license for that location before conducting business as a massage establishment. Upon the sale of a massage business, the current permittee shall notify the Finance Department of the sale.

5.16.050  Authority to Enforce.
The Chief of Police, or designee, shall have the power and authority to promulgate rules, regulations, and requirements that are consistent with the provisions of this Chapter and applicable State law to investigate, issue, suspend, or revoke massage establishment permits.

5.16.060  Permit and Fees.
A. Every person who proposes to maintain, operate, or conduct a massage establishment or a school of massage in the City shall file an application with the City Clerk upon a form provided by the City and shall pay a filing fee of an amount established by the City Council, which may be amended from time to time by resolution, and which shall not be refundable.

B. Every person who proposes to be employed by a massage establishment or a school of massage, every person who proposes to engage in the practice of massage, and every person who proposes to be an instructor or trainee in a school of massage shall file an application with the City Clerk upon a form provided by the City and shall pay a filing fee of an amount established
by the City Council, which may be amended from time to time by resolution, and which shall not be refundable.

C. A permit, when issued, shall state whether it is for a massage establishment, for a school of massage, for a massage practitioner or trainee, for a massage establishment or school of massage employee who is not authorized to perform a massage, or for an instructor or trainee in a school of massage.

5.16.070 Referral of Application to Other Departments.

A. All applications for permits for massage establishments or schools of massage shall be referred to the Building Official, the Fire Chief, the Director of Community Development, and the Chief of Police who shall make written recommendations to the City Clerk concerning compliance with the laws and ordinances that they administer and enforce.

B. All other applications shall be referred to the County Health Inspector and Chief of Police or designee for their written recommendations to the City Clerk concerning compliance with the laws and ordinances that they administer and enforce.

C. The Chief of Police or designee shall require an applicant to have his or her fingerprints taken and may require such additional information as may be necessary to establish the identification of the applicant.

5.16.080 Application for Massage Establishment Permit.

A. An applicant for a massage establishment permit must be the owner of the massage establishment. Any applicant seeking a massage establishment permit must file a written application, with the required forms and documentation, to the Chief of Police. The application shall include a nonrefundable filing fee and nonrefundable facility review plan fee. The application must include the following information:

1. The exact name of the businesses under which the business of the massage establishment will be conducted;

2. The complete address and all telephone numbers of the of the massage establishment;

3. The type of ownership of the business, i.e., whether sole proprietorship, partnership, corporation, or otherwise. The application should also contain the names and contact information of all officers, directors, and persons with an ownership interest in the business, including partners and stockholders;

4. The proposed hours of operation for the massage establishment;

5. A description of any other businesses owned by the applicant, including any other businesses that will be operated on the same premises as the massage establishment;

6. A complete and current list of the names and residential addresses of all proposed massage practitioners and employees in the massage establishment and the name and
residential addresses of the manager(s) proposed to be principally in charge of the operation of the massage establishment;

7. For each person who will be providing massage therapy, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card;

8. For each owner who is a CAMTC certified massage professional, a copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card;

9. The applicant’s:

   a. Current address and telephone number and all previous residential addresses for the past eight (8) years;

   b. Acceptable proof that the applicant is at least eighteen (18) years of age;

   c. A copy of a valid and current driver’s license or identification card issued by a State or Federal government agency or other photographic identification bearing a bona fide seal by a foreign government;

   d. The applicant’s complete business, occupation and employment history for the past eight (8) years, including the applicant’s business history and experience with massage businesses;

   e. Two current “passport” photographs of the applicant, each not exceeding four square inches in size, and being only front views of the face and head;

   f. The complete massage permit history of the applicant including:

      (i) A list of all past applications for permits or licenses in the past eight (8) years;

      (ii) The agencies, cities, boards, counties, territories, or states applied from which an application was sought;

      (iii) The date of issuance of any licenses or permits;

      (iv) A list of any denial, revocation, or suspension of a license or permit and an explanation of each.

   g. All criminal convictions, including pleas of nolo contendere, within the past eight (8) years, including those dismissed or expunged pursuant to California Penal Code Section 1203.4, but excluding minor traffic violations, the date and place of each conviction, and an explanation;
10. Either proof of ownership of the property or a copy of the lease agreement and a notarized letter from the real property owner acknowledging that the property will be used as a massage establishment;

11. A description of the massage establishment, including, but not limited to, the type of treatments to be administered and the proposed hours of operation;

12. Seven (7) sets of facility plans for the massage establishment;

13. Authorization for the City, its agents, and its employees to seek verification of the information contained in the application;

14. Such other information as required by the Chief of Police or designee to verify the information contained in the application;

15. A written, dated, and signed statement by the applicant certifying, under penalty of perjury, that:

   a. All information contained in the application is true and correct;

   b. The owner(s) will only employ or retain CAMTC certified massage professionals, and failure to comply may result in the suspension or revocation of the massage establishment permit;

   c. The owner(s) will be responsible for the conduct of all massage establishment operators, employees, agents, independent contractors, or other representatives while such persons are on the premises of the massage establishment or providing out-call massage services, and that failure to comply with the provisions of this Chapter and any federal, state, or local law may result in the suspension or revocation of the massage establishment permit; and

   d. They have received a copy of this Chapter and understand its contents.

16. Written, dated, and signed statements from the applicant’s designated managers certifying under penalty of perjury that they have reviewed and understand the contents of this Chapter and obligations pursuant to Sections 5.16.150 through 5.160.

B. If any of the information provided in the application changes during the application process, the applicant must notify the Chief of Police or designee within ten (10) days.

C. An owner who will also be a massage practitioner must also pay the fees associated with the massage practitioner’s permit.

5.16.090 Massage Establishment Permit Issuance and Denial.
A. The Chief of Police or designee shall evaluate each permit application and issue an approval, conditional approval or denial within sixty (60) days of receiving the complete application.
Applications shall be referred to the Building Inspector, the Fire Marshal, and to approve the facility plans and inspect the premises. The Chief of Police or designee may extend the evaluation period by an additional thirty (30) days if necessary to investigate the representations made in the application. The Chief of Police or designee shall approve a permit application unless:

1. Any owners, personnel, employees, or operators of the massage establishment:
   a. Have been convicted of a violation of Penal Code sections 266, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 266i, 314, 315, 316, 318, 647(a), (b), or (d), or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code section 290 or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Penal Code section 415 or any lesser included or lesser related offense in satisfaction of, or as a substitute of, any of the previously listed crimes;
   b. Haven been convicted of a violation of Health and Safety Code section 11550 or any felony offense involving the sale of a controlled substance specified in Health and Safety Code sections 11054, 11055, 11056, 11057, or 11068;
   c. Have been convicted in any other state which is the equivalent of any of the above-mentioned offenses;
   d. Have been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Penal Code section 11225 et seq., or any similar provisions of law in a jurisdiction outside the State of California; or
   e. Are required to register under Penal Code section 290.

2. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the City during the permit application process;

3. The application does not contain all of the information required under this Chapter;

4. The proposed massage establishment does not comply with all applicable laws including but not limited to health, zoning, fire, and safety requirements and standards;

5. Plans for proposed massage establishments have not been approved by the County health department or the building is not in compliance with all of the City’s applicable building code requirements; or

6. The applicant has not satisfied the requirements of this Chapter in the time specified.

B. If the application is denied, the applicant may not reapply for a six (6) month period from the date the application is denied.
5.16.100 Massage Practitioner or Trainee Permit Application.
A. Any applicant seeking a massage practitioner or trainee permit must file a written application, with the required forms and documentation, to the Chief of Police. The application shall include a nonrefundable filing fee. The application must include:

1. A statement of the exact location at which the applicant will be working as a massage practitioner or trainee, including the exact name of the business, full street address, and all telephone numbers associated with the location;

2. The following personal information of the practitioner or trainee applicant:
   a. Full and complete name and all aliases used by the applicant;
   b. Current address, telephone number, and all previous residential addresses for the eight (8) years preceding the date of the application;
   c. Acceptable written proof that the applicant is at least eighteen (18) years of age;
   d. A copy of a valid and current driver’s license or identification card issued by a State or Federal government agency or other photographic identification bearing a bona fide seal by a foreign government;
   e. The applicant’s complete business, occupation and employment history for the past eight (8) years, including the applicant’s business history and experience with massage businesses;
   f. Two current "passport" photographs of the applicant, each not exceeding four (4) square inches in size, and being only front views of the face and head;
   g. The complete massage permit history of the applicant including:
      (i) A list of all past applications for permits or licenses in the past eight (8) years;
      (ii) The agencies, cities, boards, counties, territories, or states applied from which an application was sought;
      (iii) The date of issuance of any licenses or permits;
      (iv) A list of any denial, revocation, or suspension of a license or permit and an explanation of each;
   h. All criminal convictions, including pleas of nolo contendere, within the past eight (8) years, including those dismissed or expunged pursuant to Penal Code Section 1203.4, but excluding minor traffic violations, the date and place of each conviction, and an explanation.
3. A copy of his or her current certification from CAMTC and a copy of his or her current CAMTC issued identification card, or proof of enrollment in a recognized massage school, if requesting a trainee permit;

4. Authorization for the City, its agents, and its employees to seek verification of the information contained in the application;

5. Such other information as required by the Chief of Police or designee to verify the information contained in the application;

6. An original or certified copy of a diploma or certificate and certified transcript of graduation for completion of five hundred (500) hours of instruction from a recognized school of massage; and

   a. The Chief of Police or designee may consider an applicant's study of massage completed outside of the state if proof of completion from a formalized course of study massage practice, anatomy, or physiology is provided with the application. Proof of completion shall include dates of study and the name, address, and phone number of the school attended, the original diploma or certificate, and certified transcripts of graduation.

   b. Any out-of-state course of study submitted for approval shall meet the State of California's Office of Post-Secondary Education's minimum requirements and be for completion of five hundred (500) hours of on-premises training.

   c. This subdivision shall only apply to non-trainee, practitioner applicants.

7. A written, dated, and signed statement by the applicant certifying, under penalty of perjury, that:

   a. All information contained in the application is true and correct.

   b. Has received a copy of this Chapter and understands its contents; and

   c. Understands the duties of a massage practitioner as provided in this Chapter.

B. If any of the information provided in the application changes during the application process, the applicant must notify the Chief of Police or designee within ten (10) days.

C. The permit application does not authorize the applicant to act as a massage practitioner unless and until such permit has been properly granted.

D. Existing operator and massage practitioner permits shall continue in effect until expiration. All existing permit holders shall have an additional twenty-four (24) months from the effective date of this Chapter to meet and comply with the 500-hour training requirement.
5.16.110 Massage Practitioner and Trainee Permit Issuance and Denial.
A. The Chief of Police or designee shall evaluate each massage practitioner and trainee permit application and issue an approval, conditional approval or denial within sixty (60) days of receiving the complete application. The Chief of Police or designee may extend the evaluation period by an additional thirty (30) days if necessary to investigate the representations made in the application. The Chief of Police or designee shall approve a permit application unless:

1. The applicant:
   a. Has been convicted of a violation of California Penal Code Sections 266, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 266i, 314, 315, 316, 318, 647(a), (b), or (d), or any other provision of law pursuant to which a person is required to register under the provisions of California Penal Code Section 290 or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code Section 415 or any lesser included or lesser related offense in satisfaction of, or as a substitute of, any of the previously listed crimes;
   b. Has been convicted of a violation of California Health and Safety Code Section 11550 or any felony offense involving the sale of a controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11068;
   c. Has been convicted in any other state which is the equivalent of any of the above-mentioned offenses; or
   d. Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code Section 11225 et seq., or any similar provisions of law in a jurisdiction outside the State of California.

2. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the City during the permit application process;

3. The application does not contain all of the information required under this Chapter;

4. The applicant has not satisfied the requirements of this Chapter in the time specified.

B. If the application is denied, the applicant may not reapply for a six (6) month period from the date the application is denied.

5.16.120 Operation of a School of Massage Permit Application.
Every application for a school of massage shall be accompanied by:

A. Proof of approval from the CAMTC, pursuant to California Business and Professions Code Section 4600 et seq.;

B. A statement of the educational and experience qualifications, and the names and residence
addresses of all directors, administrators, and instructors;

C. A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness and absence grading policy, and rules of operation and conduct; and

D. A school of massage permit shall not be issued for the same location as a massage or bodywork establishment.

5.16.130 School of Massage Permit Issuance and Denial.
A. The Chief of Police or designee shall evaluate each permit application and issue an approval, conditional approval or denial within sixty (60) days of receiving the complete application. The Chief of Police or designee may extend the evaluation period by an additional thirty (30) days if necessary to investigate the representations made in the application. The Chief of Police or designee shall approve a permit application unless:

1. There are grounds for denial under Section 5.02.040;

2. The school of massage fails to meet any zoning, building and construction, and other relevant requirements under the Code;

3. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the City during the permit application process;

4. The application does not contain all of the information required under this Chapter;

5. The applicant has not satisfied the requirements of this Chapter in the time specified.

B. If the application is denied, the applicant may not reapply for a six (6) month period from the date the application is denied.

5.16.140 Massage Facility Regulations and Requirements.
Unless otherwise specified, these regulations and requirements apply to all massage establishments, schools of massage, and massage practitioners:

A. Massage establishments and schools of massage shall be located in a zoning district which permits such use. Prior to a proposed massage establishment being constructed or opened for business, the seven (7) sets of plans submitted with the massage establishment permit application shall be distributed to the County Department of Health for approval.

B. A massage establishment shall have the equipment and supplies necessary for disinfecting and sterilizing instruments on the premises at all times.

C. A readable sign identifying the business as a massage establishment shall be conspicuously posted on the premises at all times in compliance with State and local laws. The hours of operation of the facility will also be conspicuously displayed in the premises. A massage establishment shall prominently display all City issued permits for the massage establishment
and its employees and all State issued certificates for its employees at the entrance or lobby of the premises.

D. Recognizable and legible signs shall be posted at all exits identifying each such exit in accordance with the requirements of the City’s fire code and State regulations.

E. A list of available services, in bold letters not less than one inch in height, shall be conspicuously posted on the premises of the massage establishment at all times. The list shall include the cost of each service. The services provided shall not include baths. No services or activity shall be offered or performed except for those listed. No patron shall be charged more than the cost listed for the service provided.

F. The interior of the massage establishment shall maintain adequate illumination to make the conduct of employees, independent contractors, and clients within the premises readily discernible. No strobe or flashing lights shall be used.

G. All facilities within the massage establishment shall be kept in good repair and thoroughly cleaned and sanitized each day the business is in operation. All walls, floors, and ceilings of each restroom and shower area shall be made smooth and easily cleanable. No carpeting shall be installed in any of these areas.

H. A massage table shall be provided in each massage room and all massages shall be performed on a massage table. Every table should be at least eighteen (18) inches in height. Tables may have foam pads that are two (2) inches thick and no wider than four (4) feet. All tables shall be covered with durable, washable plastic or other waterproof material.

I. Massage establishments shall comply with all State and Federal laws and regulations for ensuring accessibility to disabled patrons or visitors.

J. Restroom facilities at the massage establishment shall include a minimum of one toilet and one wash basin. The restroom facilities shall be equipped with a permanently installed soap dispenser filled with soap, a single service towel dispenser or hand dryer, and hot water at all times. No bar soap may be used. A trash receptacle shall be provided in each toilet room. Showers may be provided.

K. All front, reception, hallway, or front exterior doors shall be unlocked during business hours, except as may be permitted by applicable laws allowing safety doors which may be opened from the inside when locked. All interior doors leading into massage rooms shall have unobstructed windows.

L. Doors used solely by employees to enter or exit the massage establishment may be locked during business hours.

M. A massage may not take place in a room fitted with any kind of lock, unless the door opens to the exterior of the building.
N. No operator granted a permit pursuant to this Section shall use any name or conduct business under any designation not specified in his or her permit.

5.16.150 Massage Establishment Operation Regulations and Requirements.
A. The massage establishment shall have a manager employed by the establishment on the premises at all times during hours of operation.

B. The following regulations will govern which persons are permitted in massage rooms:

1. No person, other than valid practitioners, employees of the establishment, registered patrons, and City inspectors, Peace Officers or code enforcement officials will be permitted in the massage rooms during hours of operation.

2. Clients and visitors shall be permitted in the massage establishment only during the hours of operation.

3. No visitors shall be permitted in massage therapy rooms except the parents or guardian of a minor child who is a client, a minor child when necessary for the client’s supervision of the child, or the conservator, aide, or other caretaker of a client.

4. Except as provided in subsection (3), no visitors shall be permitted in massage therapy rooms, break rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception, waiting area, or the restrooms.

5. Except for a client who is inside a massage therapy room for the purpose of receiving a massage, no clients or visitors shall be permitted in or on the massage establishment premises at any time who are less than fully clothed in outer garments of nontransparent material, or who display or expose themselves in underclothing or similar intimate apparel.

C. No massage establishment may discriminate or exclude patrons on the basis of race, sex, religion, age, handicap, or any other classification protected under Federal or State laws, rules, or regulations.

D. No person shall operate a massage establishment or perform any massage services in a massage establishment between the hours of 10:00 p.m. and 6:00 a.m.

E. It is unlawful for any person to use the massage establishment for residential purposes. All living quarters shall be separate from the massage establishment. No mattresses, beds, floor mattresses, waterbeds, or other bedding are allowed in a massage establishment or school of massage, with the exception of tables, sheets, and other bedding used for massages.

F. No food shall be sold or prepared at the massage establishment unless a food vending permit is granted by the County.

G. No person shall enter, be in or remain in any part of a massage establishment while in possession of, consuming, using, or under the influence of any alcoholic beverage or controlled
substance, unless the massage establishment has a current and valid California Department of Alcoholic Beverage Control license and all required City approvals.

H. No electrical, mechanical or artificial device for recording audio or video shall be used by the operator, manager or any employee of the massage establishment to record or monitor the performance of a massage or conversation or other sounds in the massage rooms without the knowledge or consent of the patron and the written consent of the police department.

I. Instruments, devices or paraphernalia that are designed for use or are used in connection with sexual activities, including but not limited to condoms, shall not be permitted within a massage establishment.

J. All payments for massage therapy services, including gratuities or tips, shall be made only in the designated reception and waiting area and not in the massage therapy room. Any gratuities or tips that are solicited from the client in violation of this provision shall be presumed to be for the purpose of committing a sexually related act and may be grounds for the suspension or revocation of the owner’s massage establishment permit.

5.16.160 Massage Practitioner Rules and Regulation.
A. No massage practitioner shall massage the specified anatomical areas of any patron except that the female breasts may be massaged with the written consent of the individual receiving the massage and a referral from a State licensed medical practitioner. Nor shall any operator or manager of a massage establishment allow or permit massage of such areas by any employee. No operator or manager, while performing any task or service associated with the massage establishment, shall be present in any room with another person unless the person’s specified anatomical areas are fully covered.

B. No massage practitioner shall massage any patron unless the patron’s genitals, gluteal crease, anus and, in the case of a female patron, breast(s), are fully covered at all times while the practitioner is present in the same room as the patron.

C. A massage practitioner, owner, or person employed or retained by the massage establishment shall be fully clothed at all times. Clothing shall be of a fully opaque, nontransparent material and provide complete covering of the genitals, pubic area, buttocks, anal area, and chest. No person shall dress in swim attire if not providing a water-based massage modality approved by the CAMTC.

5.16.170 Health and Safety Requirements.
A. All patrons will be provided with clean, sanitary and opaque coverings capable of covering the patron’s specified anatomical areas. No common use of such coverings shall be permitted, and re-use is prohibited unless adequately cleaned. Linens and towels shall be laundered or changed promptly after each use. Towels and linens shall not be shared among clients. Clean and soiled linens and towels shall be stored separately.

B. All massage professionals shall thoroughly wash his or her hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a client. No
massage therapy shall be provided upon a surface of the skin or scalp of a client where such skin
is inflamed, broken (e.g., abraded or cut), or where a skin infection or eruption is present.

C. The massage establishment shall at all times be equipped with an adequate supply of clean
sanitary towels, coverings, and linens, and all massage tables shall be covered with a clean sheet
or other clean covering for each client. After a towel, covering or linen has been used once, it
shall be deposited in a closed receptacle and not used again until properly laundered and
sanitized. Towels, coverings, and linens shall be laundered either by regular commercial
laundrying, or by a noncommercial laundering process that includes immersion in water at least
one hundred and forty (140) degrees Fahrenheit for not less than fifteen (15) minutes during the
washing or rinsing operation. Clean towels, coverings, and linens shall be stored in closed, clean
cabinets when not in use. A massage professional engaged in the practice of out-call massage
shall carry a sufficient quantity of clean and sanitary towels, sheets, and linens to comply with
these requirements.

D. All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower
compartments, hot tubs, and pools shall be thoroughly cleaned and disinfected as needed, and at
least once each business day when the premises have been or will be open and such facilities in
use. All bathtubs shall be thoroughly cleaned and disinfected after each use.

E. All liquids, creams or other preparations used on or made available to clients shall be kept in
clean and closed containers. Powders may be kept in clean shakers. All bottles and containers
shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid,
cream, or other preparation is to be used on or made available to a client, it shall be removed
from the container in such a way as not to contaminate the remaining portion.

F. No invasive procedures shall be performed on any client. Invasive procedures include, but are
not limited to:

1. Application of electricity that contracts the muscle;

2. Penetration of the skin by metal needles;

3. Abrasion of the skin below the nonliving, epidermal layers;

4. Removal of skin by means of any razor-edged instrument or other device;

5. Use of any needle-like instrument for the purpose of extracting skin blemishes;

6. Other similar procedures.

G. All bathrobes, bathing suits, and other garments that are provided for the use of clients shall
be fully disposable and not used by more than one client, or shall be laundered after each use
pursuant to subsection (C).

H. All combs, brushes and other personal items of grooming or hygiene that are provided for the
use of clients shall be either fully disposable and not used by more than one client, or shall be fully disinfected after each use.

I. No clients shall be allowed to use any shower facilities of the massage establishment unless such clients are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of clients either shall be fully disposable and not used by more than one client, or shall be fully disinfected after each use.

J. No person afflicted with an infection or parasitic infestation capable of being transmitted to a client shall remain on the premises of a massage establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a client include, but are not limited to:

1. Cold, influenza or other respiratory illness which may or may not be accompanied by a fever, for seven (7) days after illness onset or until twenty-four (24) hours after the cessation of symptoms, whichever is longer;

2. Streptococcal pharyngitis (“strep throat”), until twenty-four (24) hours after treatment has been initiated and twenty-four (24) hours after the cessation of symptoms;

3. Purulent conjunctivitis (“pink eye”), until examined by a physician and approved for return to work;

4. Pertussis (“whooping cough”), until five (5) days of antibiotic therapy have been completed;

5. Varicella (“chicken pox”), until the sixth (6th) day after onset of rash or sooner if all lesions have dried and crusted;

6. Mumps, until nine (9) days after onset of parotid gland swelling;

7. Tuberculosis until a physician or local health department authority states that the person is noninfectious;

8. Impetigo (bacterial skin infection), until twenty-four (24) hours after treatment has begun;

9. Pediculosis (“head lice”), until there is no further infestation;

10. Scabies (“crabs”), until after treatment has been completed; and

11. Blood-borne diseases, such as HIV, AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this subsection.

5.16.180 Inspections.
A. During regular business hours, reasonable inspections may be conducted by the City and the City’s Building Division, Police Department, Fire Department and County Health Department for the purpose of ensuring compliance with local and State law and other applicable fire, health,
and safety requirements.

B. Routine inspections shall not occur more than twice (2) a year. However, additional inspections may be conducted if complaints are received or there is a reasonable suspicion that this Chapter has been violated. Nothing in this Chapter diminishes the authority of law enforcement to conduct criminal investigations as permitted by law. During an inspection, law enforcement may inspect occupied massage rooms and may confirm the identity of all on-duty employees.

C. It shall be unlawful for any person to impede or interfere with a lawful inspection of a massage establishment conducted by law enforcement during the posted hours of operation of the business. No massage establishment owner or operator shall install or utilize any signaling devices of any type to alert employees or clients to the presence of law enforcement personnel or any other government agency personnel.

D. The massage establishment owner shall take immediate action to correct each violation noted by the inspecting agency. A reinspection will be performed within thirty (30) days to ensure that each violation has been corrected.

E. Failure to correct the violations within thirty (30) days may lead to revocation or summary suspension of the massage establishment permit pursuant to Section 5.04.050, in addition to any other remedies prescribed by federal, state, and local laws.

5.16.190 Employment and Recordkeeping.

A. The operator shall maintain a roster of all persons who have worked at the massage establishment for the past two (2) years. The roster will include full legal names, nicknames, aliases, contact information, employment position, dates of employment and termination, if any, and duties of each employee.

B. It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

C. No owner, operator, manager or permittee in charge of a massage establishment or school of massage shall employ as a massage practitioner anyone who is not CAMTC certified.

D. Operators shall only use the name and shall only conduct business under the designation specified on his or her permit. While on duty, a massage practitioner shall not use any name other than that specified on the permit.

E. The massage practitioner shall wear a photo identification card prepared and issued by the City at all times when present in the massage establishment. Such identification shall be provided to City regulatory officials upon demand. The identification card shall be placed on outer clothing with the photo side facing out. If a massage practitioner changes his or her business address, he or she shall, prior to such change, obtain from the Chief of Police or designee a new photo identification card and advise the Police Department, in writing, of the new business address.
F. The operator shall report to the Chief of Police or designee any change of employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the Chief of Police. The report shall contain the name of the employee and the date of hire or termination. The report shall be made within five (5) days of the date of hire or termination. The operator shall deliver the permit and photo identification card of any massage practitioner no longer employed by the operator to the Chief of Police or designee within five days of employment termination.

G. The operator shall report any and all changes of ownership or management of the massage establishment to the Chief of Police or designee within thirty (30) days of the change.

5.16.200  Advertisements and Solicitations.
A. No massage establishment shall place, publish or distribute, or cause to be placed, published or distributed, any obscene advertising matter.

B. It shall be unlawful to falsely state or advertise, or put out any sign or card or other device, or falsely represent to the public through any print or electronic media, that any person who is employed or retained to perform massage therapy for compensation is a CAMTC certified massage professional by use of the title “licensed,” “certified,” certified massage practitioner (CMP) or certified massage therapist (CMT), or the use of any other term that implies or suggests that the person is currently a CAMTC certified massage professional.

C. It shall be unlawful to fail to include the legal name under which any massage professional is certified and his or her CAMTC certificate number in any advertising of massage therapy for compensation. For the purposes of this Section, pseudonyms are not sufficient.

D. It shall be unlawful to publish or distribute any advertising matter or business identification card through any print or electronic media that are classified as for adults only or similar classification.

E. It shall be unlawful to publish or distribute any advertising matter or business identification card that is sexually suggestive or that would reasonably suggest that any service is available other than a massage as defined in this Chapter.

5.16.210  Regulation of Out-Call Massages.
A. It shall be unlawful to perform or administer a massage or bodywork techniques as out-call massage or bodywork within the City limits for money or other consideration without having a valid City business license and either being State certified or having a massage practitioner permit pursuant to this Chapter.

B. Out-call massage must be authorized in writing by a physician, surgeon, chiropractor, or osteopath duly licensed to practice in the State.

C. Out-call massage shall be conducted between 6:00 a.m. and 10:00 p.m.
5.16.220 Continuing Education.
On an annual basis, the massage practitioner shall complete no fewer than twelve (12) hours of continuing education in the practice of massage from a qualified massage educational program.

5.16.230 Insurance.
No person shall engage in, conduct, or carry on the business of a massage establishment without first filing with the Police Department, in full force and effect at all times, an insurance certificate from an insurance company authorized to do business in the State, evidencing that the operator is insured under a liability insurance policy for a minimum coverage of five hundred thousand dollars ($500,000.00) for injury or death arising out of the operation of the massage establishment, including the administration of massages.

5.16.240 Massage Establishment Operator and Manager Responsibility.
The operator and on-duty manager of a massage establishment shall be responsible for the conduct of all employees while the employees are on the licensed premises. The operator shall be responsible for any act or omission of any employee constituting a violation of this Chapter and may have the operating permit revoked, suspended, or denied for such violations.

5.16.250 Notices.
A. The Chief of Police or designee may require that the following notice be posted in the event that any employee of the massage establishment or any person who has been aided and abetted by an employee of the massage establishment has been found, after full hearing by administrative proceeding or state court, to have violated any of the offenses listed in Sections 5.16.090 and 5.16.120.

B. The notice set forth below shall be prepared and issued by the Chief of Police or designee upon the issuance of a massage establishment permit or school of massage permit pursuant to Sections 5.16.090 and 5.16.140:

NOTICE TO ALL PATRONS

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY THE CERES POLICE SERVICES WITHOUT PRIOR NOTICE.

C. The notices shall be conspicuously posted in a location within the massage establishment that are easily visible to any person entering the premises and in each massage room. The notice shall be so posted for twelve (12) months following the violation of any of the offenses set forth above.

D. The requirement for posting the notice described in this Section is cumulative and in addition to all other remedies, violations and penalties set forth in this Chapter or in the ordinances, laws, rules or regulations of the City, County, and the State of California.

5.16.260 Compliance with Code.
Operators, owners, managers, massage establishment employees, and massage practitioners shall comply with all provisions of this Chapter and any applicable provisions of the City’s municipal code.

5.16.270 Changes of Business.
A. Every massage establishment operator shall report immediately to the Police Department any and all changes of ownership or management of the massage establishment or business, including, but not limited to, changes of manager or other person principally in charge, stockholders, officers, directors and partners, any and all changes of name, style or designation under which the business is to be conducted and all changes of address or telephone numbers of the massage business. A change of location of any of the premises may be approved by the Chief of Police, provided there is compliance with all applicable regulations of the City.

B. If the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Chief of Police, shall be placed in the name of the surviving partners.

C. Upon the death or incapacity of a permittee, the massage establishment may continue in business for a reasonable period of time, not to exceed thirty (30) days, to allow for an orderly application of a new permit.

5.16.280 Transfer and Renewal of Permits.
A. No permit under this Chapter is transferable to any other person, entity, or establishment.

B. A change of location of a massage establishment must be approved by the Chief of Police. Any operator seeking to change the location of a massage establishment must file an application with and pay a change of location fee to the Chief of Police. The Chief of Police or designee shall approve the application for a change of location upon finding that the new location complies with the requirements of this Chapter.

C. No permittee shall operate under any name or conduct his business under any designation or at any location not specified in the permit. Any masseur, masseuse, instructor, trainee, or other employee may have a valid and unexpired permit transferred for use at any other massage establishment upon written application to the City Clerk accompanied by a nonrefundable five-dollar ($5.00) transfer fee.

D. Permits for operators and employees shall be renewed on a yearly basis. Applications for renewal shall include proof of continuing education, a renewal fee, and any other information reasonably required by the Chief of Police or designee to evaluate whether the applicant is in compliance with this Chapter.

E. Permit renewals will be approved unless the Chief of Police or designee finds that the applicant has not completed the continuing education requirements or has violated this Chapter or another applicable State, Federal or local law.
F. Renewal permits shall be filed no later than sixty (60) days prior to the expiration of the existing permit to prevent a lapse of the permit.

5.16.290 Exemptions.

The requirements of this Chapter do not apply to:

A. State-licensed physicians, surgeons, chiropractors, physical therapists, osteopaths, or any registered or licensed vocational nurse working on the premises of, and under the direct supervision of, a State-licensed physician, surgeon, chiropractor, or osteopath. Practical nurses or other persons without qualifications as massage practitioners, whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not give massage or massage procedures;

B. Practitioners of reflexology who present to the Chief of Police or designee a certificate of proof of successful completion of classroom instruction in reflexology-related subjects dealing with feet, hands or ears, and reflexology practice from a reputable and licensed school of reflexology;

C. Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the State;

D. Barbers, beauticians, cosmetologists, estheticians, and manicurists who are duly licensed under the laws of the State and who administer a massage in the normal course of their duties, provided, that such massage therapy is limited solely to the neck, face, scalp, feet, and lower limbs up to the knees, and hands and arms, of their clients;

E. Bona fide trainers or coaches of any amateur, semiprofessional, or professional athlete or athletic team and the facilities therefor;

F. Persons administering massages or health treatments involving massage to persons participating in single-occurrence athletic, recreational, or educational events such as road races, track meets, triathlons, educational events, or conferences; provided, that the event is open to the public or to a significant segment of the public such as employees of sponsoring or participating corporations, and the massage services are provided at the site of the event during, immediately preceding, or immediately following the event;

G. Somatic practitioners who use no physical touch of any kind at any time in their practice; or

H. Enrolled students of a school of massage when they are performing massage within the City as part of a formal supervised internship or training program operated by the school, without compensation other than school credit, on the premises of a massage establishment duly authorized to operate pursuant to the terms of this Chapter; and provided, that the owner of the massage establishment has first notified the Chief of Police or designee in writing of the name, residence address, and school of the students and the dates of the trainings.
Chapter 17

SIDEWALK VENDING

Sections:
5.17.010 Purpose.
5.17.020 Definitions.
5.17.030 Permit Required.
5.17.040 Permit Application.
5.17.050 Permit Issuance.
5.17.060 Operating Conditions.
5.17.070 Prohibited Activities.
5.17.080 Vending Locations.
5.17.090 Public Parks.
5.17.100 Penalties.
5.17.110 Appeals.

5.17.10 Purpose.
A. The purpose of this Chapter is to establish a permitting and regulatory program for sidewalk vendors that complies with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this Chapter allow the City to encourage small business activities by removing total prohibitions on portable food stands and merchandise sales, while still permitting regulation and enforcement of unpermitted sidewalk vending activities to protect the public’s health, safety, and welfare.

B. The City Council hereby finds that to promote the public’s health, safety, and welfare, restrictions on sidewalk vending are necessary to:

1. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;

2. Provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services;

3. Reduce exposure to the City for personal injury or property damage claims and litigation; and

4. Ensure sidewalk vending activities occur only in locations where such activities would not restrict sidewalk and pathway access and enjoyment to individuals with disabilities.
**5.17.020 Definitions.**
For the purposes of this Chapter, terms shall have the following meanings:

“Cannabis” shall have the same meaning as set forth in Business and Professions Code Section 26001(f) as it may be amended from time to time.

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to that chapter.

“City” means the City of Ceres.


“County” means the County of Stanislaus.

“Curb face” means the vertical or sloping surface on the roadway side of the curb.

“Director” means the City Manager or his or her designee.

“Emergency vehicle access” means the roadway path or other surface that provides police, fire, or other safety vehicle access from the dispatched point of origin to a facility, building, parcel, park, or portion thereof. Emergency vehicle access includes, but is not limited to, fire lanes, public and private streets, alleys, parking lot lanes, access roadways, and walkways.

“Food” means any edible substance.

“Goods” or “merchandise” means any item that is not food.

“Health Department” means the Stanislaus County Department of Environmental Health.

“Hearing officer” means an impartial individual designated by the City Manager to determine appeals pursuant to and in accordance with Chapter 5.05.

“Heating element” means any device used to create heat for food preparation.

“Park” means a public park owned and operated by the City.

“Private property” means any property, not owned or operated by a public entity, including parking lots for commercial and industrial uses.

“Public property” means all property owned or controlled by the City, including, but not limited to, alleys, parks, pathways, plazas, streets, parking lots, sidewalks, and walking trails.

“Residential” means any area zoned exclusively as residential in Code.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
“Sidewalk” means a public or private sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

“Special event” means any temporary permitted event approved by the City.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

“Vend” or “vending” means to barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, food or merchandise, or to require someone to negotiate, establish, or pay a fee before providing food or merchandise, even if characterized as a donation.

“Vendor” means a person who vends.

“Vending cart” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

5.17.030 Permit Required.
No person shall engage in, conduct, or carry on the business of vending on a sidewalk or in a park without a sidewalk vendor permit issued under the provisions of this Chapter, a business license issued under the provisions of Chapter 5.02 of this Code, and any other required permits from the City, County, and State, if applicable.

5.17.040 Permit Application.
Every person, prior to engaging in, conducting, or carrying on the business of vending on a sidewalk, shall file an application for a sidewalk vendor permit with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

A. The legal name, current mailing address, current valid email address, and current valid telephone number of the applicant, together with the names of all persons directly or indirectly interested in the conduct of such business, including all members of a firm or partnership;

B. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal owners, including all owners of 10% or more of corporate stock;

C. A copy of a valid California’s driver’s license or identification number, an individual taxpayer identification number, or a social security number. The number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order;
D. The names, addresses, and telephone numbers of all persons that will be employed as a sidewalk vendor by the applicant;

E. Whether the applicant has at any time been convicted of a felony or of any offense involving moral turpitude or has been convicted of any narcotics violation;

F. Whether or not any permit or license heretofore granted to applicant to engage in any business or to do any act within the City or elsewhere has been revoked or denied, and if so, the circumstances surrounding the revocation or denial;

G. A description of the food and/or merchandise for vending;

H. A description, and a map or drawing (8.5” x 11” minimum size) of the areas in which the sidewalk vendor proposes to operate, providing dimensions (in feet or inches) to the nearest public street, building entrance, driveway access, etc.;

I. A description and photograph of any vending cart to be used in the operation of the business, including the dimension of the cart;

J. The hours per day and the days per week during which the sidewalk vendor proposes to operate, and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;

K. Proof of comprehensive general liability insurance protecting the permittee and the City from all claims against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City; This insurance policy shall carry a minimum of $1,000,000 general liability per occurrence and name the City of Ceres as additional insured.

L. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any claim, damages, actions, or causes of action which may arise from or in any manner relate to the permit or the vendor’s sidewalk vending activities;

M. Food vendors must also comply with the following requirements:

   1. Provide the Director a copy of the certification of completion of a Stanislaus County-approved food handler’s course and copies of all required approvals from the Stanislaus County’s Food Safety Program;

   2. Provide the Director a copy of a valid Mobile Food Permit issued by the Stanislaus County Department of Environmental Health;

   3. Indicate whether food is prepacked or to be prepared on site;

   4. Indicate whether the vendor requires a heating element to prepare food.
5. Indicate where the employees will have access to sanitary facilities. If business location is used, the vendor must provide written proof that they have permission from the applicable business owner to access said sanitary facilities.

N. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and belief; and

O. Any other reasonable information required by the Director.

P. If located on any portion of private property, written consent from the property owner is required.

Applications for permits shall be filed a minimum of thirty (30) days prior to the desired date requested for issuance of the permit. Renewal permit applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit.

5.17.050 Permit Issuance.

A. No later than thirty (30) days after the filing of a completed application for a sidewalk vendor’s permit, the Director will notify the applicant of the City’s decision on the issuance or denial of the permit request.

B. The Director may issue a sidewalk vendor permit, with appropriate conditions, if he or she finds based on all of the relevant information that:

1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;

2. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;

3. The sidewalk vendor has paid to the City any business operations tax required by Section 5.01.140.

4. The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation of this Chapter;

5. The sidewalk vendor has not had a permit revoked within the same calendar year;

6. The sidewalk vendor has not been convicted for a crime involving moral turpitude or has been convicted of any narcotics violation.

7. The sidewalk vendor’s application contains all required information;
8. The sidewalk vendor has not made a materially false, misleading, or fraudulent statement of fact to the City in the application process;

9. The sidewalk vendor has satisfied all the requirements of this Chapter;

10. The sidewalk vendor has paid all applicable fees as set by City Council resolution.

C. A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending cart requires a new permit under this Chapter.

D. A sidewalk vendor permit issued pursuant to this Chapter shall be effective for a period of one (1) year from the date of issuance.

E. If sidewalk vendor fails to carry insurance described in Section 5.17.040K in force and to properly renew said insurance, then the sidewalk vending permit shall be automatically revoked as of the date of expiration of such insurance.

5.17.060 Operating Conditions.
All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

A. All sidewalk vendor permits shall be displayed conspicuously at all times on the vending cart or the sidewalk vendor’s person.

B. Sidewalk vendors shall not display more than one sign. The sign shall not exceed ten (10) square feet and shall be affixed to the sidewalk vending cart.

C. Sidewalk vendors shall not leave their sidewalk vending cart unattended. Sidewalk vending carts shall not be stored on public property.

D. All sidewalk vendors shall allow a City police officer, firefighter, or code enforcement officer, or other City of Ceres Employee, at any time, to inspect their sidewalk vending cart for compliance with the size requirements of this Chapter and to ensure the safe operation of any heating elements used to prepare food.

E. Every sidewalk vending cart shall not exceed a total length of six (6) feet, a total width of four (4) feet, or a total height, including a roof, umbrella, or awning of eight (8) feet.

F. No sidewalk vending cart shall be motorized.

G. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor cart or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor cart, the overall space taken up by the sidewalk vendor cart shall not exceed the size requirements provided in this Section.
H. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending cart and shall not empty their trash into public trashcans. The size of the vendor’s trash container shall be taken into account when assessing the total size limit of a sidewalk vending cart. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.

I. Sidewalk vendors shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of approved stands, Sidewalk vendors shall remove all evidence of vending and leave the site in a clean state at the close of each business day including any generated trash.

J. Sidewalk vendors may not empty vending cart trash containers into any City refuse container.

K. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.

L. Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches, and umbrellas except that one (1) chair and one (1) umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.

M. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending carts, and customer queuing area.

N. Sidewalk vendors shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.

O. Sidewalk vendors shall comply with the Vehicle Code and Health and Safety Code.

P. Sidewalk vendors shall not operate in an unsafe manner, including but not limited to impeding on or off-site vehicle circulation and obstructing the view of pedestrians by motorists.

Q. Sidewalk vendors shall provide adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.

R. If operating in parking lots on private property, sidewalk vendors shall not use or permit use of parking spaces on the property (e.g. for customer queuing, tables, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-site parking available for primary uses(s) of the property during peak periods as determined by the Director.

S. Sidewalk vendors shall not stop or stand in any clear vision triangle or no parking zone.

T. Sidewalk vendors shall comply with all applicable City and government requirements, including without limitation, the Americans with Disabilities Act, health and safety regulations and local zoning regulations.
5.17.070 Prohibited Activities.
A. Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Section 5.17.080 and Section 5.17.090.

B. Sidewalk vendors and roaming sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers;

2. Displaying merchandise or food that is not available for immediate sale;

3. Selling of adult-oriented material, cannabis, alcohol, tobacco, or electronic cigarette products;

4. In areas not zoned exclusively for residential use, all sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 10:00 p.m. and 7:00 a.m. daily, except that the hours of operation shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street;

5. In areas zoned exclusively for residential use, roaming sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 6:00 p.m. and 9:00 a.m. daily;

6. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale;

7. Impeding or obstructing ingress to or egress from any private property or any structure, parking space or loading facility;

8. Selling or otherwise conducting transactions with persons in moving vehicles or vehicles illegally parked or stopped;

9. Causing vehicles to stop in traffic lanes or causing persons to stand in traffic lanes or parking spaces;

10. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles;

11. Damaging public or private property, including trees, shrubs, grass, flowers, plants, or vegetation.

12. Use of sound, singing, vocalization, verbalization, and noise generating devices to draw attention to the vending location.

13. Use of off premise signs to advertise the vending location.
14. Placement of any signage that is not attached or directly affixed to the vending cart. In no circumstance shall attached or affixed signage exceed four (4) square feet.

5.17.080 Vending Locations.
A. Stationary sidewalk vending is prohibited in the following areas:

1. Any residential zone in the City.

2. Within three hundred fifty (350) feet of a public or private school in which children at or below the twelfth (12th) grade level are enrolled and which is in session.

B. Sidewalk vendors and roaming sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

1. On any private property without the express written consent of the owner or lessee of the property.

2. On any designated emergency vehicle accessway.

3. Within twelve (12) inches of any curb face on all roads.

4. Within fifteen (15) feet of any entrance or exit to a building, structure or facility.

5. Within fifty (50) feet of another sidewalk vendor.

6. Within twenty-five (25) feet of a:

   a. Fire hydrant;
   b. Curb which has been designated as yellow or red zone, or a bus zone;
   c. Trash or recycling containers, bike racks, benches, bus stops, or similar public use items.

7. On any sidewalk where vending equipment and queuing patrons would restrict access requirements under the Americans with Disabilities Act.

8. Within one-thousand (1,000) feet of a permitted certified farmers’ market or swap meet during the limited operating hours of that certified farmers’ market or swap meet.

9. Within one-thousand (1,000) feet of an area designated for a special event permit issued by the City, during the limited duration of the special permit. If the City provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the City’s special permit, such notice will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable.
C. Locations for vending shall be approved by the Director. In addition to any restrictions provided by this Section, vending locations may be further limited by the Director only if the limitation is directly related to objective health, safety or welfare concerns, including but not limited to:

   1. The ability of the site to safely accommodate the use;
   2. Pedestrian safety.

D. Vending locations may change only upon written request by an applicant and written approval by the Director.

5.17.090 Public Parks.

In addition to the conditions, restrictions, and prohibited activities provided in Sections 5.17.060 through 5.17.080 of this Code, sidewalk vendors operating in a public park shall not:

A. Operate outside the park’s hours of operation;

B. Operate on, or within twenty-five (25) feet of, any sports field or playground equipment area;

C. Utilize any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park in any way as part of the sidewalk vending operation;

D. Operate within twenty-five (25) feet of any bench, table, barbeque pit, covered gathering area, or other publicly-owned structure or amenity in the park;

E. A stationary sidewalk vendor shall not sell food or merchandise or engage in any sidewalk vending activities at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire. Said parks include Smyrna Park and River Bluff Regional Park. Stationary Sidewalk vending is not permitted within 1,000 feet of either of these two parks.

5.17.100 Penalties.
A. Violations of this Chapter shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative fine and rescission provisions:

   1. An administrative fine not exceeding one hundred dollars ($100) for a first violation;

   2. An administrative fine not exceeding two hundred dollars ($200) for a second violation within one (1) year of the first violation; and

   3. An administrative fine not exceeding five hundred dollars ($500) for each additional violation within one (1) year of the first violation.
B. If a sidewalk vendor violates any portion of this Chapter and cannot present the citing officer with a proof of a valid permit, the sidewalk vendor may be punished by:

1. An administrative fine not exceeding two hundred fifty dollars ($250) for a first violation;

2. An administrative fine not exceeding five hundred dollars ($500) for a second violation within one (1) year of the first violation; and

3. An administrative fine not exceeding one thousand dollars ($1,000) for each additional violation within one (1) year of the first violation.

C. Upon proof of a valid permit issued by the City, the administrative fines set forth in subsection (B) shall be reduced to the administrative fines set forth in subsection (A), or any successor sections.

D. The Director may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

E. The Director may deny, suspend, or revoke any permit at any time for any of the following reasons:

1. Fraud or misrepresentation contained in the application for the permit;

2. Fraud or misrepresentation made in the course of carrying on the business of vending;

3. Conduct of the permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.

4. Complaints received about vending practices or operation of the vendor.

F. Denial, void, or revocation of the business license shall result in revocation of the vendor permit.

5.17.110 Appeals.

A. Decisions to deny an application for a permit or to impose administrative fines may be appealed by any interested person. Appeals shall be heard and determined by the hearing officer.

B. Appeals shall be initiated within twenty-one (21) calendar days of the decision or imposition of administrative fine. Notwithstanding any other provision of law, a person appealing an administrative fine is not required to pay the administrative fine as a prerequisite to filing an appeal.
C. Appeals of decisions or administrative fines shall be made in writing to the hearing officer on forms provided by the City. The appeal shall state the facts and basis for the appeal.

D. Appeals of a decision to deny an application for a permit shall be accompanied by a fee as established by resolution of the City Council.

E. Decisions regarding administrative fines that are appealed shall not become effective until the appeal is resolved.

F. An appeal shall be scheduled for a hearing before the hearing officer within thirty (30) calendar days of the filing of the appeal unless both the appellant and the hearing officer consent to a later date.

G. The hearing officer shall give notice in writing to the appellant of the time and location of the appeal hearing. At the hearing, the hearing officer shall review the record of the decision or administrative fine and hear testimony of the appellant, if any, the applicant and any other interested party. The appeal shall be reviewed and determined on a de novo basis.

1. If an administrative fine is the subject of an appeal, the hearing officer shall take into consideration the person’s ability to pay the fine. The hearing officer shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at or before the hearing or while the administrative fine remains unpaid.

2. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the hearing officer shall accept, in full satisfaction, twenty percent (20%) of the administrative fine imposed pursuant to this Chapter.

3. The hearing officer may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. After the hearing, the hearing officer shall affirm, modify or reverse the original decision or administrative fine. When a decision or administrative fine is modified or reversed, the hearing officer shall state the specific reasons for modification or reversal. Decisions on appeals shall be rendered within thirty (30) calendar days of the close of the hearing. The hearing officer shall mail notice of a decision to the appellant. Such notice shall be mailed within five (5) working days after the date of the decision to the appellant. The decision of the hearing officer shall be final.
Chapter 18

GARAGE SALES

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**5.18.010 Definitions.**

For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

"Family unit" means all those persons who reside with the owner or occupant at the address of the residential unit.

"Garage sale" means a sale conducted by an individual home owner or occupant of a home, or apartment owner, or occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings or goods, or other tangible personal property, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated, "lawn sale," "attic sale," "rummage sale," "moving sale," "flea market sale" or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said institutions, and, excluding those sales sponsored by bona fide service clubs.

**5.18.020 Purpose and Intent.**

It is the intent and purpose of the City Council in adopting the ordinance codified in this Chapter to regulate those activities which in the most technical sense have business or commercial characteristics, but which, because of the manner in which they are conducted or the purposes for which they are being operated are truly noncommercial in nature. These regulations are intended to prevent the expansion of such noncommercial operations into truly commercial operations and to regulate the method of conducting the activity so that it will be confined to a noncommercial type of operation. It is the purpose of this Chapter to prevent such activities from unfairly
competing with licensed revenue-producing commercial and business enterprises; to prevent the conduct of commercial enterprises upon other than commercially-zoned property; and to curb the evasion of business license fees.

5.18.030 Who May Conduct a Garage Sale; Frequency of Sales.
A. Garage sales may be conducted by the following persons:

1. The owner of any residential unit within the City, or a member of the owner's family unit, provided such persons are actually residing upon said premises as their principal place of residence.

2. The occupant of any residential unit within the City, or a member of the occupant's family unit, provided such persons are actually residing upon the premises as their principal place of residence pursuant to a rental or lease agreement with the owner of the premises.

3. No more than two (2) garage sales shall be conducted at any residential unit within the City during a twelve (12) month period by the persons permitted to conduct such sales pursuant to this Section. The twelve (12) month period shall commence on the date of the first garage sale.

B. In determining the number of garage sales conducted during the twelve (12) month period at the residential unit, all sales conducted by the owner, occupant, or member of the owner's or occupant's family unit shall be included. The City Manager shall have the discretion to determine whether an applicant may conduct a garage sale if that individual demonstrates to the City Manager’s satisfaction a compelling justification for not meeting the requirements in this Section.

5.18.040 Application for Permits.
Persons authorized to conduct garage sales pursuant to this Chapter shall make verified application in a form satisfactory to the Finance Department. The application shall contain the following:

A. The name of the applicant and copy of a government ID or driver license;

B. The address of the applicant;

C. The location of the proposed garage sale;

D. The date or dates upon which it is proposed to conduct the garage sale;

E. The date or dates of any prior garage sales held at the residence;

F. A statement that the applicant is either an owner/occupant, a renter/lessee, or a member of the family unit of such owner/occupant or renter/lessee. In the discretion of the Finance Department, the applicant may be required to provide verification of applicant's ownership, occupancy or
family unit status in a form satisfactory to the Director of Finance.

G. Any fees as provided by Section 5.02.010.

5.18.050 Issuance of Permits.
Upon receipt of the application, the Finance Director shall issue the permit to the applicant provided that the Director of Finance determines that all of the provisions of this Chapter have been met. The permit shall specify the following:

A. The name of the permittee;

B. The exact address or location where the garage sale is to be conducted;

C. The date or dates upon which the sale is to be conducted;

D. The hours of the day during which said sale is to be conducted;

E. The requirement that only one sign may be used to advertise said sale, which sign shall be displayed only at the sale, only during the date or dates and hours of said sale, and the further requirement that said sign shall not exceed six (6) square feet in area nor six feet (6’) in height;

F. A general description of the property to be offered for sale;

G. The requirement that the permit shall be revoked for failure to comply with all terms and conditions thereof, or the provisions of this Chapter, or other applicable provisions of law;

H. The requirement that the permit shall be prominently displayed at the location of the garage sale; and,

I. Such other conditions relating to the promotion, advertising, and conducting of the garage sale which, in the opinion of the Police Chief, are necessary or proper for the preservation of the peace, elimination of traffic hazards, safety of pedestrians, preservation of public or private property, or like or similar matters.

5.18.060 Conduct of Garage Sales.
A. Sale items shall be limited to the personal property of permit applicant and his or her immediate family. Sale of items acquired for resale or consignment shall be prohibited.

B. The City shall issue no more than one (1) permit to an individual in a four (4) month period.

C. The permit must be displayed on the garage sale premises while the garage sale is operated.

D. Garage sales shall not be operated between the hours of 7:00 p.m. and 8:00 a.m.

E. Goods for sale shall not be placed in any public right-of-way nor shall goods be left out in an open area visible to the public before or after the sale.
5.18.070 **Duration of Sale.**
No garage sale permit shall be issued permitting the promotion, advertising, or conducting of a garage sale for more than three (3) consecutive days or for more than two (2) consecutive Saturdays and Sundays.

5.18.080 **Permit Applications Exceeding Two Garage Sales Per Twelve Month Period.**
For the third and subsequent garage sale in any consecutive twelve (12) month period, the applicant must apply for a conditional use permit from the Ceres Planning Commission and pay all appropriate fees.

5.18.090 **Exceptions.**
This Chapter shall not apply to the following persons:
A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction;

B. Persons acting in accordance with their powers and duties as public officials; or

C. Churches, public schools, or charitable organizations, where the sale is conducted on the organization’s property.
Chapter 19

BINGO

Sections:

5.19.010 Bingo Authorized.
5.19.020 License Required.
5.19.030 License Posted.
5.19.040 Eligible Organizations.
5.19.050 Bingo Application.
5.19.060 License Not Transferable.
5.19.070 Chief of Police Entry and Inspection.
5.19.080 Chief of Police Investigation.
5.19.090 Summary Suspension or Revocation.
5.19.100 Enforcement.

5.19.010 Bingo Authorized.
Bingo games are allowed pursuant to and as restricted by Article IV, section 19(c) of the California Constitution, Penal Code section 326.5 (including future amendments thereto), and the provisions of this Section.

5.19.020 License Required.
No charitable organization shall conduct a Bingo game without a currently valid, unrevoked, unsuspended license as provided for by this Section. No person shall promote, supervise, operate, conduct, or staff any Bingo game, or participate in such activity, unless he is a member of a charitable organization which is lawfully licensed to do so and which has designated him to do so and he is designated in its license to do so.

5.19.030 License Posted.
An organization licensed pursuant to this Section shall not conduct or permit to be conducted a Bingo game unless said license is posted in a conspicuous place during the conduct of any Bingo game. The licensee shall produce and exhibit the same, when applying for renewal thereof, and whenever requested to do so by any peace officer or officer authorized to issue, or inspect licenses.

5.19.040 Eligible Organizations.
Such permits may be issued only to charitable organizations as defined by Penal Code section 326.5(a).

5.19.050 Bingo Application.
The application for a license to conduct Bingo shall be made to the Chief of Police on forms provided by his or her office. The application shall include the following information:

A. The name, address, date and place of birth, physical description, and driver's license number of every officer of the charitable organization;
B. The name, address, date and place of birth, physical description, and driver’s license number of not more than twenty (20) members to be authorized to operate Bingo on behalf of the organization;

C. The date(s) and location(s) of the proposed Bingo game(s);

D. Proof that the organization is a charitable organization as defined by Penal Code section 326.5(a);

E. The signatures of at least two (2) officers, including the presiding officer of the organization;

F. A statement certified by the secretary of the organization that the applicant has received and has reviewed copies of this Chapter, the authorized rules of play for bingo games, and Penal Code section 326.5, and has been advised that the license to conduct bingo games may be revoked by the Chief of Police upon violation of any of such provisions;

G. The location where all records, account books and ledgers pertaining to the operation of bingo games by the organization will be kept, the location of the bank account in which the bingo receipts will be placed, and an authorization for the City to inspect and audit the records, books and accounts; and

H. Such other information as the Chief of Police may require.

5.19.060 License Not Transferable.
Each license shall be issued to a specific charitable organization authorizing not more than twenty (20) named members to conduct a Bingo game on its behalf at one (1) or more named locations. This license is not transferable from organization to another, from one member to another, or from one location to another. The license is only a temporary and non-transferable permit to act within the provisions of this Section and all other applicable laws and regulations, and always expires no later than one (1) year from its date. It has no validity when it has been seized, suspended, or revoked by the Chief of Police. Any attempt to transfer, assign, pledge, mortgage, or hypothecate the license, or to attach or execute on it, immediately and permanently voids it.

5.19.070 Chief of Police Entry and Inspection.
The application for and acceptance of a license constitutes consent to the entry of any peace officer or code enforcement officer to investigate all locations identified in the application before the issuance of a license as well as during any games thereafter and consent to the Chief of Police or his agents reviewing or auditing the charitable organization's records relating to the conduct of Bingo and to the special account required by Penal Code section 326.5(j), for the purpose of verifying compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this Section and all other applicable laws and regulations.

5.19.080 Chief of Police Investigation.
Upon receipt of the completed application, the Chief of Police shall make an investigation to determine if all of the statements in the application are true and shall refer the application to the
Director of Planning and Community Development, the Chief Building Official, the Health Officer and the Fire Chief to determine if the appropriate zoning regulations, building codes, health regulations and the provisions of the Uniform Fire Code have been or will be complied with. The Chief of Police may refuse to issue a permit based on Section 5.02.040 and if any officer of the organization or any operator mentioned in 5.19.050:

A. Has a felony conviction;

B. Has a conviction for theft, fraud, gambling, crimes involving moral turpitude or bingo ordinance violations in this or any other city or county;

C. Is under current investigation for a criminal offense set forth in subsections A and B of this Section by any law enforcement agency.

5.19.090 Summary Suspension or Revocation.
A. In addition to the grounds in Section 5.04.050, the Chief of Police may immediately suspend or revoke a Bingo license upon the licensee's refusal to:

1. Permit the entry of any peace officer to investigate the conduct of a Bingo game;

2. Permit the Chief of Police to review or audit the charitable organization's records relating to the conduct of Bingo under the license and to the special account required by Penal Code section 326.5(j);

3. Failure to meet the provisions of this Chapter and Chapter 9.18.

4. For any reason in Chapter 5.04.

B. Upon taking such action, the Chief of Police shall within forty-eight (48) hours serve on the licensee a written statement of the reasons for this action, and schedule a show cause hearing on re-instatement of the license within five (5) days of a request to do so by the licensee.

C. The Chief of Police shall issue his written decision within seven (7) days after the conclusion of a show cause hearing.

5.19.100 Enforcement.
Bingo permit holders shall also be subject to Chapter. 9.18.
Chapter 20

FIREWORKS SALES

Sections:
5.20.010 Definitions.
5.20.020 Permit Required.
5.20.030 Permit Applications.
5.20.040 Issuance of Permits.
5.20.050 Fireworks Sales Booth.
5.20.060 Fireworks Sales.
5.20.070 Storage of Fireworks.
5.20.080 Permittee Safety Training.
5.20.090 Rules, Regulations, and Enforcement.
5.20.100 Dangerous Fireworks Prohibited.
5.20.110 Penalties.

5.20.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

"Applicant" means the person that files an application for a permit.

"Fire Chief" means the Fire Chief or designated representative.

"Dangerous fireworks" has the same meaning as that term is defined by Health and Safety Code Section 12505.

“Fireworks sales booth” means the booth, stand, or other approved temporary structure used for the purpose of selling safe and sane fireworks.

"Local nonprofit organization" means a nonprofit organization that:

1. Has a primary meeting place within the official sphere of influence of the City of Ceres, as approved by the Local Agency Formation Commission;

2. Has been organized and established within the City of Ceres' sphere of influence for a minimum of one continuous year preceding the filing of the application for a permit; and

3. Has a bona fide membership of at least ten (10) members who reside in the City of Ceres.

"Nonprofit organization" means any nonprofit association or corporation organized primarily for veteran, patriotic, welfare, religious, civic betterment or charitable purposes, which has been issued a tax exempt certificate as required under the California Revenue and Taxation Code.
group that is an integral part of a recognized national organization having such a tax exempt status.

“Owner-occupant" means the record owner of real property as listed in the most current equalized assessment roll as maintained by the Stanislaus County Assessor.

"Permit" means a permit for the sale of safe and sane fireworks issued pursuant to Section 5.20.030.

"Permittee" means a local nonprofit organization that has received a permit for the sale of safe and sane fireworks.

"Responsible party" means any person with an ownership interest or right of possession of the real property where unpermitted fireworks are possessed, sold, used, manufactured or discharged, including, but not limited to:

1. Any owner-occupant.
2. Any lessee, subtenant, licensee, or other person having possessory control over a property, structure, or parcel of land.
3. Any person that organizes, supervises, officiates, conducts, or controls the gathering or any other person accepting responsibility for such a gathering.

"Safe and sane fireworks" has the same meaning as that term is defined by California Health and Safety Code section 12529. All safe and sane fireworks shall be approved by the California Fire Marshal and labeled as safe and sane.

5.20.020 Permit Required.
A. Permits shall only be issued for the sale of safe and sane fireworks.
B. The total number of sales permits issued in any given year shall be limited to one (1) permit per each two thousand five hundred (2,500) residents, or portion thereof, of the City.
C. Permits for the sale of safe and sane fireworks under the provisions of this Chapter shall be issued only to local nonprofit organizations.
D. A local nonprofit organization shall be limited to a maximum of one (1) permit.
E. A permit is not transferable. The permit may be used only by the permittee to whom it is issued for the purpose of operating a single fireworks sales booth at the approved location as indicated on the permit.

5.20.030 Permit Applications.
A. The Fire Chief shall cause to be prepared a standard application for a permit. In addition to the requirements of Section 5.02.010 the permit application shall include all of the following:
1. Proper identification and signature of the applicant.

2. A proposed location of the fireworks sales booth that includes the nine (9) digit accessor's parcel number of the Stanislaus County Assessor.

3. Proof of safety training.

4. A site plan for the fireworks sales booth.

5. The written consent of the owner of the property upon which the proposed fireworks sales booth will be located.

6. A nonrefundable applicable fee as established by resolution of the City Council pursuant to Section 9.30.120.

7. Any other reasonable information that the Fire Chief may deem necessary to properly implement and administer the provisions of this Chapter.

B. Applications shall be submitted during normal business hours from April 15 through June 15 of the same year.

C. All applications shall be submitted to the Fire Chief on or before June 15 of each year. Each application must be complete and contain all required information. Any application that is not properly completed and submitted to the office of the Fire Chief by five o'clock (5:00) P.M. on June 15 will not be considered.

D. The Fire Chief or his or her designee shall review all submitted applications, and may consult with the Departments of Public Works, Engineering Services, and Community Development to ensure that the proposed location meets existing zoning regulations and does not create pedestrian or vehicular traffic hazards.

5.20.040 Issuance of Permits.
A. The Fire Chief or his or her designee shall issue a permit to each qualified applicant who has submitted a timely completed application, unless the number of qualified applicants exceed the number of available permits. Each permittee shall comply with all of the provisions of this Chapter and such rules and regulations as may be established by the Fire Chief pursuant to the authority granted in Section 5.20.090 of this Chapter.

B. If the number of qualified applicants exceed the number of available permits specified in Section 5.20.020B, the Fire Chief shall hold a lottery to award permits. The lottery shall be held on the next business following last day of the filing period specified in Section 5.20.030. The lottery shall include the names of all qualified applicants.

C. Permits shall be issued subject to a final inspection of an applicant's fireworks sales booth pursuant to Section 5.20.050.
5.20.050 Fireworks Sales Booth.
A. A permittee shall not allow any person other than the individuals who are members of the permittee organization, their spouses or adult children, or volunteers to whom no compensation is paid, to sell, operate, or otherwise participate in the sale or profits of fireworks at a fireworks sales booth.

B. A permittee shall not pay any consideration to any person for selling or otherwise participating in the sale of fireworks at such booth, except the hiring of a night watchman or security officer.

C. A fireworks sales booth shall not be set up before an application for permit has been approved.

D. A copy of the permit shall be posted in a conspicuous location within the interior portion of the fireworks sales booth at all times.

E. A sign shall be affixed to the front exterior portion of the fireworks booth in letters at least six inches (6”) in height, identifying the name of the local nonprofit organization to which the permit was issued.

F. All fireworks sales booths shall be located only upon property that is zoned for commercial or industrial uses.

G. Each applicant shall be limited to one permit, which shall authorize the sale of safe and sane fireworks at only the approved site location shown on the permit.

H. Each proposed fireworks sales booth shall be required to meet and comply with all regulations and site location requirements established by the California Fire Marshal.

I. All permittees shall pass an inspection of their fireworks sales booth. If a permittee fails to pass an inspection, there shall be a reinspection fee charged for any subsequent inspection.

5.20.060 Fireworks Sales.
A. Safe and sane fireworks may only be sold or offered for sale from noon (12:00) P.M. to ten o'clock (10:00) P.M. on June 28 and from nine o'clock (9:00) A.M. to ten o'clock (10:00) P.M. from June 29 through July 6.

B. Each of the following are mandatory point-of-sale safety requirements:

1. No person under the age of eighteen (18) shall sell, or handle for sale, any fireworks.

2. No person under the age of eighteen (18) shall purchase or be allowed to purchase any fireworks.

3. Smoking, open flame, or spark-producing equipment shall be prohibited for a distance of
one hundred feet (100′) in all directions of a fireworks sale booth.

4. Dry grass, weeds, trash, and all other combustible material shall be removed for a distance of one hundred feet (100′) in all directions of a fireworks sale booth.

5. Fireworks shall not be discharged within one hundred fifty feet (150′) in all directions of a fireworks sale booth.

C. Merchandise may be displayed in an approved glass-enclosed counter or showcase, or displayed in fireworks sale booths constructed in the following manner:

1. Walls and roof shall be of plywood at least one-third-inch (⅓″) thickness or of an approved noncombustible material.

2. The fireworks sale booth shall have a roof.

3. Notwithstanding an exit door, walls shall extend to a minimum height of six feet (6′), eight inches (8″) on at least three (3) sides. These three (3) sides shall not have any openings.

4. Two (2) exit doors shall be provided in each fireworks sale booth, with a minimum size of twenty-four inches (24″) in width and six feet (6′) in height. Exits shall be maintained clear and unobstructed at all times while open to the public.

5. The front wall of the fireworks sale booth shall provide a physical barrier not less than eighteen inches (18″) in height between the public and the merchandise on display.

6. Approved "NO SMOKING" signs shall be securely fastened to the fireworks sale booth and prominently displayed in and on the exterior of the stand.

7. Approved "NO SALES TO PERSONS UNDER THE AGE OF 18" signs shall be securely fastened to the fireworks sale booth and prominently displayed in and on the exterior of the booth.

8. An approved fire extinguisher having a minimum U.L. classification of 2A shall be located in the fireworks sale booth near the exit and be readily accessible.

5.20.070 Storage of Fireworks.
A. Permittees may only store safe and sane fireworks within the City solely during the period of June 22 through July 15 of each year.

B. Safe and sane fireworks that are not being sold or displayed with the intent to sell shall be stored in the following manners:

1. Within the permitted fireworks sale booth with a responsible adult on the premises at all times.
2. In a completely enclosed and locked utility type trailer constructed of one-quarter-inch (¼") plywood or other approved noncombustible material.

3. In a completely detached garage on residential property with a minimum of ten-foot (10′) clearance to other structures or property lines. There shall be no open flame or spark producing equipment, or Class 1 flammable liquids stored or used within the garage.

4. Fireworks shall not be stored within one hundred feet (100′) of any building classified or used as a public or private school, day care facility, residential care facility, hospital, place of detention, public oil/gas station, or public garage, or any place of public assembly that can accommodate fifty (50) or more persons.

5. The following information shall be submitted to and approved by the Fire Chief will be required:

   a. Storage location.

   b. Description of storage facility.

5.20.080 Permittee Safety Training.
Each calendar year one or more representatives from each permittee shall attend a fireworks sales booth safety seminar conducted by the Fire Department or the fireworks industry. Failure to attend the seminar shall result in the revocation of the permittee's permit for that calendar year.

5.20.090 Rules, Regulations, and Enforcement.
A. The Fire Chief shall have authority to adopt and implement such administrative rules and regulations as may be required to:

   1. Provide for the orderly administration of this Chapter;

   2. To insure compliance with all rules and regulations required by State law and the rules and regulations of the State Fire Marshal; and

   3. Insure the safety of the booth structure and the sales operations.

B. The Fire Chief, or his authorized designee, shall serve as the enforcement officer, and shall be responsible for the enforcement of the provisions of this Chapter. Sworn Peace Officers and other City staff with training in the powers of arrest and designated by the Police Chief or Fire Chief are also authorized to enforce this Chapter.

C. In addition to the penalties set forth in Section 5.20.110, the Fire Chief shall have the authority to immediately suspend or revoke the permit of any permittee that has conducted its operations in violation of any of the provisions of this Chapter, State law, or the rules and regulations of the State Fire Marshal.
D. Upon suspension or revocation of a permit, the permittee shall immediately cease all fireworks sales. The Fire Chief shall inform the permittee that the permittee may seek review of the Fire Chief's decision pursuant to Chapter 5.05. Within two (2) business days after suspension or revocation, the Fire Chief shall provide the City Manager with written notice that a permit has been suspended or revoked. Notice shall include the name of the permittee and a brief statement of the grounds for suspension or revocation. Suspension or revocation of any permit shall be effective for the current calendar year.

5.20.100 Dangerous Fireworks Prohibited.
A person shall not sell, use, possess, manufacture, or discharge dangerous fireworks within the City.

5.20.110 Penalties.
A. In addition to any other remedies set forth in this Title, administrative penalties may be imposed against any responsible party for violations of this Chapter. The administrative penalty for violations of this Chapter shall be one thousand dollars ($1,000.00) or imprisonment of a period not exceeding six (6) months.

B. Every owner, occupant, lessee, tenant, or holder of any possessory interest of a residence or other private property within the City is required to maintain, manage and supervise property and all persons thereon in a manner so as not to violate the provisions of this Chapter. A responsible party need not be present at the time dangerous fireworks are possessed, manufactured, sold, used, or discharged in order for the City to issue an administrative citation under this Section.

C. Nothing in this Section shall be intended to limit any of the penalties provided for under the Health and Safety Code or Penal Code.
Chapter 21

AMBULANCES

Sections:
5.21.010 Definitions.
5.21.020 Purpose and Intent.
5.21.030 Permit Required; Exceptions.
5.21.040 Ambulance Service Operator’s Permit, Application, Contents.
5.21.050 Permit Application; Investigation.
5.21.060 Public Hearing.
5.21.070 Public Hearing; Notice.
5.21.080 Grant of Permit Application.
5.21.090 Issuance of Permit/Contents/Conditions.
5.21.100 Permit Posting Requirements.
5.21.110 Required Insurance.
5.21.120 Permit Transfer.
5.21.130 Equipment and Maintenance.
5.21.140 Additional Vehicles.
5.21.150 Substitute Vehicles.

5.21.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Advanced life support” means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during interfacility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

“Ambulance” means a motor vehicle constructed, modified, equipped, and used or offered to be used, for the purpose of transporting sick, injured, invalid, convalescent, infirm or otherwise incapacitated persons.

“Ambulance service” means the activity, business or service, for hire, profit or otherwise, of transporting one or more persons by ambulance.

“Ambulance service operator” means any person who operates or owns an ambulance service.
“Applicant” means the person, or business entity that makes application to the City for an ambulance service operator's permit pursuant to the provisions of this Chapter.

“Basic life support” means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

“Permittee” means any ambulance service which possesses a current permit to provide ambulance service within the City of Ceres.

5.21.020 Purpose and Intent.
It is the purpose and intent of this Chapter to establish general operating procedures and standards for medical transportation services operating within the City in both emergency and other situations. The City Council, in enacting the Ordinance codified in this Chapter, intends to provide a fair and impartial means of allowing responsible private ambulance service operators to provide emergency and nonemergency services within the City and to ensure that such service is prompt, efficient, and in the best interest of the citizens of the community. It is the further intent and purpose of the City Council to declare its intention to retain all of its legal right and authority under law to engage in the business of providing such services to the citizens of its community to the exclusion of private providers, should the City determine that its provision of such services is in the best interest of the community and its citizens.

5.21.030 Permit Required; Exceptions.
It is unlawful for any person, either as owner, employee or otherwise, to operate an ambulance, or to engage in business as an ambulance service operator, upon the streets or any public way or place in the City without first having secured and maintained a valid permit as required by this Chapter, except the provisions of this Chapter shall not apply to:

A. Any ambulance operated by or on behalf of the City.

B. Any vehicle operated as an ambulance at the request of local authorities during wartime emergency, duly proclaimed state of emergency or local emergency as defined by the California Emergency Services Act.

C. Ambulance service transporting a patient from a location outside of the City regardless of destination.

5.21.040 Ambulance Service Operator’s Permit, Application, Contents.
An applicant for an ambulance service operator's permit shall file an application with the Fire Chief, which application shall contain at least the following information, and such other information as the Fire Chief may deem proper and necessary to evaluate the applicant's qualifications and proposed operation.

A. The names and the business and residential addresses of each principal having any interest in
the ownership or operation of the proposed ambulance service and the percentage financial interest of each such principal.

B. The applicant's training and experience in the transportation and care of patients.

C. All business names presently used by the applicant, all business names used in the past, and all proposed business names regarding the provision of ambulance services.

D. A description of each ambulance including the make, model, year of manufacture, vehicle identification number, current State license number, the length of time the vehicle has been in use, and the color scheme, insignia, name, monogram, and other distinguishing characteristics of the vehicle, a description of the company's program for maintenance of the vehicle, and a description of the vehicle's radio communication system.

E. Proof that the applicant has obtained all licenses and permits required by State or local law or regulation for the type of ambulance service proposed.

F. The names, addresses, and qualifications of each attendant, driver or dispatcher employed, or to be employed, in providing the proposed ambulance service.

G. Proof that the applicant possesses and maintains currently valid California Highway Patrol inspection certificates for each vehicle listed for service.

H. A description of the applicant's training and orientation programs for attendants, drivers and dispatchers.

I. Such evidence of financial responsibility as may be required by the Fire Chief

J. Identification of the geographical area proposed to be served by the applicant.

K. A list of all of the offices where equipment and personnel are, or will be based, including hours of operation.

L. A description of whether the service proposed by the applicant will include basic life support services or advanced life support services, and, if so:

   1. The number of basic life support or advanced life support service units to be deployed on each shift; and,

   2. The provision, if any, for continuing education of attendants.

M. Each principal of the proposed applicant shall provide a current fingerprint receipt issued by the Police Chief or by another State agency which is approved by the Director, indicating that each principal of the applicant has undergone a complete criminal history check, followed by a report from the Police Department showing no conviction of crimes which would be in violation of the provision of this Chapter.
5.21.050 Permit Application; Investigation.
Upon receipt of a completed application and the required fee, the Fire Chief shall make, or cause to be made, such investigation as he deems necessary to determine if:

A. The applicant is a responsible and proper person to conduct, operate or engage in the provision of ambulance services;

B. The applicant meets the requirements of this Chapter and of other applicable laws, ordinances or regulations; and,

C. The public convenience and necessity require the granting of a permit.

5.21.060 Public Hearing.
Upon the filing of a fully completed application for the permit to engage in the business of operating an ambulance service and the completion of the investigation by the Fire Chief, the City Manager shall fix a time for a public hearing thereon before the City Council for the purpose of determining whether the public convenience and necessity require the proposed service. No permit shall be granted until the City Council shall, after investigation and hearing, declare by Resolution that the public convenience and necessity require the proposed service and that the same will promote the convenience, safety and welfare of the general public.

5.21.070 Public Hearing; Notice.
Written notice of such hearing shall be given to all persons who have been issued permits for operation of ambulances. Due notice of the time and place of the public hearing before the City Council shall also be given to the general public by causing a notice of such hearing to be published in a newspaper of general circulation of the City at least ten (10) days before the hearing.

5.21.080 Grant of Permit Application.
In addition to the grounds discussed in Section 5.21.050, the City Council shall either grant, by simple majority vote, the application if it finds:

A. That the vehicles described in the application and proposed to be used are adequate and safe for carrying or transporting wounded, injured or sick persons;

B. That the color scheme, insignia, name, monogram or other distinguishing characteristics proposed to be used upon such ambulance or ambulances is not in conflict with and does not imitate any color scheme, insignia, name, monogram or other distinguishing characteristics used by any other person, in such manner as to mislead or tend to mislead, deceive or defraud the public; and

C. That further ambulance service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform ambulance service and to conform to the provisions of this Chapter, and such rules and regulations as may be promulgated by the City Council. In making such findings, the City Council shall take into consideration the number of
ambulances already in operation, whether existing ambulance service is adequate to meet the public need, the probable effect of increased ambulance service on local traffic conditions, and the character, experience and responsibility of the applicant.

D. In evaluating the character, fitness, and responsibility of the applicant, the City Council shall have the discretion to deny the permit if it finds that the applicant, or any principal of the applicant, has engaged in any of the following conduct:

1. Was previously the holder of a permit granted by the City which was revoked or not extended, and the circumstances upon which the revocation or non-extension were based have not been corrected;

2. Is committing or has committed an act which, if committed by the permit holder, would be grounds for suspension or revocation of the permit;

3. Has committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the applicant has unjustly benefitted;

4. Has provided or is providing ambulance services within the City without having a permit as required by this Chapter;

5. Has entered a plea of guilty to, been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of any order granting probation following such conviction or suspending the imposition of sentence, of a subsequent order under the provisions of Penal Code section 1203.4 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting aside the plea of verdict of guilty, or dismissing the accusation or information.

5.21.090 Issuance of Permit/Contents/Conditions.
If the City Council, by resolution, shall find and declare that the public convenience and necessity require the proposed ambulance service or will admit additional ambulance services, a permit to that effect shall be issued to the applicant(s). The City Council, in its discretion, shall determine the total number of ambulances which may be operated under such permit. The permit when issued shall state the name and address of the applicant, the number of ambulances that may be operated under the permit, and the date of issuance thereof. No permit authorized hereunder shall be issued to any person who shall not have fully complied with all the requirements of this Chapter, specifically including the provision of insurance coverage as required by Section 5.21.110.

5.21.100 Permit Posting Requirements.
Each ambulance operator to whom the City Council has issued a permit pursuant to this Chapter shall cause a copy of the permit to be posted on the dashboard of the ambulance in a position clearly visible, or in some other area approved by the City Council.
5.21.110 Required Insurance.
No permit for the operation of an ambulance service shall be issued, nor shall such permit be valid after issuance, nor shall any ambulance be operated unless there is at all times in full force and effect, comprehensive automobile liability insurance, comprehensive general liability insurance and professional liability insurance policies issued by a company authorized to do business in the State, acceptable to the Finance Director, insuring the permittee, its officers, agents and employees against loss by reason of personal or bodily injury, sickness, death or damage or destruction of property that may result from operation of the permittee. Comprehensive general liability insurance shall be in the sum of not less than one million dollars ($1,000,000.00) combined single limit, bodily injury and property damage. Professional liability insurance shall be in the sum no less than one million dollars ($1,000,000.00) per person and two million dollars ($2,000,000.00) combined single limit, bodily injury and property damage. Workers' compensation insurance shall be carried covering all employees of the permit holder. All policies shall contain a provision requiring a thirty (30) day written notice to be given to the City prior to cancellation, modification or reduction in limits.

With regard to the policies of insurance providing comprehensive automobile liability insurance and comprehensive general liability insurance, each such policy shall contain an endorsement identifying the City as an additional insured and providing that the ambulance service's insurance coverage shall be primary and that any insurance maintained by the City shall be excess of the ambulance service's insurance and shall not contribute with it.

5.21.120 Permit Transfer.
No permit for the operation of an ambulance service may be sold, assigned or otherwise transferred without the consent of the City, nor shall the holder of any permit alter or change its approved color scheme, insignia, logo, monogram or name without the written consent of the City Manager or designee. Requests for the transfer of a permit, or for a change of the color scheme, insignia, logo, monogram or name, shall be submitted, in writing, to the City Manager, and shall contain all information regarding the proposed transferee as is required for an original application. However, depending upon the nature and circumstances of the transfer or other requested change, the City Manager, shall have discretion to vary from the strict requirements of the Code regarding the submittal of information. The City Manager shall grant such requests, if he finds that the proposed transfer or other change meets all of the requirements of this Chapter, otherwise, he shall deny the request.

Any aggrieved party may appeal to the City Council the City Manager's approval or denial of a request made pursuant to this Section. The notice of appeal shall be filed with the City Manager, in writing, within ten (10) days of the City Manager's decision. Upon receipt of the notice of appeal, the matter shall be set for hearing before the City Council and shall follow the procedures provided in [business license appeals]. The decision of the City Council shall be final.

5.21.130 Equipment and Maintenance.
A. Prior to the initial use and operation of any vehicle as an ambulance, and at least once annually thereafter, the applicant and/or the owner operator of the ambulance service shall provide proof satisfactory to the Fire Chief that the vehicle complies with all applicable rules and regulations relating to safety and sanitation. In this regard, the Fire Chief may require that the...
applicant and/or the owner operator of the ambulance service secure and provide, at their sole expense, a safety and sanitation inspection report from a qualified inspector approved by the Fire Chief.

B. No ambulance which is unsafe or in any way unsuitable for ambulance service shall be operated.

5.21.140 Additional Vehicles.
Any person holding a permit to operate one or more ambulances as provided in this Chapter, who desires to add to the number of such vehicles, shall do so only by obtaining a permit therefor from the City Manager. There shall be no requirement of a public hearing regarding such requests. The City Manager may require from the applicant such information as he may deem necessary in order to evaluate the permit application in accordance with the criteria set forth in Section 5.28.090; and, after duly considering such information, he shall either grant or deny the application.

Any aggrieved party may appeal to the City Council the City Manager's approval or denial of a request made pursuant to this Section. The notice of appeal shall be filed with the City Manager, in writing, within ten (10) days of the City Manager's decision. Upon receipt of the notice of appeal, the matter shall be set for hearing before the City Council. The decision of the City Council shall be final.

5.21.150 Substitute Vehicles.
Any person holding a permit to operate one or more ambulances as provided in this Chapter who desires to substitute a different vehicle for a vehicle operated under such permit shall do so only upon obtaining from the Fire Chief, permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this Chapter.
Chapter 22

CANNabis PIliot Program

Sections:
5.22.010 Declaration of Purpose.
5.22.020 Definitions.
5.22.030 Cannabis Business Pilot Program.
5.22.040 All State and Local Licenses and Permits Required.
5.22.050 Permits Not Transferable.
5.22.060 Development Agreement.
5.22.070 Nonconforming Use.
5.22.080 Outdoor Cultivation of Cannabis Prohibited.
5.22.090 Relationship to Other Laws.
5.22.100 Statewide Regulation.
5.22.110 Severability.

5.22.010 – Declaration of Purpose.
A. The City finds and declares that the purpose of this chapter is to regulate all commercial cannabis activity in the City of Ceres, to the extent authorized by state law and in a manner designed to minimize negative impacts on the City, and to promote the health, safety, morals, and general welfare of residents and businesses within the City.

B. It is the purpose and intent of the City Council to implement state law by regulating cannabis businesses and to ensure that commercial cannabis activity does not result in the diversion of cannabis for illicit purposes.

C. The regulations in this chapter do not interfere with a qualified patient’s right to obtain and use cannabis as authorized under state law, nor do they criminalize the possession or cultivation of cannabis by qualified patients or their primary caregivers. Cannabis businesses shall comply with all provisions of the Ceres Municipal Code, state law, and all other applicable local and state regulations. It is neither the intent nor the effect of this chapter to condone or legitimize the illegal use, consumption, or cultivation of cannabis under federal, state, or local law.

5.22.020 – Definitions.
“Adult Use of Marijuana Act” or “AUMA” has the same meaning as Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act approved by California voters at the November 8, 2016, election, and any applicable rules and regulations promulgated thereafter.

“Business” means a profession, trade, occupation, gainful activity, and all and every kind of calling whether or not carried on for profit.

“City Manager” shall mean the Ceres City Manager or designee.
“Commercial cannabis activity” includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products that requires a state license, including medicinal cannabis or medicinal cannabis product as defined in section 26001 of the Business and Professions Code.

“Cannabis business” shall mean any person or business that engages in commercial cannabis activity.

“Cannabis business permit” shall mean any permit issued to a cannabis business pursuant to the provisions of this chapter.

“Cannabis Business Pilot Program” shall mean the City’s permitting process and procedures pursuant to the provisions of this chapter for the purpose of determining and evaluating the feasibility and desirability of regulating multiple cannabis businesses within City limits.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act” or “MAUCRSA” has the same meaning as Chapter 1 (commencing with section 26000) of Division 10 of the California Business and Professions Code, and any applicable rules and regulations promulgated thereafter.

“Primary caregiver” shall have the same meaning as set forth in California Health and Safety Code section 11362.7(d).

“Qualified patient” shall have the same meaning as set forth in California Health and Safety Code section 11362.7(f).

5.22.030 –Cannabis Business Pilot Program.
A. Cannabis businesses shall only be permitted to operate in the City following application, investigation, verification, approval, and issuance of a development agreement approved by the City Council, and a cannabis business permit issued by the City in accordance with the criteria and procedures set forth in this chapter. No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land use authorization for a cannabis business shall be granted or permitted unless it complies with the provisions of the Ceres Municipal Code.

B. All persons who are engaged in or who are attempting to engage in commercial cannabis activity in any form shall do so only in strict compliance with the terms, conditions, limitations and restrictions of this chapter, AUMA, and MAUCRSA, as it applies, the provisions of the Ceres Municipal Code, as may be amended from time to time, and all other applicable state and
local laws and regulations.

C. The City Manager is authorized to make policies and procedures consistent with the intent of this chapter concerning the applications, the application process, the information required of an applicant, the application procedures, and the administration and procedures to be used and followed in the application and hearing process.

5.22.040 – All State and Local Licenses and Permits Required.
A. No cannabis business shall operate unless it is in possession of all applicable state and local licenses and permits.

B. Every cannabis business shall submit to the City Manager a copy of any and all of its state and local licenses and permits required for its operation.

C. If any other applicable state or local license or permit required for a cannabis business’ operation is denied, suspended, modified, revoked, or expired, the cannabis business shall notify the City Manager in writing within ten (10) days of such denial, suspension, modification, revocation, or expiration.

5.22.050 – Permits Not Transferable.
Cannabis business permits issued pursuant to this chapter are not property and have no value. Cannabis business permits may not be transferred, sold, assigned or bequeathed expressly or by operation of law. Any attempt to directly or indirectly transfer a cannabis business permit shall be unlawful and void, and shall automatically revoke the permit.

5.22.60 – Development Agreement.
A. Prior to operating in the City, and as a condition of issuance of any applicable permits, including, but not limited to, a cannabis business permit, the applicant seeking to operate a cannabis business shall enter into a development agreement with the City setting forth the terms and conditions under which the cannabis business will operate. Such development agreement shall be in addition to the requirements of this chapter, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation), and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the City.

B. Every development agreement approved by the City pursuant to this chapter shall be subject to an annual review by the City Council to determine compliance with the terms of the development agreement, applicable local and state laws and regulations, this chapter, and the Ceres Municipal Code. The City Council may from time to time determine whether to allow additional cannabis businesses as part of the Cannabis Business Pilot Program.

5.22.070 – Nonconforming Use.
Any cannabis business established or operating in the City in violation of this chapter shall not
be considered a lawful or permitted nonconforming use, and no such cannabis business shall be eligible for issuance of any permits or approvals under the Ceres Municipal Code. Further, any unlawfully established cannabis business shall constitute a public nuisance subject to abatement by the City.

5.22.080. – Outdoor Cultivation of Cannabis Prohibited.
A. A cannabis business shall only be allowed to cultivate cannabis within a fully enclosed building.
B. A Cannabis business shall not cultivate cannabis outdoors.

5.22.090 – Relationship to Other Laws.
Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in Chapter 1 (commencing with Section 26000) of Division 10 of the California Business and Professions Code, or its successors. In the event of any conflict between the provisions of this chapter and the provisions of that chapter or any other applicable state or local law, the more restrictive provision shall control.

5.22.100 – Statewide Regulation.
This chapter, and the provisions herein, shall be read consistent with any statewide regulation of cannabis that is promulgated by the legislature or by voter approval.

5.22.110 – Severability.
Should any provision of this chapter, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.
Chapter 23

VEHICLES FOR HIRE

Sections:
5.23.010 Definitions.
5.23.020 Permit Required.
5.23.030 Owner's Permit Application.
5.23.040 Owner's Permit Application Fees.
5.23.050 Owner's Permit Investigation and Granting.
5.23.060 Grounds for Denial of Owner's Permit.
5.23.070 Posting of Permit.
5.23.080 Replacement of Vehicle.
5.23.090 Revocation of Owner's Permit.
5.23.100 Surrender of Owner's Permit.
5.23.110 Inspection of Vehicles.
5.23.120 Right of Entry.
5.23.130 Unsafe Vehicles.
5.23.140 Cruising Prohibited.
5.23.150 Capacity.
5.23.160 Driver's Permit Required.
5.23.170 Driver's Permit Application Fees.
5.23.180 Police Investigation of Applicant's Traffic and Police Record.
5.23.190 Consideration of Driver Applicant.
5.23.200 Eligibility for Driver's Permit.
5.23.210 Driver's Permit Information Required.
5.23.220 Revocation and/or Renewal of Driver's Permits; Appeal.
5.23.230 Termination of Employment.
5.23.240 Insurance Required.

5.23.010 – Definitions.
Whenever used in this Chapter, the following words or terms shall be deemed to have the following meanings:

“Driver” means every person in charge of operating any "vehicle for hire," as defined herein, either as agent, employee, owner, or under the direction of the "owner" as herein defined.

“Owner” means every person having use and control of any "vehicles for hire," as herein defined, whether as owner, lessee or otherwise.

"Vehicle for Hire" shall include any motor vehicle operated and used upon the public streets of the City for the purpose of carrying passengers for hire. "Vehicles for Hire" shall not include any of the following:
A. Private passenger vehicles used for carpooling by persons providing transportation of other persons to and from work where no fee is charged except for the reasonable cost of gas and maintenance of the vehicle used to provide the work-related transportation.

B. Taxicabs regulated by Chapter 5.13 of this Code.

C. Ambulance or convalescent transport vehicles.

D. Public transportation vehicles provided by a governmental entity or pursuant to a contract with a governmental entity.

E. Passenger charter—party carriers regulated by division 2, chapter 8 of the California Public Utility Code, commencing with Section 5351.

F. Passenger stage corporations regulated by division 1, Chapter 5 of the California Public Utility Code, commencing with section 1031.

G. Vehicles used for the purpose of transporting persons for hire where the driver is related to the passengers by blood or marriage.

H. Vehicles used for the purpose of transporting persons for hire where five (5) or fewer persons are transported per day. In computing the number of persons transported per day, any person transported to their destination and returned to their point of departure during the same day shall be counted as one person transported.

It is the specific intent and purpose of this Chapter to regulate all passenger vehicles for hire operating within the City which vehicles are not otherwise regulated by the provisions of the Public Utility Code of this State, or are not otherwise excluded from the definition of "Vehicles For Hire" by this Section.

5.23.020 - Permit Required.
No person shall own, operate, or cause or permit any other person to own or operate, any vehicle for hire in the business of carrying passengers unless such person has obtained a proper permit therefor as provided in this Chapter.

5.23.030 - Owner's Permit Application.
Any owner desiring to obtain the permit required by Section 5.23.020 shall make application to the Police Chief. Each application shall be accompanied by a policy of insurance in the amount provided for by Section 5.23.240. The application shall set forth the following:

A. The name, age, business address, and residence of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of its principal officers, together with their respective addresses; or, if a partnership, association or unincorporated company, the names of the partners, or of the persons comprising the association or company, with the place of business and residence of each such partner or person;
B. A description of each motor vehicle which the applicant proposes to use, giving the type of each vehicle; the name of the manufacturer thereof; the horsepower; the vehicle identification number and the state license of each vehicle; and the seating capacity thereof according to the factory rating;

C. The name, monogram or insignia proposed to be used on each motor vehicle, if any;

D. The street number and exact location of the property where the applicant proposes to stand each motor vehicle, together with written consent signed and acknowledged by lessees, sublessees and owners of such property; and,

E. The applicant shall furnish such other information as the Police Chief may require.

5.23.040 - Owner's Permit Application Fees.
Every person requesting an owner's permit under this Chapter shall pay, in addition to any business tax which the permittee shall be required to pay, an application fee, the amount of which shall be determined from time to time by resolution of the City Council. The application fee shall be sufficient to cover the reasonable cost incurred by the City to process the application, including the cost of any investigation. Such fees shall be paid in advance at the time the application is filed.

5.23.050 - Owner's Permit Investigation and Granting.
Upon receipt of an application for an owner's permit and payment of the required fees, the Police Chief shall make an investigation and may thereafter grant the permit if he shall find that:

A. The bond or policy of insurance hereinafter required has been furnished and that the same is in the form required;

B. Each vehicle described therein is adequate and safe for the purpose for which it is to be used, and is equipped as required in this Chapter;

C. The applicant is of good moral character, has complied with all the terms and conditions of this Chapter and is competent to operate such a business;

D. The public convenience or necessity requires the operation of such motor vehicle for hire upon the public streets; and,

E. The name, monogram, or insignia, if any, of the proposed vehicle for hire does not conflict with or imitate any other taxi company theretofore permitted to operate in the City in such a manner as to be misleading or to deceive the public.

5.23.060 - Grounds for Denial of Owner's Permit.
Any of the following reasons shall be sufficient for denial of an owner's permit required by this Chapter:
A. That the application is not in the form, and does not contain the information required to be contained therein by this Chapter.
B. That the vehicles described therein are inadequate or unsafe for the purposes for which they are to be used.

C. That the color scheme, name, monogram or insignia, if any, to be used upon such vehicles shall be in conflict with or imitate any color scheme, name, monogram or insignia used by any person in such manner as to be misleading or tend to deceive or defraud the public.

D. That the applicant has, at some prior time, had such a permit revoked for cause.

5.23.070 - Posting of Permit.
Each owner to whom a permit has been issued shall cause an authenticated copy of the permit to be posted on the dash in a position clearly visible to the passengers in the vehicle, or in some other area approved by the Police Chief.

5.23.080 - Replacement of Vehicle.
Whenever an owner sells or transfers title to a vehicle for which a permit has been granted and purchases another vehicle, the Police Chief, as a matter of right, upon written request of applicant, shall issue a new permit for the operation of such replacement vehicle, provided said owner has complied with all the provisions of this Chapter. No replacement vehicle shall be put into operation before a permit covering its operation has been obtained as required by this Section.

5.23.090 - Revocation of Owner's Permit.
A permit may be revoked by the City Manager at any time after proper notice to and opportunity of hearing has been given to the owner thereof, if:

A. The City Manager finds the owner's past record to be unsatisfactory.

B. The owner fails to operate the vehicle in accordance with the provisions of this Chapter.

C. The owner's service to the public is inadequate or inefficient.

D. The owner fails to pay any of the fees or payments required to be paid by him by the provisions of this Chapter or by the provisions of this Code.

5.23.100 - Surrender of Owner's Permit.
An owner's permit which shall have been canceled or revoked by the City Manager shall forthwith be surrendered to the Police Chief, and the operation of any vehicle covered by such a permit shall cease and further operation of such a vehicle shall be unlawful. Any owner who shall permanently retire any vehicle from service and within ten (10) days thereof not replace said vehicle or make arrangements satisfactory to the Police Chief for said replacement shall immediately surrender any permit granted for the operation of such vehicle to the Police Chief. An owner may not secure a new permit for the operation of any vehicle for which a permit has been canceled, revoked or surrendered without having first made application therefor in the manner provided in this Chapter.
5.23.110 - Inspection of Vehicles.
Before a permit is issued to an owner for the operation of a vehicle, and annually thereafter, the owner shall provide proof satisfactory to the Police Chief that the vehicle is roadworthy and safe from an operational standpoint. Such proof shall be provided at the sole expense of the owner and shall be in the form of an inspection report from a qualified inspector approved by the Police Chief.

5.23.120 - Right of Entry.
The Police Chief, or any member of the Police Department, shall have the right at any time, after displaying proper identification, to enter into or upon a vehicle holding a permit under this Chapter for the purpose of ascertaining whether or not any of the provisions of this Chapter are being violated.

5.23.130 - Unsafe Vehicles.
Any vehicle which is found, after any such inspection, to be unsafe or in any way unsuitable for transportation service shall be immediately ordered out of service, and before again being placed in service shall be placed in a safe condition.

5.23.140 - Cruising Prohibited.
Unoccupied vehicles shall not be operated over public streets in search of, or soliciting, prospective passengers for hire.

5.23.150 - Capacity.
No driver of any vehicle shall accept, take into his vehicle or transport any larger number of passengers than the rated seated capacity of his vehicle, and seat belts shall be provided for each occupant of the vehicle.

5.23.160 - Driver's Permit Required.
It shall be unlawful for any person to drive or operate any vehicle for hire without first obtaining a driver's permit in writing so to do from the Police Chief.

Permits issued will entitle the driver to work for only the owner whose name appears on the permit. A new permit will be required for each subsequent employment.

5.23.170 - Driver's Permit Application Fees.
Applicants for driver's permits shall file applications therefor with the Police Chief upon forms to be furnished by the City. Applicants for driver's permits shall pay an application fee for each application, the amount of which shall be determined from time to time by resolution of the City Council. The application fee shall be sufficient to cover the reasonable cost incurred by the City to process the application, including the cost of any investigation. Such fees shall be paid in advance at the time the application is filed.
In the event a person who has obtained a permit to drive a vehicle pursuant to this Chapter thereafter terminates his/her employment as a driver, no permit fee shall be required for such person to obtain a new driver's permit if the application for the new permit is made within one year from the date of the termination of his/her immediate prior employment.

5.23.180 - Police Investigation of Applicant's Traffic and Police Record.
The Police Chief shall conduct an investigation of each applicant for a driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application.

5.23.190 - Consideration of Driver Applicant.
The Police Chief shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Police Chief and may offer evidence why his/her application should be reconsidered. If the Police Chief again rejects the application, the applicant may request a personal appearance before the City Manager to offer evidence why his/her application should be granted. The ruling of the City manager on the application shall be final.

5.23.200 - Eligibility for Driver's Permit.
Except as hereinafter set forth, no driver's permit shall be issued to any of the following persons:

A. Any person under the age of eighteen (18) years.
B. Any person who is currently required to register pursuant to section 290 of the California Penal Code.
C. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.
D. Any person who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application for a permit.
E. Any person who has been convicted of driving a vehicle while under the influence of intoxicating liquors within the five (5) years immediately preceding application for a permit.
F. Any person not possessing a valid Class 3 driver's license, issued by the State of California.
G. Any person who has been convicted of three (3) or more felonies.

The Police Chief or City Manager upon appeal, in his discretion, may waive the provisions of subsection C above and issue a permit to a person who otherwise would be unqualified due to the provisions of said subsection C provided he receives letters from that person's prospective employer and parole officer which attest to a good-faith belief that the applicant has reformed his moral character so as to pose no threat to members of the public.
5.23.210 - Driver's Permit Information Required.
Said permit shall be in the form of a card which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate and one copy with the fingerprints, photograph and signature of the applicant shall be placed on file with the Police Chief and the other card shall be displayed in the vehicle for hire in a conspicuous place visible to all passengers while the vehicle is being operated.

5.23.220 - Revocation and/or Renewal of Driver's Permits; Appeal.
A. The Police Chief may revoke or refuse to renew a driver's permit if the driver has since the granting of the permit:

1. Been convicted of any crime described in subsections 5.23.200C, D or E of this Chapter or any crime for which registration is required pursuant to section 290 of the California Penal Code.
2. Had his/her Class 3 driver's license revoked or suspended.
3. Had two (2) or more convictions of any of the offenses set forth in the Vehicle Code of the State of California and amendments thereto relating to speeding violations, or any combinations of any of such offenses, occurring during any continuous period not exceeding twelve (12) months.
4. Violated any of the provisions of this Chapter.
5. When for any reason, including or other than the above, in the opinion of the Police Chief, the applicant is unfit to drive a vehicle for hire.

B. The decision of the Police Chief to revoke or refuse to renew a driver's permit pursuant to this Section may be appealed to the City Manager, and the decision of the City manager shall be final. Any request for an appeal hearing shall be filed in writing with the office of the City Manager within five (5) days from receipt of notice of revocation or refusal to renew from the Police Chief. The appeal hearing before the City manager shall be held within fifteen (15) days of receipt of the request for appeal, and the person appealing the action shall be given at least five (5) days' notice of the date set for the appeal hearing.

5.23.230 - Termination of Employment.
It shall be the duty of the owner of each vehicle for hire to notify the Police Chief in writing within five (5) days whenever a driver has either voluntarily or involuntarily terminated employment.

The owner shall cause and be responsible for each driver returning his/her driver's permit to the Police Chief within five (5) days after the termination of his employment as a driver of a vehicle for hire.

5.23.240 - Insurance Required.
No permit for the operation of a vehicle for hire shall be issued, nor shall such permit be valid after issuance, nor shall any vehicle for hire be operated unless there is at all times in full force
and effect, comprehensive automobile liability insurance, comprehensive general liability insurance and workers' compensation insurance policies issued by a company authorized to do business in the State of California, acceptable to the Finance Director, insuring the owner and the driver against loss by reason of personal or bodily injury, sickness, death, or damage or destruction of property that may result from operation of the vehicle by the owner or driver. Comprehensive general liability insurance and automobile liability insurance shall be in the sum of not less than one million dollars ($1,000,000.00) combined single limit, bodily injury and property damage. Workers' compensation insurance shall be carried covering all employees of the owner. All policies shall contain a provision requiring a thirty (30) day written notice to be given to the City prior to cancellation, modification, or reduction in limits.
Chapter 24

CHARITABLE SOLICITATIONS

Sections:

5.24.010  Purpose.
5.24.020  Definitions.
5.24.030  Unlawful Conduct.
5.24.040  License; Application.
5.24.050  Financial Statement.
5.24.060  Forms for Financial Statement
5.24.070  Duties of Licensee.
5.24.080  Waiver of Financial Statements and Accounting System.
5.24.090  Spending Contributions for Solicitation Expense Unlawful.
5.24.100  Suspension and Revocation; Sufficiency of Application.
5.24.110  Licensing of Exempt Persons.
5.24.120  License; Denial.
5.24.130  Identification Cards Required.
5.24.140  Identification Card Must Be Shown.
5.24.150  Solicitation by Phone.
5.24.160  Receipts.
5.24.170  Denial of Application; Review by Coordinator.
5.24.180  Advisory Capacity; Stanislaus County Consumer Affairs Advisory Council.
5.24.190  Appeal of Coordinator's Decision.
5.24.200  Nighttime Solicitation Prohibited.
5.24.210  False Statements.
5.24.220  Partial Invalidity.
5.24.030  Unlawful Conduct.
5.24.040  License; Application.

5.24.010 - Purpose.
The City Council finds:

A. That numerous persons have been and are soliciting funds and property in the City on the representation that such funds are to be used for charitable purposes when in truth and in fact such funds and property are being used either wholly or in a large part for the private profit of individuals making or promoting such solicitations; that a number of fraudulent and misleading representations are employed in many solicitations; that deliberate imitations of the names, slogans, and familiar devices of great and worthy charities are fraudulently imposed upon the public; that, as the result of pernicious activities, honest and needed charities are suffering from a suspicion engendered by these practices and that residents in this City have in many cases been defrauded and imposed upon for lack of adequate protection.

B. That access to information concerning persons making charitable solicitations, and to information which fully discloses the uses for which contributed funds are proposed to be used
or have been used by persons making charitable solicitations will provide a means for residents of the City to protect themselves from being misled and from making contributions to unworthy persons; that there is no good or compelling reason why persons soliciting charitable contributions should not fully and fairly disclose the convictions for fraud or dishonesty of persons making charitable solicitations, the method of conducting charitable solicitations, the use of funds obtained and related matters; that such information concerning persons making charitable solicitations, their activities and their purposes, should be obtained by the coordinator and be made freely available to any interested person; and that, to promote the purposes of this Section, the coordinator should publicize the availability of such information as well as publicizing the general nature and extent of charitable solicitation activity in the City.

C. That the public safety, peace, comfort, and convenience demands the exercise of the police power of this City to prevent fraudulent solicitations and to promote legitimate solicitations for charitable purposes.

5.24.020 - Definitions.
Whenever used in this Chapter unless a different meaning clearly appears from the context:

“Campaign” is a series of planned actions for the purpose of obtaining charitable contributions and includes planning and conducting a sale or special event in which goods, services, or other thing of value is offered in return for a contribution.

“Charitable Contribution” is the transfer or giving of anything of value intended by the donor to be a gift to a charitable organization or for a charitable purpose and includes a gift under the guise of a loan and any payment in excess of the "direct benefit cost" of an item received in return.

“Charitable Solicitation” is any request made directly or indirectly for money, credit, property, financial assistance, or other thing of value on the plea, representation, or implication that the requested contribution will be used for patriotic, benevolent, educational, civic, fraternal, or other philanthropic purposes. It does not mean an appeal for contributions if the appeal:

A. Is confined and directed exclusively to the membership of an organization which is the recipient of the contributions; or

B. Is for the relief of an individual specified by name at the time of solicitation where the solicitor represents that the entire amount collected, without any deductions whatever, shall be turned over to the name beneficiary; or

C. Is made for a contribution to be used for the direct aid or support of a church or religion, or for a political party or organization; however, a request by a religious or political organization for a contribution to be used for charitable purpose is a "charitable solicitation."

“Coordinator” is the coordinator of the Stanislaus County office of consumer affairs and his authorized deputies, or such other person or agency as may be designated by resolution of the City Council pursuant to Section 5.24.230.
“County” refers to the unincorporated area of the County of Stanislaus, State of California.

“Direct Benefit Costs” means the costs to a licensee necessary to conduct a sale or special event in which goods, services or other thing of value is offered in return for a charitable contribution.

"Necessary" costs are those which result in the purchase of goods and services which directly benefit the contributor. Such costs shall not include profit nor any expenses incurred in planning, promoting, conducting the sale or special event, such as building and equipment rental for solicitation purposes, salaries for ticket sellers, ushers, security officers, janitor and similar employees; compensation to salesmen and other direct solicitors; promotional expenses, such as printing, mailing, advertising, and consultants' fees.

“License” is the charitable solicitation license that is required by this Chapter.

“Office” refers to the Stanislaus County office of consumer affairs.

“Person” means any individual, firm, partnership, corporation, association, society or other organization, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

“Service of Notice” is the personal delivery to, or mailing to the person to whom the notice is directed. Mailing by registered or certified mail properly addressed to the person at the last known address, shall be presumed to be served on the second business day following the day on which the letter was mailed.

“Solicitation” means any oral or written request for charitable contributions including:

A. The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;

B. Any form of announcement to the general public in which the public is requested to support a charitable cause;

C. The sale of, or the attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket, or other thing in connection with which any appeal is made for a contribution to a charitable organization.

“Solicitation Expense” is any cost incurred in the solicitation and collection of contributors, including, but not limited to, compensation to persons providing services, cost of advertising and promotion, purchase or rental of buildings and equipment and costs of mailing, telephone service and similar expenses.

5.24.030 - Unlawful Conduct.
It shall be unlawful:

A. For any person to conduct a charitable solicitation campaign on the streets or in any public place or by house-to-house, or by business-to-business canvass in the City, without having a valid charitable solicitation license issued pursuant to this Chapter.
B. For any person to utilize, in any manner whatever, any premises or facilities located in the City to conduct a charitable solicitation campaign without having a valid charitable solicitation license issued pursuant to this Chapter.

5.24.040 - License; Application.
An application for a charitable solicitation license shall be made to the office upon forms provided by the coordinator. Such applications shall be sworn to and filed with the office at least thirty (30) days prior to the time the license applied for shall become effective; provided, however, that the office may for good cause shown allow the filing of an application less than thirty (30) days prior to the effective date of the license for which applied. When issued, the license shall be valid for one year. The application required in this Section shall contain the following information:

A. The name and address of the principal office of the applicant and the name and address of a representative in the City authorized to receive notices and to act for the applicant.

B. The names and addresses of all principal persons or officers interested in or connected with the applicant.

C. If the applicant or any of the applicant's officers, principals, agents or employees who are or will be engaged in the proposed charitable solicitation in the City has ever been convicted of a crime against property, including theft, embezzlement, forgery or any form of fraud or the obtaining of money by false pretenses.

D. Whether any of the applicant's officers, principals, or other persons who will be engaged in a proposed charitable solicitation campaign has engaged or participated in a charitable solicitation campaign in the City within the prior three (3) years.

E. The anticipated purposes for which the proceeds of any solicitation, sale, bazaar, exhibition, promotion, amusement, show, lecture, entertainment, or other enterprise or any part thereof are to be used including the amount of any compensation intended to be paid to any person, promoter, firm, association, or corporation out of such proceeds.

F. The total amount which is sought to be raised.

G. The banks or places where all or any part of the funds raised by such activities will be placed on deposit or invested.

H. The process or methods in which the solicitations will be undertaken.

I. The proposed source of funds which will be used to pay solicitation expenses.

J. Such other information in respect to the character, past activities and the proposed activity of the applicant and the parties directly interested in or engaged in the work as may be necessary or desirable to enable the office to make a full and complete investigation.
5.24.050 - Financial Statement.
The application for a charitable solicitation license shall be accompanied by a financial statement showing the amount of money raised by the applicant within the City for charitable purposes during the preceding year. The financial statement shall show the amount of moneys expended by the applicant in the collections of such charitable funds, and the programs or beneficiary agencies to whom the funds were disbursed.

5.24.060 - Forms for Financial Statement.
The financial statement required in Section 5.24.050 may be submitted using any of the following forms:

A. A financial statement or treasurer's report regularly prepared by the licensee;

B. Forms furnished by the coordinator. In the event the applicant did not solicit in the City in the preceding year, the applicant shall submit such a statement for the most recent year within the last five (5) years, if any, in which a solicitation was made, and an estimated financial statement in the form furnished by the coordinator.

5.24.070 - Duties of Licensee.
The holder of a charitable solicitation license shall:

A. Notify the coordinator, at least ten (10) days before the start of a solicitation campaign, the areas in which solicitations will be made, the manner of solicitations, the person(s) responsible for the campaign, and any other information requested by the coordinator.

B. File a written completion report with the coordinator. The report shall state the total contributions secured from or as a result of the campaign, and the expenses of the campaign. Completion reports shall be made upon forms provided by the coordinator and shall be filed as follows:

1. In the event the solicitation campaign was conducted by a licensee with a permanent City office, such report shall be filed within one hundred twenty (120) days after the close of solicitation.

2. In the event that the solicitation campaign was conducted by a licensee with no permanent City office, the report required by this Section shall be filed with the coordinator within thirty (30) days after the close of solicitations or before the commencement of another solicitation campaign, whichever comes first.

C. Maintain a system of accounting whereby all donations and disbursements are recorded. A licensee shall maintain records for special events which show in detail all expenditures which the licensee has deducted from revenues as consisting direct benefit costs.

5.24.080 - Waiver of Financial Statements and Accounting System.
The coordinator may, in his/her discretion, determine that Sections 5.24.050, 5.34.060, and subsection C of Section 5.34.070 shall not apply to any person certifying:
A. That less than five hundred dollars ($500.00) is expected to be obtained in the next calendar year; or

B. That one hundred percent (100%) of the funds obtained by charitable solicitations made by such person will be used for charitable purposes and that all solicitation expenses associated with any charitable solicitations made by the person so certifying will be donated by persons who have been expressly advised that such donations will be used for solicitation expenses and not for charity. The individual certifying for an organization shall be specifically authorized to execute the certificate for the organization.

5.24.090 - Spending Contributions for Solicitation Expense Unlawful.
It shall be unlawful for any person knowingly to expend for solicitation expenses charitable contributions certified, pursuant to Section 5.24.080, to be entirely for charitable purposes.

5.24.100 - Suspension and Revocation; Sufficiency of Application.
The failure of any person to comply with any provision of this Chapter shall be sufficient grounds to revoke or suspend a license or to deny an application filed within a period of three (3) years of such failure. The coordinator shall act upon all applications for a license within thirty (30) days after the date on which the application is filed. Notice of the action taken shall be served upon the applicant. The sufficiency of a financial statement, system of accounting or completion report shall be determined by the coordinator. The coordinator may make or cause to be made any investigation deemed necessary and, upon request, the applicant shall make available for inspection by the coordinator, all of the applicant's books, records, and papers relating to any solicitation or campaign. The coordinator shall have the authority at any time in which a charitable solicitation license is in effect to require an applicant or licensee to provide the additional information the coordinator determines to be necessary to accomplish the purposes of this Chapter.

5.24.110 - Licensing of Exempt Persons.
Notwithstanding any provisions of this Chapter which exclude or exempt certain persons from the licensing requirements hereof, any person may elect to comply with the licensing provisions of this Chapter prior to making any noncommercial solicitation campaign; and the coordinator shall issue a license in the same manner as provided for any other applicant, and shall treat such applicant or licensee in every respect in the same manner as provided for any other licensee by this Chapter, but the license shall be identified by the purpose for which the solicited funds will be used and not as a "charitable" solicitations license.

5.24.120 - License; Denial.
Upon receipt of a full and complete application, the coordinator shall issue a license, provided that a license shall be denied if the applicant has been convicted of a crime against property, including theft, embezzlement, forgery; or any form of fraud; or the obtaining of money by false
pretenses; or for making or disseminating any false or misleading statement; or if the solicitation is or will be conducted in any manner which is in violation of the laws of the State of California.

5.24.130 - Identification Cards Required.
All persons to whom a charitable solicitation license has been issued under this Chapter shall furnish identification cards in the form provided by the office, to those agents and solicitors who must comply with Section 5.24.140. The credentials shall include the name of the soliciting agency, a statement that the soliciting agency is licensed with the office, the phone number of the office, the expiration date of the license, the name and signature of the solicitor, and whether or not the solicitor is a regular member of the soliciting agency.

5.24.140 - Identification Card Must Be Shown.
It shall be unlawful for any person to solicit on the streets, or in any public place, or by house-to-house or business-to-business canvass without showing the person solicited the identification card required in Section 5.24.130.

5.24.150 - Solicitation by Phone.
When a solicitation is made by telephone, the solicitor shall, before any request for contributions is made, provide the potential contributor with the following information:
A. Name of solicitor;
B. Name of the soliciting agency;
C. That the soliciting agency is licensed by the coordinator;
D. Whether or not the solicitor is a regular member of the soliciting agency.

5.24.160 - Receipts.
Any solicitor receiving a contribution shall, upon request, give to the contributor a written receipt signed by a representative of the person under whose license the solicitation is conducted showing the date and amount of the contribution; provided, however, that this Section shall not apply to any contribution collected by means of a closed box where it is impractical to determine the amount of such contribution.

5.24.170 - Denial of Application; Review by Coordinator.
The coordinator shall give written notice of reasons for an intended action to deny an application for a license or to revoke or suspend a license. Within ten (10) days after receiving such notice, an applicant may file with the coordinator a written request for an informal review hearing of the denial. The request shall state the applicant's grounds for requesting a review and shall specify any reasons why the proposed action is considered to be incorrect. The coordinator shall conduct a review hearing within fifteen (15) days after the request has been filed. Within ten (10) days after the conclusion of the review hearing, the coordinator shall render a written decision sustaining, reversing or modifying the intended action. The coordinator may impose reasonable conditions for the continued use of the license. The decision shall be filed with the City and shall

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be available for public inspection and a copy shall be served upon the applicant.

5.24.180 - Advisory Capacity; Stanislaus County Consumer Affairs Advisory Council.
The Stanislaus County consumer affairs advisory council may attend a review hearing and act in
an advisory capacity to the coordinator. Should the case be referred to the City, the Stanislaus
County consumer affairs advisory council may act in an advisory capacity to the City Council.

5.24.190 - Appeal of Coordinator's Decision.
Any person aggrieved by any decision or action of the coordinator under the provisions of this
Chapter may appeal to the Council by written notice of appeal filed with the Clerk of the City
Council within fifteen (15) days following receipt by such person of written notice of such
decision or action. The notice of appeal shall be brought before the Council not later than the
second regular Council meeting following the filing for the appeal with the Clerk. At such
meeting, the Council will determine and announce the time and place of the hearing on the
appeal.

5.24.200 - Nighttime Solicitation Prohibited.
It is unlawful to solicit door-to-door or by telephone for any charitable purpose between the
hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M.

5.24.210 - False Statements.
It shall be unlawful knowingly to make any false statement or to perpetrate any fraud in
connection with any solicitation or in any application or report filed under this Chapter.

5.24.220 - Partial Invalidity.
If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or
any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any
court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
remaining portions of this Chapter or any part thereof. The Council declares that it would have
passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof
irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences,
clauses or phrases be declared unconstitutional, invalid, or ineffective.

5.24.230 - Administration.
The City Council authorizes and directs that this Chapter shall be administered by the Stanislaus
County office of consumer affairs. If the Stanislaus County office of consumer affairs shall for
any reason refuse or otherwise fail to accept the responsibility of administering the provisions of
this Chapter, then the City Council shall, by resolution, designate a new person or agency to act
as administrator.
5.24.240 - Rules and Regulations.

The coordinator may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this Chapter.
Title 12

STREETS AND SIDEWALKS

Chapters:

12.01  Public Rights of Way
12.02  Construction in Public Rights of Way
12.03  Deposit of Oil or Other Petroleum Products
12.04  Excavations
12.05  Street Trees
12.06  Privately Owned and Maintained Roads
12.07  Visibility Obstructions at Public Intersections
12.08  Obstruction of Public Streets and Sidewalks
12.09  Underground Utilities
Chapter 01
PUBLIC RIGHTS OF WAY

Sections:
12.01.010 Title.
12.01.020 Definitions.
12.01.030 Scope of Intent.
12.01.040 General Provisions.
12.01.050 Underground Utilities and Franchised Services
12.01.060 Aboveground Franchised Services and Airspace Encroachments.
12.01.070 Temporary Street Closure
12.01.080 Right of Way Improvement Standards.
12.01.090 Maintenance and Landscaping of Parkways.
12.01.100 Penalty.
12.01.110 Construction and Maintenance of Mail Delivery Boxes

12.01.010 Title.
This Chapter may be cited as the "Public Right of Way Ordinance."

12.01.020 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Curb line” means the face of existing curbs, or to the locations at which the curb face is to be built in conformance with the master plan of streets and highways, design standards, or approved improvement plans.

“Development” means any improvement required or permitted by the City pursuant to this Chapter or any ordinance within the areas to which this Chapter applies.

“Excavation” means any depression below the surrounding surface formed by removal or displacement of surface or subsurface material, and including the area occupied by such material; or any boring, tunneling, or other subsurface removal or displacement.

“Ground cover” means prostrate or low growing evergreen plants cultivated in lieu of turf and may not be suitable for foot traffic.
“Parkway” means that portion of any public street right-of-way between the right-of-way boundary line and the curb line; and also to the area enclosed within the curb lines of a median divider.

“Person” means any individual, firm, or corporation, or combination thereof, and includes the singular and plural use of meaning thereof.

“Owner” means any person holding title to real property abutting upon public right-of-way; or to any lessee, assignee, tenant, or agent thereof. For the purposes of this Chapter, prime responsibility for compliance shall rest upon whichever of these is the occupant or user of the property; ultimate responsibility shall rest upon the legal title holder.

“Right of way” means any area dedicated to public use for street purposes, and includes any real property or portion thereof owned by the municipal corporation which is used for and in the same manner as dedicated right-of-way.

“Shrub” means plant materials characterized by moderate mature height, usually having multiple woody stems.

“Structure” means any object, fixed or moveable, or portion thereof or paving material of any kind, but shall not include vegetation.

“Tree” means plant materials having a single upright woody stem or trunk, maturing at a height in excess of fifteen feet (15’) and developing a minimum canopy of twelve feet (12’).

“Turf” means cultivated grasses, clovers, mosses, dichondra and the like, usually suitable for foot traffic.

“Vegetation” means all volunteer plants, and to the following categories of cultivated plant materials.

12.01.030 Scope of Intent.
The purpose of this Chapter is to regulate development, maintenance, and use of public rights of way and other public places to achieve maximum service of the public interest with respect to health, safety, and aesthetic values.

12.01.040 General Provisions.
A. Use of any right of way for purposes of storage, display or advertising of personal property, merchandise, services, or activities is prohibited, unless a variance is granted by the City.

B. Use of any parkway area for the parking of bicycles, motor vehicles or trailers of any kind is prohibited, unless a variance is granted by the City.

C. Except as otherwise provided, every owner shall make every reasonable effort to maintain the
abutting parkway in a safe and neat condition devoid of debris, uncultivated vegetation, obstruction, structures, excavations or other significant deviations from a grade of one-quarter inch (¼”) per foot from the top of the curb to the right-of-way boundary.

D. No person shall do work within the public right of way without prior authorization from the City as provided in this Chapter. Any activity involving construction, planting of shrubs or trees, excavation, removal of any structure or tree within the right of way shall require an appropriate permit issued by the City. The permit shall describe the permitted activity and the conditions established for the performance thereof, including timely completion. This Section shall not apply to approved landscaping activities including installation of sprinkler systems, turf and ground covers, nor to the removal of shrubs, sprinkler systems, turf, and ground covers.

E. No person shall remove, damage, destroy, mutilate, deface, relocate, alter, or injure any improvement, structure, tree or other cultivated vegetation within any public right of way or other public place. This Section shall not apply to proper care and cultivation of landscape materials, including minor pruning of trees.

F. Any activity which adversely affects surface drainage shall not be considered completed until acceptable drainage has been restored.

G. Any activity which is hazardous, creates a hazard, or is in conflict with normal use of the right of way, shall be adequately safeguarded as required by the City, and during periods of restricted visibility shall be marked by warning lights as required by the City. Any disturbance of or interference with such safety devices is prohibited. If the owner or occupant fails to provide such warning devices and lights, the City may provide such devices and bill the owner or occupant and collect in any lawful manner.

H. All applications for permits issued pursuant to this Chapter shall be accompanied by fees established by the City to defray costs of administering the provisions hereof, together with any deposits which may be deemed necessary to guarantee replacement of improvements temporarily removed in the performance of the permitted activity.

12.01.050 Underground Utilities and Franchised Services
Prior to construction or major reconditioning of pavement or other improvements within any right of way, the City shall notify any person holding a franchise to install, maintain, or operate any underground facility, of the impending work. When so notified, the person shall undertake in a timely manner to perform any maintenance or installation for which there is foreseeable need.

Any person who, after such notice, fails to complete such work in a timely manner, and within one year thereafter makes application for a permit to do work within the area and involving the improvements described in such notice, and the nature of the work is such that it should have been foreseen, may be denied issuance of the requested permit until there exists other justification for partial removal and replacement of such improvements. The applicant may be allowed the option of securing the permit on condition that the improvements involved be
completely replaced to the satisfaction of the City, at the cost of the applicant.

12.01.060 Aboveground Franchised Services and Airspace Encroachments.  
Except as otherwise provided under lawful franchise provisions, no public utility or other person shall erect, or cause to have erected, any pole or structure within any right of way from which to suspend any power or communication conductor, or any structure or portion thereof which for any purpose encroaches within the airspace of any right of way without having first obtained approval by the City of the nature and location thereof.

12.01.070 Temporary Street Closure  
For the purpose of construction or maintenance of any improvement within any public right of way, the City may close such right of way or portion thereof to vehicular traffic and, when necessary, to pedestrian traffic.

Closure shall be effected by placement of substantial barriers at the ends and at each intersection of the closed area with any other right of way. Barriers shall be consistent with the standards of the California Manual on Uniform Traffic Control Devices.

No person shall move, remove, or obscure such barriers, or travel through any closed area without prior authorization from the City.

12.01.080 Right of Way Improvement Standards.  
Improvements constructed within any right of way shall conform to the standard specifications and standard plans, and to the plan of streets and highways (as amended) of the City.

Any deviation from these standards shall be constructed in accordance with an improvement plan approved by the City Engineer.

Construction of concrete sidewalk in addition to the standard sidewalk within any parkway area may be authorized by the City, subject to the conditions contained in the permit issued therefor. Such additional sidewalk may have decorative surface treatment including but not limited to permanent color, exposed aggregate, or brick, unglazed tile, or flagstone, set in the concrete.

Use of asphaltic concrete pavement or loose materials within the parkway areas is prohibited.

12.01.090 Maintenance and Landscaping of Parkways.  
The planting and removal of all trees within parkway areas shall be subject to approval by permit of the City and shall conform to the requirements City Standards for parkway trees. No vegetation shall be planted, cultivated, or allowed to exist, within any right of way, which produces thorns, spines, or any form of fruit or growth which may constitute a hazard or grievous nuisance.

Any ground cover or shrubbery other than turf cultivated within a parkway area shall not be permitted to grow above eighteen inches (18”) in height or permitted to spread over adjoining...
pavement or sidewalk. The cultivation of any ground cover not suited to foot traffic shall be allowed only under the following conditions:

i. When the property owner irrigates, trims, and otherwise maintains all vegetation within the abutting parkway as necessary to preserve the appearance and unobstructed accessibility of the parkway.

ii. When the City maintains all driver median parkways, undertakes, all major pruning or other tree surgery, and undertakes all pruning of parkway trees which cannot be done from the ground.

12.01.100 Penalty.
Any and every violation of the provisions of this Chapter is declared to be a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

12.01.110 Construction and Maintenance of Mail Delivery Boxes.
No box or structure for the delivery of mail shall be placed or maintained within the public right of way in an area where curbs, gutters, and sidewalks have been constructed abutting residential uses.
Chapter 02

Construction in Public Rights of Way

Sections:
12.02.010 Definitions.
12.02.020 Permit Required for Construction in Public Rights of Way.
12.02.040 Issuance of Construction Permit.
12.02.060 Issuance of Removal Permit.
12.02.070 Installation and Removal Fees.
12.02.080 Standard Subdivision Specifications.
12.02.090 Restriction on Building Permit Issuance.
12.02.100 Postponement and Security of Improvements.
12.02.110 Public Nuisance.

12.02.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Street” includes all or any part of the entire width of right-of-way of a City street, whether or not such entire area is actually used for street purposes.

“Encroachment” includes any structure or object of any kind or character placed, without the authority of law, either in, on, under or over any street or City property. The term “encroachment” also includes any work or action which requires the issuance of an encroachment permit pursuant to Sections 12.02.020 and 12.02.030.

“City property” includes any publicly owned building, structure, or park; or any public street, right-of-way, alley, sidewalk or walkway.

12.02.020 Permit Required for Construction in Public Rights of Way.
It is unlawful for any person, firm or corporation to construct or cause to be constructed on any public street within the City, or to remove or cause to be removed from any such public street within the City, any sidewalk, curb, gutter, or driveway without first obtaining a permit therefore and the payment of the fees and deposits as provided in this Chapter, unless the sidewalk, curb,
gutter or driveway shall have been ordered constructed or removed by the City.

Adequate safeguards for the public for construction on city streets shall include, but are not limited to, maintenance of barricades and warning illumination on the work site by the person doing the work at all times. The adequacy of the safeguards required shall be determined by the City Engineer.

An applicant for encroachment permit shall furnish, in addition to information otherwise required under this code, such other information as the City Engineer shall find reasonably necessary to the determination of whether a permit should be issued in accordance with this Chapter.

12.02.040 Issuance of Construction Permit
Permits for the construction of sidewalks, curbs, gutters, or driveways shall be issued by the City Engineer on forms provided therefor. The City Engineer shall issue a permit hereunder when he or she finds:

A. That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, or the means of egress and ingress of the affected property and adjacent properties;

B. That the health, welfare, and safety of the public will not be unreasonably impaired; and

C. That no more than forty percent (40%) of the curb frontage within any block shall be used for curb cuts for driveways.

An applicant may appeal the decision of the City Engineer concerning the denial or revocation of a permit to the City Manager. An applicant appealing the decision of the City Engineer in accordance with the appeal procedures set forth under Title 1

12.02.060 Issuance of Removal Permit.
Permits for the removal of sidewalks, curbs, gutters or driveways not to be replaced shall be issued only upon approval of the City.

12.02.070 Installation and Removal Fees.
Fees for installing and deposits for removing sidewalks, curbs, gutters and driveways shall be adjusted from time to time by a resolution of the City Council. In the event the required repairs or replacements are not completed within thirty (30) days after notification by the City Engineer or his or her authorized representative, the funds deposited to assure the completion shall be declared forfeited in favor of the City and credited to the general fund.
12.02.080   **Standard Subdivision Specifications.**
A. Installation of all sidewalks, curbs, gutters, and driveways shall be under the direction and supervision of the City Engineer and must be constructed to the lines and grades established under his direction and in accordance with the standard plans and specifications on file in the office of the City Engineer, reference to which is hereby made for further particulars.

B. The City Council may, by resolution or ordinance, adopt such modifications of standard plans and specifications as to such streets so recommended by the Planning Commission which the City Council shall determine to be in the best interests of the City and the streets shall be improved as provided by resolution or ordinance so adopted by the City Council.

C. The Planning Commission may, from time to time, consider the development of public streets within the City, other than streets in new subdivisions, and other than those mentioned in this Chapter, and recommend to the City Council such modifications of standard plans and specifications as may be appropriate for such streets in order to preserve existing street trees or other existing improvements and to best serve the interests of orderly development of streets within the City.

The City Council may, by resolution or ordinance, adopt such modifications of standard plans and specifications as to such streets so recommended by the Planning Commission which the City Council shall determine to be to the best interests of the City and the streets shall thereafter be improved as provided by resolution or ordinance so adopted by the City Council.

12.02.090   **Restriction on Building Permit Issuance.**
On public streets having a right of way width less than the widths set forth in the City standards and/or lacking street improvements as given in the City standards, the issuance of a building permit shall be in accordance with Title 15.

12.02.100   **Postponement and Security of Improvements.**
A. Whenever the installation of sidewalks, gutters, curbs or matching pavement is required pursuant to Title 15, or other applicable law, and the City Engineer determines that it would be in the best interest of the City to postpone the construction of such improvements, the construction of the improvements may be postponed to some later date, provided that security for their construction is given as provided in this Section.

B. Where improvements are postponed pursuant to this Section, the City Engineer shall require that security be given to insure the construction of the improvements. The security may be in the form of a cash deposit, letter of credit, assignment of account, lien agreement on real property, or such other means as may be acceptable to the City Engineer and reasonably insures the completion of the improvements. The security shall be in an amount sufficient to cover the current estimated cost of the improvements as determined by the City Engineer and the amount of all security required pursuant to this Section shall be an additional charge and shall not be included in any sums paid pursuant to Section 12.02.070.
C. The City Council may approve by resolution forms for acceptance of cash deposits, letters of credit, assignments of account or lien agreements on real property which may be accepted and approved by the City Engineer.

D. The City Council may from time to time pass resolutions establishing guidelines to be followed by the City Engineer when determining whether improvements should be postponed pursuant to this Section.

E. Appeals from a decision of the City Engineer may be taken by any person aggrieved, in a manner and form prescribed in Title 1 and upon the payment of such filing fees as may be established by resolution of the City Council.

12.02.110 Public Nuisance.
A. Violation of the provisions of this Chapter is declared to constitute a nuisance. The City Engineer, Director of Public Works or other city official may abate or summarily abate any such nuisance in accordance with the provisions of Title 19, and the City may recover its costs of abatement as provided in Title 19.

B. The City Engineer, Director of Public Works or other city official, upon removal of any encroachment or other unlawful construction as found in this Chapter, shall deposit such encroachment or construction items at the nearest convenient place of storage, where it shall remain at the expense and risk of the owner.
Chapter 03

deposit of oil or other petroleum products

sections:
12.03.010 deposit of oil or other petroleum products.

12.03.010 deposit of oil or other petroleum products.
A. No person owning, controlling or operating any motor vehicle, or any machine or apparatus carrying or using gasoline or any product of petroleum, shall drain oil from the crankcase or gearcase, or from any other part of such device, upon any street as defined in this Title, or allow such oil to leak upon the pavement of such street in an amount in excess of one (1) milliliter per day.

B. Any person who violates the provisions of subsection A of this section shall be guilty of an infraction and shall be subject to a fine not to exceed fifty dollars ($50.00) for a first offense, one hundred dollars ($100.00) for a second offense and two hundred fifty dollars ($250.00) for each subsequent offense. In addition, the City may use the administrative enforcement remedies set forth in Title 19 of this Code for violations of this Chapter.
Chapter 04

EXCAVATIONS

Sections:

12.04.010 Permit Required; Application Requirements.
12.04.020 Location; Conformance to Application and Drawing Required.
12.04.030 Deposits Required.
12.04.050 Restrictions on Trench Cuts in Streets which have been Newly Constructed, Resurfaced, or Slurried.
12.04.060 Patching and Slurrying of Trench Cut Excavations.
12.04.070 Repair of Defective Refilling.
12.04.080 Return of Deposit.
12.04.090 Repair Cost Decision.
12.04.100 Account of Deposit Required.
12.04.110 Payment of Deposit Refund.
12.04.120 Supervision of Work.
12.04.130 Repair of Vegetation Damage; Notice; Liability for Cost.
12.04.140 Maintenance of Safe Pedestrian and Vehicle Crossings Required.
12.04.150 Approved Map, Engineering Specifications Required.
12.04.160 Grade Change; New Alignment.
12.04.170 Applicability of Chapter.
12.04.190 Violations.

12.04.010 Permit Required; Application Requirements.

It is unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation in or under the surface of any public street, alley, sidewalk, or other public place, for the installation, setting, repair, or removal of any pipe, conduit, duct, tank, box, tunnel, or pole, or for any other purpose, without first obtaining from City Engineer, a written permit to make such excavation and making a deposit as provided in Section 12.04.030 to cover the cost of inspection and of repairing, or restoring the public street, alley, sidewalk, or other public place to its original condition, or in a condition equal to or better than its original condition, together with the incidental expenses in connection therewith, all as provided in this Chapter.

Before issuing such permit, the City Engineer shall require a written application to be made and filed with the City Engineer where the applicant shall include the name and residence or business address of the person, firm or corporation, making the application, and shall state in detail the location and area of each excavation intended to be made, and shall state the purpose for which the excavation is to be made and used. The application shall be accompanied by a drawing, if required by the City Engineer, showing the location of each proposed excavation and the dimension thereof, and such other details as City Engineer or his designee may require to be

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shown upon such drawing. When the application to excavate and the details of the accompanying plat comply with the terms of this Chapter, the application and plat shall be filed in the office of the City Engineer as a public record.

It is unlawful for any person, firm, or corporation to refuse, fail, or neglect to file the statement and drawing and make a deposit, of either or any thereof, as in this Chapter provided, before making or causing or permitting to be made any such excavation.

12.04.020 Location; Conformance to Application and Drawing Required.
It is unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation, or to install or maintain, or to cause or permit to be installed or maintained, any tank, pipe, conduit, duct or tunnel or pole in or under the surface of any public street, alley, sidewalk or other public place, at any location other than that described in the application and shown on the drawing filed by such person, firm or corporation as required by the provisions of this Chapter.

12.04.030 Deposits Required
Special deposits shall be made with the City Engineer upon the filing of the application and drawing, as required by the provisions of this Chapter. The amount of the deposit shall be set by resolution.

All deposits made to the City Engineer as provided in this Chapter shall be deposited with the City and shall be paid out as provided in Section 12.04.110 by order of the City Engineer.

Any and all such deposits shall be held to insure the payment of all charges required by this Chapter, of all sums due for charges hereunder, and for any and all damages accruing to the City by reason of faulty or defective work.

Any general deposit as provided in Section 12.04.030 may be made in cash, by a corporate surety bond, or other form of security approved by the City Attorney.

Upon receiving a written application and/or drawing, both as provided for in Section 12.04.010, and the general or special deposit required by Section 12.04.030 and approval for the work, the City Engineer shall issue a written permit to make such excavation, and shall open and keep a separate account thereof; provided, however, that the City Engineer shall not be required to issue such permit when that portion of the street in or under which the excavation is applied for has been paved and gas, water, and sewer mains and laterals have been installed prior to the paving, unless in his discretion the making of the excavation is an imperative necessity.

The permit shall state the amount of the deposit and shall be a receipt therefore. It shall also specify the person, firm or corporation to whom it is issued, the street, alley or other public place and the particular portion or portions thereof to be excavated and the extent of such excavations. Every permit, except for making house connections to sewers, or for making repairs to it, shall
become and be void unless the excavation to be made pursuant thereto is commenced within sixty (60) days from the date of issuance of the permit and the work diligently prosecuted as required in this Chapter. Provided, however, that the City Engineer may grant an extension of such time for an additional period of not to exceed one year. Every permit for making a house connection to a sewer or for making repairs to it, shall become and be void unless all work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this Chapter within thirty (30) days after the date of the permit; and provided further, that any excavation made for the purpose of making a house connection to a sewer shall be refilled in the manner required by this Chapter, within one (1) day after final inspection of the pipe by the City Engineer and nothing in this Chapter contained shall be deemed or construed to allow a longer period of time therefore.

If any person, firm, or corporation shall fail, refuse, or neglect to complete the making of any house connection to a sewer or to refill any excavation within the time required by this Section, then the City shall complete the backfilling of such excavation in the manner required by this Chapter, and the City shall retain the cost of such backfilling from the deposit made for such excavation.

If the work of excavation is not commenced within the time prescribed under this Section, the permit shall be canceled, and the City shall retain the permit fee of the person, firm or corporation to whom the permit is issued.

12.04.050 Restrictions on Trench Cuts in Streets which have been Newly Constructed, Resurfaced, or Slurried.

A. For the purpose of this Section “trenching” is defined as all pavement cuts or any activity that penetrates through the asphalt-concrete pavement surface or the resurfacing material.

B. Except as provided subsection B(2) of this Section, trenching of City streets in any portion of a street upon which a new asphalt-concrete surface has been placed or which has been resurfaced is not permitted for a period of three (3) years after the placement of the new asphalt-concrete surface or the resurfacing material.

1. The Engineering Department will annually publish a three (3) year schedule identifying those streets, or portions thereof, which are subject to this restriction to assist utility companies, developers, and contractors regarding the scheduling of their projects.

2. Trench cutting will be permitted within the said three (3) year period if a written determination is obtained from the City Engineer, prior to the excavation, so long as one of the following circumstances exists:

   a. A bona fide emergency that:
      i. Endangers the health and safety of property of the citizens as determined by the City Engineer; and
      ii. Requires excavation in order to remediate the emergency.
b. New service to a specific location cannot be provided:
   i. Through existing conduit; or
   ii. Where trenchless technology is impractical due to one or more of the following:
       (A) Soil conditions, or
       (B) Proximity of installations, or
       (C) Where a large conduit package is being installed, or
       (D) Where trenchless technology is economically impractical compared to trenching and resurfacing performed in accordance with approved standards as determined by the City Engineer; or
   iii. Where the public utility demonstrates to the satisfaction of the City Engineer that the service cannot be provided from another location.

c. Installation relocation by non-government owned public utilities is required by the City, County, State or Federal Government.

C. Except as provided in subsection C(2) trenching of City streets in any portion of a street upon which a new slurry has been placed is not permitted for a period of one year after the application of the slurry.

1. The Engineering Department will annually publish a one (1)-year schedule identifying those streets, or portions thereof, which are subject to this restriction to assist utility companies, developers and contractors regarding the scheduling of their projects.

2. Trench cutting will be permitted within the said one (1)-year period if a written determination is obtained from the City Engineer prior to the excavation that one of the circumstances described in subsection B(2) of this Section exists.

12.04.060 Patching and Slurrying of Trench Cut Excavations.
A. Whenever a trench cut excavation is permitted pursuant to the provisions of Section 12.04.050, the excavation shall be patched as directed by the City Engineer and in accordance with all City of Ceres Improvement Standards and as further provided by this Section.

1. Where the excavation is made in line with the direction of traffic flow, the excavation shall be patched as provided in subsection A of this Section and a new slurry shall be applied upon the entire length of the excavation plus such additional distance at each end of the excavation as may be reasonably required in the professional judgment of the City Engineer. The new slurry shall extend from curb line to curb line, or where a raised median is present from curb line to the median.
2. Where the excavation is made perpendicular to the direction of traffic flow, the excavation shall be patched as provided in subsection A of this Section, and a new slurry shall be applied upon the entire length of the excavation and extend from curb line to curb line, or where a raised median is present, from curb line to the median. The new slurry shall also be applied for the entire width of the excavation plus such additional width as may be reasonably required in the professional judgment of the City Engineer and shall extend from curb line to curb line, or where a raised median is present from curb line to the median.

12.04.070 Repair of Defective Refilling.
The person, firm, or corporation by whom or which any excavation shall be made in any public street, alley, or other public place shall be deemed and held to guarantee the work of the backfill and repair thereof for a period of one year after the completion of such excavation against all defects resulting from their work. Whenever, prior to the expiration of the period of one year, any part of the trench so guaranteed becomes in need of repairs by reason of any defective work, the City shall at once make such repairs as are necessary, the cost of which shall be deducted from the deposit unless such person, firm or corporation shall commence to make such repairs within two (2) working days after being notified to make and diligently prosecute such repairs to completion.

12.04.080 Return of Deposit.
Each deposit made pursuant to the provisions of this Chapter shall be retained by the City for a period of one year after the completion of the work, on account of which such deposit was made, and at the expiration of the one (1) year period, the deposit, less the deductions made pursuant to this Chapter, shall be returned to the person, firm, or corporation making it, or to his heirs or assigns.

12.04.090 Repair Cost Decision.
The decision of the City Engineer as to the cost of any work done or repairs made by him or under his direction pursuant to the provisions of this Chapter shall be final and conclusive as to such cost.

12.04.100 Account of Deposit Required.
The City shall maintain a record for each person, firm, or corporation making a deposit under the provisions of this Chapter, and for each such deposit, keep a full and accurate account thereof showing the amount of any such deposit received and all deductions made therefrom.

12.04.110 Payment of Deposit Refund.
All moneys refunded pursuant to the provisions of this Chapter shall be paid upon demands approved by the City Engineer and audited and paid in the same manner as other demands against the City are audited and paid.

12.04.120 Supervision of Work.
All excavations or backfill of excavations, and repair of street surfaces pursuant to the provisions of this Chapter shall be made under the direction and inspection of the City Engineer.
12.04.130 Repair of Vegetation Damage; Notice; Liability for Cost.
Whenever any damage is caused to any grass, plant, or tree in any City right-of-way by any person, firm, or corporation, when excavating in any City right-of-way for the purpose of installing or repairing any pipe, conduit, duct, tunnel, tank or pole, or any appurtenances thereto, or when installing or repairing any wire attached to any pole erected in or near such right-of-way, the City Engineer shall cause notice of such damage to be served in person or by mail upon such person, firm, or corporation, or the local agent thereof, and if the damage is not repaired by the person, firm, or corporation within ten (10) days from service of the notice, the City Engineer shall repair it and deduct out of the deposit made by the person, firm or corporation, under the provisions of this Chapter, the amount so expended for repairing the damage.

12.04.140 Maintenance of Safe Pedestrian and Vehicle Crossings Required.
It shall be the duty of any person, firm, or corporation making any excavation in any public street, alley or other public place, to maintain safe crossings for vehicle traffic and pedestrians at all street intersections. If any such excavation is made across any public street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Provided, however, that City Engineer may permit closing of the street for such time as he, in his sole discretion, shall deem reasonable. Access must be provided to all fire hydrants. All materials excavated shall be laid compactly along the side of the trench and shall be so trimmed as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavation materials without using part of the adjacent sidewalk, the person, firm or corporation by whom the excavation is made shall keep a passageway open at least five feet (5') in width upon and along the sidewalk. All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb and for at least two feet (2') in width from the face of the curb at the gutter line. Wherever a gutter crosses an intersecting street, an adequate waterway shall be provided and maintained at all times.

It shall also be the duty of every person, firm or corporation making any excavation in any public street, alley or other public place, to place and maintain traffic control devices as per the State of California requirements as provided in the latest edition of "Traffic Controls for Construction and Maintenance Work Zones." Failure to comply will result in a cease work order until compliance has been achieved. Any trenches open when the cease work order is issued shall be backfilled. If the person, firm or corporation fails to backfill the excavation, the City shall perform the work and bill the person, firm, or corporation.

12.04.150 Approved Map, Engineering Specifications Required.
It is the duty of every person, firm, or corporation owning, using, controlling or having an interest in pipes, conduits, cables, ducts or tunnels under the surface of any public street, alley, sidewalk or other public place, for supplying or conveying gas, electricity, water, steam, ammonia communication or oil in, to, or from the City, or to or from its inhabitants, or for any other purpose, to furnish to the City, or any other person, firm or corporation having the right or being permitted to use the streets, alleys or ways of the City for the installation of underground facilities, the latest map and engineering specifications available, approved by an authorized representative, to the person, firm or corporation so owning, using, controlling or having an
interest in such obligation to the City, or other person, firm or corporation requesting information concerning such installations. It is unlawful for any person, firm or corporation to fail, refuse or neglect to furnish such map or engineering specifications as required by this Section.

12.04.160 Grade Change; New Alignment.
If at any time after the installation of any of the installations or structures as described in the public streets, alleys, ways or places, the City shall desire to change the grade in or make a new alignment of or change such public streets, alleys, ways or places in any manner, except for the purpose of constructing a freeway by the State of California, any person, firm, or corporation owning, controlling, or maintaining any such installation or structure mentioned in this Chapter, upon written demand by the City, shall without cost or change to the City, alter, move or remove such installation or structure which may be in conflict with the new grade, alignment, or change of the public streets, alleys, ways, or places.

12.04.170 Applicability of Chapter.
The provisions of this Chapter shall not apply to excavations made by any department, board or officer of the City in the pursuit of its or his official duty. Provided, however, that the provisions contained in Sections 12.04.060, 12.04.090, 12.04.120, 12.04.130 and 12.04.160 shall apply to all such work and to all excavations to be made along, in, or upon any public street, alley or other public place.

Nothing in this Chapter contained shall be construed to prevent any person, firm or corporation maintaining any pipe or pipes, conduit or conduits, in any public street, alley, or other public place, by virtue of any law, chapter or permit, from making such excavations as may be necessary for the preservation of life, property, or service during such hours as City offices are closed. Provided, that the person, firm, or corporation making such excavation shall file a statement and drawing and make the deposit, therefore as required by this Chapter within twenty-four (24) hours after City offices are first opened subsequent to the making of such excavation.

12.04.190 Violations.
It shall be unlawful for any person to violate any provision of this chapter or to fail to comply with any of its requirements. A violation of, or failure to comply with, any of the requirements of this chapter shall constitute an Infraction.
Chapter 05

STREET TREES

Sections:
12.05.010 Chapter Name.
12.05.020 Purpose.
12.05.030 Definitions.
12.05.040 Where Required.
12.05.050 Street Tree Planting Procedure.
12.05.060 Maintenance.
12.05.070 Removal.
12.05.080 Planting.
12.05.090 Protection.
12.05.100 Cooperation with other Departments and Agencies.
12.05.110 Liability.

12.05.010 Chapter Name.
The Ordinance codified in this Chapter shall be known and may be cited as the “Street Tree Ordinance of the City of Ceres.”

12.05.020 Purpose.
The purpose of the Ordinance codified in this Chapter is to implement the urban forestation goals as established in the General Plan. This Chapter implements the planting and preservation of street trees, and regulates the maintenance and removal, and establishes the varieties, minimum size, methods, and locations for the planting thereof, and other related matters.

12.05.030 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Block” means any and all real property located between two (2) public thoroughfares except alleys.

“City” means the City of Ceres, the City Council thereof, the Director of Public Works, or any employee or agent duly appointed to administer the provisions of this Chapter.

“Curbline” means the face of existing curbs, or to the locations at which the curb face is to be built in conformance with the master plan of streets and highways, design standards, or approved improvement plans.
“Department” means the Public Works Department.

“Developer” shall mean a person having a legal or equitable interest in real property for the development of the property.

“Director” means the Director of Public Works or his designee.

“Landscape strip” shall mean the area between any curb and the public sidewalk at locations where the public sidewalk is separated from the curb for the purpose of landscaping.

“Landscaping” shall mean any trees, bushes, grasses, irrigation, hardscape or other decorative feature.

“Maintain or Maintenance” when used in reference to street trees, means pruning, spraying, mulching, fertilizing, cultivating, supporting, root pruning, treating for disease or injury, or any other similar act which promotes the life, growth, health or beauty of street trees.

“Owner” means the legal owner of real property and does not include a lessee or other person occupying such property with the consent of the owner.

“Person” means any individual, firm or corporation, or combination thereof, and includes the singular and plural use of meaning thereof.

“Planting Easement” means that portion of land made available as a public easement for the purpose of planting and maintaining City street trees.

“Planting strip” means that portion of the public right of way between curb, or curbline, and the adjacent property line used for the purpose of planting and maintaining City street trees.

“Street tree area” shall mean that area between public street right-of-way lines plus five (5) feet beyond the right-of-way on each side thereof.

“Street trees” shall mean any tree within the street tree area.

“Tree” means plant materials having a single upright woody stem or trunk, maturing at a height in excess of fifteen feet (15’) and developing a minimum canopy of twelve feet (12’).

**12.05.040 Where Required.**

Trees shall be planted on every developed parcel within the City. The Developer shall be responsible for the trees required per this Chapter when a single-family lot is created or, for commercial, industrial and multi-family projects, according to the approved landscape plan in accordance to City standards and specifications.

The City shall adopt a list of recommended tree species to be planted in the street tree area. The
list shall be provided to developers of new development projects.

12.05.050  Street Tree Planting Procedure.
Prior to the planting of any street tree, the Director of Public Works shall notify the property owner for the purpose of selecting the species of tree to be planted, the site of the planting, and the care and maintenance required for the proper growth and cultivation of the tree. The property owner may request an alternate species of tree to be planted and/or site of the planting. If an agreement cannot be reached, or if the property owner does not respond to the notice of selection within thirty (30) days, then the judgment of the Director shall be final. The Director shall provide a minimum of fifteen (15) working days for the owner to respond to the notice of selection.

Upon resolution to a response to the notice of selection from property owners, or upon the elapse of the fifteen (15) working days for the response to the notice of selection, the Director shall cause said trees to be planted.

12.05.060  Maintenance.
A. It shall be the responsibility of the property owner to provide maintenance as defined previously to any street tree located in a planting strip abutting his property or within the bounds of his property as necessary to promote healthy growth and to protect improvements within the planting strip or yard, and to do such maintenance as can be done from the ground to preserve the neat appearance and unobstructed use.

B. Except as otherwise provided in this Chapter, within the limits of funds provided in the City budget, and in accordance with established City policy, the City shall be responsible for all major pruning or other tree surgery of trees planted on a public right of way.

C. No person shall cut, carve, mutilate, or otherwise do harm to any tree in any park, planting strip, or public place or prune or top any tree except as provided in this Chapter, or apply to allow to exist upon any planting strip or tree any substance harmful to the tree.

D. Notwithstanding other provisions of this Chapter, it is the duty of every person owning or occupying land or lots of land within the City to keep all private trees extending over any street or alley trimmed to a height of not less than twelve feet (12’), except that a height of not less than eight feet (8’) shall be permitted over the sidewalk area. It is also the duty of every such person to keep said space clear of debris. All provisions of Section 12.01.090 shall apply to this Chapter.

E. Street trees placed after adoption of the ordinance codified in this section shall be placed a minimum of twenty (20) feet from any street light or sign and shall be maintained in such a manner as to prevent any limbs from encroaching within ten (10) feet of any street light pole, sign pole, street name sign and other similar type of equipment or signs, as determined by the Director of Public Works Director or City Engineer.
F. Street trees shall be maintained so as not to become a hazardous condition, as determined by physical inspection by the City Engineer, Public Works Director or their designee.

G. Street trees placed prior to adoption of the ordinance codified in this section shall be maintained in such a manner as to minimize interference with distribution of lighting from any street light or visibility of any sign, and to provide adequate clearance for unobstructed pedestrian and vehicular view of all authorized traffic signals, street lights, regulatory signs, street name signs, and other similar type of equipment or signs as determined by the City Engineer or Public Works Director.

12.05.070 Removal.
A. No person shall remove or relocate any street tree without prior authorization issued by the Public Works Department of the City. A street tree may be removed by the City for any of the following reasons:

1. A tree obstructing sight distance necessary for safe operation of vehicles at street intersections, or obscuring in an otherwise incurable manner any traffic or railroad crossing signal or other safety device;

2. Any condition deemed to be an immediate safety problem to life or property which cannot otherwise be corrected;

3. A tree which is dead, decayed or diseased beyond correction;

4. Planting without permit, improper location or variety, or prohibited type;

5. Damaging improvements including sidewalks, curb, gutter, and utilities.

B. Upon removal of such tree (or trees), the City shall replace the tree with a tree of a species approved by the Department subject to annual budget constraints. Tree replacement may not be required when the location would be in conflict with drives, walks or other construction permitted in public rights of way, planting strips, or which is not suitable for planting. A written release signed by the City, stating the reason for not requiring a replacement, shall be issued.

C. In the event a property owner desires to remove a tree from the planting strip or easement abutting their property, they or their authorized agent shall first apply to the Department for approval for removal. The Director shall determine whether or not such tree is required to be retained in order to preserve the intent and purpose of this Chapter. In making his determination, the Director shall consider the inconvenience or hardship which retention of the tree would cause the property owner, and consider also the condition, age, desirability of variety, and location of the tree. If the Director finds that the tree may be removed without violating this Chapter, the Director may authorize the property owner to remove such tree at the property owner’s own expense and liability. If a permit is granted for removal of a street tree, all removal work shall be
completed within sixty (60) days from the date of issuance of the permit, and shall be under the
general supervision of, and in accordance with, rules established by the Director. All tree stumps
shall be removed to a depth specified by the Director. All removal permits shall be void after the
expiration of sixty (60) days from the date of issuance, unless extended by the Director.

D. The Director or a designated representative may inspect any tree adjacent to or overhanging
any public street in the City to determine whether the same or any portion thereof is in such a
condition as to constitute a safety problem or impediment to the progress or vision of anyone
traveling on such public street. Any tree or part thereof growing upon private property that is not
a City tree and interferes with the use of any street and, in the opinion of the Director, endangers
the life, health, safety, or property of the public utilizing the street shall be declared a public
nuisance. If the owner of such private property does not correct or remove such nuisance within
ten (10) days after receipt of written notice thereof from the Director, the Director may cause the
nuisance to be abated. The cost of the abatement shall be paid by the owner within ten (10) days
after being notified of the cost thereof. Nothing contained in this Section shall be deemed to
impose any liability upon the City, its officers or employees, nor to relieve the owner of any
private property from the duty to keep any tree upon his property or under his control in such a
condition as to prevent it from constituting a public nuisance as defined in this Section. Nothing
in this Section shall preclude the immediate removal or abatement by City forces of any
obstruction, nuisance or overhang that is a public safety hazard.

12.05.080 Planting.
A. Except as otherwise provided in this Section, within the limits of funds provided in the City
budget, the City will supply, replace, plant and maintain street trees in all planting strips and
planting easements within the City.

B. The planting and replacement of a street tree shall be a condition included in any permit
issued by the City for removal of any street tree (pursuant to Section 12.05.070), or any
appropriate permit issued for construction of new single-family, multi-family, industrial or
commercial project. Trees to be planted shall be in accordance with adopted City standards and
the following criteria:

1. No trees shall be planted within twenty-five feet (25’) of a curb return. Only approved
species may be planted less than eight feet (8’) from the sidewalk.

2. At least one street tree shall be planted on each residential lot within the City. On corner
lots, a minimum of two (2) or more street trees shall be planted. A street tree may be
omitted only if the trees would be planted less than twenty-five feet (25’) apart or closer
than is appropriate for healthy growth of the species of tree proposed. In no case shall the
trees be planted more than seventy feet (70’) apart.

3. In any commercial or industrial zone, the tree planting shall be incorporated in
landscaping plan for the site.
4. Where it is necessary to provide a sidewalk from the curb to the right-of-way line, unless otherwise authorized by the Director, openings of not less than four feet (4′) square, centered around existing trees or located as directed by the City, shall be provided. Provisions for such tree wells shall include the planting of the street tree. Specifications are included in the City standards.

5. Fees shall be established and set by resolution to cover the cost of furnishing, locating, planting, fertilizing and maintaining street trees. Fees are to be collected at the time of filing of final map, parcel map or the issuance of a building permit in new residential subdivisions.

6. No street tree shall be planted in a planting strip abutting property which is undeveloped. In any such case where the planting of a street tree is required, the cash-in-lieu deposit shall be accepted and used by the City for the purchase and planting of trees when the property has been occupied. The developer shall pay a fee as set by resolution for inspection of the installation of the street trees and post a bond for the remainder of the amount. Upon acceptance of the planted street trees, the Director shall cause a refund of the bond to the developer. The amount retained by the City shall be an administrative fee for processing the agreement for planting, inspections, first year’s maintenance (including replacement within three (3) years), and release of deposited funds.

7. This Section shall not prevent any person, firm or public utility from installing and maintaining any overhead wires or underground pipes or conduits lawfully on, over or under public streets, public rights of way or planting strips, subject to the provisions and requirements of Titles 12 and 17. The Director, when reviewing plans for planting, maintenance, or removal of street trees, shall consider the effect upon existing overhead wires or underground pipes or conduits and shall avoid unnecessary disturbance to or relocation of these facilities.

C. The owner of a parcel of property upon which a requirement exists that a street tree be planted, may make a request to the Director of Public Works of the City for an exemption from the street tree planting requirement. The Director of Public Works, or his designee, shall review the facts and circumstances regarding such request, and shall grant the request for exemption if any one of the following circumstances is found to exist:

1. One tree has been planted in the front yard of said parcel or lot (two (2) trees for corner lots or parcels), and the tree or trees planted meet the following criteria:
   a. The tree, or trees, must be in good condition.
   b. The type of tree, or trees, planted must be able to develop a canopy of at least twelve feet (12′) at maturity.
2. The configuration of the specific lot or parcel is such that the proposed street tree cannot be planted at least twenty-five feet (25′) from any adjacent street tree.

3. The proposed street tree shall be placed a minimum of twenty (20) feet from a City street light,

4. The home located upon the lot or parcel has been occupied for more than five (5) years, is developed with existing landscaping, and no City street tree has been planted pursuant to the provisions of this Chapter.

5. The owner or owners of the lot or parcel agree that they will plant a species of tree acceptable to the Department of Public Works as part of the front yard landscaping of said lot or parcel. The species of tree selected for planting must in all cases be capable of developing a canopy of at least twelve feet (12′) at maturity. Such tree must be planted within one year from the date of the agreement, and if such tree is not so planted, the City shall plant a City street tree in accordance with the provisions of this Chapter at the next regular planting cycle.

6. The owner or owners of the lot or parcel, residing upon the premises, can establish a valid medical condition which creates a significant hardship regarding the planting, care or maintenance of the tree. If the medical condition relied upon to establish the hardship is an allergy to the species of tree proposed to be planted, then an alternative species of tree, to which the owner is not allergic, shall be planted.

7. The owner or owners of the lot or parcel requests that no trees be planted on his parcel, provides written authorization from the immediately adjacent lot or parcel allowing the planting of the tree on their parcel and the Director approves such a relocation. It must be possible to plant the additional tree not less than twenty-five feet (25′) from any existing street tree. Should the request for exemption be denied by the Director, such notice of denial shall be given to the owner of the property in writing who requested the exemption.

### 12.05.090 Protection

A. During the erection, repair, alteration or removal of any building, house or structure in the City, no person shall leave any tree in any public street in the vicinity of such building or structure without such good and sufficient guards or protectors as shall prevent injury to the tree.

B. No person shall remove, trim, prune, spray, or cut any street trees in a planting strip or easement without first obtaining permission from the Director, unless otherwise authorized in other provisions of this Code.

C. No person shall interfere or cause any person to interfere with any work being done under the provisions of this Chapter by any employee of the City, or by any person or firm doing work for the City or under a permit granted by the City.
12.05.100 Cooperation with other Departments and Agencies.
A. Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from the Director before performing any maintenance work on the wires, pipes, or conduits which would cause injury to street trees. The public utility shall in no way injure, deface, prune or scar any street tree until their plans and procedures have been approved by the Director.

B. The Director shall be permitted to inspect any and all maintenance or operational work performed by public utilities which might affect street trees. During the performance of the work, if, in the opinion of the Director, it would cause excessive or unnecessary injury to any street tree, the Director shall have the authority to stop the maintenance and operational work and arrange with the public utility another method of maintenance or operational work satisfactory to the City.

12.05.110 Liability.
Nothing in this Chapter shall impose any liability upon the City, or members of the Council or any of its officials or employees, nor relieve the owner or occupant of any private property from the duty to keep any tree, shrub, or plant upon his private property or under his or her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision from any street, park, alley, or public place within the City.
Chapter 06

PRIVATELY OWNED AND MAINTAINED ROADS

Sections:

12.06.010 Private Roads Not Open To Public.
12.06.020 Private Roads Open To Public.
12.06.030 Applicability of Vehicle Code.
12.06.040 Application of California Vehicle Code to Roads within Parks Townhouse

12.06.010 Private Roads Not Open To Public.
Privately owned and maintained roads within the City that are not generally held open for use of the public for purposes of vehicular traffic but by reason of their proximity to or connection with public roads and highways, the interests of the residents residing along such roads will best be served by application of the provisions of the California Vehicle Code to such roads.

12.06.020 Private Roads Open To Public.
Privately owned and maintained roads within the City that are generally held open for use of the public for purposes of vehicular traffic and which connect to public roads and highways that the public cannot determine such roads are not public will best be served by application of the provisions of the California Vehicle Code to such roads.

12.06.030 Applicability of Vehicle Code.
The City may declare those roads or portions of roads to which the California Vehicle Code shall be applied by resolution in accordance with the provisions of sections 12.06.010 and 12.06.020 and thereafter upon posting of appropriate signs, all of the provisions of the California Vehicle Code shall apply to such roads.

12.06.040 Application of California Vehicle Code to Roads within Parks Townhouse Development.
Pursuant to Vehicle Code section 21107.5, the provisions of the California Vehicle Code shall apply to those certain privately owned and maintained roads contained within the Parks Townhouse Development in the City, which properties are more particularly described as Book 40, Pages 68, 69 and 70 of the Stanislaus County Assessor's records.
Chapter 07

VISIBILITY OBSTRUCTIONS AT PUBLIC INTERSECTIONS

Sections:

12.07.010 Purpose.
12.07.020 Definitions.
12.07.030 Obstructions at Public Street Intersections.
12.07.040 Exceptions.
12.07.050 No Limitation.
12.07.060 Scope.
12.07.070 Public Nuisance.

12.07.010 Purpose.
In order to provide traffic safety at public intersections, obstructions that would otherwise interfere with the view of traffic at public intersections are controlled as provided in this Chapter.

12.07.020 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Obstructions” includes, but is not limited to, all structures, signs, hedges, shrubbery, trees, natural growth, fences, or other barriers to view, natural or manmade.

“Street right-of-way line” determines the controlled triangular area for restricting obstructions.

12.07.030 Obstructions at Public Street Intersections.
It is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance, on property at any corner formed by intersecting streets within the City, of any obstruction to the view, higher than three feet (3′) above either the top of the curb or the top of the nearest pavement surface or the nearest traveled roadway where there is no curb within that controlled triangular area defined as follows:

For all intersecting public streets, the controlled triangular area is that area created by measuring a distance of twenty five feet (25′) from the intersection of the street right-of-way lines (or in the case of rounded corners, the intersection of the projected street right-of-way lines) and the diagonal line created by connecting these two (2) points.

12.07.040 Exceptions.
The foregoing provisions shall not apply to the following:
A. Existing permanent buildings;

B. Public utility poles and appurtenances;

C. Trees trimmed to the trunk so as to provide a clear open space between the top of the curb or pavement grade where no curb exists, and a plane eight feet (8’) higher ("pavement grade" being defined as either the nearest pavement surface or the nearest traveled roadway where there is no pavement);

D. Fences of a type which in no way obstruct vision;

E. Official signs, streetlights, or signals;

F. Places where the contour of the ground is such that there can be no cross-visibility at the intersection;

G. Signs mounted so as to provide a clear open space (excepting for supporting members) of eight feet (8’) or more above the ground and whose supports do not constitute an obstruction to sight visibility;

H. Necessary construction, maintenance, and emergency vehicles so long as required traffic warning signs are in place;

I. Obstructions found by the Council at a public hearing not to create a traffic hazard. Such finding may be supported by evidence provided by a traffic engineer registered in the State of California that the obstruction is not a traffic hazard;

J. Young trees as long as they do not obstruct the visibility.

12.07.050 No Limitation.
Nothing in Section 12.07.040, or any provision in this Chapter, shall be construed to limit or restrict the right or authority of the Director of Public Works to order removal and/or have removed any obstruction to sight distance, existing or planned, which is determined by current traffic engineering technology to constitute a hazard to the traveling public as provided by law.

12.07.060 Scope.
No obstruction to cross-visibility shall be deemed to be exempt from the application of this Chapter because of its being in existence at the time of the adoption hereof, unless expressly exempted by the terms of Section 12.07.040.

12.07.070 Public Nuisance.
Any obstruction maintained in violation of this Chapter shall be deemed a public nuisance and thus subject to the enforcement and hearing requirements found under Title 19.
Chapter 09

OBSTRUCTION OF PUBLIC STREETS AND SIDEWALKS

Sections:

12.08.010 Obstruction of Streets Prohibited.
12.08.020 Exceptions to Obstruction of Streets.
12.08.030 Obstructing Sidewalks.
12.08.040 Summary Removal when Obstruction is an Immediate Threat to Public Safety.
12.08.050 Removal of Obstruction which Is Not an Immediate Threat to Public Health or Safety.
12.08.060 Storage, Retrieval and Disposal of Obstructions.
12.08.070 Cost of Removal, Storage, and Destruction/Procedure.
12.08.080 Encroachment, Interference by News Racks Prohibited.

12.08.010 Obstruction of Streets Prohibited.
A. It shall be deemed an infraction to obstruct any street or alley within the City by leaving or allowing to remain in such street or alley any wagon, truck, automobile, float or other vehicle, or by placing or allowing to remain in any such street or alley anything of a large or bulky nature which may obstruct the free passage through the street or alley.

B. No person shall loiter, stand or sit in or upon any public highway, street, alley, sidewalk or crosswalk so as to in any manner hinder or obstruct the free passage of persons or vehicles passing along the same or so as to in any manner annoy or molest persons passing along the same.

C. No person shall place, deposit or dump or cause to be placed, deposited or dumped any dirt, rocks, gravel, mud or other objects of any nature or description on the traveled portions of any City street, highway or alley. No person shall place, deposit or dump or cause to be placed, deposited or dumped any dirt, rocks, gravel, mud or any objects of any nature or description whatsoever in, on or against or in such a manner as to obstruct any natural or artificial storm drains running through or under any City street or highway. Such obstructions constitute a public nuisance which may be abated in accordance with Title 19.

D. No person shall place, deposit, or dump, or caused to be placed, deposited, or dumped any glass or other sharp substances likely to wound the feet of animals or persons, or likely to puncture the tires of any vehicle.

12.08.020 Exceptions to Obstruction of Streets.
The prohibition of obstruction of streets as found in this Chapter shall not include the following:
A. The placement of waste wheelers in the street for collection purposes at the times and subject to the conditions as stated in Section 6.01.050B of the Ceres Municipal Code.

B. Material placed in the street during the City's leaf and limb pickup program as authorized by Section 6.01.050C of the Ceres Municipal Code.

C. Items placed upon the public street or sidewalk for a scheduled pickup by the City's garbage franchisee.

D. The temporary placement of dumpsters in the public street or sidewalk during construction or property cleanup.

E. Any other item whose placement upon the public street or sidewalk is authorized by the Ceres Municipal Code, State law or Federal law.

12.08.030 Obstructing Sidewalks.
It is unlawful and constitutes an infraction for any person to:

A. Ride or drive a horse or team upon a sidewalk except as may be necessary to enter or leave adjacent property.

B. Operate, move or park a bicycle upon a sidewalk which has a “no bike” or “no bicycle” notice painted or posted thereon, except to enter or leave adjacent property.

C. To ride on a skateboard upon a city walk which has a “No Skateboards” notice painted or posted thereon.

D. To deposit or cause to be deposited upon a sidewalk any obstruction, except that paper, garbage, trash and/or rubbish may be deposited at the curb pursuant to Chapter 6.01 after 5:00 p.m. of a day immediately prior to the day scheduled for garbage collection. As used in this Section, the term “obstruction” shall mean any object which impedes or interferes with pedestrian traffic. “Obstruction” does not include the carrying on of the business of vending on a sidewalk if operating in compliance with Chapter 17 of Title 5 of this Code. Notwithstanding the provisions of this division (D) to the contrary, the City Manager may, upon written application therefore, grant permission on a day to day basis to any person to place objects in the nature of obstructions on sidewalks, provided that the objects are not unsightly or dangerous and will provide a service or benefit to the public generally.

12.08.040 Summary Removal when Obstruction is an Immediate Threat to Public Safety.
Should an obstruction be placed upon a public street or sidewalk in such a manner and under circumstances which constitute an immediate threat to the public health and safety, the obstruction may be immediately removed without notice by the use of City forces or by contract provider without prior notice to either the owner of the obstruction or the adjacent property.
owner. Such removal may be made at either the direction of the City Manager or authorized
designee.

12.08.050 Removal of Obstruction Which Is Not an Immediate Threat to Public Health
or Safety.
Upon the issuance of a third citation within a twelve (12) month period for a violation of the
provisions of this Chapter, the City may elect to remove the obstruction from the public street or
sidewalk.

12.08.060 Storage, Retrieval, and Disposal of Obstructions.
A. Upon the removal of an obstruction from a public street or sidewalk by the City pursuant to
Section 12.08.040 or 12.08.050 of this Chapter, the City shall take the following steps:

1. If the obstruction is junk, garbage, or other item(s) which has no apparent value, the City
may immediately destroy or otherwise dispose of the item(s) without notice to any person.

2. If the obstruction appears to have some reasonable value, the City shall send by first class
U.S. mail a "Notice of Removal of Obstruction" to the owner of the item(s), if known. If the
owner of the item(s) is not known, the notice shall be sent to the owner of the property
immediately adjacent to the location of the obstruction as shown on the latest Stanislaus
County Assessor's Roll. The notice shall contain the following information:

   a. A brief description of the item(s) removed;

   b. The location where the item(s) are being stored;

   c. The date after which the item(s) will be destroyed or otherwise disposed of, which
date shall not be less than ten (10) days from the mailing of the notice;

   d. A statement that the item(s) may be retrieved by the owner prior to their destruction or
disposal date by presentation of proof of ownership (which may be by sworn
declaration) and payment of costs incurred by the City for removal and storage, which
costs may include administrative costs;

   e. A statement of the costs incurred to date.

3. If the item(s) are not retrieved by the owner within the prescribed period, the City may
destroy or dispose of the item(s) or treat the item(s) as surplus City property.

12.08.070 Cost of Removal, Storage, and Destruction/Procedure.
If an obstruction is removed pursuant to either Section 12.08.040 or 12.08.050 of this Chapter,
the person who placed the obstruction shall be responsible for the payment of the reasonable cost
incurred by the City for the removal, storage and destruction of the obstruction, including all
reasonable cost of administration.
The following procedure shall be followed for the assessment and collection of the costs authorized by this Section:

A. A "Notice of Costs" shall be personally delivered or sent by U.S. mail to the person or persons who placed or caused the placement of the obstruction. The notice shall contain the following:

1. An itemized statement of all costs;

2. A statement that if the person or persons assessed the costs maintains a City utility account, and the costs are not paid within thirty (30) days of the mailing of the notice, the costs may be assessed to and collected as part of their utility service account and that failure to pay the costs will result in a termination of utility services.

12.08.080 Encroachment, Interference by News Racks Prohibited.

A. No person shall install, use, or maintain any news rack which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of a roadway.

B. No person shall install, use, or maintain any news rack which in whole or in part rests upon, in or over any sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other government use, or when such news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near the location, or when such news rack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.
Chapter 10

UNDERGROUND UTILITIES

Sections:
12.09.010 Definitions.
12.09.020 Required.
12.09.040 Council Authority.
12.09.050 Report to Council – City Engineer.
12.09.060 Resolution of Intention.
12.09.070 Notice of Resolution.
12.09.080 Filing of Objections.
12.09.090 Hearing – Final Decision – Jurisdiction to Proceed.
12.09.100 Undergrounding Required for New Developments.
12.09.110 Relocation of Distribution Facilities.
12.09.120 Responsibility of Property Owner.
12.09.130 Responsibility of Utility Companies.
12.09.140 Responsibility of City.
12.09.150 Notice to Utility Companies and Property Owners.
12.09.180 Notice – Facility changes – Contents.
12.09.190 Extension of Time.
12.09.200 Facility Changes by City Engineer.
12.09.240 Interest on Assessment.
12.09.250 Foreclosure of Lien.
12.09.260 Exception, Emergency, or Unusual Circumstances.
12.09.270 Variances.
12.09.280 Exceptions; Facilities.
12.09.290 Penalty.

12.09.010 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:
“Commission” means the Public Utilities Commission of the State of California.

“Distribution service” means and includes the supplying through utility distribution facilities of electric, communication and similar services.

“Modified underground system” means an electric or communications distribution system consisting of metal poles supporting high voltage wires, pad-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, switches, transformers and street lights, with all other facilities and wires for the supplying distribution service being placed underground.

“Person” as used in this Chapter shall include any public utility as defined in Cal. Pub. Util. Code § 216 and any natural person, joint venture, joint stock company, partnership, association, club, company, corporation or business trust, or the manager, lessee, agent, servant, officer, or employee of any such joint venture, joint stock company, partnership, association, club, company, corporation or business trust.

“Poles, overhead wires and associated overhead structures” means Poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.

“Underground Utility District or District” means: That area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 12.09.060.

“Utility” means all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

“Utility distribution facilities” means and includes all poles, wires, or other overhead structures used in supplying distribution service to properties adjacent to City roads or streets; provided, however, that the term “utility distribution facilities” as used in this chapter shall not include metal poles used exclusively for street lighting, traffic signals, pedestals for police and fire system communications and alarm boxes, pad-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, or facilities used to carry voltages higher than thirty-five thousand (35,000) volts.

12.09.020 Required.

All electric, communication, or similar or associated services within the City limits shall be provided by the underground installation of wires and facilities for the following:

A. Extensions into areas not previously served by overhead lines;
B. New subdivisions, new residential, commercial or industrial developments;

C. Areas presently served by overhead services are excluded except where underground districts are created as provided in Section 12.09.060;

D. From and after August 14, 1975, cable television service shall be provided in all new subdivisions and in all newly constructed multiple family dwelling units, and all such facilities shall be placed underground;

E. Any new freestanding building or structure in excess of one hundred (100) square feet; or any revision in the electrical service which would require the installation of a new pole or installation of overhead wires.

F. Any service whose rating is increased in size to 201-amps or greater shall be underground. If an existing service panel in a structure is currently being served overhead and the service panel is replaced, it may continue to receive overhead service if the size of the new service panel is the same as the service panel being replaced or less than 201-amps. In such cases a dual feed service panel shall be used.

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures as provided in Section 12.09.040, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.09.120, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this Chapter.

12.09.040 Council Authority.
Whenever the Council finds and determines that the public safety and general welfare require the establishment of an underground utility distribution facilities district in order to accomplish the objects and purposes of this chapter the Council may, by ordinance, create, and establish such districts. Before enacting an ordinance establishing such a district, the Council shall comply with the provisions of this chapter.

12.09.050 Report to Council – City Engineer.
The Council shall, prior to the adoption of a resolution of intention to establish an underground utility distribution facilities district, order the City Engineer to make and file with the Council a report on the proposed project.
12.09.060 Resolution of Intention.

After the report is considered by the Council, it may pass a resolution of intention to establish the underground utility distribution facilities district. The resolution of intention to establish such district shall:

A. Contain a statement of the intention to form the underground utility distribution facilities district;

B. Contain a designation of such district by a distinctive number;

C. Contain a description and map delineating public streets and properties or portions thereof, from which such utility distribution facilities must be removed and underground installation made;

D. Fix the date by which property owners shall be ready to receive underground distribution service and the date by which poles must be removed, which dates of completion may be postponed for a reasonable time for good and sufficient cause. A reasonable time shall be allowed for removal and underground installation, having due regard for the availability of necessary labor, materials, and equipment for removal and installation of such underground facilities as may be occasioned thereby;

E. Fix the time and place for a public hearing thereon, at which hearing protests and objections from all interested persons shall be heard and considered;

F. Direct the City Clerk to give notice of such hearing in the manner described in Section 12.09.070.

12.09.070 Notice of Resolution.

After adoption of the resolution of intention to establish such district, notice thereof shall be published once a week for two (2) successive weeks in a newspaper published and circulated in the County, and by posting notices in conspicuous places along the street or streets within the proposed underground district at not more than three hundred (300) feet apart. In no case shall there be fewer than three (3) notices stating the fact and date of the adoption of the resolution of intention and the date, time, and place fixed for the hearing of protests and objections. The publication and posting shall be at least ten (10) days before the date set for such hearing. The City Clerk shall also mail a copy of such resolution of intention to each utility whose facilities are affected by such resolution.

12.09.080 Filing of Objections.

Any interested person who objects to the establishment of the proposed district or to the boundaries thereof may file a protest or objection in writing with the City Clerk prior to the hearing and may present oral protests and objections at the hearing.
12.09.090 Hearing – Final Decision – Jurisdiction to Proceed.
The Council shall hear, consider, and pass upon the protests and objections at the time appointed therefor, or at any time to which the hearing thereof may be adjourned, and may modify or correct the boundaries of the proposed district so long as the boundaries are not expanded such that additional notice would be required pursuant to Section 12.09.070. In that event, the Council shall undertake the procedures described in Section 12.09.060, so that all interested parties will be on notice of the proposed district. If the protests and objections are denied, or if no protests and objections are filed, the Council may, by ordinance, establish the proposed district. The Council shall acquire jurisdiction to proceed upon the date such ordinance becomes effective.

12.09.100 Undergrounding Required for New Developments.
In addition to those areas established as underground utility districts pursuant to Section 12.09.100, utilities shall be placed underground in all new subdivisions and planned unit developments except that undergrounding districts shall not be required where the street frontage is less than six hundred (600) feet, unless requested by the developer or property owner(s).

12.09.110 Relocation of Distribution Facilities.
Whenever any underground district shall have been created by the Council in accordance with the provisions of Sections 12.09.040 thru 12.09.090, all utility distribution facilities which supply distribution service to properties in said district which are located adjacent to City roads or streets shall be placed underground in accordance with the ordinance establishing the underground district, except as such overhead facilities may be required to furnish distribution service to the owner or occupant of property prior to performance by such owner or occupant or City Engineer of underground work provided for in Section 12.09.120, and except as otherwise provided in this chapter.

12.09.120 Responsibility of Property Owner.
All underground construction and conduits, conductors and associated equipment necessary to receive distribution service between the service facilities referred to in Section 12.09.110 and the service facilities in the building or structure being served shall be provided by the person owning, operating, leasing, or renting such property, subject to applicable rules, regulations, and tariffs of the respective utilities on file with the State Public Utilities Commission. If the above is not accomplished by any person within the time provided for in the ordinance adopted pursuant to Sections 12.09.040 thru 12.09.090, of this chapter and the notice provided for by Section 12.09.150, the City Engineer shall give notice in writing pursuant to Sections 12.09.150 and 12.09.180 to the person in possession of such premises, and a notice in writing to the owner thereof, to provide the required underground facilities within ten (10) days after receipt of such notice.

12.09.130 Responsibility of Utility Companies.
If, within the right-of-way, underground construction is necessary to provide distribution service within the area designated as an underground district by any ordinance adopted pursuant to Sections 12.09.040 thru 12.09.090, 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 State Public Utilities Commission. Construction by the utility companies of the facilities required to be put underground by any ordinance enacted pursuant to Sections 12.09.040 thru 12.09.090, shall be accomplished in accordance with established construction standards and in accordance with the rules and regulations authorized by the State Public Utilities Commission.

12.09.140 Responsibility of City.
City shall remove at its own expense all City-owned equipment from all poles required to be removed as set forth in this Chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 12.09.060.

12.09.150 Notice to Utility Companies and Property Owners.
Within ten (10) days after passage of an ordinance pursuant to Sections 12.09.040 thru 12.09.090, of this chapter, the City Clerk shall notify all affected utilities and all persons owning real property within the area designated by such ordinance of the adoption thereof. The Clerk shall further notify such affected property owners that, under the ordinance adopted pursuant to Sections 12.09.040 thru 12.09.090, of this chapter, they shall provide all necessary facility changes on their premises necessary to receive distribution service at least thirty (30) days before the time set therein for completion of the undergrounding by utilities or as soon as service from the facilities undergrounded by the supplying utility or utilities is available, subject to applicable rules, regulations, and tariffs of the respective utility or utilities on file with the State Public Utilities Commission. Such written notice shall be approved as to form and content by the City Engineer and shall be made by said City Clerk. A copy of the ordinance adopted pursuant to Sections 12.09.040 thru 12.09.090, of this chapter shall be sent to affected utilities and to affected property owners in the manner set forth in Section 12.09.070.

Upon the expiration of the period specified in the notice provided for in Section 12.09.150, the City Clerk shall certify to the City Engineer the name and address of each person to whom such written notice has been given who has not completed all work required by Section 12.09.120. Upon receipt of such list of names, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof, to make such facility changes within ten (10) days after receipt of such notice.

Except as otherwise provided herein, the notice provided for in Section 12.09.160 may be given either by personal service or by mail. In case of service by mail, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises. If the person in possession is not the owner, notice must also be addressed to the owner thereof at the owner’s last known address, as such information appears on the last equalized assessment rolls of the County of Stanislaus. Such notice or notices shall be by registered or certified mail. If notice cannot be given by personal
service or by mail, the City Engineer shall cause a copy of said notice, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on the premises.

12.09.180 Notice – Facility Changes – Contents.
The notice given by the City Engineer provided for in Section 12.09.160 shall specify what work is required to be done, and shall state that if said work is not commenced and completed within ten (10) days after receipt of such notice, the City Engineer will make such connection, in which case the cost and expense of said connection shall be assessed against the property and become a lien upon such property.

12.09.190 Extension of Time.
In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 12.09.060 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 to a period equivalent to the time of such limitation.

12.09.200 Facility Changes by City Engineer.
If, upon the expiration of the ten (10) day period provided for in Section 12.09.160, the required facility changes have not been made, the City Engineer shall forthwith proceed to make such facility changes. If such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property. Upon completion of such facility changes by the City Engineer, he or she shall file a written report with the Council setting forth the fact that the facility changes have been completed and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such facility changes upon such premises which shall not be less than ten (10) days thereafter.

The City Engineer shall forthwith, upon the time and place for hearing protests having been fixed pursuant to Section 12.09.160, give a notice in writing to the person in possession of the premises and to the owner thereof, in the manner provided in Section 12.09.160, indicating the hour and place that the Council will pass upon such report and will hear protests against said assessment and of the amount of said assessment.

Upon the day and hour set for the hearing of public protests, the Council shall hear and consider the report and all protests, if any, and then proceed to, by resolution, affirm, modify, or reject the assessment.

If an assessment is not paid within ten (10) days after its confirmation by the Council, the amount of the assessment shall become a lien on the property against which the assessment is made, by the City Engineer filing in the office of the County Recorder of the County of Stanislaus a notice of the lien in substantially the following form:

Notice of Lien

Pursuant to the authority vested in me by ________ I did, on the _____ day of __________ 20__ cause distribution service conduits and conductors to be connected with an underground junction box or splicing chamber, pursuant to Title ___ Chapter _____ of the Ceres Municipal Code, for the purpose of supplying distribution service to the real property hereinafter described, and the City Council did, on the _____ day of __________ 20__ by its Resolution No. _____ assess the cost thereof upon the real property hereinafter described, and the same has not been paid, nor any part thereof. The City of Ceres does hereby claim a lien upon said real property in the sum of $_____ and the same shall be a lien upon said real property until the said sum, with interest thereon at the rate of ___ __ per annum from the date of assessment of said amount against said property, has been paid in full and discharged from the record.

The real property hereinbefore mentioned, and upon which a lien is hereby claimed, is that certain parcel of land in the City of Ceres, County of Stanislaus, State of California, particularly described as follows:

(Description of Property)

Dated this _____ day of __________ 20__

_____________________________
City Engineer

12.09.240 Interest on Assessment.

From and after the date of recordation of the notice of the lien as provided in Section 12.09.230, the amount of the assessment shall be a lien on the property described therein, and it shall bear interest at a lawful rate per annum until paid in full. Such lien shall continue until the amount of such assessment and all interest thereon shall have been paid. The statute of limitations shall not run against the right of the City to enforce the payment of said lien and accrued interest. From and after the date of the recordation of such notice of lien, all persons shall be deemed to have had notice of the contents thereof.

12.09.250 Foreclosure of Lien.

If the amount of the lien is not paid within thirty (30) days after the date of recordation thereof, the Council may instruct the City Attorney to bring an action in the name of the City to foreclose the lien.
12.09.260 Exception, Emergency, or Unusual Circumstances.
Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period not to exceed ten (10) days, without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

12.09.270 Variances.
The City Engineer may, in his discretion, grant special permission in cases of emergency or unusual circumstances without discrimination to any person to depart from the provisions of this chapter in erecting, constructing, installing, maintaining, using or operating utility distribution facilities or modified underground systems notwithstanding any other provisions of this chapter relating to underground districts; provided, however, that any person may appeal a ruling of the City Engineer to the Council within ten (10) days of the date of such ruling.

12.09.280 Exceptions; Facilities.
This Chapter and any resolution adopted pursuant to Section 12.09.060 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;

B. Poles, or electroliers used exclusively for street lighting; fire alarm boxes or other municipal equipment installed under the supervision of and to the satisfaction of the Director of Public Works.

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location of the building to another location on the same building or to an adjacent building without crossing any public street.

F. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services;
G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

I. Existing overhead distribution lines serving individual single-family construction or remodeling.

J. Wires attached to the exterior walls of a building for the purpose of interconnecting communication facilities within the building.

12.09.290 Penalty.
It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this Chapter.
MEETING DATE:    March 23, 2020

TO:           Mayor and City Council

FROM:         Toby Wells, P.E., City Manager

CONTACT:      Toby Wells, P.E., City Manager, (209) 538-5751, Toby.Wells@ci.ceres.ca.us

SUBJECT:      Final Adoption of Ordinance No. 2020-1058, Amending in their entirety the following titles of the Ceres Municipal Code:

                      Title 15 - Buildings and Construction
                      Title 16 - Benefit Assessment Districts
                      Title 17 - Subdivisions
                      Title 3 - Revenue and Finance

RECOMMENDED COUNCIL ACTION:

Staff recommends Council adopt Ordinance No. 2020-1058, Amending their entirety of Titles 15, 16, 17 and 3 of the Ceres Municipal Code.

I.     BACKGROUND:

The comprehensive update to the Municipal Code was initiated in 2018. At the Council Goal setting meeting on February 8, 2019, Council gave direction to create a schedule to complete the update process. On June 24, 2019, Council approved the review process and the detailed schedule to complete the update of the Municipal Code by grouping Titles of the Municipal Code together. The schedule was last updated on December 9, 2020.

A discussion item was considered by the City Council for Titles 15, 16, and 17 on January 13, 2020 and Title 17 was discussed by the Planning Commission on January 21, 2020. Direction was given to staff and these titles returned to Council as a Public Hearing on February 10, 2020 with corrections and direction. Title 3 was previously adopted as part of the first group of Titles on November 12, 2019. As mentioned, the
Chapter regarding Public Facilities is currently in Title 16 is now moved to Title 3.

II. REASONS FOR RECOMMENDATION:

Since adoption of the first ordinance in 1918, the Municipal Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century. Many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures.

Staff has worked diligently with the City Attorney’s office to modernize and prepare significant revisions to the Code with direction from the Council and the public to update Titles 15, 16, 17 and 3 in the interests of clarity and accessibility.

Due to the comprehensive nature of the review and the process to update the Code in smaller manageable Groups, the proposed ordinance authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, to effectuate the adoption of Titles 15, 16, 17 and 3.

Ordinance 2020-1058 was unanimously approved for introduction and first reading on March 9, 2020. Staff recommends final adoption of Ordinance 2020-1058 with an effective date of May 1, 2020.

III. FISCAL IMPACTS:

There are only minor fiscal impacts for the codification process that will follow the formal adoption process. The existing budget is expected to accommodate the impacts associated with the adoption process.

IV. POLICY ALTERNATIVES:

There are no viable policy alternatives.

V. STEPS FOLLOWING APPROVAL:

If adopted, the effective date will be May 1, 2020.

Approved by: ________________________
Toby Wells, P.E., City Manager

Attachments:
1. Ordinance 2020-1058
ORDINANCE NO. 2020-1058

AN ORDINANCE OF THE CITY OF CERES ADOPTING COMPREHENSIVE REVISIONS TO TITLE 15, BUILDINGS AND CONSTRUCTION; TITLE 16, BENEFIT ASSESSMENT DISTRICTS; TITLE 17, SUBDIVISIONS; AND TITLE 3, REVENUE AND FINANCE OF THE CERES MUNICIPAL CODE

WHEREAS, the Municipal Code of the City of Ceres (the “Code”) contains the ordinances of the City Council of the City of Ceres (“City”); and

WHEREAS, since adoption of the first ordinance in 1918, the Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century; and

WHEREAS, many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures; and

WHEREAS, City staff and the Ceres City Council (“City Council”) have worked carefully with the City Attorney’s office to modernize and prepare significant revisions to the Code; and

WHEREAS, in the interests of clarity and accessibility, the City Council wishes to adopt this ordinance superseding the entirety of Title 15, Buildings and Construction; Title 16, Benefit Assessment Districts; Title 17, Subdivisions; and Title 3, Revenue and Finance, in their entirety.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CERES ORDAIN:

SECTION 1. Title 15, Buildings and Construction, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit A).

SECTION 2. Title 16, Benefit Assessment Districts, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit B).

SECTION 3. Title 17, Subdivisions, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit C).

SECTION 4. Title 3, Revenue and Finance, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit D).
SECTION 5. The City Council authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, that do not change the substance of any section, to effectuate the adoption of Title 15, Buildings and Construction; Title 16, Benefit Assessment Districts; Title 17, Subdivisions; and Title 3, Revenue and Finance, in their entirety.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective on May 1, 2020, after its final passage and adoption, and publication of the Ordinance shall occur in a newspaper of general circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

Passed, Approved, and Adopted on this 23rd day of March 2020.

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

APPROVED:

_________________________
 Chris Vierra  
Mayor of the City of Ceres

ATTEST:

______________________________
Diane Nayares-Perez, CMC  
City Clerk of the City of Ceres
Title 15

BUILDINGS AND CONSTRUCTION

Chapters:
15.01 General Provisions
15.02 Building Code
15.03 Existing Building Code
15.04 Solar/Photovoltaic Power
15.05 California Electrical Code
15.06 California Plumbing Code
15.07 California Mechanical Code
15.08 California Fire Code
15.09 California Residential Code
15.10 California Green Building Standards Code
15.11 California Administrative Code
15.12 Energy Code
15.13 Historical Building Code
15.14 Board of Building and Construction Appeals
15.15 Post-Disaster Safety Assessment Placards
15.16 Disaster Repair and Reconstruction
15.17 Post-Disaster Demolition
Chapter 01

GENERAL PROVISIONS

Sections:
15.01.010 Adoption by Reference of the California Building Standards Code.
15.01.020 Mandatory Duty of Care.
15.01.030 Savings Clause.
15.01.040 Administration.
15.01.050 Liability.

15.01.010 Adoption by Reference of the California Building Standards Code.
The purpose of this Title is to adopt by reference the 2019 Edition of the California Building Standards Code, Title 24 - Part 1; Part 2, Volume I & II; Part 2.5; Part 3; Part 4; Part 5; Part 6; Part 8; Part 9; Part 10; and Part 11 of the California Code of Regulations subject to the definitions, clarifications, and the amendments set forth in this title. The purpose of this title is also to provide minimum requirements and standards for the protection of public safety, health, property, and welfare of the City of Ceres. This chapter is adopted under the authority of Government Code section 50022.2 and Health and Safety Code section 18941.5.

15.01.020 Mandatory Duty of Care.
This Title is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

15.01.030 Savings Clause.
The provisions of this Title shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by this Municipal Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

15.01.040 Administration.
California Building Code, 2019 Edition, Chapter 1, Division[s] I and II shall serve as the administrative, organization and enforcement rules and regulations of this Title, unless more specific requirements are given in another adopted code.
15.01.050 Liability.
This Title shall not be construed as imposing upon the City, any liability or responsibility for damage resulting from defective buildings, nor shall the City, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspections authorized thereunder.
Chapter 02

BUILDING CODE

Sections:
15.02.010  Title.
15.02.020  Administration.
15.02.030  Enforcement.
15.02.040  Adoption by Reference of the California Building Code.
15.02.050  Section 105.1.1 Annual Permits; Deleted.
15.02.060  Section 105.1.2 Annual Permit Record; Deleted.
15.02.070  Action on Application; Amended.
15.02.080  Grading Permit Fees.
15.02.090  Section 105.5 of the California Building Code Expiration; Amended.
15.02.100  Section 109.2 Through Section 109.4 of the California Building Code
           Schedule of Permit Fees; Amended.
15.02.110  Section 109.6 of the California Building Code Refunds; Amended.
15.02.120  Section 111 Certificate of Occupancy; Failure to Comply; Discontinuance of
           Utility Service; Amended.
15.02.130  Section 112.3 Authority to Disconnect Service Utilities; Amended.

15.02.010  Title.
This Chapter shall be known and cited as the “Ceres Building Code” and may hereinafter be
referred to as “Ceres Building Code.” Chapter, division, part, section, subsection, and appendix
numbers used in Sections 15.02.010. through 15.02.130 are those of the California Building
Code or codes adopted therein by reference.

15.02.020  Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under
General Provisions, unless more specific requirements are given in this Chapter.

15.02.030  Enforcement.
Enforcement of the Ceres Building Code shall be in accordance with Chapter 15.02.020,
California Building Code Administration, unless more specific requirements are provided in this
Municipal Code.

15.02.040  Adoption by Reference of the California Building Code.
In order to regulate the erection, construction, enlargement, alteration, repair, moving, removal,
demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area, and
maintenance of all buildings and structures within the City of Ceres, the 2019 Edition of the
California Building Code, Title 24, Part 2, Volumes 1 and 2, published by the International Code
Council (ICC), administrative sections, Chapter 29, Appendices A, C, and I; and amendments, as
adopted by the Building Standards Commission of the State of California and codified at Title
24, Part 2 in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made part of this chapter as though set forth in full. A true and correct copy of the 2019 California Building Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection by the public.

15.02.050 Section 105.1.1 Annual Permits; Deleted. 
Section 105.1.1 of the California Building Code is deleted.

15.02.060 Section 105.1.2 Annual Permit Record; Deleted. 
Section 105.1.2 of the California Building Code is deleted.

15.02.070 Action on Application; Amended. 
Section 105.3.1 of the California Building Code is amended to read as follows:

PERMIT ISSUANCE. The application, plans, and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a permit and the plans filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the fee established by the City Council has been paid, he or she shall issue a permit therefor to the applicant.

When the Building Official issues the permit, he or she shall endorse in writing, or stamp, on both sets of plans and specifications, "ACCEPTED FOR CONSTRUCTION." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the entire building or structure have been submitted to be approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Code. The holder of such permit shall proceed at his or her own risk, without assurance that the permit for the entire building or structure will be granted.

A permit shall not be issued for any new building or structure, or for any building or structure which changes the occupancy as herein defined, when said building is located on property abutting a public road, street, or alley for which improvement standards have been fixed and designated, until additional right of way for the improvement of all roads, streets, or alleys adjoining the property shall be dedicated and the improvements installed and accepted by the City, except as follows:

A. The first time an addition or new structure is added which is four hundred (400) square feet or less.
B. The City Council, by minute action, has granted approval for a second or later addition, or new structure of four hundred (400) square feet or less.

C. Where the existing structure or building has been destroyed by fire or natural disaster.

On garages or carports of four hundred (400) square feet or less, the dedications and improvements shall be constructed on the full street and/or alley frontage(s) to be used by the vehicle when entering and/or exiting the garage or carport. Where improvements are required pursuant to this Section, the Building Official may issue a permit to the applicant, if an agreement to dedicate right of way with an approved security is given to insure the construction of improvements, which is accepted by the City Engineer.

15.02.080 Grading Permit Fees.
Grading Permit Fees shall be set by resolution of the City Council.

15.02.090 Section 105.5 of the California Building Code Expiration; Amended.
Section 105.5 of the California Building Code is amended to read as follows:

PERMIT EXPIRATION AND EXTENSION: Every permit issued by the Building Official under the provisions of the Code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two (2) years from date of issuance. After expiration and before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such expiration has not exceeded one year. In order to renew action on a permit after expiration of more than one year, the permit holder shall pay a new full permit fee.

Any permit holder, holding an unexpired permit may, prior to the expiration of such permit, submit a request in writing to the Building Official for an extension of the permit. Upon the timely receipt of such request by the Building Official, the Building Official may grant a one-year extension of the permit upon the payment of the required fee for the extension, which fee shall be established by resolution of the City Council. No permit shall be extended more than twice.

15.02.100 Section 109.2 Through Section 109.4 of the California Building Code Schedule of Permit Fees; Amended.
Section 109.2 through Section 109.4 of the California Building Code are amended to add:

A. The City Council shall, by resolution, establish the number of permit fees required or authorized by this Chapter to be paid to the Building Official. The determination of value or valuation under any of the provisions of the Code shall be made by the Building Official. The valuation to be used in computing the permit and plan check fee shall be based on the actual, reasonable costs for services provided by the City.
When work for which a permit is required by this Code is started prior to obtaining a permit, a penalty equal to the amount of the permit fee shall be paid in addition to the permit fee but the payment of such penalty and permit fee shall not relieve any persons from fully complying with the requirements of the Code in the execution of the work nor from any other penalties prescribed herein.

B. EXPIRATION OF PLAN CHECK: Applications for which no permit is issued within one hundred eighty (180) days following the submission date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for issuance of a permit for a period not exceeding one hundred eighty (180) days, upon written request filed by the applicant, prior to the expiration of the initial one hundred eighty (180) days, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

The Building Official may extend the time for issuance of a permit beyond three hundred sixty (360) days from the submission of the application of the permit, provided no changes have been made or will be made in the original plans and specifications for such work; no changes have been made or will be made in the building codes that are applicable to such work; no changes have been made or will be made in developing plans which would affect such work; and provided that such extensions will not prevent the addition of new City fees.

C. REINSPECTION FEE: The fee for each reinspection shall be established by resolution of the City Council.

D. FEES TO GOVERNMENTAL AGENCIES: Plan checking fees and permit fees shall not be required for the issuance of building permits to governmental agencies.

E. ROUTINE PERMIT PROCEDURE: The Building Official is hereby authorized to establish a system for the issuance of routine permits and collection of routine permit fees and to issue such directives and regulations as are deemed necessary to facilitate and govern the operation and administration of such a system.

F. DEPOSITS: A work completion guarantee deposit may be required by the Building Official for demolition or relocation of buildings and where utility connections are requested prior to the completion of any new building or structure. The amount and form of said deposits shall be established, by resolution, by the City Council.

15.02.110 Section 109.6 of the California Building Code Refunds; Amended.

Section 109.6 of the California Building Code is amended to read as follows:

A. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
B. The Building Official may authorize the refunding of not more than eighty (80%) of the
permit fee paid, when no work has been commenced under a permit issued in accordance with
this Code, and the permit, or any extension thereof, has not expired.

C. The Building Official may authorize the refunding of not more than eighty percent (80%) of
the plan review fee paid, when an application for a permit for which a plan review fee has been
paid is withdrawn or canceled, before any plan reviewing has commenced.

15.02.120 Section 111 Certificate of Occupancy; Failure to Comply; Discontinuance of
Utility Service; Amended.

Section 111.5 is added to the California Building Code to read as follows California Building
Code:

Section 111.5 Discontinuance of Utility Services.

A. Whenever a temporary certificate of occupancy is granted under the authority of this Code
prior to final inspection and/or final corrections, the occupant, owner, and contractor shall sign a
temporary certificate of occupancy prior to occupying the building, agreeing to make all
corrections required and/or listed within thirty (30) days of occupancy. If corrections are not
completed within thirty (30) days, the Building Official shall have the power to request the
immediate discontinuance of all services to the building or structure.

B. If any building or structure is occupied prior to the issuance of a certificate of occupancy or
temporary certificate of occupancy, the Building Official shall have the power to request the
immediate discontinuance of all utility services to the building or structure.

15.02.130 Section 112.3 Authority to Disconnect Service Utilities; Amended.

Section 112.3 of the California Building Code is amended to read as follows:

Section 112.3 Authority to Disconnect Service Utilities

1. DEFINITION. “Utilities,” as used in this section, means the gas, electricity, water, or
telephone service served by a public utility

2. AUTHORITY. The Building Official shall have the authority to authorize
disconnection of utility service to the building, structure or system regulated by this code in case
of an emergency where necessary to eliminate an immediate hazard to life or property, or in the
case where such utility connection has been made without the approval required by sections
112.1 and 112.2. The Building Official shall notify the serving utility, and wherever possible the
owner and occupant of the building, of the decision to disconnect prior to taking such action
under the following conditions:

A. There is an immediate hazard to life or property.
2. NOTICE OF DISCONNECTION.

A. When the Building Official has determined that utilities are to be disconnected, he or she shall notify the owner of the property. The notice shall state the reasons for disconnection and the length of time for the owner to correct.

B. The notice shall be in writing and shall be posted in a conspicuous place upon the property for a period of seven days and be mailed to the property owner as shown on the assessment roll. The mailed notice shall be accompanied by a copy of this chapter.

3. APPEAL

If the property owner objects to the determination of the Building Official that the condition of the property is such as is described in this section, the property owner may file an appeal of the Building Official’s determination pursuant to Chapter 14 of this Title. If after all exhausting all appeals available under Chapter 14 of this Title, the determination of the Building official is upheld, the property owner shall be allowed seven days thereafter to comply after which the Building Official can cause the utilities to be disconnected after providing notice in accordance with this section.

4. DISCONNECTION

If, after giving notice as provided by this section, the owner has failed to comply with the notice or has not successfully objected thereto, the building official shall cause the utilities to be disconnected.
Chapter 03

EXISTING BUILDING CODE

Sections:
15.03.010 Title.
15.03.020 Administration.
15.03.030 Enforcement.
15.03.040 Adoption by Reference of the California Existing Building Code.

15.03.010 Title.
This Chapter shall be known and cited as the “Ceres Existing Building Code” and may hereinafter be referred to as “Ceres Existing Building Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.03.010 through 15.03.040 are those of the California Existing Building Code or codes adopted therein by reference.

15.03.020 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.03.030 Enforcement.
Enforcement of Ceres Existing Building Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.03.040 Adoption by Reference of the California Existing Building Code.
In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance, and use of existing buildings while reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings within the City of Ceres, the 2019 California Existing Building Code, Title 24, Part 10, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made part of this chapter as though set forth in full. A true and correct copy of the 2019 California Existing Building Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection by the public.
Chapter 04

SOLAR/PHOTOVOLTAIC POWER

Sections:
15.04.010 Title.
15.04.020 Administration.
15.04.030 Enforcement.
15.04.040 Solar/Photovoltaic Power Systems.

15.04.010 Title.
This Chapter shall be known and cited as the “Ceres Solar/Photovoltaic Power Code” and may hereinafter be referred to as “Ceres Solar Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.04.010 through 15.04.040 are those of the 2019 California Residential Code, 2019 California Electrical Code, 2019 California Building Code, 2019 California Fire Code and California State Fire Marshal Solar Photovoltaic Installation Guidelines (the “Solar Photovoltaic Installation Guideline,” published April 22, 2008), and codes adopted therein by reference.

15.04.020 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.04.030 Enforcement.
Enforcement of Ceres Solar Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.04.040 Solar/Photovoltaic Power Systems.

B. The City may impose fees related to Solar/Photovoltaic Power Systems and from time to time amend said fees by resolution.

C. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM.

1. The following words and phrases as used in this section are defined as follows:

   a. ELECTRONIC SUBMITTAL. The utilization of one or more of the following:

   Item 9
i. E-mail;
ii. The internet;
iii. Facsimile.

b. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM. Includes all of the following:

i. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or 30 kilowatts thermal.

ii. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Civil Code section 714, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

iii. A solar energy system that is installed on a single or duplex family dwelling.

iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

c. SOLAR ENERGY SYSTEM. Has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Civil Code section 801.5, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

2. Government Code section 65850.5 provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

3. The checklist shall be published on the City’s website. The applicant shall submit the permit application and associated documentation to the City’s building division either by personal or, if available, electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

4. Prior to submitting an application, the applicant shall:

a. Verify to the City’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
b. At the applicant’s cost, verify to the City’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

5. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the Building Inspector and Fire Department designee. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.

6. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

7. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations within one to three working days in which the permit application is submitted. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider’s electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
Chapter 05

CALIFORNIA ELECTRIC CODE

Sections:
15.05.010   Title.
15.05.020   Adoption by Reference of the California Electric Code.
15.05.030   Administration.
15.05.040   Enforcement.
15.05.050   Article 89.108.4.1.A Amended; Work Not Requiring Permit.
15.05.060   Article 89.108.9.1A Amended; Dangerous and Unsafe Construction.

15.05.010   Title.
This Chapter shall be known and cited as the “Ceres Electrical Code” and may hereinafter be referred to as “Ceres Electrical Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.05.010 through 15.05.060 those of the California Electrical Code or codes adopted therein by reference.

15.05.020   Adoption by Reference of the California Electric Code.
In order to provide minimum standards for the proper regulation of the installation of electrical systems within the City of Ceres, the 2019 Edition of the California Electrical Code, Title 24, Part 3, and all appendix chapters, published by the National Fire Protection Association (NFPA), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 3, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made a part of the chapter as though set forth. A true and correct copy of the current California Electrical Code shall be in the office of the City of Ceres Building Division for inspection and use by the public.

15.05.030   Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.05.040   Enforcement.
Enforcement of Ceres Electrical Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.05.050   Article 89.108.4.1.A Amended; Work Not Requiring Permit.
Article 89.108.4.1(a) of the California Electric Code is amended to add the following paragraphs:

A. No permit shall be required for the installation, alteration or repair of electrical wiring, services, appliances, apparatus or equipment installed by or for any public utility, municipal

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corporation or public district for use of such utility, municipal corporation or public district in the
generation, transmission, distribution or metering of electrical energy, or in the operation of
signals with a transmission of intelligence in the exercise of its function as serving utility.

15.05.060 Article 89.108.9.1.A Amended; Dangerous and Unsafe Construction.
Article 89.108.9.1 of the California Electric Code is amended to add the following paragraph:

A. Any portion of an electrical system found by the Building Official to be unsafe as defined by
the Health and Safety Code, Division 13 or herein is hereby declared to be a nuisance.

B. Whenever it is brought to the attention of the Building Official that any unsafe equipment or
conditions exist or that any construction or work regulated by this Code is dangerous, a nuisance
or a menace to life, health of property or otherwise in violation of this Code, the Building
Official, upon determining such information to be a fact, shall order any person, firm or
corporation using or maintaining any such equipment or condition or responsible for the use or
maintenance thereof, to discontinue the use or maintenance thereof, or to repair, alter, change,
remove or demolish the same, as necessary for the proper protection of life, health or property.
The Building Official may order any person, firm or corporation supplying electricity to such
equipment or system to discontinue supplying electricity thereto until such equipment or system
is made safe to life, health or property. Every such order shall be in writing, addressed to the
permit holder and/or the owner, agent or person responsible for the premises in which such
equipment or condition exists, and shall specify the date or time for compliance with such order.

C. Refusal, failure or neglect to comply with any such notice or order shall be considered a
violation of this Code.

D. When any electrical system is maintained in violation of this Code and in violation of any
notice issued, pursuant to the provisions of this Section or where a nuisance exists in any
building or on any lot upon which a building is situated, the Building Official shall institute any
appropriate action or proceedings in any court of competent jurisdiction to prevent, restrain,
correct, or abate the violation or nuisance.
Chapter 06

CALIFORNIA PLUMBING CODE

Sections:
15.06.010 Title.
15.06.020 Administration.
15.06.030 Enforcement.
15.06.040 Adoption by Reference of the California Plumbing Code.
15.06.050 Section 103.1 of the California Plumbing Code Amended; Administrative Authority.
15.06.060 Section 104.4.3 of the California Plumbing Code Deleted; Expiration of Permit.
15.06.070 Section 104.5 of the California Plumbing Code Deleted; Permit Fees.

15.06.010 Title.
This Chapter shall be known and cited as the “Ceres Plumbing Code” and may hereinafter be referred to as “Ceres Plumbing Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.06.010 through 15.06.070 are those of the Ceres Plumbing Code or codes adopted therein by reference.

15.06.020 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are provided in this Municipal Code.

15.06.030 Enforcement.
Enforcement of Ceres Plumbing Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.06.040 Adoption by Reference of the California Plumbing Code.
In order to provide minimum requirements and standards for the protection of the public health, safety, and general welfare and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of any plumbing system within the City of Ceres, the 2019 Edition of the California Plumbing Code, Title 24, Part 5 and all appendix chapters, published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 5 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made a part of this chapter as though set forth in full. A true and correct copy of the 2019 California Plumbing Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection and use by the public.
15.06.050 Section 103.1 of the California Plumbing Code Amended; Administrative Authority.
Section 103.1 of the California Plumbing Code is amended for clarification and to read as follows:

The Building Official shall be the authority duly appointed to enforce this Code. Whenever the term "Administrative Authority" is used in the said California Plumbing Code it shall be construed to mean the Building Official or his authorized representative.

15.06.060 Section 104.4.3 of the California Plumbing Code Deleted; Expiration of Permit.
Section 104.4.3 of the California Plumbing Code is hereby deleted.

15.06.070 Section 104.5 of the California Plumbing Code Deleted; Permit Fees.
Section 104.5 of the California Plumbing Code is hereby deleted.
Chapter 07

CALIFORNIA MECHANICAL CODE

Sections:
15.07.010 Title.
15.07.020 Adoption by Reference to the California Mechanical Code.
15.07.030 Administration.
15.07.040 Enforcement.
15.07.050 Section 104.4.3 of the California Mechanical Code Deleted; Expiration.
15.07.060 Section 104.5 of the California Mechanical Code Amended; General.

15.07.010 Title.
This Chapter shall be known and cited as the “Ceres Mechanical Code” and may hereinafter be referred to as “Ceres Mechanical Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.07.010 through 15.07.060 are those of the Ceres Mechanical Code or codes adopted therein by reference.

15.07.020 Adoption by Reference to the California Mechanical Code.
A. In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance, and use of heating, ventilating, cooling, refrigeration systems, and other heat-producing appliances and systems within the City of Ceres, the 2019 Edition of the California Mechanical Code, Title 24, Part 4, and all appendix chapters, published by the International Association of Mechanical and Plumbing Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 4 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2019 California Mechanical Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection and use by the public.

15.07.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.07.040 Enforcement.
Enforcement of Ceres Mechanical Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.07.050 Section 104.4.3 of the California Mechanical Code Deleted; Expiration.
Section 104.4.3 of the California Mechanical Code is hereby deleted.

{CW090978.8}
15.07.060 Section 104.5 of the California Mechanical Code Amended; General.

Section 104.5 of the California Mechanical Code is hereby amended to read as follows:

The fees shall be determined and adopted by the City Council.
Chapter 08

CALIFORNIA FIRE CODE

Sections:
15.08.010 Title.
15.08.020 Adoption by Reference of the California Fire Code.
15.08.030 Administration.
15.08.040 Enforcement.
15.08.050 Section 105.1.2 of the CFC Amended; Types of Permits.
15.08.060 Section 105.2 of the CFC Amended; Application.
15.08.070 Section 105.6.8 of the CFC Amended; Compressed Gases.
15.08.080 Section 105.6.10 of the CFC Amended; Cryogenic Fluids.
15.08.090 Section 105.6.16 of the CFC Amended; Flammable and Combustible Liquids.
15.08.100 Section 105.6.25 of the CFC Amended; Lumber Yards and Woodworking Plants.
15.08.110 Section 110.4 of the CFC Amended; Violation Penalties.
15.08.120 Section 312.1 of the CFC Amended; Vehicle Impact Protection.
15.08.130 Section 503 of the CFC Amended; Fire Apparatus Access Roads.
15.08.140 Section 507.5.1 of the CFC Amended; Where Required.
15.08.150 Section 507.5.7 of the CFC Added; Hydrants.
15.08.160 Section 507.5.8 of the CFC Added; Hydrant Identification.
15.08.170 Section 603.8 of the CFC Amended; Incinerators.
15.08.180 Section 603.8.1 of the CFC Deleted; Residential Incinerators.
15.08.190 Section 603.8.2 of the CFC Deleted; Spark Arrestor.
15.08.200 Section 603.8.3 of the CFC Deleted; Restrictions.
15.08.210 Section 603.8.4 of the CFC Deleted. Time of Burning.
15.08.220 Section 903.2 of the CFC Amended; Automatic Fire Sprinkler Systems.
15.08.230 Section 906.9.1 of the CFC Amended; Extinguishers Weighing 40 Pounds of Less.
15.08.240. Section 5001.5.2 of the CFC Amended. Hazardous Materials Inventory Statement.
15.08.250 Section 5003.3.1.4 of the CFC Amended. Deposits of Hazardous Materials; Cleanup, Abatement, or Mitigation Required; Liability for Costs.
15.08.260 Section 5601.2 of the CFC Added; Fireworks Manufacturing.
15.08.270 Section 3308.2 of the CFC Added; Fireworks Public Display.
15.08.280 Section 3308.3 of the CFC Added; “Safe and Sane” Fireworks Sales.
15.08.290 Findings for Changes, Modifications, and Additions to the 2010 California Fire Code Part 9.
15.08.010 Title.  
This Chapter shall be known and cited as the “Ceres Fire Code” and may hereinafter be referred to as “Ceres Fire Code.” Chapter, division, part, section, subsection, and appendix numbers used in sections 15.08.010 through 15.08.209 are those of the California Fire Code or codes adopted therein by reference.

15.08.020 Adoption by Reference of the California Fire Code.  
That certain document, one copy of which is on file in the Office of the City Clerk of the City of Ceres being marked and designated as "California Fire Code" hereafter designated as "CFC" Part 9 of Title 24 California Code of Regulations as published by the International Code Council, 2019 Edition, including Appendix Chapter 4 and Appendix B, BB, D, E, F, G, I, K, N, O and Division I California Administration and Division II Administration as published by the International Code Council, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and providing penalties for the violation thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said California Fire Code, 2019 Edition, on file in the office of the City of Ceres Building Division is hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter be and is adopted by reference as the Fire Code of the City of Ceres.

15.08.030 Administration.  
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.08.040 Enforcement.  
Enforcement of Ceres Fire Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.

15.08.050 Section 105.1.2 of the CFC Amended; Types of Permits.  
Section 105.1.2 of the California Fire Code is hereby amended to read as follows:

Section 105.1.2 Types of Permits. Permits required by this Code, see Section 105.1.1 through 105.7.25, shall be issued by the fire code official. Permit fees, if any, adopted by the Council of the City of Ceres by Resolution from time to time, affixing a fee for any permit issued pursuant to the Fire Code.

15.08.060 Section 105.2 of the CFC Amended; Application.  
Section 105.2 Application. of the California Fire Code is hereby amended to read as follows:

Section 105.2 Application for a permit required by this Code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits
shall be accompanied by such plans prescribed by the fire code official and applicable fees established by resolution by the Ceres City Council.

15.08.070  **Section 105.6.8 of the CFC Amended; Compressed Gases.**
Section 105.6.8 of the California Fire Code is hereby amended to read as follows:

Section 105.6.8 *Compressed Gases.* An operational permit is required for the storage, use, or handling at normal temperatures and pressures of compressed gases in excess of the amounts listed in Table 105.6.8, and to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

15.08.080  **Section 105.6.10 of the CFC Amended; Cryogenic Fluids.**
Section 105.6.10 of the California Fire Code is hereby amended to read as follows:

Section 105.6.10 *Cryogenic Fluids.* An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10. A construction permit is required to install a cryogenic vessel or piping system for the storage or distribution of cryogens. See also Chapter 55.

*Exception:* Permits are not required where federal or state regulations apply and for fuel systems of a vehicle.

15.08.090  **Section 105.6.16 of the CFC Amended; Flammable and Combustible Liquids.**
Section 105.6.16 of the California Fire Code is hereby amended to add the following:

Paragraph 12. To store, handle or use class III-B liquids with a flashpoint of less than 500 degrees F., in excess of 110 gallons.

Paragraph 13. To install, alter, remove, test, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank.

15.08.100  **Section 105.6.25 of the CFC Amended; Lumber Yards and Woodworking Plants.**
Section 105.6.25 of the California Fire Code is hereby amended to read as follows:

Section 105.6.25 *Lumber Yards and Woodworking Plants.* An operational permit is required to operate any woodworking plant. See Chapter 28.
15.08.110  **Section 110.4 of the CFC Amended; Violation Penalties.**

Section 110.4 of the 2019 California Fire Code, Division II Administration is hereby amended to read as follows:

Section 110.4 *Violations Penalties.* People who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Chief, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by fine of not more one hundred thirty dollars ($130.00) for the first conviction, a fine not exceeding seven hundred dollars ($700.00) dollars for a second conviction within a one year period, and a fine of one thousand three hundred dollars ($1,300) for a third conviction within a one year period. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

15.08.120  **Section 312.2 of the CFC Amended; Vehicle Impact Protection.**

Section 312.2 of the California Fire Code is hereby amended to read as follows:

Section 312.2. *Posts.* Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1. Constructed of steel not less than six (6) inches in diameter and concrete filled,
2. Spaced not more than four (4) feet between posts on center,
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,
4. Set with the top of the posts not less than three (3) feet above ground, and
5. Located not less than five (5) feet from the tank.

15.08.130  **Section 503 of the CFC Amended; Fire Apparatus Access Roads.**

Section 503.5 of the California Fire Code is hereby amended to read as follows:

Section 503.5 *Closure of Accessway.* The Fire Prevention Bureau is authorized to require the installation and maintenance of gates or other approved barricades across roads, trails or other access ways, not including public streets, alleys or highways.

Section 503.5.1 of the California Fire Code is hereby amended to read as follows:

Section 503.5.1 *Secured gates and barricades.* When required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and
obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official. Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals which have been installed by the Fire Prevention Bureau or by its order or under its control shall not be removed, unlocked, destroyed, tampered with or otherwise molested in any manner.

*Exception:* The restriction on use shall not apply to public officers acting within the scope of their duty.

Section 503.5.2 of the California Fire Code is unchanged and remains as adopted.

Section 503.5.3 is added to the California Fire Code and reads as follows:

Section 503.5.3 *Control of and Obstruction of Fire Apparatus Access.* The required width of a fire apparatus road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established by Section 503.2.1 shall be maintained at all times. Entrances to roads, trails or other access ways that have been closed with gates and barriers in accordance with Section 503.5.1 shall not be obstructed by parked vehicles.

Section 503.6 of the California Fire Code is hereby amended to read as follows:

Section 503.6 *Security Gates.* The installation of security gates across from fire apparatus access roads shall be approved by the Fire Chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation system shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325 and ASTM 2200.

Section 503.6.1 is added to the California Fire Code and reads as follows:

Section 503.6.1 *Plans and Specifications.* Prior to the installation of any gate or other device that will obstruct the access of emergency vehicles or emergency personnel, to any area, the person wishing to install the device shall submit plans and specifications to the Ceres Building Division with routing to the Fire Department for plan approval. Plans shall include the following information:

1. Site plan drawn to scale with the following:
   a. Property lines.
   b. Building footprint(s).
   c. Proposed fence, pedestrian gate(s), vehicular gate(s).
   d. Non-motorized gates shall include a Knox Key Switch/Knox Box and the proposed location.
e. Motorized gate systems shall include a "Puck" system with a wire loop in the ground.

f. Physical address.

g. California contractor's license number, company name, address, and telephone number.

2. Product specifications shall be provided which include:

   a. Method of operation.

Section 503.6.2 is added to the California Fire Code and reads as follows:

Section 503.6.2 Unguarded gates.

1. If the vehicle gate is for one-way traffic, the gate width must be a minimum of twelve feet. If the vehicle access gate is for two-way traffic, the gate width must be a minimum of 20 feet in width. A Knox Key Switch must be installed on the "Entrance" and "Exit" side of each gate.

2. The Knox switch on the "Exit" side of each gate can be eliminated if the gate has a "free exit." A "free exit" is a sensor pad in the asphalt that senses the vehicle and automatically opens the gate. If you do not have a "free exit", you shall install a Knox switch on the "exit" side of the gate.

3. You may install one Knox switch on a vehicle access gate provided that the switch is "easily" accessible from both the "exit" and the "entrance" side of the gate. The switch must also be mounted in a location that will not cause harm to the firefighters. Please contact the Ceres Fire Department to verify that the location is acceptable prior to installation.

4. You shall install a minimum of one pedestrian walk-thru gate per the complex.

5. All pedestrian walk-thru gates shall swing in the direction of exit travel.

6. The locking hardware on all pedestrian walk-thru gates shall have self-releasing hardware. The hardware must have either a doorknob or a door handle. Thumb operated deadbolts, double-keyed deadbolts, or combination keypads are not acceptable.

7. When pedestrian walk-thru gates are installed more than ten (10) feet from any vehicle access gate, a Knox Box in required within eighteen (18) inches of the pedestrian walk-thru gate opening.

Section 503.6.3 is added to the California Fire Code and reads as follows:
Section 503.6.3 Definitions.

1. “Pedestrian gate” means a gate used exclusively for pedestrian ingress and egress.

2. "Vehicular gate” means a gate for vehicle ingress and egress.

3. "Residential properties” include single- and multi-family dwellings, such as apartments and condominiums.

4. "Gated community development” means a community that may consist of single- or multi-family dwellings, or other accessory uses, that are enclosed within a geographical area by restrictive gates.

15.08.140 Section 507.5.1 of the CFC Amended; Where Required.
Section 507.5.1 of the California Fire Code is hereby amended to read as follows:

Section 507.5.1 Distribution of Fire Hydrants. Fire hydrants shall be nominally spaced every 500 linear feet in residential areas comprised of single-family dwellings. In commercial or industrial areas, and in residential areas containing condominiums, townhouses, or apartments, fire hydrants shall be nominally spaced every 300 feet. The Fire Chief may require that fire hydrants be placed at closer intervals to conform to street intersections, unusual street curvatures, or fire flow requirements.

Divided streets shall have hydrants on both sides of the street and shall, where applicable, be installed in alternative or staggered positions so that hydrants will not be directly opposite from each other.

Exception: For Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 the distance requirements shall be not more than 600 feet (183 m).

15.08.150 Section 507.5.7 of the CFC Added; Hydrants.
Section 507.5.7 of the California Fire Code is hereby added to read as follows:

Section 507.5.7 Hydrants. The Fire Chief is authorized to determine the types of hydrants acceptable for installation. In areas where public or private water mains are not available for the provision of required fire flow, the Fire Chief may require that water supply for firefighting be in accordance with NFPA Standard # 1142, 2017 Edition (standard on Water Supplies for Suburban and Rural Fire Fighting).

15.08.160 Section 507.5.8 of the CFC Added; Hydrant Identification.
Section 507.5.8 of the California Fire Code is hereby added to read as follows:

Section 507.5.8 Hydrant Identification. All fire hydrants shall be identified with a blue pavement marker which is raised and reflective.
15.08.170  Section 603.8 of the CFC Amended; Incinerators.
Section 603.8 of the 2019 California Fire Code is hereby amended to read as follows:

Section 603.8. Incinerators. The use of incinerators is prohibited inside the City limits of Ceres.

Exception: Incinerators used by state-licensed facilities for the cremation of human or pet remains.

15.08.180  Section 603.8.1 of the CFC Deleted; Residential Incinerators.
Section 603.8.1 of the California Fire Code is hereby deleted.

15.08.190  Section 603.8.2 of the CFC Deleted; Spark Arrestor.
Section 603.8.2 of the California Fire Code is hereby deleted.

15.08.200  Section 603.8.3 of the CFC Deleted; Restrictions.
Section 603.8.3 of the California Fire Code is hereby deleted.

15.08.210  Section 603.8.4 of the CFC Deleted. Time of Burning.
Section 603.8.4 of the California Fire Code is hereby deleted.

15.08.220  Section 903.2 of the CFC Amended. Automatic Fire Sprinkler Systems.
Section 903.2 of the California Fire Code is hereby amended to read as follows:

Section 903.2 Where required.
1. New Construction.

An approved automatic fire sprinkler system is required in the locations described in Sections 903.2.1 through 903.2.12 in all new buildings and structures constructed on or after the effective date of this ordinance, notwithstanding the use and occupancy thereof, when the total floor area under one roof exceeds five thousand (5,000) square feet. Fire area separation walls shall not be used for the purpose of eliminating automatic fire sprinkler systems required by this section.

(a) When automatic sprinkler systems are required by the Ceres Municipal Code or the 2019 California Fire Code for certain uses and/or occupancies, the requirements of Section 903.2 of the 2019 California Fire Code shall also apply.

Exception: Carports, sheds, tanks, towers and agricultural buildings.

2. Existing Buildings and Structures.

An approved automatic fire sprinkler system shall be installed in the locations described in Section 903.2.1 through 903.2.12 in all existing buildings and structures when the value of additions, alterations or repairs are made within any twelve-month period that exceed fifty (50) percent of the current county assessed valuation for improvements only in the existing building.
or structure that exceeds five thousand (5,000) square feet or additions result in said building or structure exceeding five thousand (5,000) square feet.

1. **Exception:** Carports, sheds, tanks, towers and agricultural buildings.

2. Each portion of an existing building or structure separated by one or more fire walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.

### 15.08.230 Section 906.9.1 of the CFC Amended; Extinguishers Weighing 40 Pounds or Less:

Section 906.9.1 of the California Fire Code is hereby amended to read as follows:

Section 906.9.1. **Extinguishers Weighing 40 Pounds or Less.** Portable fire extinguishers having a gross weight not exceeding forty (40) lbs. (18 kg) shall be installed so that their tops are not more than four (4) feet above the floor.

**Existing Installations.** Portable fire extinguishers shall only be required to be lowered during tenant improvements.

### 15.08.240 Section 5001.5.2 of the CFC Amended. Hazardous Materials Inventory Statement.

Section 5001.5.2 of the 2019 California Fire Code is hereby amended by adding the following:

10. **Key Box.** When required by the Fire Code Official, an approved key box, sized to contain emergency information, (HMMP, HMIS, and Material Safety Data Sheets) shall be provided.

### 15.08.250 Section 5003.3.1.5 of the CFC Amended. Deposits of Hazardous Materials; Cleanup, Abatement, or Mitigation Required; Liability for Costs.

Section 5003.3.1.5 of the 2019 California Fire Code is hereby added to read as follows:

Section 5003.3.1.5. **Responsibility for Cleanup.** The person, firm or corporation responsible for an unauthorized discharge shall initiate and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Fire Chief, cleanup can be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.

For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.
15.08.260 Section 5601.1 of the CFC Amended; Scope.
Section 5601.1 of the California Fire Code is hereby amended to read as follows:

Section 5601.1. Scope. The provisions of this chapter shall govern the possession, storage, handling, sale and use of explosives, explosive materials, fireworks, rockets, emergency signaling devices, and small arms ammunition. The manufacturing of fireworks is prohibited in the City of Ceres. The term "Fireworks" shall be as defined by the Health and Safety Code section 12511.

15.08.270 Section 5608.2 of the CFC Added; Fireworks Display.
Section 5608.2 of the California Fire Code is hereby added to read as follows:

Section 5608.2. Fireworks Display.

Section 5608.2.1 Permit. Every permit application for approval to conduct a public display of fireworks shall be accompanied by a non-refundable fee as established by resolution of the City Council from time to time.

Section 5608.2.2 Approval. The Fire Chief may grant the permit as applied for, or with conditions thereto, unless he/she finds that to do so would be contrary to the public health, safety, or welfare. The decision of the Fire Chief shall be in writing and shall be mailed, postage prepaid, to the applicant.

Section 5608.2.3 Appeal Process. The decision of the Fire Chief, in acting on an application for permission to conduct a public display in accordance with the provisions of this Section may be appealed to the City Manager. Notice of an appeal of the Fire Chief’s decision shall be filed by the applicant, with the City Clerk, within ten (10) days after the date of the decision. Upon failure to file such notice within the ten-day period, the action of the Fire Chief shall be final and conclusive. The applicant may appeal the decision of the City Manager to the City Council by filing a notice of appeal to the City Clerk within ten (10) days after the date of the City Manager decision. Upon failure to file such notice within the ten-day period, the action of the City Manager, or his/her designee, shall be final and conclusive.

15.08.280 Section 5608.3 of the CFC Added; “Safe and Sane” Fireworks Sales.
Section 5608.3 of the California Fire Code is hereby added to read as follows:

Section 5608.3 Storage of Safe and Sane Fireworks.

A. The storage of fireworks within the City of Ceres is limited to State of California Fire Marshal approved and labeled "Safe and Sane" fireworks by wholesalers licensed by the State of California and retailers.

B. Wholesalers may store safe and sane fireworks within the City of Ceres solely during the period of June 1 through July 31 of each year. Storage facilities shall comply with NFPA 1124 adopted 2006 or as approved by the Fire Chief.
15.08.290   Findings for Changes, Modifications, and Additions to the 2019 California Fire Code Part 9.

Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City of Ceres hereby expressly finds that all of the changes and modifications to the 2019 California Building Standard Code made by this Title and which are not merely administrative changes, are reasonably necessary because of local Climatic, Geological or Topographical condition within the City of Ceres as more particularly described in the table set forth below.

<table>
<thead>
<tr>
<th>Finding(s) Application</th>
<th>Condition</th>
<th>Findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCR California Fire Code Part 9</td>
<td>Climactic</td>
<td>Reduced visibility due to dense fog occurring during winter months which causes delays in fire response</td>
</tr>
<tr>
<td>CCR California Fire Code Part 9</td>
<td>Topographical</td>
<td>Delayed fire response by railroad tracks that:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. Divide the City from East to West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Tracks run parallel to Highway 99 through the City, restricting response at locations where overpasses are not provided</td>
</tr>
<tr>
<td>CCR California Fire Code Part 9</td>
<td>Topographical</td>
<td>Delayed fire response due to Hwy 99, which divides the City in half. Delays are due to major traffic congestion at overcrossings</td>
</tr>
<tr>
<td>CCR California Fire Code Part 9</td>
<td>Climactic</td>
<td>Summer conditions are very dry, hot and windy causing ordinary combustibles to easily ignite and fires to spread rapidly</td>
</tr>
</tbody>
</table>
Chapter 09

CALIFORNIA RESIDENTIAL CODE

Sections:
15.09.010 Title.
15.09.020 Adoption by Reference of the California Residential Code.
15.09.030 Administration.
15.09.040 Enforcement.
15.09.050 Section R105.5 of the California Residential Code Deleted; Expiration.
15.09.060 Appendix J of the California Residential Code; Amended.

15.09.010 Title.
This Chapter shall be known and cited as the “Ceres Residential Code” and may hereinafter be referred to as “Ceres Residential Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.09.010 through 15.09.060 are those of the California Residential Code or codes adopted therein by reference.

15.09.020 Adoption by Reference of the California Residential Code.
The purpose of the Chapter is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting, ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to firefighters and emergency responders during emergency operations. The provisions of the Residential Code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use, occupancy, location, maintenance, removal, and demolition of every detached one and two single-family dwellings, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto within the City of Ceres. Therefore, the 2019 California Residential Code, Title 24, Part 2.5, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made part of this chapter as though set forth in full. A true and correct copy of the 2019 California Residential Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection by the public.

15.09.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.09.040 Enforcement.
Enforcement of Ceres Residential Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.
15.09.050   **Section R105.5 of the California Residential Code Deleted; Expiration.**
Section R105.5 of the California Residential Code is hereby deleted.

15.09.060   **Appendix J of the California Residential Code; Amended.**
Appendix J of the California Residential Code is hereby amended to read as follows:
Appendix J Delete the word "international" and replace with "California".
Chapter 10

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:
15.10.010 Title.
15.10.020 Adoption by Reference of California Green Building Standards Code.
15.10.030 Administration.
15.10.040 Enforcement.

15.10.010 Title.
This Chapter shall be known as the “Green Building Regulations of the City of Ceres” and shall regulate the construction of new buildings within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the California Green Building Code, and hydraulic flood control structures. The Green Building Regulations shall also apply to City-owned buildings.

15.10.020 Adoption by Reference of California Green Building Standards Code.
A. In order to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact, and encouraging sustainable construction practices within the City of Ceres, the 2019 Edition of the California Green Building Standards Code, Title 24, Part 11 (also known as the CALGreen Code), published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made part of this chapter as though set forth in full. The provisions of the Green Building Standards Code shall apply to the planning, design, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in this Title, throughout the City of Ceres. A true and correct copy of the 2019 California Green Building Standards Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection and use by the public.

B. Where in any specific case, different sections of the Green Building Regulations specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

15.10.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.10.040 Enforcement.
Enforcement of Green Building Regulations of the City of Ceres shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.
Chapter 11

CALIFORNIA ADMINISTRATIVE CODE

Sections:
15.11.010 Title.
15.11.020 Adoption by Reference of California Administrative Code.
15.11.030 Administration.
15.11.040 Enforcement.

15.11.010 Title.
This Chapter shall be known and cited as the “Ceres Administrative Code” and may hereinafter be referred to as “Ceres Administrative Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.11.010 through 15.11.040 are those of the California Administrative Code or codes adopted therein by reference.

15.11.020 Adoption by Reference of California Administrative Code.
In order to regulate the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area, and maintenance of all buildings and structures within the City of Ceres, the 2019 Edition of the California Administrative Code, published by the International Code Council (ICC), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 1, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2019 California Administrative Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for examination and use by the public.

The provisions of this Municipal Code shall not serve as the administrative, organizational, and enforcement rules and regulations for the chapters contained in the Title. The administrative, organizational, and enforcement rules for this Title are contained in and based on California Building Code, Part 2, Volume 1, Chapter 1, Divisions I and II.

15.11.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.11.040 Enforcement.
Enforcement of Ceres Administrative Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.
Chapter 12

ENERGY CODE

Sections:
15.12.010 Title.
15.12.030 Administration.
15.12.040 Enforcement.

15.12.010 Title.
This Chapter shall be known and cited as the “Ceres Energy Code” and may hereinafter be referred to as “Ceres Energy Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.12.010 through 15.12.040 are those of the California Energy Code or codes adopted therein by reference.

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of manufactured devices that have been certified by their manufacturer to meet or exceed minimum specifications or efficiencies by the California Energy Commission within the City of Ceres, the 2019 Edition of the California Energy Code, Title 24, Part 6, and all appendix chapters, published by the International Code Council, as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 6 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made a part of this Chapter as though set forth in full. A true and correct copy of the 2019 California Energy Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection and use by the public.

15.12.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.12.040 Enforcement.
Enforcement of Ceres Energy Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.
Chapter 13

HISTORICAL BUILDING CODE

Sections:
15.13.010 Title.
15.13.020 Historical Building Code.
15.13.030 Administration.
15.13.040 Enforcement.

15.13.010 Title.
This Chapter shall be known and cited as the “Ceres Historical Building Code” and may hereinafter be referred to as “Ceres Historical Building Code.” Chapter, division, part, section, subsection, and appendix numbers used in Sections 15.13.010 through 15.13.040 are those of the California Historical Building Code or codes adopted therein by reference.

15.13.020 Historical Building Code.
In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of historical buildings to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users within the City of Ceres, the 2019 California Historical Building Code, Title 24, Part 8, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Ceres, is hereby adopted and made part of this chapter as though set forth in full. A true and correct copy of the 2019 California Historical Building Code as adopted by this section shall be on file in the office of the City of Ceres Building Division for inspection by the public.

15.13.030 Administration.
This Chapter is to be administered in accordance with Chapter 15.01.040, Administration under General Provisions, unless more specific requirements are given in this Chapter.

15.13.040 Enforcement.
Enforcement of Ceres Historical Building Code shall be in accordance with Chapter 15.02.020, California Building Code Administration, unless more specific requirements are provided in this Municipal Code.
Chapter 14

BOARD OF BUILDING AND CONSTRUCTION APPEALS

Sections:
15.14.010  Board of Appeals.
15.14.020  Selection of Board; Term.
15.14.030  Advisory Authority.
15.14.060  Use of Stanislaus County Building Code Board of Appeals

15.14.010  Board of Appeals.
In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the California Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the California Green Building Standards, the California Historical Code, the California Existing Building Code, and the California Residential Code, and to hear appeals as provided for in said codes, the City Council may appoint a Board of Building and Construction Appeals (hereinafter referred to as the “Board”) consisting of five (5) members who are not City staff or members of City Council, who are qualified by experience and training to pass upon matters pertaining to building construction and safety. The Building Official shall be an ex-officio member of the Board without power to vote and shall act as secretary of the Board. (Ord. 80-557 § 4 (part), 1980)

15.14.020  Selection of Board; Term.
The Board shall be appointed by the City Council and shall hold office at its pleasure. Board members may be removed by a majority of the City Council for cause or otherwise. The employment, performance evaluation, compensation, and benefits of the Board shall not be directly or indirectly conditioned upon the amount of administrative decisions, orders, or determinations made by the Building Official upheld by the Board.

15.14.030  Advisory Authority.
The Board may recommend to the City Council such new legislation but these recommendations shall not be binding upon the City Council. The Board may advise and make recommendations to the Building Official in the interpretation of the codes set forth in this title, but such interpretations shall not be binding of the Building Official.

Except as otherwise provided herein, the Board shall adopt reasonable rules and regulations for conducting its business. A quorum for conducting business shall be at least three (3) voting members.
A. The Board shall hear appeals relating to decisions, orders, or determinations made by the Building Official relating to the application of the various codes set forth under this Title, which adversely affect any person, firm, or corporation.

B. All appeals shall be in writing and shall be directed to the Building Official within ten (10) days of the appellant(s)’s receipt of written notice of the decision to be appealed. As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed with the Building Official.

C. Written notice of the date, time, and location of the hearing shall be served to the appellant(s) at least ten (10) days prior to the date of the hearing by the Building Official either by personal service or by certified mail where postage thereof is prepaid and return receipt requested. Mailings shall be addressed to the appellant(s) at the address(es) shown on the appeal.

D. The hearing shall be informal in nature and the Board may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which shall provide a fair and impartial hearing. The administrative decision upon which the appeal is based may be reversed or modified only by an affirmative vote of a majority of the authorized membership of the Board. A vote of less than a majority of the Board shall result in upholding the original administrative decision.

E. The Board’s decision shall be in writing and shall be rendered within fifteen (15) days after the close of the hearing. All decisions shall be delivered to the Building Official with a copy to the appellant. The Board’s decisions relating to appeals shall be binding.

F. Decisions made by the Board may be appealed to City Council pursuant to Title 1 General Appeal Process.

15.14.060 Use of Stanislaus County Building Code Board of Appeals.

Notwithstanding sections 15.14.010 to 15.14.050 of this Chapter, the City may authorized the Stanislaus County Building Code Board of Appeals to hear appeals relating to decisions, orders, or determinations made by the Building Official relating to the application of the various codes set forth under this Title, which adversely affect any person, firm, or corporation. If authorized, the Stanislaus County Building Code Board of Appeals shall be authorized to hear such appeals subject to the rules of the Stanislaus County Building Code Board of Appeals.
Chapter 15

POST-DISASTER SAFETY ASSESSMENT PLACARDS

Sections:
15.15.010 Intent.
15.15.020 Application Provisions.
15.15.030 Definitions.
15.15.040 Placards.

15.15.010 Intent.
This Chapter establishes the standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or manmade disaster. This Chapter further authorizes the Building Inspection Division, as well as authorized representatives of the jurisdiction where the natural or manmade disaster occurred, to post the appropriate placard at each entry/exit point to a building or structure upon completion of a safety assessment.

15.15.020 Application Provisions.
The provisions of this Chapter are applicable to all buildings and structures of all occupancies regulated by the City following each natural or man-made disaster.

15.15.030 Definitions.
"Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or man-made disaster.

15.15.040 Placards.
A. The following are descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.

1. INSPECTED - Lawful Occupancy Permitted (GREEN): Is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. RESTRICTED USE (YELLOW): Is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. UNSAFE - Do Not Enter or Occupy (RED): Is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety.
or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official or his/her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used as or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. The name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

C. Once a placard has been attached to a building or structure, the placard is not to be removed, altered or covered until authorized to do so by the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this Section. Unauthorized removal of the placards is a misdemeanor and is punishable as provided in this Title.
Chapter 16

DISASTER REPAIR AND RECONSTRUCTION

Sections:
15.16.010 Intent.
15.16.030 Definitions.
15.16.040 Repair Criteria.
15.16.050 Repair Criteria for Chimneys.
15.16.060 Repair Criteria for Essential Services Facilities.
15.16.070 Repair Criteria for Historic Buildings or Structures.
15.16.080 Masonry Buildings and Structures.
15.16.090 Board of Appeals.

15.16.010 Intent.
This Chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the City Council. This Chapter does not allow exemptions from the building, fire, electrical, mechanical, plumbing, or other codes.

A. The provisions of this Chapter are applicable to all buildings and structures of all occupancies regulated by the City following each disaster when a local emergency has been declared by the City Council. The Council may extend the provisions as necessary.

B. When approved by the Building Official, the requirements of this Chapter may be waived in favor of repair recommendations included in an engineering evaluation as defined in Section 15.16.030 of this Chapter.

15.16.030 Definitions.
For the purposes of this Chapter the following definitions apply:

“Architect” means an individual licensed by the State of California to practice architecture as defined in the State of California Business and Professions Code.

“Civil Engineer” means an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

“Current Code” means the latest adopted editions of the California Code of Regulations Title 24 as adopted by the City of Ceres in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code.
“Engineering Evaluation” means an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer, civil engineer or architect retained by the owner of the building or structure.

Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs.

“Essential service facility” means those buildings or structures which have been designated by the City Council to house facilities which are necessary for the emergency operations subsequent to a disaster.

“Replacement value” means the dollar value, as determined by the Building Official, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

“Structural engineer” means an individual registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

“Value of repair” means the dollar value, as determined by the Building Official, of making the necessary repairs to the damaged structure.

15.16.040 Repair Criteria.

Buildings and structures of all occupancies, except as otherwise noted, which have been damaged as a result of a disaster shall be repaired in accordance with the following criteria:

A. When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion(s) shall be restored to their pre-disaster condition.

Exception: When the damaged elements include suspended ceiling systems, the ceiling system shall be repaired and all bracing required by the current code shall be installed.

B. When the estimated value of repair is greater than ten percent (10%), but less than fifty percent (50%), of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

C. When the estimated value of repair is fifty percent (50%) or more than the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.

D. In Group R, Division 3 occupancies, the repair value of damaged chimneys shall be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section 15.16.050 of this Chapter.
15.16.050 Repair Criteria for Chimneys.

A. All damaged chimneys must be repaired or reconstructed to comply with the requirements of the current code. Damaged portions of chimneys shall be removed in accordance with the following criteria:

1. When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion shall be removed to the roof line, provided the roof and ceiling anchorage are in sound condition. The reconstructed portion of the chimney shall be braced to the roof structure.

2. For a single-story structure where the damaged portion of the chimney is below the roof line, or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the fireplace.

3. For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where sound anchorage is found.

4. In any structure where the fireplace has been damaged, the entire chimney and fireplace shall be removed to the foundation. If the foundation is in sound condition, the fireplace and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, it shall be removed and replaced.

B. Where existing conditions preclude the installation of all anchorage required by the current code, alternate systems may be used in accordance with the alternate methods and materials provisions of the current code when approved by the Building Official. Such alternate systems shall be designed and detailed by a structural engineer, civil engineer or architect.

C. When the portion of the chimney extending above the roof line exceeds two (2) times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure.

15.16.060 Repair Criteria for Essential Services Facilities.

A. Buildings or structures housing essential services facilities which have been damaged as a result of a disaster shall have an engineering evaluation performed.

B. Minimum criteria for repair shall be as follows:

1. When the estimated value of repair is less than fifty percent (50%) of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

2. When the estimated value of repair is fifty percent (50%) or more than the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.
15.16.070 Repair Criteria for Historic Buildings or Structures.
A. Buildings or structures which are included on a National, State or local Register of Historic Places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

B. The minimum criteria for repair shall be as included in Section 15.16.040, "Repair Criteria," of this Chapter, with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in part 8, title 24, California Code of Regulations, the State Historic Building Code shall apply.

C. Where conflicts exist between the standards contained herein and the State Historic Building Code, the Historic Building Code shall govern.

15.16.080 Masonry Buildings and Structures.
A. The latest adopted editions of the California Code of Regulations Title 24 as adopted by the City of Ceres in accordance with operation of law pursuant to section 18941.5 of the State of California Health and Safety Code shall apply to determine repair criteria for masonry buildings and structures.

B. All damaged bearing walls constructed of unreinforced masonry shall be repaired and strengthened to fully comply with all current California Code of Regulations Title 24 as adopted by the City of Ceres.

15.16.090 Board of Appeals.
The provisions of this Chapter may be appealed to the City Board of Building and Construction Appeals, pursuant to Section 15.17.050 of this Title.
Chapter 17

POST-DISASTER DEMOLITION

Sections:
15.17.010 Intent.
15.17.030 Definitions.
15.17.040 Demolition Criteria.
15.17.050 Demolition Criteria for Historic Buildings or Structures.
15.17.060 Board of Appeals.

15.17.010 Intent.
This Chapter establishes demolition criteria for all buildings and structures damaged, as a result of a disaster for which a local emergency has been declared by the City Council to the degree where demolition is a viable alternative to repair.

The provisions of this Chapter are applicable to all buildings or structures regulated by the City following each disaster when a local emergency has been declared by the City Council. Except as modified by this Title, the current California Code of Regulations as adopted by the City shall apply.

15.17.030 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

“Event” means any natural occurrence which results in the declaration of a disaster and shall include wind storms, earthquakes, floods, etc.

“Historic building or structure” means any building or structure included in the National Register of Historic Places, the State Register of Historic Places or Points of Interest, or a local register of historic places. Historic buildings and structures shall also include those buildings and structures within a recognized historic district wherein the specific building has historic significance.

“State Historic Preservation Officer (SHPO)” means the individual appointed by the Governor, pursuant to section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.
15.17.040 Demolition Criteria.
A. Within seven (7) days after the event, should any building or structure be determined by the Building Official to represent an imminent hazard to public health and safety, or to pose an imminent threat to the public right-of-way, it shall be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without condemnation hearings otherwise required by this Municipal Code.

B. If, after the specified time frame noted in subsection A of this Section, any building or structure is determined by the Building Official to represent a hazard to the health and safety of the public, or which poses a threat to the public right-of-way, the Building Official shall duly notify the building owner and proceed with a condemnation hearing within ten (10) business days of the notice in accordance with Section 15.14.010 of this Title.

C. For any building or structure wherein the owner has decided to demolish rather than repair, the owner, or owner's representative shall follow the established procedures to secure a demolition permit.

15.17.050 Demolition Criteria for Historic Buildings or Structures.
A. Within seven (7) days after the event, any historic building or structure determined by the Building Official to represent an imminent hazard to the health and safety of the public, or to pose an imminent threat to the public right-of-way, the Building Official shall notify the State Historic Preservation Officer that one of the following actions will be taken:

1. Whenever possible, within reasonable limits as determined by the Building Official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right-of-way.

2. Whenever bracing or shoring is determined not to be reasonable, the Building Official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by the California Building Code or by this Municipal Code. Prior to commencing demolition, the Building Official shall photographically record as much of the entire building or structure as may safely be done.

B. If, after the specified time frame noted in subsection A of this Section, and less than thirty (30) days after the event, an historic building or structure is determined by the Building Official to represent a hazard to the health and safety of the public, or to pose a threat to the public right-of-way, the Building Official shall duly notify the building owner of his/her intent to proceed with a condemnation hearing within ten (10) business days of the notice in accordance with Section 15.14.010 of this Title. The Building Official shall also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of their intent to hold a condemnation hearing.

C. For any historic building or structure wherein the Building Official and the owner have agreed to demolish the building or structure within thirty (30) days after the event, the Building Official
shall submit to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, a request to demolish. Said request shall include all substantiating data.

D. If after thirty (30) days from the event the Building Official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

15.17.060 Board of Appeals.
The provisions of this Chapter may be appealed to the City Board of Building and Construction Appeals pursuant to Section 15.17.050 of this Title.
Title 16

BENEFIT ASSESSMENT DISTRICTS

Chapters:

16.01 Procedures for Establishment of Benefit Assessment Districts
16.02 Benefit Related Fees for Reimbursement of the Cost of Land Use and Planning Programs
16.03 Traffic Signal Benefit District
Chapter 01

PROCEDURES FOR ESTABLISHMENT OF BENEFIT ASSESSMENT DISTRICTS

Sections:
16.01.010 Title.
16.01.020 Non-Exclusiveness of Chapter.
16.01.030 Interpretation.
16.01.040 Purpose.
16.01.050 Definitions.
16.01.060 Initiation of Formation of A Property and Business Development District.
16.01.070 Initiation of Formation Proceedings.
16.01.080 Engineer’s Report.
16.01.090 Fiscal Year Report.
16.01.100 Report Contents.
16.01.110 Plans and Specifications; Zones.
16.01.120 Estimate of Costs; Contents.
16.01.130 Diagram of Assessment District.
16.01.140 Assessment Contents.
16.01.150 Zone Classifications.
16.01.160 Filing and Submission of Engineer’s Report.
16.01.170 Resolution of Intention.
16.01.180 Notice of Public Hearing.
16.01.190 Ballot Content.
16.01.200 Handling of Ballots.
16.01.210 Public Hearing.
16.01.220 Tabulation of Ballots.
16.01.230 Majority Protest.
16.01.240 Resolution of Designation.
16.01.250 Termination of Assessment District.
16.01.260 Reimbursement and Refund.
16.01.270 Alternate Method.
16.01.280 Recordkeeping.

16.01.010 Title.
This Chapter shall be known and may be cited to as the “City of Ceres Benefit Assessment District Procedural Code.”

16.01.020 Non-Exclusiveness of Chapter.
This Chapter is not exclusive. The Council shall have the power to provide other procedures or to follow procedures and powers current and enacted after the adoption of this Chapter, as provided by state and local law.
16.01.030 Interpretation.
This Chapter shall be liberally construed to effectuate its purpose. Any proceedings taken under this Chapter and any assessment levied pursuant to this Chapter, shall not be invalidated for failure to comply with the provisions of this Chapter if such failure does not substantially and adversely affect the rights of any person. The procedures set forth under this Chapter shall not be construed to modify the methodology of calculating the amount of assessments for any assessments currently levied by the City.

16.01.040 Purpose.
The purpose of this Chapter is to establish a uniform procedure for the creating and establishing a local assessment districts, whereas as a charge shall be levied on particular real property for a local public improvement of direct benefit to that property pursuant to Article XIII D of the California Constitution.

16.01.050 Definitions.
For the purpose of this Chapter, and except where otherwise expressly defined in another section of this Chapter, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Chapter, they shall be construed as their ordinary meaning within the context which they are used:

A. “Assessment district” means an assessment district formed pursuant to this Chapter.

B. “Assessment” means the same definition found under Government Code section 53750(b).

C. “Advance” means the amounts expended by the City or other governmental entity toward the cost of a public improvement within or for the assessment benefit district.

D. “Building permit” means the permit issued or required for the construction of any structure in connection with the development of land pursuant to and as defined by the California Building Code.

E. “Capital Improvement Program” means a plan for the implementation and financing of public facilities projects including but not limited to a schedule for the commencement of construction, the estimated cost of construction and the payment of facilities benefit assessments.

F. “Construction”: Design, acquisition of property, administration of construction contracts, actual construction and incidental costs related thereto.

G. “Contribution” means the amounts expended by the City or other governmental entity toward the cost of a public facilities project in relation to the general benefit received by the City from construction of the public facilities project.

H. “Costs” means the amounts spent or authorized to be spent in connection with the planning,
financing, acquisition and development of a public improvement including, without limitation, the costs of land, construction, engineering, administration, and legal and financial consulting fees.

I. “Development” means the division of land, grading or original construction of an improvement to real property, which increases the density in residential zones or changes the current use where said division of land, grading, or construction is of the type normally associated with urban development as opposed to agricultural activity.

J. “Incidental expenses” include:

1. The costs of preparation of the engineer’s report, including plans, specifications, estimates, diagram, and assessment.

2. The costs of printing, advertising, and the giving of the published, posted, and mailed notices

3. Compensation payable to the county for collection of assessments

4. Compensation of any engineer or attorney employed to render services in proceedings pursuant to this Chapter.

5. Any other expenses incidental to the construction or installation of the improvements or to the maintenance and servicing thereof.

K. “Maintain” or “maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

1. Repair, removal, or replacement of all or any part of any improvement.

2. Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.

3. The removal of trimmings, rubbish, dirt, debris, and other solid waste whether loose or stationary.

4. Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.

5. Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

L. “Public Improvement” includes all work and improvements which are for a public purpose or which are necessary or incidental to a public purpose, including, but not limited to:
1. Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service;

2. Lines, conduits and other necessary works and appliances for providing electric power service;

3. Mains, pipes and other necessary works and appliances for providing gas service;

4. Poles, posts, wires, pipes, conduits, lamps and other necessary works and appliances for lighting purposes;

5. Sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended;

6. Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances;

7. Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels and other appurtenances;

8. Pipes, hydrants and appliances for fire protection;

9. Breakwaters, levees, bulkheads, groins and walls of rock or other material to protect the streets, places, public ways and other property from overflow by water;

10. Retaining walls, embankments, buildings and other structures or facilities necessary or suitable in connection with any of the work mentioned in this Section;

11. Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land;

12. Works, systems or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto;

13. All other work auxiliary to that described in subdivision L of this subsection which may be required to carry out that work, including terminal and intermediate stations, structures, platforms or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities;

14. The grading or regrading, the paving or repaving, the widening, or other improvement or maintenance of streets, roads, and bridges;
15. Acquisition, construction and installation of traffic signs, signals, lights and lighting;

16. Public works maintenance facilities;

17. All other work auxiliary to any of the above which may be required to carry out that work including but not limited to the maintenance of public facilities projects and administrative, engineering, architectural and legal work performed in connection with establishing, implementing and monitoring public facilities projects;

18. Acquisition of any and all property, easements and rights of way which may be required to carry out the purposes of the project.

M. “Record owner” means any person shown as the owner of real property on the last equalized county assessment roll; when such person is no longer the owner, then this definition shall mean any person entitled to be shown as the owner of the real property on the next county assessment roll, if such person is known to the City. If real property is subject to a recorded written agreement of sale, any person identified within the agreement as the purchaser.

16.01.060 Initiation of Formation of A Property and Business Development District.
If the City is creating a new property and business district pursuant to Streets and Highway Code section 36600 et. seq., the City may only initiate the formation proceedings pursuant to 16.01.070 [initiation of formation proceedings] upon receipt of a written petition, signed by property owners who would collectively pay more than fifty percent (50%) of the assessments to be levied. The written petition must be in accordance with Streets and Highway Code section 36621 et. seq. If an assessment attributable to one property owner is more than forty (40%) of the collective amount of assessments to be levied, his or her assessment will not contribute towards the requisite 50% for the petition.

16.01.070 Initiation of Formation Proceedings.
Proceedings for the formation of an assessment district shall be initiated by resolution. The resolution shall:

A. Propose the formation of an assessment district pursuant to this Chapter;

B. A general description of the proposed public improvements;

C. A general description of the proposed assessment district;

D. Specify a distinctive designation or name for the district;

E. The descriptions required under Subsections B and C of this Section need to be sufficiently detailed to enable the engineer tasked with creating the requisite engineering report to generally identify the nature, location, and extent of the improvements, and the location and extent of the assessment district.
F. Preliminary information concerning the method pursuant to which the amount of the assessment to be charged against each parcel or lot. The amount to be charged to each parcel or lot shall be in proportion to the special benefit the parcel or lot shall receive as a result of the assessment district.

G. The amount of contribution or advance, if any, which the City or other public entity will make toward the total cost of the proposed public improvements

H. A diagram showing the area of the proposed assessment district, including boundaries and dimensions.

16.01.080 Engineer’s Report.
The engineer’s report required to be prepared pursuant to Government Code section 53750 et. seq. and Article XIII D of the California Constitution shall be prepared to contain in accordance with the Sections 16.01.080, Engineer’s Report through 16.01.160, filing and submission of this Chapter, inclusive. The report shall be prepared by a professional engineer registered with the State of California.

Should any of the requirements stated under this Chapter for the preparation of the engineer’s report contradict any provision of state law, state law shall control and the remaining provisions under this Chapter shall be considered separate from the contradictory requirement and not invalid.

16.01.090 Fiscal Year Report.
The engineer shall prepare a report for each fiscal year where the proposed assessments are to be levied and collected to pay the costs of the proposed public improvements described in the report.

16.01.100 Report Contents.
Each fiscal year report shall refer to the assessment district by its distinctive designation, shall specify the fiscal year to which the report applies and, with respect to that year, shall contain:

A. Plans and specifications for the proposed public improvements;

B. An estimate of the costs of the proposed public improvements;

C. A diagram showing the assessment district and the boundaries and dimensions of the land to be included in the district;

D. An assessment of the estimated costs of the proposed public improvements.

16.01.110 Plans and Specifications; Zones.
A. The plans and specifications, as required under Section 16.01.100, Report Contents Subsection A, shall show and describing existing and proposed public improvements. The
plans and specifications shall be sufficiently detailed to show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and type of improvements to be provided for each such zone.

B. The plans or specifications may be prepared as separate instruments or either or both may be incorporated in the diagram as a combined instrument.

16.01.120 Estimate of Costs; Contents.
The estimate of the costs of the proposed public improvements, as required under Section 16.01.100, Report Contents Subsection B, shall contain estimates of the following:

A. The total public improvement costs, being the total costs of constructing or installing all proposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses.

B. The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.

C. The amount of any contributions to be made from sources other than assessments levied pursuant to this Chapter.

D. The amount, if any, of the annual installment for the fiscal year where the City Council has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

E. The net amount to be assessed upon assessable lands within the assessment district, being the total improvement costs, as referred to Subsection A of this Section 16.01.120, increased or decreased, as the case may be, by any of the amounts referred to in subsections B, C, or D of this Section 16.01.120.

16.01.130 Diagram of Assessment District.
The diagram of the assessment district shall identify each lot or parcel by a distinctive number or letter. The diagram shall show:

A. The exterior boundaries of the assessment district;

B. The boundaries of any zones within the district; and

C. The lines and dimensions of each lot or parcel of land within the district. The lines and dimensions of each lot or parcel shown on the diagram shall conform to those shown on the county assessor’s maps for the fiscal year to which the report applies. The diagram may refer to the county assessor’s maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps shall govern for all details concerning the lines and dimensions of such lots or parcels.
16.01.140 Assessment Contents.
A. The assessment, as required under Subsection D of Section 16.01.100, Report Contents, shall refer to the fiscal year to which it applies and shall:

1. State the net amount, as determined under Section [Estimate of Costs, Contents], to be assessed upon assessable lands within the assessment district.

2. Describe each assessable lot or parcel of land within the district.

3. Assess the net amount upon all assessable lots or parcels of land within the district by apportioning that amount among the several lots or parcels in proportion to the estimated special benefits to be received by each such lot or parcel from the improvements.

B. The net amount as required under subsection A of this Section, shall be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated special benefits to be received by each such lot or parcel from the improvements.

C. The determination of whether or not a lot or parcel shall benefit from the improvements shall be made pursuant to the Municipal Improvement Act of 1911 (Streets & Highways Code, Division 7, commencing with Section 5000).

16.01.150 Zone Classifications.
The diagram required under Section 16.01.130, Diagram of Assessment District and the assessment required under Section 16.01.140 Assessment Contents, may classify various areas within an assessment district into different zones where, by reasons of variations in the nature, location, and extent of the proposed public improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.

16.01.160 Filing and Submission of Engineer’s Report.
Upon completion, the engineer shall file the report with City Clerk for submission to the City Council. The City Council may approve the report, as filed, or it may modify the report and approve it as modified.

16.01.170 Resolution of Intention.
After the City Council approves the engineer’s report as filed, or as modified by the City Council, and before the notice of public hearing is mailed or published, the City Council must adopt a Resolution of Intention. The Resolution of Intention must be published at least ten (10) days prior to the date of the public hearing for the proposed assessment. The Resolution of Intention shall:

A. Declare the intention of the City Council to order the formation of an assessment district and
to levy and collect assessments pursuant to this Chapter.

B. Generally describe the public improvements.

C. Refer to the proposed assessment district by its distinctive designation and indicate the general location of the district.

D. Refer to the engineer’s report, on file with the City Clerk, for a full and detailed description of the public improvements, the boundaries of the assessment district and any zones within the district, and the proposed assessments upon assessable lots and parcels of land within the district.

E. Give notice of, and fix a time and place for, a public hearing by the City council on the question of the formation of the assessment district and the levy of the proposed assessment. The time and place for the public hearing shall be the same as the time and place provided under Section 16.01.180, Notice of Public Hearing.

16.01.180 Notice of Public Hearing.
A. Pursuant to Government Code section 53750 et. seq., the City shall provide forty-five (45) days written notice of a public hearing for a proposed assessment.

B. Written notice and ballots shall be mailed at least forty-five (45) days in advance before the public hearing for a proposed assessment to the record owner of each parcel identified as being subject to the assessment. Notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed mailed when so deposited.

C. Pursuant to Government Code 53753(b), the envelope containing the notice and ballot shall be addressed to the record owner, and must include on its face, in at least sixteen (16) point bold font, and in substantially the following form, the statement: “OFFICIAL BALLOT ENCLOSED.”

D. The notice shall state:

1. Statement referring to the adoption of the Resolution of Intention. The language for this statement shall substantially conform to the following:

   a. “On [date], by its adoption of Resolution No. [Resolution of Intention], the City Council of the City of Ceres declared its intention to establish the [designated name of assessment district] pursuant to Title 16 of the Ceres Municipal Code, and to levy an assessment in connection with that district to fund [description of use of assessment].

2. The total amount of the proposed assessment chargeable to the entire district.

3. The amount chargeable to the record owner’s particular parcel.
4. The duration of the assessment.

5. The reason for the assessment.

6. The basis upon which the amount of the proposed assessment was calculated. The basis may include the formula used to calculate the assessment on each parcel, or the data specific to parcel use to calculate the assessment.

7. The date, time, and location of the public hearing on the proposed assessment.

8. The summary of the procedures applicable to the completion, return, and tabulation of the ballots. This summary shall be in a conspicuous place within the notice.

9. A disclosure statement that the existence of a majority protest, as defined in Article XIIID section 4 subdivision (e), shall result in the assessment not being imposed.

10. Where a record owner may obtain a copy of the engineer’s report for the assessment. The engineer’s report may be incorporated into the notice by reference.

11. Where a record owner may obtain a copy of the Resolution of Intention.

16.01.190 Ballot Content.
A. The address for the receipt of the ballot once completed by the record owner receiving notice

B. Reasonable identification of the recipient record owner’s parcel

C. A place for the record owner to indicate his or her name

D. A place for the record owner to indicate his or her support or opposition to the proposed assessment.

E. A place for the record owner to complete a signature and date.

16.01.200 Handling of Ballots.
A. Assessment ballots shall remain sealed until the tabulation of the ballots commences, provided that an assessment ballot may be submitted, changed, or withdrawn by the submitting record owner prior to the conclusion of public testimony at the public hearing for the proposed assessment.

B. Duplicate ballots may be issued by the City Clerk if a ballot is lost or spoiled before the close of the public testimony if the record owner submits a written statement to the City Clerk containing:

1. The name of the record owner;
2. The address of the lot or parcel subject to the proposed assessment owned by the record owner;

3. The APN number of the lot or parcel;

4. A declaration that the record owner’s ballot for the proposed assessment is lost or spoiled;

5. A declaration that if the record owner recovers the lost or spoiled original copy of the record owner’s ballot, the record owner shall not submit the original copy for a calculation for majority protest.

6. A declaration that if the record owner recovers his or her original ballot, the record owner shall submit the original ballot to the City Clerk either in-person or by mail. The record owner shall indicate on the front of the recovered ballot of the City Clerk’s issuance of a duplicate ballot. The indication shall be signed and dated by the record owner.

7. Record owner’s signature.

A. At the time and place established in the notice of the public hearing, the City Council shall hear and consider all objections or protests, if any, to the proposed assessment. At the public hearing, any person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time.

B. The presiding officer of the public hearing shall announce that once public testimony is closed, ballots and written protests shall no longer be accepted. Such an announcement shall be made at prior to the commencement of public testimony.

C. The presiding officer shall announce a last opportunity to submit ballots and written protests before the close of public testimony.

16.01.220 Tabulation of Ballots.
A. At the conclusion of the public hearing, City Council shall designate an impartial person who does not have a vested interested in the proposed assessment shall tabulate the submitted ballots.

B. Pursuant to Government Code section 53753(e)(1), the City Clerk is a designated as an impartial person for the purpose of tabulating submitted ballots.

C. All submitted ballots shall be unsealed and tabulated in public view at the conclusion of the hearing to permit all interested persons to meaningfully monitor the accuracy of the tabulation process.

D. Ballots shall be tabulated according to the proportional financial obligation of the affected properties.

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E. If more than one (1) record owner submits a ballot for a particular parcel, City Council shall apportion the votes according to the respective ownership interests of each record owner of the particular parcel, as reflected in public record, or as the record owners demonstrate to the City Council’s satisfaction.

F. Only signed and completed ballots shall be used to calculate a majority protest.

16.01.230 Majority Protest.
Pursuant to Government Code section 53753(e)(4), a majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots as described in Section 16.01.220(C). If there is no majority protest, the City Council may impose the assessment.

16.01.240 Resolution of Designation.
At the conclusion of the hearing and provided there is no majority protest the City Council may adopt a resolution of ordering the improvements and the formation of the assessment district, and confirming the diagram, plans and specifications, and assessment.

A. A definition describing the public improvements(s), the cost of which is to be charged to the properties located within the assessment district.

B. The boundaries of the assessment district.

C. The method by which the assessment costs are to be appropriated among the parcels within assessment district and the amount each parcel or lot shall be charged in proportion to the special benefit conferred upon the parcel or lot.

D. The amount of contribution or advance if any which the City or another public entity will make towards the total cost of the public improvement. The engineer's report may be incorporated into the resolution to provide some or all of the above listed information.

16.01.250 Termination of Assessment District.
Upon receipt of a request by a landowner or his designated agent or on its own motion, the City Council may initiate proceedings for the termination of an assessment district by adopting a resolution stating its intention. The resolution of intention shall state the time and place at which the City Council shall hold a public hearing to consider such termination. Any surplus monies remaining in the special fund connected with the assessment district shall be distributed in accordance with Streets and Highway Code Sections 10427 et seq. unless another state law regarding the termination, disestablishment, or dissolution of an assessment district applies.

16.01.260 Reimbursement and Refund.
In the event of an annual adjustment of assessment as per provided by Section 16.02,090, which reduces the facilities benefit assessment, the amount in the special fund which is no longer
required shall be refunded or distributed according to state law.

16.01.270 Alternate Method.
The provisions of this Chapter shall not be construed to limit the power of the City Council to utilize any other method for funding public improvements but shall be in addition to any other requirements which the City Council is authorized to impose pursuant to State and local laws.

16.01.280 Recordkeeping.
All ballots submitted for a proposed assessment shall be determined to be public records subject to the requirements of the California Public Records Act. The ballots shall be retained as public records for at least two (2) years after the vote.
Chapter 02

BENEFIT-RELATED FEES FOR REIMBURSEMENT OF THE COST OF LAND USE AND PLANNING PROGRAMS

Sections:
16.02.010 Power to Establish Fees.
16.02.020 Report of Director of Planning and Community Development.
16.02.030 Public Hearing; Notice.
16.02.040 Public Hearing; Council Consideration.
16.02.050 Resolution.
16.02.060 Repayment to Others.

16.02.010 Power to Establish Fees.
In addition to such other benefit-related fees or assessments as may be provided for by State law, the City Council may by resolution adopt and establish from time to time benefit-related fees to be paid by owners and/or developers of land in designated benefit areas of the City as may be necessary to reimburse the City for services and expenses incurred by the City, or by others on behalf of the City, for land use and planning programs, including, but not limited to, environmental evaluations, specific plans and other related or similar services or expenses which are found to provide a common benefit with regard to the development of properties within a designated area of the City. (Ord 88-702 (part), 1988)

16.02.020 Report of Director of Community Development.
Prior to passing a resolution establishing any fee pursuant to this Chapter, the Director of Community Development shall prepare and submit to the City Council a report which shall contain the following information:

A. A statement defining the authorized purpose for which the proposed benefit-related fee is being assessed.
B. A description of the services and/or expenses for which the fees are proposed to be assessed and the total amount of the proposed assessment.
C. A statement identifying the land areas which are benefited and against which the fees are proposed to be assessed.
D. A statement identifying the method or system by which the total amount of the assessment will be allocated fairly among all of the properties which are included in the benefit area.

16.02.030 Public Hearing; Notice.
The City Council shall hold a public hearing to consider the report of the Director of Community Development and the establishment of the proposed fees. Notice of the public hearing shall be given by publication at least once in a newspaper of general circulation within the City at least
ten (10) days prior to the public hearing.

16.02.040 Public Hearing; Council Consideration.
At the public hearing the City Council shall hear all comments from those persons wishing to be heard concerning the matter. Following the public hearing, if the City Council finds that the proposed assessment properly reflects the reasonable cost of the services and/or expenses incurred by the City, or by others on behalf of the City; and that the total assessment has been fairly and reasonably allocated among the properties designated in the benefit area according to the benefit provided to such properties, the City Council may, by majority vote pass a resolution establishing the proposed fees.

16.02.050 Resolution.
The resolution establishing fees pursuant to this Chapter shall contain the following:

A. A description of the services and/or expenses for which the fees are being assessed and the total amount of the assessment.

B. A description of the specific parcels of land which are benefited and against which the fees are assessed.

C. A statement indicating the amount of the total assessment that is allocated against each parcel of property which is included in the benefit area and the method of allocation.

D. A statement that the fees imposed are imposed upon new development only within the benefited area, and that the fees established by the resolution shall be paid to the City upon development of the property benefited by the then owners of the property prior to the issuance by the City of any ministerial or non-ministerial permit or approve for any development of or construction on said parcel within the area benefited.

16.402.060 Repayment to Others.
If the initial cost and/or expenses of the planning programs or environmental evaluations for which assessments have been made pursuant to this Chapter are paid by others, then the City may, in its resolution provide for repayment of all or a portion of the monies received pursuant to assessments made under this Chapter to fully or partially reimburse such persons or entities for the cost or expenses they have incurred in providing such planning programs or environmental evaluations.
Chapter 03

TRAFFIC SIGNAL BENEFIT DISTRICT

Sections:

16.03.010  Purpose.
16.03.020  Benefit District Defined.
16.03.030  Arterial Street Defined.
16.03.040  Assessment and Collection of Fees.
16.03.050  Contribution by City; Reimbursement.
16.03.060  Policies Priorities.
16.03.070  Separate Fund.
16.03.080  Rules and Regulations.
16.03.090  Termination.

16.03.010  Purpose.
The purpose of this Chapter is to establish a traffic signal benefit district to assess fees on based on expected generated traffic, to be used for signalization of arterial street intersections and the other traffic-control devices throughout the City.

16.03.020  Benefit District Defined.
The "benefit district" shall include all that area Ceres City limits and such other areas as may from time to time be lawfully annexed to the City.

16.03.030  Arterial Street Defined.
An "arterial street" is any street listed on the circulation element of the general plan as an arterial street or such other street which in the judgment of the City Engineer is a street functioning as an arterial street.

16.03.040  Assessment and Collection of Fees.
The City Council may, from time to time by resolution, set fees for the implementation of this Chapter. The fees established shall bear a reasonable relationship to the costs associated with intersection signalization requirements caused by developments. The fees established shall be assessed against all new development and payment shall be made at the time of request for the first building permit for any such development.

16.03.050  Contribution by City; Reimbursement.
The City may, from time to time, make such contributions to the traffic signal benefit district fund as the City Council in its discretion determines are reasonable and in the best interest of the citizens of the City. The City shall have the right to be reimbursed from the district funds for all such contributions that are made. Such reimbursement shall be made prior to the termination of the district.
16.03.060 Policies and Priorities.
A. The City Council shall, from time to time by resolution, establish a list of arterial intersections within the district at which signalization is required, and shall determine the order of priority to be given to each such intersection. Signalization shall be accomplished as funds are available to the district and in accordance with the priority as established by the City Council.

B. If the developer of any property wishes to have traffic signalization installed at an arterial intersection prior to such intersection reaching the top of the priority list established by the City Council and prior to funds becoming available, then the developer shall advance the entire cost of the traffic signalization. In such event the developer shall be entitled to be reimbursed from the district funds for the cost of the signalization. The reimbursement shall be made at such time as the particular intersection has reached the top of the priority list and as funds become available.

C. Traffic signalization of arterial street intersections is generally to the benefit of all citizens of the City and as such, all new development within the City shall share in a portion of the cost in accordance with the provisions of this Chapter.

D. The need for signalization at junctions other than arterial intersections is generally created by and for the primary benefit of the development adjacent to that location. Therefore, if the City Engineer determines that traffic signalization is required by a development on other than an arterial intersection and is primarily for the benefit of the development, the developer shall pay the entire cost of the signalization and shall not be entitled to reimbursement from the district funds. In addition, the developer shall be required to pay all fees established by this Chapter.

16.03.070 Separate Fund.
Fees received paid to a separate fund and used purposes of this Chapter.

16.03.080 Rules and Regulations.
The City Council may, from time to time by resolution, adopt such rules and regulations as necessary to administer and implement the provisions of this Chapter.

16.03.090 Termination.
The district created by this Chapter may be terminated at any time by ordinance of the City Council, provided the City has first been reimbursed for all contributions made to the district funds. All moneys remaining after termination of the district shall be used exclusively for maintenance and installation of traffic signalization devices at arterial intersections within the City.
Title 17

SUBDIVISIONS

Chapters:

17.01 General Provisions
17.02 Definitions
17.03 Subdivisions Design Standards and Requirements
17.04 Vesting Tentative Maps
17.05 Tentative Maps
17.06 Parcel Maps
17.07 Appeals
17.08 Final Maps
17.09 Improvement Agreements
17.10 Subdivision Improvements
17.11 Modifications
17.12 Enforcement
17.13 Park and Recreation Land
17.14 Lot Line Adjustments
17.15 Maps Required
17.16 Surveys and Monuments
17.17 Reversions
17.18 Covenants for Easements
Chapter 01

GENERAL PROVISIONS

Sections:
17.01.010 Title and Reference.
17.01.020 Purpose.
17.01.030 Relationship to General Plan and Other City Land Use Regulations.
17.01.040 Advisory Agency.
17.01.050 Restrictions on Sale.

17.01.010 Title and Reference.
This Title is adopted pursuant to Article XI, Section 7 of the California Constitution, and to supplement and implement the Subdivision Map Act, California Government Code section 66410 et seq., and may be cited as the “Subdivision Code of the City of Ceres.”

17.01.020 Purpose.
A. The purpose of this Title to regulate and control the division of land within the City of Ceres, to the extent authorized by the Subdivision Map Act, concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedures to be followed in securing the official approval of the City regarding the maps. The regulations contained in this Title are determined to be necessary to preserve the public health, safety, and general welfare; to promote orderly growth and development of the City and to promote controlled residential growth, the provision of open space, the conservation, protection, and proper use of land; and to ensure that provision is made in the approval of land divisions for adequate traffic circulation, drainage, sanitary sewers, parks, open spaces, utilities, and other public facilities and services.

B. In the event that the provisions of the Subdivision Map Act are inconsistent with the provisions of this Title, the provisions of the Subdivision Map Act shall prevail over the inconsistent provisions of this Title.

17.01.030 Relationship to General Plan and Other City Land Use Regulations.
The regulations established by this Title are designed to assist in the systematic implementation of the General Plan, each applicable specific plan, the zoning ordinance, and other applicable City, State, or Federal land use regulations, and to provide for public needs, health and safety, convenience, and general welfare of the residents of Ceres.

Neither the approval nor conditional approval of any lot line adjustment, tentative map, parcel map or final map shall constitute or waive compliance with any other applicable provisions of this Code or other applicable ordinances or regulations adopted by the City, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City. Nothing in this Title shall be construed to permit the premature or haphazard
subdivision of lands in violation of the General Plan, any applicable specific plans, and all applicable zoning and land use regulations.

17.01.040 Advisory Agency.
The Ceres of City Planning Commission is designated as the advisory agency with respect to subdivisions as provided in the Subdivision Map Act and shall have all the powers and duties with respect to tentative, parcel, and final maps, and the procedure relating thereto, which are specified by law and by this Title.

17.01.050 Restrictions on Sale.
It is unlawful for any individual, firm, association, syndicate, co-partnership, or corporation as a principal, agent, or otherwise, to offer to sell or lease, to contract to sell or lease, or sell or lease any subdivision until all the requirements provided for in this Title have been complied with.
Chapter 02

DEFINITIONS

Sections:
17.02.010 Generally.

As a supplement to the definition of terms contained in Article 2 of Chapter 1 of the Subdivision Map Act, which definitions are hereby incorporated in this Title by reference, the following terms as used in this Title shall have the meanings ascribed to them herein:

“Alley” means a public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.

“Approving authority” means the public body of the City which has final approval authority under this Title for a specific action regulated by this Title. A public body or official has final approval authority under this Title even though its actions may be subject to appeal to the Commission or Council under the provisions of Chapter 17.07, Appeals.

“Approved Access” means access to a State highway, County road, or City street of not less than forty feet (40') in width, by a connecting access of not less than thirty feet (30') in width; said connecting access being owned by the owner of the parcel or parcels to which it furnishes access or an irrevocable easement for the permanent use of such parcel or parcels.

“Building site” means the same as “lot,” as defined herein.

“CEQA” means the California Environmental Quality Act, California Public Resources Code section 21000 et seq.

“Certificate of compliance” means a certificate issued by the Director under the provisions of Section 66499.35 of the Subdivision Map Act and Section 17.18.040 which states that a particular division of land complies with either the requirements of the Subdivision Map Act or the applicable ordinances of the City which governed that division of land, or both, and which is recorded with the County Recorder of Stanislaus County.

“Commission” means the City Planning Commission.

“Community apartment project” means a type of common interest development which is defined in California Civil Code section 4105.

“City Engineer” means the City Engineer of the City of Ceres or the duly authorized representative of said the City Engineer.
“Clerk” means the City Clerk of the City of Ceres or his or her designated representative.
“Director” means the Director of Community Development of the City of Ceres, or the duly authorized representative of said Director.

“Conditional certificate of compliance” means a certificate of compliance that states that a division of land affecting a parcel or lot does not comply with either the requirements of the Subdivision Map Act or the applicable ordinances of the City, or both, which governed that division and lists the conditions which must occur in order for the division to comply with such requirements.

“Conditional use permit” means a permit issued by the City under the provisions of the City zoning ordinance which authorizes specific uses of land subject to certain conditions stated in that permit.

“Condominium project” means a type of common interest development which is defined in California Civil Code section 4125.

“Covenant for easement” means a covenant created for the benefit of the City and others which is created, enforced and released as provided in Chapter 17.18, Covenants for Easement.

“Director” means the Director of Community Development of the City of Ceres, or the duly authorized representative of said Director.

“Dwelling unit” means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.

“EIR” means an environmental impact report prepared pursuant to the requirements of CEQA.

“Final map” means a map showing a subdivision of five (5) or more parcels for which a tentative map and final map are required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Stanislaus County Recorder.

“Fire Marshal” means the City Fire Chief, or designee, who oversees fire prevention activities in the City.

“Finance Director” means the Finance Director of the City of Ceres, or the duly authorized representative of said Director.

“Fire protection” means such fire hydrants and other protective measures as may be reasonably required by the Fire Marshal of the Fire Department for protection of life and property to be located within a subdivision.
“Flag lot” means a lot with narrow street frontage and a long driveway or strip of land connecting the street frontage portion of the lot with the buildable portion of the lot which is situated to the rear of another adjacent lot or lots.

“Flood hazard” means a hazard to land or improvements, in areas designated as having a flood hazard on the most current Flood Insurance Rate Map (FIRM) of the Federal Management Agency, due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

“Freeway” means a highway defined as a “freeway” in California Streets & Highway Code section 23.5.

“Frontage road” or “service road” means a street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

“General Plan” means the General Plan of the City of Ceres, as the same may exist from time to time, including all updates and revisions thereto which are enacted after the enactment of this Title by the Council.

“Geological hazard” means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

“Inundation” means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

“Lot” means a parcel or portion of land separated from another parcel of portion of land or a parcel of land which is identified on a final map or a parcel map recorded in the office of the Stanislaus County Recorder with a separate and distinct number or letter.

“Lot line adjustment” means a division of land in conformance with the requirements of this Title consisting of the elimination or relocation of an interior lot line between as few as two (2) but not more than four (4) adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

“Manufactured home” means a factory-built or manufactured home including mobile homes, as defined and permitted as such by the laws of the State of California.

“Merger” means the joining of two (2) or more contiguous parcels of land under one (1) ownership into one (1) parcel.
“Mobile home” means the same as “manufactured home,” but subject to the National Manufactured Housing Construction and Safety Act of 1974.

“Mobile home lot” means any area designated, designed or used for the occupancy of one (1) mobile home on a temporary, semi-permanent or permanent basis.

“Mobile home park” means a parcel of land under one (1) ownership which has been planned and improved; or on which two (2) or more mobile home spaces are rented, leased or used, to accommodate mobile homes for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the space it occupies. The term “mobile home park” includes those accessory uses such as recreation rooms, storage facilities or other permanent structures commonly associated with mobile home parks.

“Multiple-family dwelling unit” means a building or portion thereof designed to be used in accordance with the laws of the State of California and the ordinances of the City for three (3) or more attached dwelling units located in one (1) or more structures on a single lot or parcel.

“Negative declaration” means a negative declaration prepared pursuant to the requirements of CEQA.

“Owner” means the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided commence and maintain proceedings to subdivide the same.

“Parcel map” means a map showing a subdivision of four (4) or fewer parcels, as required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be filed for recordation in the office of the Stanislaus County Recorder.

“Pedestrian-way” means a public right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian-way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic. A pedestrian-way may consist of a public easement over a parcel of land in private ownership or may consist of a separate parcel in public ownership.

“Planned development” means a subdivision consisting of one (1) or more planned developments as said term is defined in California Business & Professions Code section 11003.

“Post-approval subdivision modification” means a request by a subdivider for modifications to or variances from the requirements or standards imposed by these subdivision regulations or for modifications to the conditions of approval imposed upon a subdivision, or both, which request is filed after the approval of the subdivision.
“Preapproval subdivision modification” means a request by a subdivider for modifications to or variance from the requirements or standards imposed by these subdivision regulations filed prior to the approval of the subdivision.

“Private road easement” means a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the Stanislaus County Recorder.

“Public way” means any street, highway, alley, pedestrian-way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public has a right of use.

“Revised tentative map” means a tentative map filed for approval under Section 17.05150 showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative map has been previously approved.

“Right-of-way” means any public or private right-of-way and includes any area required for public use pursuant to any general plan or specific plan.

“Roadway” means that portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

“Specific plan” shall have the meaning as it is defined and described in Chapter 3 of the Planning and Zoning Law of the State of California.


“Stock cooperative apartment” means a type of common interest development which is defined in California Civil Code section 4190.

“Subdivider” means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets,
utility easement, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 4125 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 of the Civil Code.

"Shall" is mandatory; "may" is permissive.

“Subdivision Map Act” shall mean the Subdivision Map Act of the State of California, California Government Code section 66410 et seq., inclusive, as that Act currently provides or is subsequently amended to so provide.

“Tentative map” means a map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. “Tentative map” shall include a tentative map for a subdivision of four (4) or fewer parcels prepared in connection with a parcel map pursuant to the provisions of Chapter 17.06, Parcel Maps.

“Vesting tentative map” shall mean a tentative map which shall have printed conspicuously on its face the words “Vesting Tentative Map” at the time it is filed, in accordance with Section 17.04.050, and is thereafter processed in accordance with these provisions.

“Zoning ordinance” means the zoning ordinance found in Title 18 and all revisions thereto.
Chapter 03

SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

Sections:
17.03.010 General Design Standards.
17.03.020 General Access Requirements.
17.03.030 Existing Streets and Unsubdivided Land.
17.03.040 Provisions for Resubdivision.
17.03.050 Waiver of Access Rights.
17.03.060 Intersections.
17.03.070 Local Streets.
17.03.080 Cul-De-Sac or Dead-End Streets.
17.03.090 Right of Way Widths and Improvement Design Conformance.
17.03.100 Grades.
17.03.110 Curve Radii.
17.03.120 Center Lines.
17.03.130 Street Names.
17.03.140 Part-Width Streets.
17.03.150 Street Classification; Right of Way.
17.03.160 Alleys.
17.03.170 Pedestrian-Ways.
17.03.180 Walking and Biking Paths.
17.03.190 Block Size.
17.03.200 Block Corners.
17.03.210 Lots – Interior Residential.
17.03.220 Lots – Rectangular Lots.
17.03.230 Flag Lots.
17.03.240 Lots – Access to Two (2) Parallel Streets Discouraged.
17.03.250 Lots Adjoining City Limits.
17.03.260 Utility Easements.
17.03.270 Utility Easements Inside Front Property Line.
17.03.280 Centralized Mail Services Easements.
17.03.290 Other Easements.
17.03.300 Property Remnants.
17.03.310 Lot Drainage.
17.03.320 Open Space Ownership and Maintenance.
17.03.330 Storm Drain Facilities.
17.03.340 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.
17.03.350 Protection of Natural Resources.
17.03.360 Provision for Future Passive or Natural Heating or Cooling Opportunities.
17.03.370 Exclusion to Avoid Dedication or Improvement.
17.03.380 Building Lines.
17.03.390 Dedications.
17.03.400 Sewage Disposal.
17.03.410 Unlawful Construction.

17.03.010 General Design Standards.
A. The size, design, character, grade, location, orientation, and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the General Plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

B. The density, timing, or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat, wildlife preservation or protection, or other provisions of this Title.

C. All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to the location of watercourses, size, shape, inadequate frontage, or access or building area or other physical condition.

D. Whenever a parcel is first subdivided into lots of such size that they can be further subdivided and conform to all requirements of this Chapter, the design shall be of such form as to provide for the future opening of additional streets, and appropriate restrictions shall be placed on the subdivision to prevent construction of further divisions which would prevent development according to this plan.

17.03.020 General Access Requirements.
A. Each local street providing access to lots within a subdivision shall connect directly or through one (1) or more minor streets to a collector street or major street.

B. Each route of access to collector streets or major streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

C. In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered by the approving authority.

D. A tentative map which makes use of a local street which passes through a predominantly residential neighborhood as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood may be denied by the approving authority.

E. The terms used to describe streets in this Title shall have the meanings ascribed to those terms as are found in the Standard Specifications.
17.03.030  Existing Streets and Unsubdivided Land.  
Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided. The realignment of streets in contemplation of the development or use of adjoining property and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required by the approving authority.

17.03.040  Provisions for Resubdivision.  
Where property is subdivided into lots substantially larger than the minimum size required by this Title or by the zoning districts in which the subdivision is located, whichever is most restrictive, streets and lots shall be required by the approving authority to be laid out so as to permit future re-subdivision in accordance with the provisions of this Title.

17.03.050  Waiver of Access Rights.  
A frontage road, or through or side-on lots, or other types of limited access layout may be required by the approving authority where a subdivision adjoins or contains an existing or proposed freeway or major street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or major street may be required by the approving authority.

17.03.060  Intersections.  
All streets shall intersect or intercept each other according to the Standard Plans and Specifications. Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite. Intersections shall be at right angles wherever possible and block corners shall be rounded at the property line with a curve having a radius of not less than fifteen feet (15’).

17.03.070  Local Streets.  
Local streets shall be laid out so that their use by through traffic shall be discouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high speed traffic, shall normally be denied by the approving authority. Curvilinear streets, or traffic calming measures, shall be encouraged to the extent feasible given the parameters of Section 17.03.360.

17.03.080  Cul-De-Sac or Dead-End Streets.  
A cul-de-sac street created by the proposed subdivision shall conform to the Standard Plans and Specifications. A proposed cul-de-sac street may be reduced in length or may be eliminated by the approving authority in order to provide for the efficient circulation of traffic, the future development of the neighborhood street system or the deployment of emergency services.

Cul-de-sac or dead-end streets shall not be more than five hundred feet (500’) in length, measured from the center line of the intersecting street. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround shall be required, separated to the depth of a building site from the
exterior boundary line or other topographical feature of the subdivision. Such turnaround shall have a minimum radius of fifty feet (50′), measured to the property line in "R" and "R-A" Districts, and a minimum radius of sixty feet (60′), measured to the property line in all other districts, or a comparable area in another form.

17.03.090 Right of Way Widths and Improvement Design Conformance.
A. The street and highway design shall conform in width, section, and alignment to the general plan, the select system of roads and specific plans adopted by the City Council. Rights of way shall be dedicated, where required, to conform to these plans. Streets not shown on the general plan, the select system of roads and adopted specific plans, which will serve more than fifty (50) dwelling units when the neighborhood is fully developed shall be considered as collector streets. Streets serving fifty (50) or fewer dwelling units when the neighborhood is fully developed shall be considered as minor streets.

B. The street and highway design shall conform to any proceedings affecting the subdivision which may have been initiated by other legally constituted bodies of the County, cities, or State.

17.03.100 Grades.
Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.

17.03.110 Curve Radii.
All curves shall have sufficient length to avoid the appearance of an angle point. Center line radii and reverse curves shall be consistent with the Standard Plans and Specifications.

17.03.120 Center Lines.
Center lines of all streets, wherever practicable, shall be the continuation of the center lines of existing streets or shall be offset by at least one hundred feet (100′) at intersections.

17.03.130 Street Names.
Street names shall be as approved by the Director and the tentative map, as approved, shall not show a name which is the same or so similar as to be confused with any other street name in the City. Where the Commission determines, however, that two (2) disconnecting roads shall ultimately connect as one, the same name shall be used for individual sections.

17.03.140 Part-Width Streets.
Part-width streets along and adjacent to the boundary of a subdivision shall be a minimum of forty feet (40′) in width, except where there has been duly executed by the owner or owners of the adjacent lands a proper deed or instrument of dedication which shall be filed with the final map granting sufficient land to make the street its full or required width. The words "Part-Width Street" shall be shown on all streets whenever they are less than full width.

17.03.150 Street Classification; Right of Way.
Streets shall be classified as follows and shall require the following minimum rights of way:
Street Classification | Minimum Right of Way
--- | ---
Primary arterial (major) | 100 feet
Collector | 60 feet
Minor, frontage, dead-end | 50 feet

17.03.160 Alleys.
Alleys may be required in residential districts where overhead utilities are to be installed, in all subdivisions, alleys shall meet the following requirements:

A. Alleys between "R," "C," and "M" districts, when required, or alleys in "C" or "M" districts shall be thirty feet (30′) in width.

B. Alleys in "R" districts shall be at least twenty feet (20′) wide; however, when an alley is adjacent to a subdivision boundary and the adjacent land is undeveloped or unsubdivided, the Commission may permit a part-width alley of not less than fourteen feet (14′) in width. Alleys of less than full width shall be labeled "Part-Width Alley."

C. Alley intersections shall be provided with a minimum ten-foot (10′) corner cutoff, measured along the lot lines from the point of intersection.

17.03.170 Pedestrian-Ways.
Improved pedestrian-ways not less than fifteen (15) feet in width may be required by the approving authority where needed for traffic safety or for access to schools, playgrounds, shopping facilities, other community facilities or scenic easements.

17.03.180 Walking and Biking Paths.
Walking and biking paths shall be provided in locations established by the general or specific plans. Adequate access points for the public, maintenance, and emergency vehicles and parking facilities shall be provided as necessary.

17.03.190 Block Size.
A. Block lengths shall not exceed one thousand feet (1,000′) unless the Commission finds exceptional conditions to justify such design. Block width shall be sufficient to permit the platting of lots to a normal depth and double frontage lots shall not be permitted unless the Commission finds exceptional conditions to justify such design.

B. Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography.

17.03.200 Block Corners.
At intersections, all block corners shall have face of curb. Right-of-way radii shall be as established in the Standard Plans and Specifications.
17.03.210 Lots – Interior Residential.
Minimum lot width for interior residential lots shall be sixty feet (60’) and corner lots seventy-five feet (75’), unless a greater width is required by the zone district. The minimum depth shall be one hundred feet (100’) and the sidelines of all lots shall be at right angles to the street on which they front, wherever possible.

17.03.220 Lots – Rectangular Lots.
The depth of rectangular lots shall not exceed the road frontage by more than three (3) times where the total frontage is less than three hundred feet (300’), nor more than four (4) times where the total frontage is three hundred feet (300’) or more. Where lots are not rectangular, and any parcel being created is of sufficient area to be further subdivided, the subdivider may be required to provide such reservations or dedications for future roads of not less than fifty feet (50’) in width, running to the benefit of the subsequent purchasers of any portion of such lots or lot or to the benefit to the general public, and such other requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property.

17.03.230 Flag Lots.
Flag lots for any proposed usage may be approved by the approving authority if the following findings are made:

A. Either the flag lot is required by existing conditions, or there is no alternative design for the development of the interior portions of excessively deep parcels; and

B. The flag lot will not be detrimental to public health, safety or welfare.

17.03.240 Lots – Access to Two (2) Parallel Streets Discouraged.
Lots proposed for single-family and two (2) family uses with access to two (2) parallel streets shall be discouraged.

17.03.250 Lots Adjoining City Limits.
No lot shall be divided by a City (limit) boundary line.

17.03.260 Utility Easements.
Utility easements shall be reviewed and approved on a case-by-case basis by the approving authority and shall be consistent with the Standard Plans and Specifications. The subdivider shall grant easements for public utility use along lot lines or such other places as may be necessary for extension of sewer, drainage, or utility lines.

Planting: Where streets are less than sixty feet (60’) in width, additional easements for street tree planting shall be required.

17.03.270 Utility Easements Inside Front Property Line.
Public Utility Easements inside the front property line shall be provided and typically shall be ten (10) feet in width for utilities, streetlights, signage, sewer, drainage, and similar such uses.
17.03.280  Centralized Mail Services Easements.
To promote the public health, safety, or welfare, centralized postal service facilities with any required easements shall be provided in all subdivisions at locations determined by the approving authority after consultation with the U.S. Postal Service.

17.03.290  Other Easements.
The width and location of easements for storm drains or flood control channels, slope rights and other public uses shall be determined by the approving authority at the time of tentative map approval or parcel map approval where no tentative map is required by this Title; provided, however, when the Council has previously determined such matters, that decision shall be binding upon the Commission acting as the approving authority. The decision of the approving authority on such matters should take into consideration the recommendations of the Director as to such matters whenever possible.

Open space, public access, public waterway recreational and scenic easements shall be provided at such locations and to configurations as are deemed necessary by the approving authority to accomplish the objectives, policies, and programs of the General Plan and in accordance with the purposes and policies of this Title, any other applicable specific plan of the City, and the requirements of the Subdivision Map Act.

Reciprocal driveway and cross-access easements shall be required by the approving authority when determined necessary.

17.03.300  Property Remnants.
Remnants of property which do not conform to lot requirements or are not required for a public utility, private utility, or other public use shall not be created by or left in a subdivision.

17.03.310  Lot Drainage.
All lots shall be graded to provide adequate, positive drainage. Provision shall be made for proper erosion control, including the prevention of sedimentation or damage to off-site property.

17.03.320  Open Space Ownership and Maintenance.
Areas within a subdivision designated or planned as open space or for use for park and recreation purposes shall be shown as part of the General Plan and any applicable specific plan and shall be at a location within the subdivision acceptable to the approving authority. Areas shall be either:

A. Designated as a separate parcel(s) and offered for dedication to the City for park and recreation purposes.

B. Designated as a separate parcel(s) and maintained as common open space.

C. Contained within the various lots of the subdivision and maintained by the owners of such lots.
17.03.330 Storm Drain Facilities.
Storm drains shall be designed in conformance with the Standard Plans and Specifications and any adopted Master Plan.

17.03.340 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.
Where access to lots or structures within a planned development, condominium or community apartment project is to be provided by a system of private streets, the width, design, and configuration of said street system shall be adequate to permit the safe deployment of fire equipment or other services under emergency conditions as determined by the approving authority pursuant to Section 4290 of the Public Resources Code.

17.03.350 Protection of Natural Resources.
The configuration of lots and the design of improvements shall, to the extent deemed reasonable by the approving authority, preserve indigenous natural resources such as, but not limited to, trees, shrubs, wildlife, and their habitat.

17.03.360 Provision for Future Passive or Natural Heating or Cooling Opportunities.
The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision in compliance with California Government Code section 66473.1, or as that section may be amended in the future. Factors to be considered include, but are not limited to, both street and parcel orientation. For residential subdivisions, the east-west length of each block should be at least as long, or longer, as the north-south length of each block. To the extent feasible, seventy percent (70%) or more of the parcels should be oriented to allow both the parcel’s and the building’s longest axes to be within thirty (30) degrees of geographic east-west.

17.03.370 Exclusion to Avoid Dedication or Improvement.
No portion of any parcel shall be excluded from within the boundaries of a subdivision for the purpose of avoiding the dedication or improvement of any street or for avoiding the improvement of any street drainage, flood control, water or sanitary system.

17.03.380 Building Lines.
Building lines shall be indicated by a dashed line on the tentative and final map and shall conform to the requirements of Title 18 of this Code.

17.03.390 Dedications.
Dedications shall be required pursuant to this Title as follows:

A. The subdivider shall grant rights of way for road widening to conform to the general plan, the select system of roadways, and specific plans adopted by the Council.

B. Easements for roads or streets, paths, storm water drainage, sanitary sewers, utilities or other public use shall be dedicated to the public for future acceptance and use.
C. The subdivider shall, subject to riparian rights, dedicate right of way for storm drainage conforming substantially to the lines of natural watercourses that may traverse the subdivision or, at the option of the subdivider, provide by dedication further and sufficient easement or construction, or both, an alternate alignment to dispose of surface and storm water.

D. Dedication of easements shall be required for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the City Council.

E. Dedication of additional land as may be necessary and feasible to provide bicycle or pedestrian paths for the use and safety of the residents of the subdivision.

17.03.400 Sewage Disposal.
A. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

B. Septic tanks are not permitted within City limits except in the limited circumstances set forth in this Section. Septic tanks may only be authorized for the period anticipated before sanitary sewers will be available to the subdivision and when the soil conditions, percolation qualities, storm water conditions, topography and water table are determined by the County Health Officer to be suitable for sewage disposal by this method. When septic tanks are to be used, the minimum parcel area permitted for the land uses proposed and groundwater depths, and location with respect to wells, lot lines, and streams or lakes, shall be as established by the City Council.

17.03.410 Unlawful Construction.
It is unlawful to construct any improvement which requires a building permit, which fronts on the unimproved side of a part-width street or within the required setback from a projection thereof, until the required widening, improvement or extension has been completed and accepted by the Council.
Chapter 04

VESTING TENTATIVE MAPS

Sections:
17.04.010 Citation and Authority.
17.04.020 Purpose and Intent.
17.04.030 Consistency.
17.04.040 Application.
17.04.050 Filing and Processing.
17.04.060 Development Rights upon Approval.
17.04.070 Administration of Vested Rights.

17.04.010 Citation and Authority.
This Chapter is enacted under the authority granted by Government Code Title 7, Division 2, Chapter 4.5, commencing with Government Code section 66498.1, hereinafter referred to as the “Vesting Tentative Map Statute.” This Chapter may be referred to and cited as the “Vesting Tentative Map Ordinance for the City of Ceres.”.

17.04.020 Purpose and Intent.
It is the purpose of this Chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (California Government Code sections 66410 through 66499.58) and this Title.

17.04.030 Consistency.
No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act or with the City’s General Plan.

17.04.040 Application.
A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions under this Chapter.

B. The filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

17.04.050 Filing and Processing.
A. A vesting tentative map shall be filed in the same form and have the same contents as set forth in this Title for a tentative map. The vesting tentative map shall be subject to the additional minimum requirements set forth in this Section. The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Director. The vesting tentative map, accompanying data and reports shall be processed in the same manner as set forth in this Title for a tentative map, except as hereinafter provided:
B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.”

C. A vesting tentative map shall abide by the filing, form, and content requirements set forth under Chapter 17.05, Tentative Maps. At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

1. Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with City standards and approved by the Director.

2. Plans for all site development, including, but not limited to, grading, drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the Director.

3. Geological studies in such form as acceptable to the Director and the Building Official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.

4. Specific information about the uses of the existing or proposed buildings.

5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.

6. Architectural plans satisfactory for review by the Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.

7. Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for staff review.

8. Traffic reports and analysis, in a form approved by the Director.

9. Acoustical report, prepared by a licensed engineer in a form acceptable to the Director following the guidelines of the noise element of the General Plan.

10. Sewer, water, storm drainage, road and other studies required to complete the plans.

11. Flood control information and statements showing compliance with flood hazard regulations.

12. Existing and proposed overhead and underground utility improvement details.

13. A tree preservation plan. If there are no trees on the site, a statement to that effect should appear on the vesting tentative map. The tree preservation plan shall accurately identify all
existing trees as to species, trunk size and drip line. Trees that are proposed for removal shall be marked “TO BE REMOVED.” Any provisions for tree preservation, transplanting, or new planting shall be identified.

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.

15. In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Ceres zoning ordinance of the Ceres Municipal Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.

16. Such other exhibits that fully depict features of the development which the developer desires reviewed for the purpose of approval concurrently with the vesting tentative map.

17. The Director may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, planned development designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

17.04.060 Development Rights upon Approval.
The approval of a vesting tentative map by the Director shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Government Code section 65943 or such later date as is provided for in the Subdivision Map Act.

A. This Chapter does not enlarge, diminish, or alter the power of the Council to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.

B. Nothing in this Chapter removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any State or Federal laws, regulations, or policies.

C. In the event that Government Code section 66474.2 is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance
with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.

D. Notwithstanding this Chapter, the Council may condition or deny a permit, extension or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:

    1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

    2. The condition or denial is required in order to comply with State or Federal law.

17.04.070 Administration of Vested Rights.

In administering an approved vesting tentative map, the following shall be applicable:

A. Approval of a vesting tentative map applies only to actions considered and approved by the Commission or City Council. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

B. The vested rights conferred by approval of a vesting tentative map shall last twenty-four (24) months from recordation of the final map.

C. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial “vesting period” shall begin for each phase on the date the final map for that phase is recorded.

D. Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

E. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply to the Commission for a one (1) year extension. If the extension is denied by the Commission, the subdivider may appeal that denial to the legislative body within fifteen (15) days.
Chapter 05

TENTATIVE MAPS

Sections:
17.05.010 Purpose.
17.05.020 Tentative Map Required.
17.05.030 Informal Staff Review.
17.05.040 Submission of Tentative Map Application.
17.05.050 Filing.
17.05.060 Action by Planning Commission.
17.05.070 Size and Scale.
17.05.080 Information Required on Tentative Map.
17.05.090 Distribution of Map to Departments and Agencies.
17.05.100 Action by Departments or Agencies.
17.05.110 Tentative Map Process.
17.05.120 Copy to Real Estate Commissioner.
17.05.130 Subdivider Presence Required.
17.05.140 Withdrawal of Tentative Map.
17.05.150 Tentative Map Revision.
17.05.160 Expiration of Approval.
17.05.170 Time Extensions for Tentative Maps.

17.05.010 Purpose.
The purpose of this Chapter is to establish the City regulations, standards and procedures for consideration of tentative subdivision map applications for subdivisions.

17.05.020 Tentative Map Required.
A tentative map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Civil Code section 783, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where any of the following occurs:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.
4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

17.05.030 Informal Staff Review.

Preliminary Design Plan. In the preparation and submission of a tentative map, a subdivider may present preliminary plans and sketches of proposed subdivision to the Community Development Department, for informal staff review. The determination(s) made in staff review pursuant to this section are preliminary in nature, and are neither binding nor appealable.

A. In order to provide the most valuable feedback to the applicant, the preliminary design plan should include the following information:

1. Street layout indicating location and type;

2. Basic lot design and size;

3. Land use;

4. Existing natural and manmade features on and adjacent to the site;

5. Existing and proposed topography on and adjacent to the site;

6. Existing and proposed utilities and easements.

B. Within thirty (30) days of the filing of the preliminary design plan for informal staff review, the staff review of the plan shall be undertaken in an effort to determine if the preliminary design plan complies with the following:

1. The City General Plan;

2. Any applicable specific plans;

3. Ceres zoning ordinance;

4. Adopted public improvement standards;

5. Other applicable standards and regulations

6. Estimate of applicable Public Facility and building permit fees.
C. A subdivider may not request informal staff review of a preliminary design and seek to process a tentative map application for the same subdivision at the same time. A subdivider may withdraw a request for informal staff review of a preliminary design at any time and thereafter file an application for a tentative map.

17.05.040 Submission of Tentative Map Application.
A subdivider seeking approval of a tentative map for a subdivision for a future final map shall file an application for tentative map approval consistent with the requirements of this Title. The application shall consist of the following elements:

A. A tentative map, consistent with the requirements of Sections 17.05.070 and 17.05.080.

B. A completed City application packet, including an environmental checklist.

C. A fee, as prescribed by Council resolution, shall be required for consideration of all tentative map applications.

D. Additional Reports, Plans and Data. The following drawings, statements and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:

1. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider’s ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.

2. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision. Improvements proposed which are not a requirement;

3. Proposed method of storm water drainage;

4. Proposed method of sewage disposal;

5. Proposed method of providing domestic water, location and type of fire hydrants and existing or proposed wells to be used;

6. Areas proposed for public use;

7. Street markers proposed;

8. Justification for any exceptions proposed;

9. Preliminary soil report of the subdivision, prepared by a registered civil engineer, shall be submitted with the tentative map and shall be based on adequate test borings or excavations.
The Commission may waive the preliminary soil report requirements on recommendation of the Subdivision Committee when it finds that, due to the knowledge of the Committee of soil conditions within the proposed subdivision and land use, no preliminary analysis is necessary. When the soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and name of the engineer preparing it.

10. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, including seepage which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Director as a condition precedent to consideration of the tentative map by the approving authority. The soils investigation shall be done in the manner provided in Section 66491 of the Subdivision Map Act.

11. A preliminary grading plan. Submission of the preliminary plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the proposed subdivision.

12. Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Chapter 17.11, Modifications.

13. A current preliminary report issued by a title company within thirty (30) days of the application date for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.

14. A statement and all approved documentation reflecting the status of any “Williamson Act” restrictions upon all or any part of the land to be subdivided.

15. A description of the manner in which the land to be subdivided will be provided with water supply, sanitary disposal facilities and storm drainage facilities, including but not limited to proposals for assisting the City in financing temporary or permanent improvements needed for water supply, sanitary disposal facilities and storm drainage facilities needed to serve the land to be subdivided.

16. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirements.

17. One (1) set of mailing labels for the parcels receiving mailed notice as required by Section 17.05.110(F) which is prepared by a title company utilizing parcel ownership information obtained by it from the latest equalized tax roll from the Stanislaus County Assessor.

18. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to the zoning ordinance of the City of Ceres. The Director may waive this requirement if at the time of the
filing of the tentative map the subdivider, in writing, irrevocably offers to the Commission and Council to extend the time limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.

19. Statements disclosing whether the proposed subdivision will be required to comply with State statutes relating to hazardous materials and other substances, as required by Government Code sections 65850.2, 65962.5, subdivision (d), and 65962.5, subdivision (f).

20. If conversion of a mobile home park is involved, submit a report as required under Government Code section 66427.4.

17.05.050 Filing.
Fifteen (15) copies of tentative maps of five (5) or more parcels shall be filed with the Community Development Department at least fifteen (15) days prior to the Commission meeting at which consideration is desired and shall be accompanied by a filing fee in such amount as may be fixed from time to time by order or resolution of the City Council.

17.05.060 Action by Planning Commission.
The Commission shall determine if the tentative map is in conformance with the provisions of law and this Chapter, within fifty (50) days after the filing of the map, and upon that basis shall approve, conditionally approve, or deny the map and report such action to the subdivider's engineer and Director. The fifty (50) day time limitation may be waived, provided that the subdivider agrees to such waiver in written form as approved by the Community Development Department. The fifty (50) day period shall not commence until the Community Development Department has received a certification of an environmental impact report, has adopted a negative declaration, or the Community Development Department has determined that the project is exempt from CEQA, or it has determined that the filing of the tentative map application has been deemed complete.

17.05.070 Size and Scale.
The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. No single sheet shall exceed eighteen (18) inches in length and twenty-six (26) inches in width.

17.05.080 Information Required on Tentative Map.
Tentative maps shall be clearly prepared and legibly reproduced and shall contain the following data in addition to such information as is required by the Subdivision Map Act:

A. A key or location map showing the general area;

B. The subdivision name, date, north arrow, scale, boundaries and sufficient description to define the location;
C. Name, telephone number, and address of record owner or owners;

D. Name, telephone number, and address of subdivider;

E. Name, address and telephone number of the person, firm or organization that prepared the map, and the applicable registration or license number;

F. Acreage to nearest tenth of an acre;

G. Existing and proposed contour lines at intervals of not more than one (1) foot unless waived prior to submission by the Director. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage or other conditions on surrounding property which may affect the subdivision. The topographic survey shall not be waived in areas within the one hundred (100) year flood hazard boundary as shown on the most current Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency.

H. The locations, widths, and names or designations of all existing or proposed streets, alleys, pedestrian-ways, and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each center line curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.

I. Location and size of all pipelines, existing or proposed wells, sewer lines and structures used in connection therewith;

J. Location and character of existing and proposed utilities;

K. Width, location, and purpose of existing or proposed easements;

L. Lot layout with approximate dimensions of each lot, and each lot and block shall be numbered;

M. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed;

N. Building lines shall be indicated by a dashed line on the tentative and final map, and shall conform to the requirements of Title 18 of this Code;

O. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known;

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P. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and directions of flow of all watercourses and flood control channels within and adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control. In areas subject to one hundred (100) year flood hazard, base flood elevation and floodway boundary shall be indicated. Typical street sections when different from adopted standards;

Q. The locations, widths and description by recorder’s book and page number (or document number) of all existing private or public easements of record;

R. The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation purposes, it shall be so designated;

S. Any modification being requested in accordance with the requirements of Chapter 17.11, Modifications, which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose;

T. If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivider shall give notice of its intent to do so and shall suggest terms and conditions, for inclusion in an agreement with the City, to ensure that the phased filing of maps provides for the logical and orderly development of improvements required to serve all possible phases of the subdivision. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps;

U. Access to publicly owned lake or reservoir where required under Section 66478.12 of the Subdivision Map Act;

V. Easements along a public waterway provided by the subdivider under Section 66478.5 of the Subdivision Map Act must be shown.

17.05.090 Distribution of Map to Departments and Agencies.
The Community Development Department shall transmit copies of the tentative map to the Fire Department, Police Department, Public Works Departments, Engineering Services Department, all utility companies serving the area where the subdivision is located, and to the nearest city when within one (1) mile of the corporate limits of a city. When the proposed subdivision fronts on a State highway or may affect a proposed State highway, a copy shall be sent to the District Engineer, State Division of Highways. The Community Development Department may send a copy to such other agencies as it believes can furnish pertinent information to the Commission.

17.05.100 Action by Departments or Agencies.
Departments or agencies receiving a copy of the map shall notify the Community Development Department within ten (10) days of receipt thereof of particulars which do not conform to requirements coming within their authorized scope. If a reply is not received prior to the meeting of the Commission, it is assumed that the map does conform to requirements of those concerned.
17.05.110 Tentative Map Process.
The process to be followed for all tentative maps for future final maps is as follows:

A. Within thirty (30) days of receiving a tentative map application, the Community Development Department shall in writing inform the applicant whether the application is complete and accepted for filing with the clerk of the Commission. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing with the clerk of the Commission, the Director shall submit the application to staff review and shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map to such other public agencies or private parties as the Director determines may be affected by the proposed subdivision for report and recommendation to the Commission.

C. Upon completion of staff review, the Director shall prepare a written report to the Commission on the proposed tentative map. The report shall include the determinations and recommendations, if any, made in staff review concerning the conformance of the tentative map to the standards, rules and regulations of this Title, and to the requirements of all applicable specific plans and ordinances of the City. The Director, based upon staff review, shall also advise the Commission in said report of the requirements and recommendations, if any, of other public agencies and private parties affected by the proposed subdivision.

D. Once a tentative map has been filed with the clerk of the Commission, it shall be set for hearing by the Commission. The hearing shall be set for a date which will permit the Commission to deliver its written report on the tentative map to the Council within the later of either: (1) fifty (50) days from the date that the tentative map has been filed with the clerk of the Commission, or (2) fifty (50) days from the date of: (a) certification by the Council of the EIR for the project which includes the proposed subdivision, or (b) the adoption of a negative declaration by the Council for said project, or (c) a determination by the Council that the project is exempt from the requirements of CEQA.

E. A copy of the Director’s written report shall be provided to the Commission and shall also be provided to the subdivider at least three (3) calendar days prior to date of the public hearing.

F. Notice of Commission hearing shall be given by the clerk of the Commission as required by California Government Code sections 65090 and 65091.

G. In addition, the Director shall give notice of the Commission hearing by mail or delivery to the subdivider and, in the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the Director shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll.
H. Notice of the Commission hearing shall be given by the clerk of the Commission by mail or personal delivery to any person who has filed a written request with the City Clerk to receive such notice. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

I. The clerk of the Commission shall also give notice of the hearing by mail or delivery to each private or public agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and any applicable requirements of the zoning ordinance.

J. The Director may give such other notice that he or she deems necessary or advisable. All notices authorized or required to be given by mail shall be given by depositing the notice with postage prepaid with the U.S. Postal Service in Ceres, California, not less than ten (10) calendar days before the date of the hearing for which the notice is being given.

K. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this Chapter.

L. At the conclusion of the public hearing, the Commission shall render approval, conditional approval or denial of the tentative map, and shall make its findings to the Council within fifty (50) days of the later of the date when the tentative map was filed with the clerk of the Commission or such later date as is provided in subsection D of this section.

M. Each tentative map shall conform with the requirements of the General Plan, any applicable specific plan, any applicable development agreement, and zoning designation of the property; provided, that where an amendment to the General Plan or the applicable specific plan or a change in zoning is also being requested as part of the development project for which the tentative map is sought, and the tentative map will be consistent with the General Plan, specific plan or zoning if the Council approves such amendment or change, the tentative map may be recommended for approval, subject to inclusion of a condition on the tentative map requiring approval of the General Plan or specific or community plan amendment or zone change prior to recordation of the final map.

The Commission shall disapprove of the map if it finds any of the following:

1. That the proposed map is inconsistent with the General Plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is not physically suitable for the type of development;
3. That the site is not physically suitable for the proposed density of development;

4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Commission may recommend approval of a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with California Government Code section 51200) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use (California Government Code section 66474).

N. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a tentative map in accordance with the procedures provided in Section 17.07.020.

17.05.130 Subdivider Presence Required.
The subdivider or his responsible representative shall be present at the time set for the consideration of the tentative map.

17.05.140 Withdrawal of Tentative Map.
Requests for withdrawal of any tentative map shall be submitted to the Director in writing unless made at a public hearing on the tentative map.

17.05.150 Tentative Map Revision.
Any revised tentative map shall be deemed a new tentative map and shall be processed in conformance with the requirements of this Title in effect at the time such revised map is filed, including any changes in street or other standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.
17.05.160   Expiration of Approval.
The approval or conditional approval of a tentative map shall expire twenty-four (24) months from its approval, unless the expiration date is extended in accordance with the provisions of Section 17.05.170. However, if the filing of multiple final maps is authorized pursuant to Section 17.08.250 and the subdivider is required to spend two-hundred thirty-six thousand six hundred ninety dollars ($236,790.00) (as periodically adjusted in accordance with Section 66452.6(a) of the Subdivision Map Act) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by California Government Code section 65864 et seq., then each filing of a final map shall, without further action of the City, extend the expiration date in accordance with provisions of Section 66452.6(a) of the Subdivision Map Act.

17.05.170   Time Extensions for Tentative Maps.
A. Request by Subdivider. For any tentative map which expires in twenty-four (24) months and which expiration date is not automatically extended under the provisions of the Subdivision Map Act, a subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Community Development Department. The application shall be filed prior to the expiration date of the approved or conditionally approved tentative map, and shall state the reasons for requesting the extension. The number of extensions and granted and the duration of each extension shall be subject to the applicable provisions of the Subdivision Map Act.

B. Approving Authority Hearing and Action.

1. Notice. The Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the approving authority at a regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 17.08.110.

2. Action by the Planning Commission. The Commission may approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting the decision.

C. Time Limit of Extension. The time at which the tentative map expires may be extended for a period not exceeding the maximum allowed per the Subdivision Map Act or for such lesser periods as may be determined to be appropriate by the approving authority.

D. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the Commission approving, conditionally approving or disapproving a requested extension in accordance with the procedures provided in Section 17.07.020 within fifteen (15) days from the approving, conditionally approving or disapproving of the requested extension.
Chapter 06
PARCEL MAPS

Sections:
17.06.010 Applicability.
17.06.020 Preparation Required.
17.06.030 Filing.
17.06.040 Waiver of Parcel Map.
17.06.050 Presentation to Planning Commission.
17.06.060 Requirements Before Recording.
17.06.070 Expiration of Approval; Extensions.
17.06.080 Title Sheet of Parcel Map.
17.06.090 Preparation and Form of Parcel Map.
17.06.100 Information on Parcel Map.
17.06.110 Statements, Fees, Documents, and Other Data to Accompany Parcel Map.
17.06.120 Survey of Parcel Map.
17.06.130 Processing of Parcel Map – Filing.
17.06.140 Separate Dedications.
17.06.150 Action by the Director.

17.06.010 Applicability.
The regulations contained in this Chapter shall apply to the subdivisions described in Sections 66426, subdivisions (a), (b), (c), (d) and (e) of the Subdivision Map Act.

17.06.020 Preparation Required.
Except as provided by the Subdivision Map Act or by this Title, a tentative map shall be submitted for each proposed parcel map.

The Commission shall be the approving authority for a parcel map. Such tentative maps shall be processed as provided in this Chapter. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a parcel map in accordance with the procedures provided in Section 17.07.020.

17.06.030 Filing.
Six (6) copies of parcel maps shall be submitted to the Director of Community Development and shall be accompanied with a fee in such amount as may be fixed from time to time by resolution of the City Council.

17.06.040 Waiver of Parcel Map.
An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.
The parcel map may be waived only if the Commission determines that all of the following conditions are satisfied:

A. **Findings.** The parcel map may be waived only if the Commission makes the following findings:

1. The subdivision conforms to all requirements of this Title, other provisions of the City Code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

2. The subdivision conforms to the General Plan and any applicable specific plan.

3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, or monumenting of property lines.

B. **Conditions.** In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 17.06.060 and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.

3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

4. A filing fee established by resolution by the Council must be paid.

**17.06.050 Presentation to Planning Commission.**

A parcel map which the Director concludes may propose a division of land which is not in conflict with the provisions of this Chapter shall be presented by him to the Planning Commission for consideration and approval with conditions or denial in accordance with Section 17.05.110.

**17.06.060 Requirements Before Recording.** The Director shall not present the parcel map to the County Recorder for recording until:

A. The map is found technically correct;

B. The subdivider has dedicated or offered to dedicate such property as may be required for road widening or other purposes as determined pursuant to this Chapter. The City Clerk, with the approval of the Director, may accept or reject dedications and offers of dedication that are made by certificate on any parcel map filed pursuant to this Chapter;
C. The subdivider has deposited the recording fee required by law;

D. The subdivider has completed required improvements or has executed an agreement with the Director, joined in by all persons having an interest in the property, agreeing to perform all required improvements, and has provided security to guarantee completion of the improvement. Security to guarantee the performance of any act or agreement shall be in a form as approved by the Director and in the following amounts:

1. An amount determined by the City Council, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement;

2. An additional amount determined by the City Council, not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;

3. An amount determined by City Council necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance hereof against any defective work or labor done or defective materials furnished.

17.06.070 Expiration of Approval; Extensions.
Failure to file a parcel map for checking and recording within twelve (12) months after approval or conditional approval shall nullify the approval granted. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Planning Commission for a period or periods not exceeding two (2) years. If the Commission denies a subdivider's application for extension, the subdivider may appeal to the City Council within fifteen (15) days after the denial, pursuant to Section 17.07.020.

17.06.080 Title Sheet of Parcel Map.
The title sheet shall contain the following information:

A. Title, consisting of the words “Parcel Map” and followed by the parcel map name, if any, conspicuously placed at the top of the sheet.

B. Below the title shall be a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon as shall have been last previously recorded or filed in the Stanislaus County Recorder’s office, or shall have been last previously filed with the Stanislaus County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Stanislaus County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the
ordinance vacating said area, followed by the words “City of Ceres, California,” followed by the month and year of recording. References to tracts and subdivisions in the description must be worded identically with original records and references to book and page of record must be complete.

C. Following the description shall be the name of the engineer or surveyor preparing the map and the sheet numbering.

D. Affidavits, certificates, acknowledgments, endorsements, acceptances, and notarial seals required or authorized by the Subdivision Map Act and by this Title. The surveyor’s statement, Director’s statement, City Clerk’s statement, Recorder’s statement, and the any statement from public agencies required or authorized by the Subdivision Map Act and by this Title shall be shown on Sheet 1.

E. Where a field survey is required, the basis of bearings used in the survey, making reference to some recorded subdivision map or other record acceptable to the Director.

17.06.090 Preparation and Form of Parcel Map.
The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall conform to the requirements of the Subdivision Map Act and to all of the following provisions:

A. The general form and layout of the map, including but not limited to the size and type of lettering, drafting and location of acknowledgments, shall be determined by the Director.

B. The scale of the map shall be one (1) inch equals forty (40) feet or as otherwise permitted by the Director, but in any case the map shall show clearly all details of the subdivision.

C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.

D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed eighteen (18) inches by twenty-six (26) inches.

E. The parcel map number, scale and north arrow shall be shown on each appropriate sheet.

F. A title sheet, designated as page number one (1) of the parcel map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.

G. The parcel map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.
17.06.100  Information on Parcel Map.
The parcel map shall contain in addition to the requirements set forth under the Subdivision Map Act, all of the following information:

A. The boundary line of the subdivision shall be designated by a bold border inside the boundary line. Such border shall be of such density to appear on a blue line print of the map without obliterating any figures, lines or other data.

B. Where a field survey is required, all survey data and information required by Section 17.06.120, Survey data and information to be shown on final map or parcel map.

C. All lots or parcels intended for sale or reserved for private purposes with all dimensions, boundaries and courses clearly shown and defined in each case.

D. Each parcel shall be identified by a number.

E. The location and width of streets, alleys, pedestrian-ways, and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; the names of streets.

F. The lines of public easements to which the lots are subject shown in fine, dashed lines; the lines, bearings and dimensions of easements deeded to the City.

G. All limitations on rights of access to and from streets and lots and other parcels of land.

17.06.110  Statements, Fees, Documents, and Other Data to Accompany Parcel Map.
The following statements, filing fees, documents and other data, and as many additional copies thereof as may be required, shall be filed with the parcel map:

A. The names, addresses and telephone numbers of the record owner(s), subdivider, and persons preparing the parcel map.

B. A filing fee as established by resolution of the Council.

C. An irrevocable offer of dedication of property for streets, alleys, pedestrian-ways, equestrian or hiking trails, biking paths, drainage channels, sewers, other easements or for any public purpose or future public purpose when the dedication is not made by certificate on the parcel map. The offer shall be on a form approved by the City Attorney and the Director for recordation in the office of the Stanislaus County Recorder, and shall be in such terms as to be binding on the owner, his/her heirs, assigns or successors in interest, and shall continue until the Commission accepts or rejects such offer.

D. A guarantee of title or letter from a title company doing business in the City, approved by the Director certifying that the signatures of all persons signing offers of dedication and the
certificate required by Section 66445, subdivision (f) of the Subdivision Map Act and signing all acknowledgments thereto appear and are correctly shown.

E. Where a field survey has been made, the engineer or surveyor under whose supervision the survey was made shall furnish the Director with a traverse sheet in a form approved by the Director giving latitudes, departures and coordinates and showing the mathematical closure.

F. The plans, profiles, cross sections, specifications, and applicable permits for the construction and installation of improvements as required by Chapter 17.10, Subdivision Improvements.

G. A final grading plan. Submission of a final grading plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.

H. The agreement to make improvements and the security for such improvements as required by Chapter 17.10, Subdivision Improvements.

I. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when the approval thereof by the City has been made a condition of approval of the tentative map.

J. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirement.

17.06.120 Survey of Parcel Map.
Where the subdivision creates four (4) parcels or fewer, the parcel map may be compiled from available record data when the Director determines that sufficient survey information exists on filed maps and when the location of any boundary of the parcel map, either by monuments or possessory lines, is certain.

All other parcel maps shall be based upon a field survey made in accordance with the provisions of Chapter 17.16, Survey and Monuments.

17.06.130 Processing of Parcel Map – Filing.
The subdivider shall cause the surveyor’s statement to be executed and shall file with the Director as many prints of the original tracing of the parcel map as may be required. A parcel map shall not be considered as having been filed unless and until it complies with all provisions of this Chapter and the statements, filing fees, documents and other data required to accompany the parcel map have been submitted in a form acceptable to the Director.

Where offers of dedications of land are to be made in conjunction with the parcel map and are not made by statement on the parcel map, the subdivider shall transmit the instrument of dedication and the accompanying title report to the Director. Said instrument shall include a plat showing the area being dedicated. In such cases, the parcel map shall not be considered as having been filed unless and until the offer of dedication has been approved for recordation as provided
in Section 17.06.140. In most cases, offers of dedications of land will be shown on the map and the instrument document number labeled on the map.

17.06.140    Separate Dedications.
Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, the Director shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, the Director shall record the offer in the office of the Stanislaus County Recorder.

If said offer of dedication is subsequently rejected by the Commission, the Director shall issue a release from such offer, which shall be recorded in the office of the Stanislaus County Recorder.

17.06.150    Action by the Director.
Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the Director shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Commission, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines, other applicable specific plans and ordinances, shall execute the Director’s certificate on the map and shall submit it to the Commission for approval and acceptance of dedications. No parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 17.10, Subdivision Improvements. Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.
Chapter 07

APPEALS

Sections:
17.07.010 Right to Appeal.
17.07.020 Procedure.

17.07.010 Right to Appeal.
Actions of a final nature which are taken by the Commission, City Engineer, and Director which are made subject to appeal under the provisions of this Title or under provisions of the Subdivision Map Act shall be subject to appeal as hereinafter provided in this Section.

The subdivider, a tenant of the subject property, or any interested person may file an appeal if an appeal is authorized by the provisions of this Title or by the provisions of the Subdivision Map Act. The amount of fees for any such appeal shall be fixed by resolution of the Council, which fees shall not exceed the reasonable costs to the City of conducting such an appeal. All appeals shall be filed with the City Clerk. The City Clerk shall prescribe and provide the appellant the form which shall be used by the appellant in filing any such appeal.

17.07.020 Procedure.
Authorized appeals shall be heard as follows:

A. All appeals from an appealable action of the Commission shall be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

B. All appeals from an action of the Director shall be heard by the Commission as an appeal board unless the provisions of this Title expressly provide that the appeals of such action are to be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Director or the Director from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

C. All appeals from decisions of the Commission acting as an appeal board under this section shall be heard by the Council. The appeal must be filed within ten (10) calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

D. Any appeal hearing by the Commission acting as an appeal board or by the Council in its capacity as the legislative body shall be held within thirty (30) days of the date of the filing of a request for an appeal, or within such shorter periods as may be required by the Subdivision Map Act. Within ten (10) days following the conclusion of the hearing, the appeal body shall declare its findings. The findings shall be based upon the testimony and documents produced before it or
before the appeal body or before the City officer from whom the appeal is taken. The decision of the appeal body may sustain, modify, reject or overrule any action which is the subject of the appeal. The decision may include any findings which are not inconsistent with the provisions of this Title, the ordinances of the City, or the provisions of the Subdivision Map Act.

E. Notice of any appeal hearing held under this Title shall be given by the City Clerk as provided in California Government Code sections 65090 and 65091. If the appeal involves the conversion of residential real property to a condominium project, community apartment project or stock cooperative, additional notice shall be given by the City Clerk as provided in the Subdivision Map Act.
Chapter 08

FINAL MAPS

Sections:
17.08.010  Filing for Recording.
17.08.020  Filing and Fee.
17.08.030  Preparation and Form on Final Map.
17.08.040  Closure of Courses.
17.08.050  Statements, Documents and Other Data to Accompany Final Map.
17.08.060  Survey of Final Map.
17.08.070  Preliminary Soil Report Required.
17.08.080  Waived.
17.08.090  Soils Investigation.
17.08.100  Building Permits.
17.08.110  Report and Certificate of Title Company.
17.08.120  Title Sheet of Final Map.
17.08.130  Maps in Excess of Two Sheets.
17.08.140  Identification of Adjoining Subdivisions.
17.08.150  Data and Information Required on Final Map.
17.08.160  Certificates and Acknowledgements.
17.08.170  Certificate of No Tax Liens.
17.08.180  Estimate of Tax Lien.
17.08.190  Bond or Security for Tax Liens.
17.08.200  Action by the Director.
17.08.210  Council Action.
17.08.220  Revocation of Final Map.
17.08.230  Resubdividing.
17.08.240  Subdivisions Containing Condominiums.
17.08.250  Multiple Final Maps.

17.08.010  Filing for Recording.
Final maps of subdivisions of five (5) or more parcels shall be filed for recording. Prior to the expiration of the tentative map or within any further time period for which an extension has been granted under this Title or the Subdivision Map Act, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and recorded in accordance with the provisions of this Chapter and the Subdivision Map Act.

17.08.020  Filing and Fee.
The final map may be filed with the Director after all the provisions of this Chapter have been complied with. The fees for the checking of subdivision final maps and parcel maps shall be set by resolution. The fee will be for the checking of the map and a fee for checking improvement plans required by the development.
The subdivider shall cause all certificates to be executed except those to be executed by the Director, the City Clerk and the Stanislaus County Recorder, and shall file with the Director the original tracing of the final map and as many prints thereof as may be required.

17.08.030 Preparation and Form on Final Map.
The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act, and shall conform to all of the following provisions:

A. The general form and layout of the map, including but not limited to the size and type of lettering, and the drafting and location of acknowledgments, shall be as determined by the Director.

B. The scale of the map shall be one (1) inch equals one hundred (100) feet, unless otherwise permitted by the Director, but in any case, the map shall show clearly all details of the subdivision.

C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.

D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed eighteen (18) inches by twenty-six (26) inches.

E. The subdivision designation, scale and north arrow shall be shown on each sheet except the endorsement sheet.

F. A title sheet, designated as page number one (1) of the final map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.

G. The final map shall be so made and shall be in such condition when filed that legible prints and negatives can be made from it.

17.08.040 Closure of Courses.
With the final map, the subdivider shall file computations and traverse data showing closures of all courses, which shall close within a limit of error of one in ten thousand (10,000).

17.08.050 Statements, Documents and Other Data to Accompany Final Map.
The following statements, documents and other data, and as many additional copies thereof as may be required, shall be filed with the final map:

A. The names, addresses and telephone numbers of the record owners and subdivider and persons preparing the final map.
B. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear and are correctly shown on the proper certificates and are correctly shown on the final map, both as to consents for the making thereof and the affidavit of dedication.

C. A traverse sheet in a form approved by the Director giving lot areas, latitudes, departures and coordinates and showing the mathematical closures.

D. The engineer or surveyor under whose supervision the survey has been made shall furnish the Director field notes as required by Chapter 17.16, Survey and Monuments.

E. The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by Chapter 17.10, Subdivision Improvements.

F. A final grading plan. Submission of a final grading plan may be waived by the Director when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.

G. The agreement to make improvements and the security for such improvements as required by Chapter 17.10, Subdivision Improvements.

H. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when approval thereof by an officer of the City has been required as a condition of approval of the tentative map.

I. Any irrevocable offer of dedication by separate instrument and accompanying title report as may be provided or required as a condition of approval of the tentative map. The dedication instrument and title report shall conform to the requirements of this Title and shall be processed in accordance with the provisions of Section 17.06.130.

Whenever an irrevocable offer of dedication by separate instrument accompanies a final map, the final map shall not be accepted for filing by the Director unless and until he or she determines that said offer of dedication has been approved for recordation as provided in Section 17.06.140.

J. A current preliminary report issued by a title company for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.

K. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirements.
17.08.060 Survey of Final Map.
A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of Chapter 17.16, Survey and Monuments.

17.08.070 Preliminary Soil Report Required.
A preliminary soils report prepared by a civil engineer registered in this State and based on adequate test borings shall be required for every subdivision for which a final map is required by this Title.

17.08.080 Waived.
The preliminary soils report may be waived if the Director determines that, due to the knowledge he has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary.

17.08.090 Soils Investigation.
If a required preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a soil investigation of each lot in the subdivision. This investigation shall be prepared by a registered civil engineer and shall include a recommendation for corrective action to prevent structural damage to buildings proposed to be constructed on the expansive or otherwise problem soils. This shall be noted on the final map.

17.08.100 Building Permits.
As a condition to the granting of building permits where expansive soils are found, the Building Official shall require the corrective measures recommended by the registered civil engineer making the soil report.

17.08.110 Report and Certificate of Title Company.
The title sheet of the final map shall contain those certificates required by the Subdivision Map Act. The form of the certificate shall be approved by the City Attorney.

The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recording of the map and to the dedications of streets, alleys and other public places shown on the map and certifying that, as of the date of preparation of the report, the persons therein named are all the persons necessary to give clear title to the subdivision. At the time of recording of the final map, there shall be presented to the County Recorder a written certificate of assurance, executed by a duly authorized title company for the benefit and protection of the City that all such persons have joined in or consented to the preparation and recordation of the map and the offers of dedication shown thereon.

17.08.120 Title Sheet of Final Map.
The title sheet shall contain the following information:

A. Title followed by the words “City of Ceres.”
B. Below the title shall be a subtitle consisting of a description of all property being subdivided by such map or maps or property shown thereon as shall have been last previously recorded or filed in the Stanislaus County Recorder’s office, or shall have been last previously filed with the Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Stanislaus County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area.

C. The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words “A reversion to acreage of ____________.” The blank shall contain the assessor parcel numbers of the parcels to be reverted.

D. References to tracts and subdivisions in the description must be worded identically with original records, and references to book and page of record must be complete.

E. Affidavits, certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals required by law and by this Title.

F. The basis of bearings used in the field survey, making reference to some recorded subdivision map or other record acceptable to the Director.

17.08.130 Maps in Excess of Two Sheets.
When a final map consists of more than two (2) sheets, a key map showing the relation of the streets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

17.08.140 Identification of Adjoining Subdivisions.
The corners of adjoining subdivisions or portions thereof shall be certified by lot and block number, subdivision name and properties shown.

17.08.150 Data and Information Required on Final Map.
The final map shall (including all approved modifications) contain the following data and information:

A. Sufficient data must be shown to determine readily the bearing and length of every lot, block or boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall have total acreage to the nearest hundredth. Bearing and length of straight lines and radius and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent potions shall be shown.

B. Whenever the Director has established the center line of a street or alley adjacent to or in a proposed subdivision, the data shall be shown on the final map indicating all monuments found
and making reference to a field book or map. If the points were reset by ties, the courses and detail of relocation data shall be shown.

C. The final map shall show the location and description of all stakes, monuments or other markers found on the ground or placed in making the survey of the subdivision and in determining the boundaries thereof, with references sufficient for relocation. High waterline adjacent to streams, creeks, rivers, channels, lakes or reservoirs, but not irrigation canals;

D. Subdivision boundary shall be designated by a blue border, one-eighth inch (1/8”) wide, applied to the reverse side of the tracing. The border shall not interfere with the legibility of figures or data;

E. All areas shown on the map which do not constitute a part of the subdivision shall be labeled “Not a part of this subdivision,” or “N.A.P.O.T.S.” All lines delineating such areas shall be dashed.

F. Center lines and sidelines of streets, the total width of all streets, canals and easements, the width of portions of streets being dedicated, the width of existing dedications, the width each side of center lines, the width of alleys and railroad or canal rights of way;

G. The location and widths of any other rights-of-way within the subdivision.

H. All survey data and information required by Section 17.16.120, Survey Data and Information to be shown on final map or parcel map.

I. Building lines on all lots, shown by a dashed line of the same width as lines denoting lot lines and appropriately labeled;

J. Sidelines of all easements to which any lot is subject. The easement shall be clearly labeled and identified and, if already of record, its record reference given. If any easement is not definitely located by record, a statement of such easement shall appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by fine broken lines with the width, length and bearing so they can be relocated. Easements being dedicated shall be properly referenced in the owner's certificate of dedication;

K. City limits which cross or border the subdivision;

L. Block numbers, beginning with the number one and continuing consecutively without omission or duplication throughout the subdivision, except in the case where block numbering has been established by a neighboring City. The number should be of such size and weight as not to be confused with other data. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets, complete with center line and property line data;
M. Lot numbers shall begin with the number one in each block, unless the block is an addition to an existing numbered block, and lots shall be numbered consecutively with no omissions or duplications;

N. Reserved lots for private purposes and offered for dedication for any purpose, public or private, shall be defined, delineated and designated.

O. In areas subject to one hundred (100) year flood hazard, base flood elevation or depth of flow and floodway boundaries shall be indicated, or a separate document shall be recorded with the final map indicating floodway boundary and base flood elevation or depth of flow.

17.08.160 Certificates and Acknowledgements.
Prior to approval and recording, the following certificates and acknowledgements shall be given and may be combined where appropriate:

A. A certificate signed and acknowledged by all parties having any title interest in the land subdivided consenting to the preparation and recordation of the map; provided, however, that the signatures of parties owning the following types of interest may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights of way, easements or other interests, none of which can ripen into a fee,

2. In the case of rights of way, easements or reversions, which by reason of changed conditions or long disuse appear to be no longer of practical use or value and as to which signature is impossible or impractical to obtain, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map,

3. Any subdivision map including land originally patented by the United States or the State, under patent reserving interest to either or both of these entities, may be recorded under the provisions of this Chapter without the consent of the United States or the State thereto, or to dedications made thereon;

B. A certificate, signed and acknowledged, offering for dedication all parcels of land shown as intended for public use, except those parcels other than streets and alleys which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

C. A certificate for execution by the Commission secretary;

D. A certificate for execution by the Director;

E. A certificate for execution by the County Clerk;

F. A certificate by the registered civil engineer or licensed land surveyor responsible for the survey and final map, which shall be accompanied by his seal;
17.08.170 Certificate of No Tax Liens.
Prior to the filing of the final map with the Council, the subdivider shall file with the City Clerk a certificate from the Tax Collector showing that according to the records of his office there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments collected as taxes, or special assessments not yet payable.

17.08.180 Estimate of Tax Lien.
As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the City Clerk a certificate by the Tax Collector giving his estimate of the amount which is a lien but not yet payable.

17.08.190 Bond or Security for Tax Liens.
Whenever any part of the subdivision is subject to lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall be recorded until the owner or subdivider executes and files with the City Council a good and sufficient bond, to be approved by the City Council, and by its terms made to inure to the benefit of the City and conditioned upon the payment of all State, County, Municipal and local taxes, and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property but are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable securities in the same amount and of the kind approved for securing deposits of public money.

17.08.200 Action by the Director.
Upon acceptance of the final map and accompanying documents, fees and materials for filing, the Director shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines and other applicable specific plans and ordinances, shall execute the Director’s certificate on the map and shall file the map and accompanying materials with the City Clerk. No final map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 17.10, Subdivision Improvements.

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the Director, does not materially affect the validity of the map, the Director may waive the defect and execute his certificate of approval. The Director may refuse to approve the recording of a final map governing only a portion of a tentative map when in the process of checking the final map he or she determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.
The Director must act on the final map within the time period prescribed by the Subdivision Map Act.

17.08.210 Council Action.
The Council shall act upon the final map in the manner authorized and prescribed by the Subdivision Map Act. The Council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Title which were applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. If the map does not conform, the Council shall disapprove the map. The Council shall not deny approval of a final map with a previously approved tentative map for the proposed subdivision if it finds that the final map is in substantial compliance with the previously approved tentative map.

As provided in Section 66458 of the Subdivision Map Act, the date on which the City Clerk receives the map from the clerk of the Commission shall be deemed to be the date of the “meeting” at which the City Council initially receives the map for purposes of this section.

17.08.220 Revocation of Final Map.
If no lots in a subdivision for which a final map has been recorded under this Chapter if none of the improvements required to be made have been made within two (2) years from the date of recordation, the City Council on its own motion may hold a public hearing, after notice, to determine whether the approval of such final map should be revoked. If it is determined that such approval should be revoked, the City Council may by resolution revoke such approval, without prejudice, to be effective upon recordation of a certified copy of such resolution. Thereupon, all dedication or offer of dedication of all streets, ways and other easements by such map shall be of no further force or effect. There shall be a fee in the amount of set by resolution of the City Council, payable to the City by the owner of the subdivision for the cost incurred in processing such revocation if the request for revocation is from other than a public agency.

17.08.230 Resubdividing
In the event an existing subdivision is resubdivided to change a street alignment, to change the design of more than four (4) lots, to create more than four (4) new lots, or to alter the drainage, it shall be deemed that a new subdivision is being created and the procedure for filing a tentative and final map as outlined in this Chapter shall be applicable, except as otherwise allowed in California Government Code section 66426. Changing of four (4) or less number of lots, without any other alterations, shall require the submission of a tentative map to the Planning Commission for approval as to area and lot design and all requirements of this Code. After such approval, a parcel map showing the new parcels shall be submitted to the Director for checking and recording.

17.08.240 Subdivisions Containing Condominiums.
For the purpose of this Chapter, subdivisions that include a condominium project, as defined in California Civil Code section 4125, or a community apartment project, defined in California
Business and Professions Code section 4105, shall be regarded as containing more than five (5) or more existing dwelling units. Maps of such projects need not show buildings or the manner in which the buildings or the air space above the property shown on the map are to be divided, nor need individual parcels front on a dedicated and accepted County road, City street or State highway as required by Section 17.03.090; provided, however, that each condominium unit has access over an area of common ownership to the required dedicated and accepted thoroughfare. Fees for condominium maps shall be computed as each condominium unit being considered a lot.

17.08.250 Multiple Final Maps.
Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if either:

A. The subdivider, at the time the tentative map application is filed, informs the approving authority of the subdivider's intention to file multiple final maps on such tentative map. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps, but the Council may refuse to approve a phased final map until the subdivider and City can reach agreement, which may be reflected in the subdivision improvement agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

B. After filing of the tentative map application, the subdivider and approving authority concur in the filing of phased multiple final maps and the subdivider and the City reach agreement, which may be reflected in the subdivision improvement agreement or a separate written agreement approved by the Council such as a development agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. Any subdivision improvement agreement executed by the subdivider and City shall either initially provide for the construction of improvements in the phases which have been agreed upon by subdivider and City or shall be amended to include such requirements before phased final maps are approved by the Council.
Chapter 09

IMPROVEMENT AGREEMENTS

Sections:
17.09.010 Subdivision Improvement Agreement.
17.09.020 Form, Filing, and Term of Improvement Agreement.
17.09.040 Additional Agreement Provisions.
17.09.050 Improvement Security Required.
17.09.060 Form, Filing and Term of Improvement Security.
17.09.070 Liability for Alterations or Changes.
17.09.080 Release of Improvement Security – Assessment District Proceedings.
17.09.090 Release of Improvement Security.

17.09.010 Subdivision Improvement Agreement.
If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the Director, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map. The requirements of such improvement agreement shall not be waived under any circumstances.

The purpose of the subdivision improvement agreement includes, among other considerations, eliminating and avoiding the harmful effects of premature subdivision which leaves property undeveloped and unproductive. Therefore, commencement of construction of the improvements under the agreement shall not be a condition precedent to the enforcement and requirement of specific performance under said agreement.

The benefit of the subdivision improvement agreement inures solely to the City and shall not be construed to benefit any third parties not signatory to said agreement, including but not limited to the following: lot purchasers; subcontractors; laborers; and suppliers.

17.09.020 Form, Filing, and Term of Improvement Agreement.
The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The Director may require an acknowledged abstract of said agreement to be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and any required acknowledged abstract thereof, shall be complete, subject to Council approval, and on file with the Director before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the Director.

Said agreement shall include at least the following provisions:
A. Mutually agreeable terms to complete all required improvements at the subdivider’s expense.

B. A provision that the subdivider shall comply with all requirements of this Title, of the City Code, and of other applicable laws, and with all terms and conditions of required improvement permits.

C. A statement indicating a period of one (1) year within which the subdivider shall complete all improvement work.

D. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing such work.

E. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the Council.

F. Provision for the inspection of all improvements of the subdivision by the Director for a period of twelve (12) months after said improvement acceptance date.

G. A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City.

H. A description of all lands within the exterior boundaries of the subdivision.

17.09.040 Additional Agreement Provisions.
The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Council to carry out the intent and purposes of this Title:

A. Provision for the repair, at the subdivider’s expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by this Title, including the importing or exporting of earth for grading purposes.

B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider’s expense.

C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider’s expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by Section 17.09.050 and 17.09.060; and further providing that only the requirements of this provision shall
not delay the release of any other improvement security provided pursuant to the aforementioned sections.

D. Provision for any reimbursement to be paid the subdivider under the provisions of Section 66486 of the Subdivision Map Act.

E. Provision for the setting of required monuments after the recordation of the final map or parcel map.

F. Provision for the method of payment of any fees imposed by this Chapter.

G. Provision for guarantee and warranty of the work, for a period of one (1) year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the City or the performance of the act.

17.09.050 Improvement Security Required.
A. General. Except as otherwise provided in subsection B of this section, a subdivider shall secure the improvement agreement entered into pursuant to Section 17.09.040 in the following amounts:

1. Performance Security. An amount determined by the Director to be one hundred percent (100%) of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and

2. Payment Security. An amount determined by the Director to be not less than one hundred percent (100%) of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and

3. Warranty Security. An amount of ten percent (10%) of the estimated cost of improvements shall be required for the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

B. Nonprofit California Corporations. Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one (1) of its agencies, or funded by the State of California or one (1) of its agencies, are exempt from the requirements of subsections (A)(1) and (2) of this section, provided they meet and fulfill the alternative security requirements specified in Section 66499.3, subdivision (c), of the Subdivision Map Act.
17.09.060 Form, Filing and Term of Improvement Security.
The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one (1) of the forms provided in Section 66499 of the Subdivision Map Act. The specific form of the improvement security required for each agreement and the terms thereof shall be recommended by the Director and shall be subject to the approval of the City.

A surety bond to secure the faithful performance of the agreement shall substantially conform to the form set forth in Section 66499.1 of the Subdivision Map Act. A surety bond to secure payment to the contractor, subcontractor, and persons furnishing labor, materials or equipment shall substantially conform to the form set forth in Section 66499.2 of said Act.

Improvement security shall be filed with the City, together with an executed subdivision improvement agreement, before the City accepts the final map or parcel map for filing.

17.09.070 Liability for Alterations or Changes.
The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided, that all such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.

17.09.080 Release of Improvement Security – Assessment District Proceedings.
If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the City by the amount corresponding to the amount of such bonds furnished by the contractor.

17.09.090 Release of Improvement Security.
In addition to the requirements set forth under Government Code section 66499.7, the release of improvement security shall be in accordance with the following:

A. Performance Security. The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the Council according to the procedures and schedule stipulated in the Subdivision Map Act. Such acceptance shall occur when the certificate of completion is verified by the Director. If a warranty security is not submitted, performance security shall be released one (1) year after acceptance of improvements and correction of all warranty deficiencies.

B. Payment Security. Security given to secure payment to the contractor, subcontractors and persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the Council, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.
C. Warranty Security. The warranty security shall be released upon satisfactory completion of the one (1) year warranty period; provided, that all warranty deficiencies have been corrected as determined by an inspection by the Director.

Pursuant to California Government Code sections 66499.7 and 66499.9, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses or fees, including reasonable attorney’s fees.
Chapter 10

SUBDIVISION IMPROVEMENTS

Sections:
17.10.010 Conformance.
17.10.020 Improvement Plans and Permits Required.
17.10.030 Preparation and Form of Improvement Plans.
17.10.040 Commencement of Improvement Work.
17.10.050 Construction and Installation Standards.
17.10.060 Utility Line Installation Standards.
17.10.070 Temporary Improvements.
17.10.080 Inspection of Improvement Work.
17.10.090 Improvement Requirements.
17.10.100 Signs.
17.10.110 Dust Control.
17.10.120 Rubbish.
17.10.130 Street Lights.
17.10.140 Storm Drains.
17.10.150 Railroad Crossings.
17.10.160 Canal and Pipeline Crossings.
17.10.170 Street Trees.

17.10.010 Conformance.
The subdivider shall construct or install all improvements in streets, alleys, water mains, sanitary sewers, storm drain systems, sidewalks, bike paths, easements and other rights-of-way as are deemed necessary by the approving authority for the general use of residents of the subdivision and to meet requirements of the Standard Plans and Specifications. Subdivision improvements shall conform to the minimum requirements set out in this Chapter and to any special standards adopted by the City Council.

17.10.020 Improvement Plans and Permits Required.
Improvement plans shall be completed by the subdivider, and approved by the Director, prior to the acceptance of the final map or parcel map for processing by the Director and approval by the approving authority.

Improvement plans shall conform to the City’s Standard Plans and Specifications. The final map shall not be deemed to be submitted for approval until the approval of said plans by the Director.

17.10.030 Preparation and Form of Improvement Plans.
Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of this Title, and of all other improvements proposed to be installed by the subdivider within any street, alley,
pedestrian-way, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the Standard Plans Specifications.

A. Subdividers shall have their contractors for subdivision improvements consult with the Director before any construction is started to arrive at an understanding as to requirements and the schedule of inspections required.

B. Plans and profiles shall be on a twenty-four inch by thirty-six inch (24” × 36”) vellum paper or other material approved by the Director. Two (2) prints of each sheet shall be submitted with the original tracing.

C. Cross sections and/or profiles beyond the boundary of the subdivision may be required to clarify drainage or road design.

D. Existing utilities and utilities proposed to be installed within and adjacent to the subdivision shall be shown.

17.10.040 Commencement of Improvement Work.
Prior to the commencement of grading, construction, or installation of any improvements within any street, alley, pedestrian-way, easement or other public area or right-of-way, improvement plans shall have been approved by the Director and other affected agencies.

17.10.050 Construction and Installation Standards.
Improvements shall be constructed and installed in accordance with the approved plans and in accordance with the applicable Standard Plans and Specifications

A. Subdividers shall have their contractors for subdivision improvements consult with the Director before any construction is started to arrive at an understanding as to requirements and the schedule of inspections required.

B. Plans and profiles for proposed improvements shall be submitted to and approval obtained from the Director prior to the commencement of construction. A plan of the entire subdivision shall be on the first sheet of improvement plans.

C. Plans and profiles shall be on a twenty-four inch by thirty-six inch (24” × 36”) vellum paper or other material approved by the Director. Two (2) prints of each sheet shall be submitted with the original tracing.

   1. Cross sections and/or profiles beyond the boundary of the subdivision may be required to clarify drainage or road design.
2. Existing utilities and utilities proposed to be installed within and adjacent to the subdivision shall be shown.

D. Rejected work shall be remedied or removed by the subdivider. Any work beyond the lines and grades shown on the plans and not approved by the Director may be ordered removed at the subdivider's expense.

E. The subdivider shall direct his engineer to furnish the City one complete set of improvement plans on a reproducible paper after completion of improvements. These plans shall show any corrections as to location or grade of improvements or "No Corrections," whichever is applicable. Said plans shall be marked "AS BUILT," and submitted to the Director prior to acceptance of improvements by the City Council.

17.10.060 Utility Line Installation Standards.
In all portions of a subdivision, utility lines, including but not limited to electrical, natural gas, telephone, cable television, and street lighting service lines, shall be placed underground; provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground when, with approval of the Director, it is impractical under the circumstance of a given case to place same underground.

Underground utilities installed in streets or alleys shall be installed prior to surfacing of said streets or alleys. Service connections shall be laid to such length as will obviate the necessity for disturbing the street or alley improvements when service connections are completed.

17.10.070 Temporary Improvements.
In addition to permanent improvements, temporary improvements, such as but not limited to turnaround areas or access walkways, may be required to be made prior to or concurrent with permanent improvements.

17.14.090 Inspection of Improvement Work.
All improvements shall be constructed under the inspection of the Director, and the subdivider shall cause all such improvement work to be inspected at such times as are established and required by the Director. The subdivider shall pay the City a fee to completely cover all of the City’s costs in making such inspection, the rate of which shall be determined by resolution of the Council.

Inspections shall be requested at least twenty-four (24) hours in advance of the actual inspection. Inspection fees shall be based on the actual expenses incurred, plus a reasonable sum for overhead and supervision.

Subdividers will be notified monthly of the amount of charges for inspections made when requested by the
17.10.090 Improvement Requirements.

The improvements required by this Chapter as conditions of approval of the final map or parcel map shall be consistent with the Standard Plans and Specifications and may include, but are not limited to, the following:

A. Grade and fill to a grade of site and construct all necessary grade crossings, culverts, bridges and other related works.

1. Grading and paving or all streets and highways shall be to a cross section, grade approved by the Director, and according to the standards and specifications set forth in this Chapter. Existing streets bordering the subdivision shall be improved as follows:

   a. If existing street pavement is at proper grade and the structural section conforms to the type specified in this Chapter, the street shall be improved to the edge of the existing pavement.

   b. If the existing pavement is at proper grade and the structural section is substandard, the existing surfacing shall be removed to the center line of the street and the entire half street bordering the subdivision shall be reconstructed to the standards required in this Chapter.

   c. If the existing street is not at proper grade, the subdivider shall deposit with the Department of Engineering Services an amount to be determined by the City Engineer, equal to the cost of constructing the one-half (½) street to the proper grade and structural standard set forth in this Chapter. Money so deposited will be used by the City to reconstruct the street. When reconstruction cannot be scheduled within a reasonable time, the City will oil the unimproved area as an interim improvement.

B. Construct all drains, drainage facilities, channel improvements and other drainage works required to provide proper drainage for the subdivision.

1. Grades of streets shall be established so storm water can be collected at intersections designated by the Director, and the minimum grade of all streets shall be one fourth of one percent (0.25%).

C. Construct and install concrete curbs, gutters and sidewalks on both sides of every street and on each side of an existing or dedicated street bordering the subdivision.

1. Curb and gutter, sidewalk and matching pavement shall be required in all districts; except PC, which will be reviewed individually upon submittal of plans.

2. Where a parcel map is being filed and the Director determines that it would be undesirable to install curbs and gutters because of the grade of the existing street or because of the length of time before street reconstruction or improvement is contemplated, construction of improvements may be postponed, but the Director shall require the
subdivider or developer to deposit with the City a sum of money equal to the proposed cost of improvements to be used by the City at such time as full street improvements are warranted.

D. Install water mains, sanitary sewer, storm drains, necessary appurtenances, and all laterals required to serve each lot.

E. Relocate or provide for the relocation of any underground or overhead utility, including irrigation lines and traffic signal lines, the relocation of which is necessitated by development of the subdivision.

F. Underground all utilities, sanitary sewers, storm drains and other facilities installed in streets or alleys prior to the paving of such street. Service connections for all underground utilities and sanitary sewers shall be laid at such lengths to avoid disturbing the street, alley, or other improvements when service connections thereto are made.

G. Install asphalt concrete pavement and base material in all existing or dedicated streets or portions thereof. Install or provide for the future installation of a seal coat.

H. Install concrete sidewalks and concrete pavement in all existing or dedicated alleys, pedestrian-ways and bikeways; provided, however, pedestrian-ways and bikeways may be improved with asphaltic concrete pavement with the consent of the Director.

I. Install or provide for the installation of street lighting facilities.

J. Provide funds to cover the cost of warning devices or traffic signal equipment, or both, where required by traffic conditions related to the subdivision but not installed as part of the project and not covered by development fees.

K. Construct and install street barricades and other safety devices in accordance with Standard Plans and Specifications.

L. Construct such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the Director.

M. Construct walls or fencing, or both, along the subdivision boundary lines per City requirements.

N. Construct improvements required and included as mitigation measures pursuant to CEQA.

O. Improvements shall conform to the specifications and standards adopted by the City Council.

P. The design of the structural section for all streets shall be based on:
   1. The resistance value, R;
2. The expansion properties of the soil;

3. The traffic index, TI. The traffic index will be determined by the Director.

17.10.100  Signs.
A. Warning signs shall conform to the California Manual on Uniform Traffic Control Devices as adopted the California Department of Transportation. and shall be installed by the subdivider at all locations specified by the Director.

B. Street barricades, when required by the Director, shall conform to City standards.

C. Street name signs shall be installed at all intersections and shall conform to the standards of the City. The location of all signs shall be first approved by the Director.

D. Construction warning signs, lights and devices shall be erected and maintained whenever the operations of installing improvements create an inconvenience or hazardous condition to traffic or pedestrians.

17.10.110  Dust Control.
Dust control shall be maintained as directed by the Director and the San Joaquin Valley Air Pollution Control District’s regulations while street improvements and/or site grading is being undertaken by the subdivider.

17.10.120  Rubbish.
Rubbish and excess material shall be removed from all public rights of way and easements and all parts of the work and adjacent area shall be left in a presentable condition.

17.10.130  Street Lights.
Street lights shall be to the Standard Plans and Specifications. All light standards shall be placed at locations first approved by the Director.

17.10.140  Storm Drains.
Storm drains shall be provided by the subdivider for the disposal of storm water according to the Standard Plans and Specifications.

17.10.150  Railroad Crossings.
Provision shall be made for any and all proposed railroad crossings necessary to provide access to or circulation within the proposed subdivisions, including the preparation of all documents necessary for application to the California Public Utilities Commission for the establishment and improvement of such crossing. The cost of such application and improvement shall be borne by the subdivider.
17.10.160  **Canal and Pipeline Crossings.**
Canal and pipeline crossings and pipelines shall be constructed, or pipelines relocated as ordered by the Commission to provide access to or circulation within proposed subdivisions. The preparation of all documents necessary for the application to the owner of the canal or pipeline shall be made by the subdivider and the entire cost of such crossing or relocation shall be borne by him.

17.10.170  **Street Trees.**
The subdivider shall install street trees in all locations specified by the Director. The Director may allow the subdivider to pay to the City Clerk a fee set by resolution for the installation of street trees in lieu of planting street trees.
Chapter 11

MODIFICATIONS

Sections:
17.11.010 Application and Authority.
17.11.020 Required Findings and Conditions.
17.11.030 Filing Applications – Form and Content.
17.11.040 Referrals.
17.11.050 Consideration and Approval of Modifications.

17.11.010 Application and Authority.
The approving authority may, in accordance with the provisions of this Chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by the approving authority, by this Title or by Standard Plans and Specifications; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Director, Commission or Council to authorize variances from the regulations and requirements of the zoning ordinance. All request for modifications shall be in writing. If modifications are not specifically requested in writing, they shall not be deemed approved even if shown on the tentative subdivision maps. Modifications may be recommended to the Council by the Commission when the Council is the approving authority. A minor change in the design of a subdivision which does not violate the requirements or standards imposed by this Title shall not be deemed to be a “modification” as the term is used herein.

Where a modification is sought from the requirements or standards imposed by this Title, and the same requirements or standards are imposed by the City zoning ordinance, a separate variance under the zoning ordinance shall not be required if public notice of hearing that has been given for the hearing on the modification makes reference to the provisions of the City zoning ordinance which also will be affected by the modification.

17.11.020 Required Findings and Conditions.
Before granting any modification, the approving authority shall make all the following findings:

A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of this Title.

B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.
C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.

D. That granting the modification is in accord with the intent and purposes of this Title and is consistent with the General Plan and with all other applicable specific plans of the City.

E. That the modification is necessary for the preservation and enjoyment of a substantial property right of the owner.

In granting a modification, the Commission or Council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of this Title.

17.11.030 Filing Applications – Form and Content.
Applications for any modifications shall be filed, in writing, by the subdivider with the Commission a form and in the number of copies required by him or her for that purpose. Each application shall state fully the nature and extent of the modification required, the specific reasons therefor, and the facts relied upon. Such application shall be filed with the tentative map of the subdivision. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 17.11.020. A fee shall be established by resolution of the Council and shall accompany each application for a modification. Once the application is determined by the Director to be complete, it shall be filed with the clerk of the Commission. The request for modification shall be acted upon by the approving authority within the time periods provided in the Permit Streamlining Act.

17.11.040 Referrals.
The Director shall submit the application to staff for review and shall transmit copies of the modification application for review and comment to such other public agencies or private parties affected by the proposed modification as the Director deems appropriate.

17.11.050 Consideration and Approval of Modifications.
A. Review of Application for Modification. Any application for modification shall be subject to staff review. Upon conclusion of the review, the City Council shall within thirty (30) days make a recommendation based upon the information provided together with the results of his or her investigation. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider. If disapproval is recommended, the subdivider shall be furnished with the statement of reasons for such recommendation.

B. Notice and Hearing. A preapproval subdivision modification shall be noticed and approved in the same manner as the tentative map application, and shall be considered by the approving authority at the same meeting at which it considers the tentative map application. A post-approval subdivision modification shall be noticed and approved by the approving authority in the same manner as a tentative map. A copy of the written findings made with respect to a requested modification and a complete statement of any conditions of approval attached to an approved modification shall be placed on file with the secretary of the approving authority and copies thereof furnished to the subdivider.
C. Appeal. A subdivider or interested person may appeal any action of the approving authority on a subdivision modification in accordance with the procedure set forth in Section 17.07.020.
Chapter 12

ENFORCEMENT

Sections:

17.12.010  Enforcement–Generally.
17.12.020  Remedies.
17.12.030  Sales Voidable.
17.12.040  Duty of Officers And Employees.
17.12.060  Illegal Subdivisions–Subsequent Permits and Approvals.
17.12.080  Appeals of Actions of Director or Director.

17.12.010  Enforcement–Generally.
Except as otherwise provided herein, the Director is authorized and directed to enforce this Title and the Subdivision Map Act for subdivisions within the City. The City Attorney is authorized on behalf of the City of Ceres to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act, this Title, or the conditions and term of approvals granted thereunder.

17.12.020  Remedies.
Nothing contained in this Chapter, however, shall be deemed to bar any legal, equitable, or summary remedy to which the City or any other political subdivision, or any person, firm, corporation, partnership, or copartnership may otherwise be entitled. The City or any other political subdivision or person, firm, corporation, partnership or copartnership may bring legal action to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Chapter.

17.12.030  Sales Voidable.
Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

17.12.040  Duty of Officers And Employees.
All officers and employees of the City who are vested with the duty or authority to issue permits or licenses shall carefully scrutinize all applications filed for any permit or license to ascertain if there has been any violation of the provisions of this Title. No permit or license for the construction of any building or for any other use or improvement of a lot or parcel of land shall
be issued if it appears that there has been or will be a violation of this Title. Any permit or license issued in conflict with the provisions of this Title shall be null and void.

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, the Director shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section. The hearing required by that section shall be held before the Commission.

17.12.060 Illegal Subdivisions–Subsequent Permits and Approvals.
No officer or employee of the City shall issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a subdivision, in violation of the provisions of the Subdivision Map Act or this Title, if either the Director finds and determines that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the officer or employee of the City issues a permit or grants approval for the development of any real property illegally subdivided, the officer or employee shall impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property as determined by the Director. If the property has the same owner of record as at the time of the initial violation, the Director or Director, or both, may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 17.12.070, only those conditions stipulated in that certificate shall be applicable.

The City shall issue certificates of compliance or conditional certificates of compliance as authorized in Section 66499.35 of the Subdivision Map Act as follows:

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Director to determine whether the real property complies with the provisions of the Subdivision Map Act and this Title. A written application for a certificate of compliance shall be accompanied by a preliminary title report not more than six (6) months old that shows the legal owners of the property.

B. If the Director determines that the real property complies with the provisions of the Subdivision Map Act and this Title, the Department shall file a certificate of compliance for record with the Stanislaus County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Title.
C. If the Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Title, the Director may, as a condition to granting a certificate of compliance, impose conditions in accordance with 17.12.060. Upon the Director’s making such a determination and establishing such conditions, the Department shall file a conditional certificate of compliance of record with the Stanislaus County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

D. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

E. Subject to the provisions of Section 66499.35, subdivision (e), of the Subdivision Map Act, an official map prepared pursuant to Section 66499.52, subdivision (b), of the Subdivision Map Act shall constitute a certificate of compliance with respect to the parcels of real property described therein.

F. A fee shall be charged to the applicant for making the determination and processing the certificate of compliance in the amount provided for by resolution of the Council.

17.12.080  Appeals of Actions of Director or Director.
The actions of the Director and Commission under this Chapter shall be subject to appeal to the Council as provided in Section 17.07.020.
Chapter 13

PARK AND RECREATION LAND

Sections:

17.13.010 Purpose.
17.13.020 Dedication/In Lieu Fee Required.
17.13.030 General Standard.
17.13.040 Standards and Formula for Dedication of Land.
17.13.050 Formula for Fees in Lieu of Land Dedication.
17.13.060 Calculation of In-Lieu Fees–Appraisal.
17.13.070 Purchase of Land In Excess of Code Requirements.
17.13.080 Use of Fees.
17.13.090 Time Schedule For Use of Land/Fees.
17.13.100 Determination of Land or Fee.
17.13.110 Credit for Private Open Space.
17.13.120 Computation of Credit.
17.13.130 Exemptions.
17.13.140 Access Requirements.
17.13.150 Sale of Dedicated Land.
17.13.160 Phased Maps.

17.13.010 Purpose.
This Chapter is enacted pursuant to the authority granted by the Subdivision Map Act and California Government Code section 66000 et seq. The park and recreational facilities for which dedication of land or payment of a fee is required by this Chapter are in accordance with the General Plan of the City.

17.13.020 Dedication/In Lieu Fee Required.
As a condition of approval of a tentative subdivision map or parcel map, including vesting map, the subdivider shall be required to dedicate land, pay a fee in lieu thereof, or both, at the option of the City, and pay a fee for improving the land for parks or recreational purposes according to the standards and formula contained in this Chapter and the City of Ceres Public Facility Fees Program as adopted by the City Council. The provisions of this Chapter do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

17.13.030 General Standard.
It is hereby found and determined that the public interest, convenience, health, welfare and safety require that four (4) net acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreation and park purposes. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to
Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the California Government Code.

17.13.040 Standards and Formula for Dedication of Land.
Where a community or neighborhood recreational or park facility, or both, has been designated in the General Plan or in an applicable specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a community or neighborhood recreation or park facility, or both, sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula. Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities according to the formula:

\[ D \times F = A \]

in which:
- \( D \) = the number of dwelling units
- \( F \) = a “factor” herein described
- \( A \) = the buildable acres to be dedicated.

A buildable acre is a typical acre of the subdivision, with a slope less than ten percent (10%), and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

The factors for various residential dwelling types are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce four (4) acres per one thousand (1,000) population. Unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

A. When a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for;

B. When the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density; provided, however, that upon completion of build-out, if the actual number of dwelling units built is less than the highest density permitted in the applicable zone, then the subdivider may, within five (5) years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

The factors referred to above are as follows:

- \( F_1 = .0151 \) relating to one (1) family dwelling units
- \( F_2 = .0120 \) relating to two (2) family dwelling structures
F3 = .0169 relating to three (3) to ten (10) family dwelling structures

F11 = .0129 relating to eleven (11) plus family dwelling structures

FM = .0160 relating to mobile homes or other dwellings

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this section; (2) provide for fencing meeting City requirements along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage from/through the site; and (4) provide other improvements which the Council determines to be essential to the acceptance of the land for recreational purposes.

17.13.050  Formula for Fees in Lieu of Land Dedication.
A. If no community or neighborhood park or recreational facility is designated in the City General Plan or in an applicable specific plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, or where the Council requires the payment of in-lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 17.13.040 and in an amount determined in accordance with the provisions of Section 17.13.060, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.

B. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 17.13.040, and in an amount determined in accordance with the provisions of Section 17.13.060.

17.13.060 Calculation of In-Lieu Fees–Appraisal.
When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

A. The amount to be paid shall be a sum calculated pursuant to the following formula:

\[ A \times V = M \]

\[ A = \text{The amount of land required for dedication as determined in Section 17.13.040.} \]

\[ V = \text{Fair market value (per acre) of the property to be subdivided, as established by an appraisal.} \]

\[ M = \text{The number of dollars to be paid in lieu of dedication of land, which includes 20% for off-site improvements.} \]
B. For purposes of calculating the in-lieu fee under this section, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider’s expense by an active MAI, SREA or SRPA member in good standing of the Appraisal Institute, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers, and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

1. Approval of and conditions of the tentative subdivision map;
2. The General Plan;
3. Zoning and density;
4. Property location;
5. Off-site improvements facilitating use of the property;
6. Site characteristics of the property;
7. Existing encumbrances (e.g., existing streets, canals) which have the effect of reducing usable gross tentative map area.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the Director for distribution. In lieu of an appraisal, the applicant may provide documentation of the actual cost to purchase said land if said purchase occurred within one (1) year of the approval of the tentative map.

17.13.070 **Purchase of Land in Excess of Code Requirements.**

The City may offer to purchase any property needed to complete a park from a subdivider when the land made available for park and recreation purposes through dedication is less than that required to provide a complete park. The value of improvements required to develop the subdivision and entitlements shall be excluded when determining the cost of the land for purchase by the City.

17.13.080 **Use of Fees.**

Fees collected pursuant to this Chapter shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. Said fees may also be used for the development of recreational areas and facilities on public school grounds or
other public lands which provide a desirable recreational site and access to the public.

17.13.090 Time Schedule For Use of Land/Fees.
The City shall develop a schedule specifying how, when and where it will use the land dedicated or fees collected under this Chapter, within five (5) years after the payment of such fee or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. Any fee not committed to use in accordance with the schedule within (5) years shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

17.13.100 Determination of Land or Fee.
Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

A. City General Plan, including any identified/designated neighborhood and community parks in any master plan or specific plan;

B. Topography, geology, access and location of land in the subdivision available for dedication;

C. Size and shape of the subdivision and land available for dedication;

D. The feasibility of dedication;

E. Compatibility of dedication with the Ceres General Plan;

F. Availability of previously acquired park property.

17.13.110 Credit for Private Open Space.
A. The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in California Business & Professions Code section 11003, condominiums as defined in California Civil Code section 783, and other common interest developments. Such credit, if granted in acres, or comparable in-lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this Chapter, and shall be subtracted from the dedication or fees, or both, otherwise required under this Chapter, provided:

1. Yards, court areas, setbacks, and other open space areas required to be maintained by this Title and other regulations shall not be included in private open space and local recreation credit;

2. Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;

3. The use of private open space or recreation facilities is limited to park and local
recreation purposes and shall not be changed to another use without the express written consent of the Council;

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

5. That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan, including any master plan or specific plan, and are approved by the Planning Commission; and

6. That the open space for which credit is given is a minimum of one acre and provides the local park basic elements and other recreational improvements that will meet the specific recreation and/or park needs of the future residents of the area. Before credit is given, the Planning Commission shall make written findings that the above standards are met.

B. Land or facilities, or both, which may qualify for credit towards the land dedication or in-lieu fee, or both, will generally include the following types of open space or local recreational facilities; provided, however, that credit for each of the following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this Chapter:

1. Open spaces, which are generally defined as parks, extensive areas with tree coverage, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.

2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.

3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawn area, bathhouse, or other facilities developed and used exclusively for swimming and diving.

4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.

5. Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the City of Ceres, qualify for a credit.
C. The Council shall grant credit for land dedicated or fees paid pursuant to this Chapter, or both, under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication or fees required under this Chapter, or both, for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this section.

17.13.120 Computation of Credit.
The categories for credit for private open space and facilities described in Section 17.13.110 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The Council may, however, upon petition of the subdivider, grant additional credit for each of the above categories if there is substantial evidence that:

A. The open space or recreational facility is above average in aesthetic quality, arrangement or design;

B. The open space or recreational facility is clearly proportionately greater in amount or size than required by this Title or usually provided in other similar types of development; or

C. The open space or recreational facility is situated so as to complement open space or local recreational facilities in other private or public developments.

17.13.130 Procedure.
A. At the time of the hearing on the tentative subdivision map, the Commission shall recommend to the Council, after reviewing the report and recommendation from the Director, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the Director shall include the following where applicable:

1. The amount of land to be dedicated;

2. That a fee be charged in lieu of dedication;

3. That both dedication and a fee be required;

4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.13.110.

5. The location of the park land to be dedicated;

6. The approximate time when development of the park or recreation facility shall be commenced.

B. At the time of its hearing on the tentative subdivision map, the Commission or Council shall determine the amount of land required to be dedicated under this Chapter and Section 17.13.040,
whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a
credit is to be given for private recreation facilities, unique natural and special features, or for
any other reason provided in Section 17.13.110, and the location of the park land to be dedicated,
if any. In making its determination, the Council shall be guided by the standards contained in this
Chapter where applicable.

C. At the time of the filing of a final subdivision or parcel map including the same amount of
land as included in the applicable tentative map, the subdivider shall dedicate the land or pay the
fees, as previously determined by the Commission or the Council. Open space covenants for
private park or recreational facilities shall be submitted to the Council prior to approval of the
final subdivision map or parcel map and shall be recorded contemporaneously with the final
subdivision map.

17.13.130 Exemptions.
The provisions of this Chapter shall not apply to subdivisions:

A. Not used for residential purposes; provided, however, that a condition shall be placed on the
approval of such subdivision that if a building permit is requested for construction of a
residential structure or structures on one (1) or more of the parcels within four (4) years of the
filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee pursuant to
this Chapter, calculated as of the date the building permit is issued, as a condition to the issuance
of a building permit; a note to this effect shall be placed on the final map.

B. To permit separate ownership of two (2) or more existing residential dwelling units when all
such units are more than five (5) years old and no new units are added.

17.13.140 Access Requirements.
All land offered for dedication to local park or recreational purposes shall have access to at least
one (1) existing or proposed public street. This requirement may be waived by the Commission
or the Council if the Commission or the Council determines that public street access is
unnecessary for the maintenance of the park area or use thereof by the residents.

17.13.150 Sale of Dedicated Land.
If, during the ensuing time between dedication of land for park purposes and the commencement
of development, circumstances arise which indicate that another site would be more suitable for
park or recreational purposes serving the subdivision and the neighborhood (such as a gift of
park land or change in school location) by mutual agreement of the subdivider or owner and the
Council, the land may be sold upon the approval of the Council with the resultant funds being
used for the purchase of a more suitable site.

17.13.160 Phased Maps.
A. At the time of the filing of a final subdivision or parcel map including less land than was
included in the tentative map, the Director shall recalculate the amount of land required to be
dedicated in accordance with this Chapter, based on the land included in the proposed final
subdivision or parcel map.
B. If the approving authority determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the payment of a fee, or that land located within the proposed final subdivision or parcel map be dedicated, or both, and the amount of such land is equal to or smaller than the amount of land required to be dedicated pursuant to subsection A of this section, the subdivider shall dedicate the land or pay the fees, or both, at the time of filing the final subdivision or parcel map.

C. If the Council determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the dedication of land located outside the proposed final subdivision or parcel map or the amount of land required to be dedicated at the time of approving the tentative map exceeds the amount required to be dedicated pursuant to subsection A of this section, the Director shall recommend that the subdivider:

1. Dedicate full title to part of the park site; or

2. Dedicate as specified in subsection (C)(1) of this section and enter into an agreement with the City to reserve the undedicated portion; or

3. Solely pay in-lieu fees; and/or

4. Be granted credit(s) in accordance with Section 17.13.110 and 17.13.120.

If the subdivider concurs with the recommendation of the Director, the subdivider shall dedicate the land, or pay the fees, or both, in accordance with the recommendation prior to filing the final subdivision or parcel map. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

If the subdivider objects to the recommendation of the Director, the Council shall determine at a public hearing the land to be dedicated, whether a fee is to be charged, and whether any credits shall be granted. Prior to filing the final subdivision or parcel map, the subdivider shall dedicate the land, or pay the fees, or both, as determined by the Council. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

D. Nothing in subsection C of this section shall be construed to:

1. Require the dedication of land located outside the proposed final subdivision or parcel map; or

2. Prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to subsection A of this section.
Chapter 14

LOT LINE ADJUSTMENTS

Sections:

17.14.010 Definition.
17.14.050 Findings.
17.14.070 Recording.
17.14.080 Conditions.

17.14.010 Definition.
For the purposes of this Chapter, a lot line adjustment is any division of land not requiring a map as specified by the Subdivision Map Act, in which no more parcels are created by the division than existed prior to it.

An application for a lot line adjustment shall be filed with the Community Development Department and shall include the following information, materials and documents:

1. Drawings to scale, prepared by a civil engineer or registered land surveyor, specifying the location of the existing lots, the proposed lot line adjustment, and the boundaries and dimensions of the proposed new lots;

2. A legal description of the revised lots satisfactory to the Director and a current preliminary report issued by a title company for each of the affected lots;

3. Such additional information as the Director may require pursuant to Section 17.14.050, subsection (C), and 17.40.070, considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.

B. The application shall be accompanied by a filing fee established by resolution of the Council.

A. The Commission may approve the lot line adjustment when it finds that:

1. The lot line adjustment does not violate existing codes and policies;

2. The lot line adjustment will not create difficult or unreasonable access to parcels;
3. The lot line adjustment would not require variances to permit standard development;

4. Utilities and public services can be provided to the revised parcels.

B. If the Commission approves the lot line adjustment, a resolution shall be passed approving said adjustment and authorizing the execution and recordation of the lot line agreement.

A. Within thirty (30) days of receiving an application for a lot line adjustment, the Community Development Department shall inform the applicant, in writing, whether the application is complete and accepted for filing. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing, the Director shall submit the application for staff review and shall transmit copies of the application and, where applicable, copies of drawings, statements and other data required to accompany the application or required subsequent to the filing of the application to such other public agencies and private parties as the Director determines may be affected by the proposed lot line adjustment.

C. Commission Review and Approval.

1. The Commission may approve, conditionally approve or disapprove the proposed lot line adjustment for which he or she is the approving authority within the time periods provided by the Permit Streamlining Act.

2. Upon taking such action, the Commission shall give written notice thereof to the applicant as soon as practicable, but in no event later than ten (10) days thereafter.

17.14.050 Findings.
The Commission shall approve a lot line adjustment sought pursuant to this Chapter if the Commission finds:

A. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one (1) owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;

B. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meets all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and

C. That the resulting parcels conform to the requirements of the City General Plan, any
applicable specific plan, the Building Code and the City zoning ordinance.

The Commission shall limit his or her review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to Section 17.14.050, subdivision (C). The Commission shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to Section 17.14.050, subsection (C), to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No record of survey shall be required for a lot line adjustment unless required by California Business & Professions Code section 8762.

17.14.070 Recording.
Pursuant to California Government Code section 66412, subdivision (d), the lot line adjustment shall be reflected in a deed, which shall be recorded in the manner required by the Director. The deed shall be signed or approved by all parties having an interest in the lots which are affected by the conveyance. If, for any reason, a recorded deed would not give constructive notice of the lot line adjustment under the real property laws of the State of California, the Director may require the applicant to prepare for recordation a certificate of compliance for each of the affected lots concurrent with the recordation of the deed and may require that such certificate or certificates be recorded.

17.14.080 Conditions.
Pursuant to California Government Code section 66412, subdivision (d), the Commission may not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.
Chapter 15

MAPS REQUIRED

Sections:

17.15.010 General.
17.15.020 Division of Land–Five (5) or More Parcels.
17.15.030 Division of Land–Four (4) or Less Parcels.

17.15.010 General.
For the purposes of this Title, the specific requirements for tentative, final, and parcel maps shall be governed by the provisions of this Chapter.

17.15.020 Division of Land–Five (5) or More Parcels.
A tentative map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where any one (1) of the following occurs:

A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon an existing maintained public street or highway and no dedications or improvements are required by the Council;

B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to an existing maintained public street or highway;

C. The land consists of a parcel or parcels of land having access to a public street or highway approved by the Council which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Council as to street alignments and widths;

D. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section; or

E. The land being subdivided is solely for creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

F. A tentative map and parcel map shall be required for those subdivisions described in subsections A through E of this section, unless waived by the Commission in accordance with the provisions of Section 17.06.040 A parcel or parcels are deemed to have the approval of the Commission as to street alignment and widths when: (1) the Commission has specifically approved the street alignment and widths; (2) when the Commission determines that the proposed street alignment and widths are substantially the same as those contained in the General
Plan or any applicable adopted specific plan in substantially the same manner as proposed by the subdivider; or (3) when the Commission determines that the proposed street alignment and width substantially conform with both connecting street alignments and widths in adjacent subdivisions that have been previously approved by the City Council and the City’s engineering design standards.

**17.15.030 Division of Land–Four (4) or Less Parcels.**
A tentative map and a parcel map shall be required for all divisions of land into four (4) or fewer parcels, except that parcel maps shall not be required for:

A. Subdivision of a portion of the operating right-of-way of a railroad corporation, defined by California Public Utilities Code section 230, which is created by short-term leases terminable by either party on not more than thirty (30) days’ notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Director to the Commission in individual cases, upon substantial evidence, that public policy necessitates a parcel map; provided, however, for land conveyed to or from the City or the Ceres Redevelopment Agency, no map shall be required unless such showing is made by the Director to the Council. For purposes of this Title, land conveyed to or from a governmental agency shall include a fee interest, an easement or a license.

C. Parcel maps may be waived in accordance with the provisions of Section 17.06.040.
Chapter 16

SURVEYS AND MONUMENTS

Sections:

17.16.010 Survey Procedure and Practice.
17.16.020 Traverse
17.16.030 Survey Data.
17.16.040 Grid Monuments.
17.16.050 Monuments.
17.16.060 Boundary Monuments.
17.16.070 Interior Monuments.
17.16.080 Deferred Monuments.
17.16.090 Monument Type and Positioning.
17.16.100 Monument Identification Marks.
17.16.110 Replacement of Destroyed Monuments.
17.16.120 Survey Data and Information to be Shown on Final Map or Parcel Map.

17.16.010 Survey Procedure and Practice.
The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map or parcel map, shall conform to the standard practices and principles of land surveying, the Land Surveyor’s Act of the State of California, and the provisions of this Chapter.

17.16.020 Traverse.
The traverse of the exterior boundaries of the tract computed from field measurements of the ground must close within a limit of error of one (1) foot to twenty thousand (20,000) feet of perimeter before balancing survey.

17.16.030 Survey Data.
The engineer or surveyor making the survey shall show references, ties, locations, elevations and other necessary data relating to monuments set in accordance with the requirements of this Title. If exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 17.16.060, Boundary Monuments, the Director shall require, prior to accepting such map for filing, the reference of said monuments to a sufficient number of adjacent reference points to accurately set each boundary monument after recordation of said map, the setting of only a portion of the boundary monuments, or the submission of complete field notes as evidence of a thorough survey.

17.16.040 Grid Monuments.
Wherever the Director has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the Director, the field survey shall be tied into such system.
17.16.050  Monuments.
In making the survey of the subdivision, the engineer or surveyor shall set sufficient permanent
monuments so that the survey, or any part thereof, may be readily retraced.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient
durable monuments to conform with the standards described in California Business &
Professions Code section 8771 so that another engineer or surveyor may readily retrace the
survey. At least one (1) exterior boundary line shall be monumented prior to recording the final
map. Other monuments shall be set as required by the Director.

17.16.060  Boundary Monuments.
Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points,
beginnings and ends of curves and at intermediate points approximately one thousand (1,000)
feet apart. The locations of inaccessible points may be established by ties and shall be so noted
on the final map or parcel map.

All exterior boundary monuments shall be set prior to recordation of the final map or parcel map
unless extensive grading operations or improvement work makes it impractical to set such
monuments. In the event any or all of the boundary monuments are to be set after recordation of
the final map or parcel map, prior to the submission of such map to the Director for filing, the
engineer or surveyor making the survey shall, in addition to furnishing field notes showing the
boundary survey as required by Section 17.16.030, Survey data, furnish evidence acceptable to
the Director to substantiate his or her reasons for deferring the setting of such monuments until
after recordation of such map.

17.16.070  Interior Monuments.
Interior monuments shall be set along streets as provided in Standard Plans and Specifications.
Interior monuments may be set after the final map or parcel map is recorded.

17.16.080  Deferred Monuments.
In the event any or all of the required monuments are to be set after recordation of the final map
or parcel map, the engineer or surveyor shall follow procedures per Sections 66496 and 66497 of
the Subdivision Map Act.

17.16.090  Monument Type and Positioning.
Boundary monuments shall consist of one (1) inch diameter iron pipes, eighteen (18) inches long
or as approved by the Director. Temporary interior monuments for construction purposes shall
consist of two (2) inch by two (2) inch by eight (8) inch long wood hubs with cup tacks. Permanent
interior monuments shall be in accordance with Standard Plans and Specifications.

17.16.100  Monument Identification Marks.
All boundary monuments shall be permanently and visibly marked or tagged with the
registration or license number of the engineer or surveyor who signs the engineer’s or surveyor’s
certificate and under whose supervision the survey was made.
17.16.110 Replacement of Destroyed Monuments.
Any boundary monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider’s engineer or surveyor.

17.16.120 Survey Data and Information to be Shown on Final Map or Parcel Map.
The following survey data and information shall be shown on each final map or parcel map for which a field survey was made pursuant to the provisions of this Title:

A. The basis of bearing used in the field survey, making reference to a recorded subdivision map or other record acceptable to the Director.

B. Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision.

C. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation.

D. All information and data necessary to locate and retrace any point or line without unreasonable difficulty.

E. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are “to be set.”

F. Bearing and length of each lot line, block line and boundary line and each required bearing and distance.

G. Length, radius and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve.

H. The center line of any street or alley in or adjoining the subdivisions, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of Standard Plans and Specifications.
Chapter 17

REVERSIONS

Sections:

17.17.010 General.
17.17.020 Initiation of Reversion Proceedings.
17.17.030 Review of Petition.
17.17.040 Findings for Reversion.
17.17.050 Conditions for Reversion.
17.17.060 Filing with Stanislaus County Recorder.
17.17.070 Merging and Resubdividing without Reversion.
17.17.080 Requirements for Parcel Mergers and Unmergers.

17.17.010 General.
Subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the Subdivision Map Act and this Chapter.

17.17.020 Initiation of Reversion Proceedings.
Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the Council.

A. By Owners. In the case of initiation by the owners, the petition shall be submitted to the Community Development Department and shall contain the following information:

1. Evidence of title to the real property.

2. Sufficient data to allow the Council to make the findings required in Section 17.14.040.

3. A final or parcel map consistent with the requirements of Chapter 17.08, Final Maps, or Chapter 17.06, Parcel Maps, and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title “The Purpose of this Map is a Reversion to Acreage.”

4. Such other additional data as required by the Director or the Director.
Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the Council.

B. By Council. The Council may, by resolution and after review by the Planning Commission, initiate proceedings to revert property to acreage. The Council shall direct the Community Development Department to obtain the necessary information to initiate and conduct the proceedings.
17.17.030  Review of Petition.
The notice, hearing, and procedural requirements for review of a tentative map requiring Council approval shall be followed in connection with the review of a proposed reversion to acreage; provided, that upon the conclusion of the hearing before the Council, the Council may approve the reversion to acreage and take final action on the proposed final map.

17.17.040  Findings for Reversion.
Subdivided property may be reverted to acreage only if the Council finds that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and

B. Either:
   1. All owners of an interest in the real property within the subdivision have consented to reversion;
   2. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
   3. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

17.17.050  Conditions for Reversion.
The Council may require as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights-of-way or easements;

B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Title;

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Title or necessary to protect the public health, safety or welfare.

17.17.060  Filing with Stanislaus County Recorder.
Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the Council resolution approving the reversion, to the Stanislaus County Recorder for recordation. Reversion shall be effective upon the final or parcel map being filed for record by the Stanislaus County Recorder.

17.17.070  Merging and Resubdividing without Reversion.
Subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this Title and the
Subdivision Map Act.

In the event an existing subdivision is resubdivided to change a street alignment, to change the design of more than four (4) lots, to create more than four (4) new lots, or to alter the drainage, it shall be deemed that a new subdivision is being created and the procedure for filing a tentative and final map as outlined in this Chapter shall be applicable, except as otherwise allowed in section 66426 of the Government Code. Changing of four (4) or less number of lots, without any other alterations, shall require the submission of a tentative map to the Planning Commission for approval as to area and lot design and all requirements of this Code. After such approval, a parcel map showing the new parcels shall be submitted to the Director for checking and recording.

17.17.080 Requirements for Parcel Mergers and Unmergers.
Except as provided otherwise in this Chapter, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act (California Government Code section 66499.11 et seq.).
Chapter 18

COVENANTS FOR EASEMENTS

Sections:

17.18.010 Creation of Covenant for Easements–Purposes.
17.18.020 Requirements for Creation.
17.18.030 Enforcement.
17.18.040 Recording–Contents–Effect.
17.18.050 Release of Covenant–Procedure and Hearing.
17.18.060 Recordation of Release.
17.18.070 Fees for Processing Covenant for Easement and Release From Covenant for Easement.
17.18.080 Limitation Upon Enforcement of Covenant.

17.18.010 Creation of Covenant for Easements–Purposes.
In addition to any other method for the creation of an easement, an easement may be created pursuant to this Title and California Government Code sections 65871 to 65875 by a recorded covenant of easement made by an owner of real property to the City. An easement created pursuant to this Chapter may be for parking, ingress, egress, emergency access, light and air access, landscaping, or open space purposes. The covenant of easement may be required by the approving authority as a condition of approval of any tentative subdivision map, parcel map, zoning, rezoning, conditional use permit, variance or other land use entitlement, permit or similar approval granted to the owner of real property within the City by a public body of the City or by a public officer of the City.

17.18.020 Requirements for Creation.
At the time of recording of the covenant of easement, all the real property benefitted or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to California Civil Code Division 2, Part 2, Title 2, Chapter 3 (commencing with California Civil Code section 801), except that it shall not merge into any other interest in the real property. California Civil Code section 1104 shall be applicable to conveyance of the affected real property. A covenant of easement recorded pursuant to this Chapter shall describe the real property to be subject to the easement and the real property to be benefitted thereby. The covenant of easement shall also identify the approval, permit, or designation granted by the City and relied upon or required by the covenant.

17.18.030 Enforcement.
A covenant executed pursuant to this Chapter shall be enforceable by the owner or owners of the real property benefitted by the covenant and their successors in title. In addition, the City may enforce such covenant through any manner provided for by law for the enforcement of the covenant by a person who is a third-party beneficiary of such a covenant.
17.18.040 Recording–Contents–Effect.
The covenant of easement shall be executed by all persons having an interest in the property, as
determined by the City Attorney, and delivered to the City Clerk for recordation by the City
Clerk in the office of the Recorder of Stanislaus County. The covenant shall contain a legal
description of the real property. From and after the time of its recordation, the covenant shall
impart notice thereof to all persons to the extent afforded by the recording laws of the State.
Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the
covenant shall inure to, all successors in interest to the real property.

17.18.050 Release of Covenant–Procedure and Hearing.
Once a covenant for easement has been created, it shall only be released by resolution adopted
by the Council following a noticed public hearing. The resolution adopted by the Council shall
specifically release the property burdened with such easement from the effect of such covenant.
The hearing shall be held upon the request of any person whether or not that person has title to
the real property. Notice of the public hearing shall be given as provided in California
Government Code section 65090 and shall include any notice required by California Government
Code section 65092. If the application is not filed by all persons having an interest in the real
property either benefitted or burdened by the covenant, then notice of said hearing, as defined by
California Government Code section 65094, shall be given by the applicant to each such person
who has an interest in the property and has not joined in the application not later than ten (10)
days prior to the date of such hearing. Proof of the giving of such notice shall be provided by the
applicant to the City Clerk not later than five (5) days prior to the date of said hearing. Any
person seeking release of the covenant shall provide the City, at the time of filing of an
application for such release, a title guarantee naming the City as the insured, listing all persons
having a record interest in the property benefitted by and burdened by the covenant as of the date
of the filing of said application.

17.18.060 Recodation of Release.
Upon a determination by the Council that the restriction of the property is no longer necessary to
achieve the land use goals of the City, a release shall be executed by the Mayor and City Clerk
and recorded by the City Clerk in the office of the Recorder of Stanislaus together with a
certified copy of the resolution authorizing such release.

17.18.070 Fees for Processing Covenant for Easement and Release From Covenant for
Easement.
The Council may adopt a resolution providing for the imposition of fees to recover the
reasonable costs to the City of processing both the covenant for the easement and the release for
the covenant for an easement. Said fees shall be in addition to any other fee imposed by
ordinance or resolution of the City in connection with the processing of the approvals or
entitlements listed in Section 17.18.010.

17.18.080 Limitation Upon Enforcement of Covenant.
Nothing in this Chapter shall create in any person other than the City and the owner of the real
property burdened or benefitted by the covenant standing to enforce or to challenge the covenant
or any amendment thereto or release therefrom.
Title 3

REVENUE AND FINANCE

Chapters:
3.01 Transfer of Tax Functions
3.02 Fiscal Administration.
3.03 Ceres Public Safety Transactions and Use Tax
3.04 Gas Tax Street Improvement Fund
3.05 Sales and Use Tax
3.06 Transient Occupancy Tax
3.07 Real Property Transfer Tax
3.08 Ceres Downtown Revitalization Area
3.09 Utility Users’ Excise Tax
3.10 Fee and Service Charge Revenue/Cost Comparison System
3.11 New Residential Development Service Operations Fee
3.12 Business License Tax
3.13 Public Facilities Fees
Chapter 01

TRANSFER OF TAX FUNCTIONS

Sections:
3.01.010 Transfer of Duties

3.01.010 Transfer of Duties.
The assessment and tax collection duties, and the collection of assessments levied for Municipal improvements, now performed by the assessor and the tax collector of the City, are transferred to the assessor and the tax collector of the County for the purpose of assessment and collection of and for ad valorem property taxes that become a lien after the adoption of this Chapter, and the collection of assessments for Municipal improvements becoming due and payable on and after July 1, 1962.
Chapter 02

FISCAL ADMINISTRATION

Sections:
3.02.010 Definitions.
3.02.020 Purpose of Chapter.
3.02.030 Collection and Deposit of City Funds.
3.02.040 Investment of City Funds in City Treasury.
3.02.050 Accounting and Auditing.
3.02.060 Drawing Checks Upon the City Treasury.
3.02.070 City Treasurer Utilization of Staff.
3.02.080 City Treasurer Duties, Responsibilities, and Powers.
3.02.090 Persons Designated; Bond Required.

3.02.010 Definitions.
For the purposes of this chapter, the following words and phrases shall have the following meanings:

“Audited claim” shall mean a claim that has been reviewed and approved by either the Finance Director, when authorized to do so by law or ordinance, or by the City Council in all other cases, for payment from a fund of the City as being in all respects a valid and legally enforceable obligation of the City payable from that fund.

“Check” shall have the same meaning to that term as is given in the Commercial Code.

“City Treasury” shall mean and include all of the funds of the City which have been deposited with the City Treasurer or in accounts in a legal depository selected by the City Treasurer for such deposit, together with all other funds of the City which have been lawfully deposited in a legal depository for the benefit of the City in accordance with the requirements of law.

“Claim” shall mean a demand for payment of money from the funds of the City, but shall exclude any claims for money or damages which must be presented to the City in accordance with the provisions of Government Code, Part 3, Division 3.6, Title 1, Chapter 1 (commencing with Government Code section 900) or Chapter 2 (commencing with Government Code section 910).

“Legal depository” shall have the same meaning as is given to the term “depository” as defined in Government Code section 53630(c).

“Warrant” shall mean a written instrument executed by an officer or officers of the City as required by law or ordinance addressed to the City Treasurer and directing him or her to pay from moneys deposited in the City Treasury a claim against the City or the purpose stated in that instrument and from such fund in the City Treasury which is described in said instrument.
3.02.020 Purpose of Chapter.
The purpose of this Chapter is to provide guidance to, and procedures to be followed by, officers and employees of the City relating to the collection, deposit, investment, and expenditure of funds paid to or received by the City. The provisions of this Chapter are intended to complement the various provisions of the Government Code which govern such matters and are not intended to conflict with those provisions.

3.02.030 Collection and Deposit of City Funds.
A. The Finance Director of the City shall have primary responsibility for the collection of all funds paid to or received by the City from any source except in those instances in which by statute, by ordinance or by contract approved by the City Council the responsibility for the collection of specific funds has been vested in another officer or employee of the City.

B. All City funds collected by the Finance Director, or the officer of the City charged by law or ordinance with the responsibility for collecting same, shall be delivered or deposited as follows:

1. All funds paid to or received by the City, the deposit of which by the City is governed by contract approved by the City Council or by statute or regulation, shall be deposited in accordance with the provisions of the contract approved by the City Council or in accordance with any applicable statute or regulation which governs the deposit of such funds.

2. Those funds specifically paid to the City Treasurer by reason of statute or ordinance shall be delivered to the City Treasurer for deposit. At the option of the officer of the City collecting said funds, instead of physically delivering said funds to the City Treasurer for deposit by him or her, said funds may be deposited in an account established by the Finance Director or City Treasurer for such deposits.

3. All other funds shall be deposited in an account established by the Finance Director or the City Treasurer for such deposits in accordance with any applicable statute or regulation which governs the deposit of such funds and need not be physically delivered to the Finance Director or City Treasurer prior to deposit.

4. Each City account shall be established as an interest-bearing account in a legal depository selected in accordance with the requirements set forth in this chapter and applicable law. Officers and employees of the City making deposits in such account shall advise the Finance Director or City Treasurer of both the making of each such deposit and the fund of the City to which the deposit shall be credited.

5. The City Council, the City Treasurer, and the Finance Director may agree to jointly use the services of a single-story depository for the deposit of funds. In the absence of such agreement, the City Treasurer has the statutory authority to select the depository or depositories for the funds coming into possession of the City Treasurer.

C. The City Treasurer is not authorized to perform any duty related to the collection of City taxes.
or license fees.

3.02.040 Investment of City Funds in City Treasury.
A. City funds which have been deposited as provided in 3.02.030 may be invested in accordance with the requirements of law and any investment policy statement approved by the City Council as follows:

1. All funds paid to or received by the City, the deposit of which by the City is governed by contract approved by the City Council or by statute or regulation, shall be invested in accordance with the provisions of the contract approved by the City Council or in accordance with any applicable statute or regulation which governs the investment of such funds. The City Council shall be responsible for the investment of such funds.

2. All other funds are subject to investment by the City Council under the provisions of Government Code section 53601 to the extent that such funds constitute money in a sinking fund or are determined by the City Council to be idle or surplus money not required for the immediate needs of the City. The City Council may, by resolution, establish criteria to be used in determining which deposited funds are subject to investment by the City as moneys in a sinking fund or as idle or surplus money not required for the immediate needs of the City. The City Treasurer shall have no authority to invest said deposited funds unless the City Council has, by resolution, delegated its authority to invest such funds to the City Treasurer in accordance with the requirements of Government Code section 53607.

B. The Finance Director shall prepare and submit to the City Manager and the City Council the quarterly report(s) on deposited and invested funds of the City that are required by Government Code section 53646(b).

C. The City Treasurer and the Finance Director may, by prior agreement, jointly prepare and submit to the City Manager and City Council monthly reports required to be prepared by the City Treasurer under the provisions of Government Code section 41004. In the absence of such agreement, the City Treasurer shall prepare such monthly reports on the funds which remain subject to control of the City Treasurer, if any. The City Treasurer shall be entitled only to the financial information necessary for the purposes of preparing the monthly report, subject to prior approval by the City Manager or Finance Director. The City Treasurer may only utilize City staff to prepare a monthly report as provided in 3.02.070. Nothing in this section shall prohibit the Finance Director from preparing and submitting a similar monthly report to the City Manager and City Council.

D. The City Council may, by resolution, establish an investment oversight committee to advise the City Council on investment matters. The Finance Director and the City Manager shall be members of such committee together with such other members as may be provided for in said resolution, appointed by the Mayor and confirmed by the City Council.

3.02.050 Accounting and Auditing.
A. The Finance Director shall have the primary responsibility to provide accounting and internal auditing services in reference to all funds of the City which have been deposited or invested
pursuant to this chapter.

B. All claims against the funds of the City, including payroll claims, shall be audited by the Finance Director and may be approved by the Finance Director if they conform to a budget approved by ordinance or resolution of the City Council and funds are available in the City Treasury for payment of said claims. All other claims shall be audited and approved by the City Council prior to payment. Claims subject to audit and approval by the Finance Director need not be audit by the City Council prior to payment but may be presented to the City Council for review following payment. All claims audited and approved by the Finance Director may thereafter be ratified and approved by the City Council in connection with the City Council’s acceptance and approval of an audited comprehensive annual financial report for the City.

C. The Finance Director may prescribe written procedures to be followed by all officers and employees of the City who collect or receive funds payable to the City to ensure the safekeeping and deposit of said funds by appropriate officers of the City in accordance with the laws of the State of California and the applicable ordinances and resolutions of the City. Officers and employees of the City who collect or receive said funds payable to the City shall comply with said written procedures and shall make the deposits of said funds at the intervals and in the manner provided for in said written procedures. The accounts of officers or employees making deposits in the City Treasury shall be settled as provided in said written procedures, but not less frequently than on the first Monday of each month.

3.02.060 Drawing Checks Upon the City Treasury.

A. When funds are available for the payment of claims, the audit and approval of said claims by either the Finance Director, when authorized in 3.02.050, or by City Council in all other cases, shall, without issuance of a warrant, be authority to the legal depository holding the funds in the City Treasury to pay the audited claims by check or electronic transfer as authorized by Government Code section 53912. Registers and transfers maintained by the Finance Director pertaining to said checks and electronic transfers shall contain substantially the same information as required by law or ordinance to be maintained in connection with the use of warrants for payment of claims. Such required information shall consist of the purpose or purposes for which the check is drawn or for which electronic transfer is made, the identity of the fund or funds from which the payment is to be made and the identity of the officers of the City who authorized the drawing of the check or the making of the electronic transfer. All funds held in the City Treasury shall be subject to being drawn upon by check or electronic transfer, subject to such limitations upon the use of said checks and electronic transfers as may be required by the legal depository holding said funds and also subject to such further limitations as may be required by law or ordinance.

B. Funds held in the City Treasury may be transferred between interest-bearing and non-interest-bearing accounts for use of paying audited claims by checks drawn as provided in this section. Funds in the City Treasury may also be drawn upon by check or electronic transfer as provided in this section for the purchase of investments for idle and surplus funds of the City as authorized by 3.02.040.

C. All manually prepared checks drawn upon funds in the City Treasury shall be executed by the
Mayor and the Finance Director as the City’s legally designated persons. All machine prepared checks drawn upon funds in the City Treasury either may be manually executed as provided above or may be executed by use of facsimile signatures in accordance with the procedures provided for in Government Code section 5500 et seq.

3.02.070 City Treasurer Utilization of Staff.
In executing and performing the duties and powers conferred upon the City Treasurer by this chapter, the City Treasurer shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and the City Treasurer shall not give orders to any subordinates of the City Manager. Notwithstanding the foregoing, the City Treasurer may provide assistance in an advisory capacity to any department heads, so long as such assistance does not conflict with the administrative duties of the City Manager.

3.02.080 City Treasurer Duties, Responsibilities, and Powers.
The City Treasurer shall have no duty, responsibility, or power beyond those explicitly enumerated in this code. Notwithstanding the foregoing, the City Treasurer shall not be precluded from performing those duties mandated by State law.

3.02.090 Persons Designated; Bond Required.
Any two (2) of the following persons are authorized, on behalf of the City of Ceres, to draw and execute any and all warrants, checks, or other orders for the payment or disbursement of money or funds belonging to the City of Ceres, provided that at least one of such persons has executed an official bond to the City for faithful performance as required by Government Code section 37203:
The Mayor of the City of Ceres;
The Vice Mayor of the City of Ceres;
The City Treasurer of the City of Ceres;
The Director of Finance of the City of Ceres.
Chapter 03

CERES PUBLIC SAFETY TRANSACTIONS AND USE TAX

Sections:
3.03.010 Title.
3.03.020 Operative Date.
3.03.030 Purpose.
3.03.040 Contract with State.
3.03.050 Transactions Tax Rate.
3.03.060 Place of Sale.
3.03.070 Use Tax Rate.
3.03.080 Adoption of Provisions of State Law.
3.03.090 Limitations on Adoption of State Law and Collection of Use Taxes.
3.03.100 Permit Not Required.
3.03.110 Exemptions and Exclusions.
3.03.120 Amendments.
3.03.130 Enjoining Collection Forbidden.
3.03.140 Severability.
3.03.150 Use of Tax Proceeds and Expenditure Plan.
3.03.160 Establishment of Citizens' Oversight Committee.

3.03.010 Title.
This Chapter shall be known as the “Ceres Police, Fire, 9-1-1 Emergency Response Transactions and Use Tax Ordinance”. This Chapter shall be applicable in the incorporated territory of the City.

3.03.020 Operative Date.
The operative date is the first day of the first calendar quarter commencing more than one hundred ten (110) days after the initial adoption of this Chapter. The tax imposed pursuant to this Chapter went into effect beginning April 1, 2008.

3.03.030 Purpose.
This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance. This tax ordinance is operative, as two-thirds of the electors voting on the measure have approved the imposition of the tax at the November 6, 2007, election.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not
inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

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

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Chapter.

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

3.03.050 Transactions Tax Rate.
For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 0.50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Chapter. Such tax shall be in addition to any other transactions tax imposed by this Code or applicable State law.

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

3.03.070 Use Tax Rate.
An excise tax is imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of the ordinance codified in this Chapter for storage, use or other consumption in said territory at the rate of 0.50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.
Such tax shall be in addition to any other use tax imposed by this Code or applicable State law.

3.03.080 **Adoption of Provisions of State Law.**
Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are adopted and made a part of this Chapter as though fully set forth herein.

3.03.090 **Limitations on Adoption of State Law and Collection of Use Taxes.**
In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

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

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

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

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

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

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

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

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

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

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

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the City shall be satisfied:
   a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
   b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

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

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of the ordinance codified in this Chapter.

5. For the purposes of subsections (B)(3) and (B)(4) of this Section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Chapter, the storage, use or other
consumption in this City of tangible personal property:

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

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

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

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of the ordinance codified in this Chapter.

5. For the purposes of subsections (C)(3) and (C)(4) of this Section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subsection (C)(7) of this Section, a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

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

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

3.03.120 Amendments.
A. All amendments subsequent to the effective date of the ordinance codified in Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter unless any increase in the rate of this tax is first approved by two-thirds of the voters of the City of Ceres voting on such question.

B. Pursuant to Elections Code Section 9217 or any successor statute, the City Council of the City of Ceres may amend or repeal this Chapter and any of its exhibits, but not increase or extend the rate of tax imposed herein, without a vote of the people.

3.03.130 Enjoining Collection Forbidden.
No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

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

3.03.150 Use of Tax Proceeds and Expenditure Plan.
All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund or account designated for use by the City of Ceres only for the Public Safety Services set forth in the Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds, attached to the ordinance codified in this Chapter as Exhibit "1." The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for public safety, police and fire protection services.
For the purposes of this Chapter, "Public Safety Services" means (a) obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, as are deemed necessary by the City Council for the benefit of the residents of the City. No revenues collected pursuant to the tax levied may be spent on department administrators' salaries, General Fund operating expenses in effect at the time this Chapter becomes effective, or projects not a part of the Public Safety Expenditure Plan. It is the intent of the people that revenues collected hereunder shall supplement, rather than supplant, existing City expenditures for public safety.
3.03.160 Establishment of Citizens' Oversight Committee.

A. Committee Established: There is established in the City of Ceres a Citizen's Oversight Committee to monitor the expenditures of revenue collected pursuant to this Chapter only and report to the people and the City Council.

B. Selection of Members: Members of the Citizens' Oversight Committee shall be appointed by the City Council. The Committee shall consist of five (5) members. The Citizens' Oversight Committee members shall not be current City of Ceres employees, officials, contractors or vendors of the City. Past employees, officials or vendors shall be eligible to serve on the Committee, provided that there are no conflicts of interest as determined by the City Attorney.

1. Of the members of the Committee first appointed, three (3) shall be appointed for terms of two (2) years and two (2) for terms of three (3) years. Their successors shall be appointed for terms of three (3) years. No member may serve more than two (2) consecutive three (3) year terms.

2. The City Council shall solicit Citizens' Oversight Committee members through an open application process or other process as determined by the City Council. Any Ceres resident is eligible to apply for Committee membership, subject to the appointment categories specified above. All applications will be reviewed by the City Council, which will have the authority to make all final decisions on Committee representation, subject to these guidelines.

C. The Citizens' Oversight Committee shall review expenditures of revenue collected pursuant to this Chapter only to determine whether such funds are expended for the purposes specified in the then-current Public Safety Expenditure Plan and issuing reports on their findings to the City Council and public at least annually. Committee members may also review the annual financial or performance audits performed by an independent auditor selected by the City Council. The Committee shall confine its oversight specifically to revenues generated under this Chapter. Revenue generated through other sources shall be outside the jurisdiction of the Public Safety Citizens' Oversight Committee.

1. In order to preserve the integrity and independence of the oversight process, Committee members will not play a formal role in contracting, project management, or any other aspect of the Public Safety Measure funding.

2. The Committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions (e.g., leveraged funds, developer fees, etc.), financing plans, or tax rate assumptions. The Committee shall serve in an advisory-only role to the City Council. The Committee shall have no jurisdiction other than that delegated to it by the people pursuant to this Chapter.

3. The City of Ceres City Manager or his or her designee shall provide any reasonable administrative or technical assistance required by the Committee to fulfill its responsibilities or publicize its findings.
D. The Citizens' Oversight Committee shall meet semi-annually (or as otherwise provided for in approved or amended by-laws) with specific meeting dates to be determined by Committee members. Citizens' Oversight Committee meetings are subject to the Brown Act. Meetings must be noticed and open to the public. Committee minutes and reports are a matter of public record and must be posted on a web site provided by the City. Additional meetings may be scheduled by the Committee as necessary. All Committee members shall attend a training and orientation session prior to the first regular Committee meeting.

   1. Committee members are expected to attend all regular meetings. Failure to attend two (2) consecutive meetings may result in removal from the Committee at the discretion of the City Council.

E. The Citizens' Oversight Committee will select members to serve as Chair and Vice Chair of the Committee. A City staff person will be appointed by the City Manager or his or her designee to serve as Secretary. The Secretary will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Approved minutes shall be made available to the public. Committee decisions, positions, findings and procedures shall require a simple majority vote of those Members in attendance. The quorum requirement for any meeting shall be a minimum of three (3) members.

F. Committee members may be removed from the Committee only by the City Council for repeated absence (see subsection D above), for malfeasance, for failing to meet the qualifications set forth in this Section or for inability or unwillingness to fulfill the duties of a Member. In the event of removal, resignation, or death, the City Council shall appoint a person to fill the vacant seat.

G. With the exception of those items specifically addressed in these Guiding Principles, the Committee may draft and adopt its own standard procedures and by-laws by majority vote. All Citizens' Oversight Committee procedures and by-laws remain subject to review and approval by the City Council. Citizen's Oversight Committee reports are subject to review and approval of the City Council for the sole purpose of confirming that the report has been prepared in compliance with the provisions of this Chapter.
Chapter 04

GAS TAX STREET IMPROVEMENT FUND

Sections:

3.04.010 Creation.
3.04.020 Use of Moneys.

3.04.010 Creation.
There is created in the City treasury a special fund to be known as the special gas tax street improvement fund.

3.04.020 Use of Moneys.
All moneys received from the State of California under provisions of Article 5, Chapter 1, Division 1 of Streets and Highways Code shall be paid into such fund and shall be expended exclusively for purposes set forth in said article.
Chapter 05

SALES AND USE TAX

Sections:
3.05.010 Short Title.
3.05.020 Purpose.
3.05.030 Operative Date; Contract with State.
3.05.040 Sales Tax.
3.05.050 Use Tax.
3.05.060 Amendments.
3.05.070 Enjoining Collection Forbidden.
3.05.080 Application of Provisions Relating to Exclusions and Exemptions.

3.05.010 Short Title.
This Chapter shall be known as the Uniform Local Sales and Use Tax ordinance of the City of Ceres.

3.05.020 Purpose.
The City Council declares that the ordinance adopted herein is adopted to achieve the following, among others, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

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

B. To adopt a sales and use tax chapter which incorporates provisions identical to those of the Sales and Use Tax law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5, Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax chapter which imposes a one percent (1%) tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State sales and use taxes;

D. To adopt a sales and use tax chapter which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5, Division 2 of the Revenue and Taxation Code, minimize the cost of collecting City sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this Chapter.

3.05.030 Operative Date; Contract with State.
This Chapter shall become operative on April 1, 1957, and prior thereto this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax chapter; provided, that if this City shall not have contracted with the State Board of Equalization, as above set forth, prior to April 1, 1957, this Chapter shall not be operative until the first day of the first calendar quarter following the execution of such a contract by the City and by the State Board of Equalization, and provided further that this Chapter shall not become operative prior to the operative date of the uniform local sales and use tax ordinance of Stanislaus County.

3.05.040 Sales Tax.

A. 1. For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the City at the rate of .950 percent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City.

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

B. 1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5, Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1.5, Division 2 of that code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are adopted and made a part of this Section as though fully set forth herein.

2. Wherever, and to the extent that, in Part 1.5, Division 2 of the Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made to those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1.5, Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts.
which would not be subject to tax by the State under the provisions of that Code; and, in addition, the name of the City shall not be substituted for that of the State in Revenue and Taxation Code sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, and 6828, as adopted.

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

4. There shall be excluded from the gross receipts by which the tax is measured:

a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer;

b. The gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government; and

c. The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the carriage of persons or property in such vessel for commercial purposes.

3.05.050 Use Tax.

A. An excise tax is imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer for storage, use or other consumption in the City at the rate of .950 percent of the sales price of the property.

B. 1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5, Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1, Division 2 of the code, as amended and in force and effect on April 1, 1957, applicable to use taxes are adopted and made a part of this Section as though fully set forth herein.

2. Wherever, and to the extent that, in Part 1, Division 2 of the Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily
limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1, Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Revenue and Taxation Code sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, and 6828, as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Revenue and Taxation Code section 6203 nor in the definition of that phrase in Revenue and Taxation Code section 6203.

3. There shall be exempt from the tax due under this Section:
   a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer;

   b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5, Division 2 of the Revenue and Taxation Code by any city and county, county or city in this State;

   c. In addition to the exemptions provided in Revenue and Taxation Code sections 6366 and 6366.1, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government; and

   d. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

3.05.060 Amendments.
All amendments of Part 1, Division 2 of the Revenue and Taxation Code enacted subsequent to March 20, 1957, which relate to the sales and use tax and which are not inconsistent with Part 1.5, Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter.

3.05.070 Enjoining Collection Forbidden.
No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this Chapter, or Part 1.5, Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.
3.05.080 Application of Provisions Relating to Exclusions and Exemptions.
Sections 3.20.040(B)(4)(c) and 3.20.050B(3)(d) of this Chapter shall become operative on the operative date of any act of the Legislature of the state which amends or repeals and reenacts Revenue and Taxation Code section 7202 to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in Revenue and Taxation Code sections 7202(i)(7) and (i)(8) as those subdivisions read on October 1, 1983.
Chapter 06

TRANSIENT OCCUPANCY TAX

Sections:
3.06.010 Title.
3.06.020 Definitions.
3.06.030 Tax Imposed.
3.06.040 Exemptions.
3.06.050 Operator's Duties.
3.06.060 Registration Required.
3.06.070 Reporting; Remitting.
3.06.080 Delinquency; Penalties.
3.06.090 Failure to Collect and Report.
3.06.100 Appeal Procedure.
3.06.110 Preservation of Records.
3.06.120 Refund Provisions.
3.06.130 Actions to Collect.
3.06.140 Violations.
3.06.150 Disposition of Proceeds.

3.06.010 Title.
This tax shall be known as the "Uniform Transient Occupancy Tax of the City of Ceres."

3.06.020 Definitions.
Except where the context otherwise requires, the definitions given in this Section govern the construction of this Chapter.

A. “Hotel” means any structure or any portion of any structure which is occupied or intended or designated for occupancy by transients for dwelling, lodging, or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, dormitory, public or private club, mobile home or house trailer at a fixed site or other similar structure or portion thereof.

B. “Occupancy” means the use or possession or the right to the use or possession of any room or rooms or portion thereof in any Hotel for dwelling, lodging or sleeping purposes. Occupancy shall also include the use of parking facilities, including valet services, for hotel guests including: (1) charges to hotel guests for parking located on the hotel premises regardless of how charged, and (2) charges to hotel guests for parking located off the hotel premises where such charge is added to the room bill and paid to the hotel operator.

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

D. “Rent” means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

E. “Tax administrator” means the Finance Director.

F. “Transient” means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this tax may be considered.

3.06.030  Tax Imposed.
For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent (10%) of the rent charged by the operator. This tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

3.06.040  Exemptions.
A. No tax shall be imposed upon:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;

2. Any Federal or State of California officer or employee when on official business;

3. Any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty;

4. Any charitable institution, organization, or association organized and conducted for charitable purposes only. The exemption shall not apply to promoters employed by charitable organizations;

5. Any soldier, sailor or marine of the United States who is currently on active duty or has
received an honorable discharge or a release from active duty under honorable conditions from such service; any spouse or widow of any such soldier, sailor or marine;

6. Any natural person or group of persons under the age of eighteen (18) years who are bona fide residents of the City and have been so domiciled for at least thirty (30) calendar days prior to filing a claim for exemption; or

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

B. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

3.06.050 Operator's Duties.
Each operator shall collect the tax imposed by this Chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in Section 3.24.120.

3.06.060 Registration Required.
Within thirty (30) days after the effective date of this tax, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel with the tax administrator and obtain from him a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax by registering with the Tax Administrator for the purpose of collecting from transients the transient occupancy tax and remitting this tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this
City. This certificate does not constitute a permit.

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

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

B. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and ten percent (10%) penalty first imposed.

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

D. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Every penalty imposed and such interest as accrues under the provisions of this Section shall become a part of the tax herein required to be paid.

3.06.090 Failure to Collect and Report.
A. If any operator shall fail or refuse to collect the tax and to make, within the time provided for in this Chapter, any report and remittance of the tax or any portion thereof required by this Chapter, the Tax Administrator shall proceed in such manner as he may deem best to obtain fact and information on which to base his estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this Chapter and payable by any operator who has failed or refused to collect it and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this Chapter.
B. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed.

C. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five (5) days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties.

D. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.24.100.

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

3.06.110 Preservation of Records.
It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

3.06.120 Refund Provisions.
A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this Chapter, it may be refunded as provided in subsections B and C, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the
amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

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

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

3.06.130 Actions to Collect.
Any tax required to be paid by any transient under the provisions of this Chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person, including an operator, owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

3.06.140 Violations.
A. It is unlawful for any operator or other person to:

1. Fail or refuse to register as required herein;

2. Fail or refuse to furnish any return required to be made;

3. Fail or refuse to furnish a supplemental return or other data required by the Tax Administrator;

4. Render a false or fraudulent return or claim; or

5. Make, render, sign or verify any report or claim to make any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this Chapter to be made.

B. Any person violating any of the provisions of this Chapter shall be guilty of an infraction.

C. Any person willfully violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

3.06.150 Disposition of Proceeds.
All moneys received by the City under or pursuant to the provisions of this Chapter shall be deposited and paid into the general fund of the City.
Chapter 07

REAL PROPERTY TRANSFER TAX

Sections:
3.07.010 Title.
3.07.020 Amount.
3.07.030 Responsibility for Payment.
3.07.040 Not Applicable to Written Instrument Securing Debt.
3.07.050 Government Agency Not Liable.
3.07.060 Exemptions.
3.07.070 Securities and Exchange Commission; Exemption.
3.07.080 Partnership; Exemption.
3.07.090 Marital Property; Exemption.
3.07.100 Reconveyance to Exempt Agency; Exemption.
3.07.110 Reconveyance to Nonprofit; Exemption.
3.07.120 Intervivos Gift; Exemption.
3.07.130 Administration.

3.07.010 Title.
This Chapter shall be known as the "Real Property Transfer Tax Ordinance of the City of Ceres."
It is adopted pursuant to the authority contained in Part 6.7 (commencing with section 11901),
Division 2 of the Revenue and Taxation Code of the State of California. Except as hereinafter
provided, and except insofar as they are inconsistent with the provisions of Part 6.7, Division 2
of the Revenue and Taxation Code, all of the provisions of Part 6.7, Division 2 of that code, as
amended and in force and effect on January 1, 1968, applicable to sales taxes are adopted and
made a part of this Section as though fully set forth herein.

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

3.07.030 Responsibility for Payment.
Any tax imposed pursuant to Section 3.28.020 shall be paid by any person who makes, signs or
issues any document or instrument subject to the tax, or for whose use or benefit the same is
made, signed or issued.
3.07.040  **Not Applicable to Written Instrument Securing Debt.**
Any tax imposed pursuant to this Chapter shall not apply to any instrument in writing given to secure a debt.

3.07.050  **Government Agency Not Liable.**
The United States or any agency or instrumentality thereof, any state or territory, or political subdivision or the District of Columbia shall not be liable for any tax imposed pursuant to this Chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

3.07.060  **Exemptions.**
Any tax imposed pursuant to this Chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

A. Confirmed under the Federal Bankruptcy Code, as amended;

B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in Section 101 of Title 11 of the United States Code, as amended;

C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in Section 101 of Title 11 of the United States Code, as amended; or

D. Whereby a mere change in identity, form or place or organization is affected.
Subsections A to D, inclusive, shall only apply if the making, delivery, or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

3.07.070  **Securities and Exchange Commission; Exemption.**
Any tax imposed pursuant to this Chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of section 1083 of the Internal Revenue Code of 1954; but only if:

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

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

3.07.080  **Partnership; Exemption.**
A. In the case of any realty held by a partnership or other entity treated as a partnership for federal income tax purposes, no levy shall be imposed pursuant to this Chapter by reason of any transfer of an interest in a partnership or other entity or otherwise, if: both of the following occur:...
1. The partnership or other entity treated as a partnership considered a continuing partnership within the meaning of section 708 of the Internal Revenue Code of 1986; and

2. The continuing partnership or other entity treated as a partnership continues to hold the realty concerned.

B. If there is a termination of any partnership or other entity treated as a partnership for federal income tax purposes, within the meaning of section 708 of the Internal Revenue Code of 1986, for purposes of this Chapter, the partnership or other entity shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereof), all realty held by the partnership or other entity at the time of termination.

C. Not more than one tax shall be imposed pursuant to this Chapter by reason of a termination described in subsection B, and any transfer pursuant thereto, with respect to the realty held by the partnership or other entity treated as a partnership at the time of termination.

D. No levy shall be imposed pursuant to this part by reason of any transfer between an individual or individuals and a legal entity or between legal entities that results solely in a change in the method of holding title to the realty and in which proportional ownership interests in the realty, whether represented by stock, membership interest, partnership interest, cotenancy interest, or otherwise, directly or indirectly, remain the same immediately after the transfer.

3.07.090 Marital Property; Exemption.

A. Any tax imposed pursuant to this part shall not apply with respect to any deed, instrument, or other writing which purports to transfer, divide, or allocate community, quasi-community, or quasi-marital property assets between spouses for the purpose of effecting a division of community, quasi-community, or quasi-marital property which is required by a judgment decreeing a dissolution of the marriage or legal separation, by a judgment of nullity, or by any other judgment or order rendered pursuant to the Family Code, or by a written agreement between the spouses, executed in contemplation of any such judgment or order, whether or not the written agreement is incorporated as part of any of those judgments or orders.

B. In order to qualify for the exemption provided in subdivision (a), the deed, instrument, or other writing shall include a written recital, signed by either spouse, stating that the deed, instrument, or other writing is entitled to the exemption.

3.07.100 Reconveyance to Exempt Agency; Exemption.

Any tax imposed pursuant to this Chapter shall not apply with respect to any deed, instrument, or other writing by which realty is conveyed by the State of California, any political subdivision thereof, or agency or instrumentality of either thereof, pursuant to an agreement whereby the purchaser agrees to immediately reconvey the realty to the exempt agency.

3.07.110 Reconveyance to Nonprofit; Exemption.

Any tax imposed pursuant to this Chapter shall not apply with respect to any deed, instrument, or other writing by which the State of California, any political subdivision thereof, or agency or
instrumentality of either thereof, conveys to a nonprofit corporation realty the acquisition, construction, or improvement of which was financed or refinanced by obligations issued by the nonprofit corporation on behalf of a governmental unit, within the meaning of Section 1.103-1 (b) of Title 26 of the Code of Federal Regulations.

3.07.120 Intervivos Gift; Exemption.
Any tax imposed pursuant to this part shall not apply to any deed, instrument, or other writing which purports to grant, assign, transfer, convey, divide, allocate, or vest lands, tenements, or realty, or any interest therein, if by reason of such inter vivos gift or by reason of the death of any person, such lands, tenements, realty, or interests therein are transferred outright to, or in trust for the benefit of, any person or entity.

3.07.130 Administration.
The County Recorder shall administer this Chapter in conformity with the provisions of Part 6.7, Division 2 of the Revenue and Taxation Code and the provisions of any County ordinance adopted pursuant thereto.

Claims for refund of taxes imposed pursuant to this Chapter shall be governed by the provisions of Chapter 5 (commencing with section 5096), Part 9, Division 1 of the Revenue and Taxation Code of the State of California.
Chapter 08

CERES DOWNTOWN REVITALIZATION AREA

Sections:
3.08.010 Downtown Revitalization Area Established.
3.08.020 Boundaries.
3.08.030 Use of Revenue.
3.08.040 Assessments Levied.
3.08.050 Application of State Law.
3.08.060 Effect of Assessments.
3.08.070 Expenditure of Funds.

3.08.010 Downtown Revitalization Area Established.
The City Council of the City does hereby establish a downtown parking and business improvement area pursuant to the provisions of the Parking and Business Improvement Area Law of 1979, which area shall be designated as the "Ceres Downtown Revitalization Area."

3.08.020 Boundaries.
The boundaries of the "Ceres Downtown Revitalization Area" shall include all that area bounded by Sixth Street on the east, El Camino on the southwest, and Magnolia on the north to depth of one hundred fifty feet (150') of the north of the center line of Magnolia, all as shown on the map attached to Ordinance 88-708 as Exhibit A, the legal description of which is as follows:
All that certain real property situated in a portion of the Southeast ¼ of Section 14, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, City of Ceres, County of Stanislaus, State of California described as follows:

BEGINNING at the Northwest corner of Lot 13, Block 22, of the CITY OF CERES, as shown on the map filed in Volume II of Maps, at Page 1, Stanislaus County Records; thence Northerly along the prolongation of the West line of said Lot 13, a distance of 15' ± to the true point of beginning; thence Easterly along a line which is 150' North of the parallel to the centerline of Magnolia Street a distance of 1995' ± to the centerline of Sixth Street; thence South along the centerline of Sixth Street a distance of 1840' ± to the centerline intersection of Park Street; thence West along the centerline of Park Street and its prolongation a distance of 500' ± to a point on the Southerly prolongation of the Westerly right of way line of El Camino Avenue; thence Northwesterly along the Westerly right of way line of El Camino Avenue and its prolongation a distance of 2220' ± to a point on the Southerly prolongation of the West property line of said Lot 13; thence North along the West line of said Lot 13 and its prolongation a distance of 210' ± to the true point of beginning.

3.08.030 Use of Revenue.
Some of the proposed uses to which revenues generated from the area shall be put are as follows:

A. Replacement of selected curb, gutter and sidewalks;

B. Landscaping and beautification of the area, including installation of planters, benches,
landscaped islands, irrigation, lighting and other related improvements;

C. Installation of colored crosswalks at selected intersections;

D. Reconstruction of alleys within the area and onsite paving behind businesses to provide additional parking;

E. Provisions of street fixtures and furniture to the downtown area, landscaping and irrigation to the downtown area, installation of colored sidewalks in the downtown area;

F. Provisions of low interest loans and/or grants to merchants to complete facade improvements and provide additional off-street parking; and

G. Other projects, programs and/or improvements, the purpose of which is to contribute to the revitalization of downtown Ceres.

3.08.040 Assessments Levied.
The system of assessments or charges which will be used and the businesses upon which the levy will be made is as follows:

A. Assessments and charges will be made only against businesses located within the area. The aggregate or combined receipts shall be used for all businesses owned by the same party or parties that are located at the same address.

B. All assessments will be made on a quarterly basis and will be due at the end of each quarter.

C. All businesses within the area whose gross receipts are fifty thousand dollars ($50,000.00) or less for any quarter shall be assessed thirty dollars ($30.00) per quarter.

D. All businesses within the area whose gross receipts are greater than fifty thousand dollars ($50,000.00) but less than two hundred thousand dollars ($200,000.00) for any quarter shall be assessed seventy-five dollars ($75.00) per quarter.

E. All businesses within the area whose gross receipts are two hundred thousand dollars ($200,000.00) or more for any quarter shall be assessed seventy-five dollars ($75.00) per quarter plus one mil (.001) on all gross receipts exceeding two hundred thousand dollars ($200,000.00), computed on a quarterly basis.

F. Banks and savings and loan institutions within the area shall be assessed a flat fee of five hundred dollars ($500.00) annually.

G. Gasoline service stations with gross receipts from the sale of gasoline which exceed eight hundred thousand dollars ($800,000.00) or more per year shall be assessed a flat fee of five hundred dollars ($500.00) per year plus seventy-five dollars ($75.00) per quarter.

H. Gasoline service stations with gross receipts from the sale of gasoline of less than eight
hundred thousand dollars ($800,000.00) per year shall be assessed in accordance with the provisions of C, D, and E as set forth herein.

3.08.050 Application of State Law.
All businesses lying within the area established by this Chapter shall be subject to any amendments to Part 6 of the Streets and Highways Code of the State of California (section 36500 through 36551).

3.08.060 Effect of Assessments.
The assessments made against businesses lying within the area shall commence and be effective beginning January 1, 1989.

3.08.070 Expenditure of Funds.
The City Manager shall have sole discretion to expend the revenues derived from the assessments or charges imposed and collected pursuant to this Chapter for those activities, projects, and programs identified in the annual report approved by the City Council. The City Council may, by resolution, establish and create an advisory board or commission to make recommendations as to the expenditure of such funds, and the City Council may limit the membership of such advisory board to persons or entities paying the assessments or charges pursuant to this Chapter.
Chapter 09

UTILITY USERS' EXCISE TAX

Sections:
3.09.010 Title.
3.09.020 Definitions.
3.09.030 Purpose.
3.09.040 Exemptions.
3.09.050 Telephone Users' Tax.
3.09.060 Electricity Users' Tax.
3.09.070 Gas Users' Tax.
3.09.080 Cable Television Users' Tax.
3.09.090 Tax Rate.
3.09.100 Remittance of Tax and Penalties.
3.09.110 Actions to Collect.
3.09.120 Duty to Collect; Procedures.
3.09.130 Additional Powers and Duties of the Tax Administrator.
3.09.140 Assessment; Administrative Remedy.
3.09.150 Records.
3.09.160 Refunds.
3.09.170 Limitation of Action.
3.09.180 Termination or Suspension of Tax.
3.09.190 Operative Date.

3.09.010 Title.
This Chapter shall be known as the “Utility Users’ Excise Tax” of the City of Ceres.

3.09.020 Definitions.
Except where the context otherwise requires, the definitions set forth in this Section govern the construction of this Chapter.

A. “Gas” includes natural gas and any other gas used for light, heat and power.

B. “Month” means a calendar month.

C. “Nonutility supplier” means a service supplier, other than an electrical corporation serving within the City, which generates electrical energy in capacities of at least one hundred (100) kilowatts monthly for its own use or for sale to others.

D. “Person” means any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society, or individual.
E. “Service supplier” means any entity required to collect or self-impose and remit a tax as imposed by this Chapter.

F. “Service user” means a person required to pay a tax imposed by this Chapter.

G. “Tax administrator” means the City Manager of the City or designee.

H. “Telephone corporation,” “electrical corporation,” “gas corporation,” “water corporation,” and “cable television corporation,” shall have the same meanings as defined in Public Utilities Code sections 234, 218, 222, 241, and 215.5 (as said Sections existed on April 1, 1991), except that "water corporation" shall also be construed to include any municipality or governmental agency engaged in the selling or supplying of water to a service user, and "electrical corporation" shall also be construed to include any municipality or person engaged in the selling or supplying of electrical power to a service user.

3.09.030 Purpose.
This Chapter is adopted pursuant to the provisions of Government Code section 37100.5 and other applicable laws for the purpose of providing general Municipal revenues to be used for general Municipal purposes. Revenues from the tax imposed by this Chapter shall be placed in the City's General Fund.

3.09.040 Exemptions.
A. Nothing in this Chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or the Constitution of the State of California.

B. Households that do not exceed the very low income limits for Stanislaus County as set forth in the most recent edition of the Section 6932 Income Limits issued annually by the U.S. Department of Housing and Urban Development shall be exempt from the payment of the taxes imposed by this Chapter.

3.09.050 Telephone Users' Tax.
A. There is imposed a tax on the amounts paid for any intrastate, interstate, and international telephone communications services, including any teletypewriter or facsimile exchange services, by every person in the City using such services, other than a telephone corporation. The tax imposed by this Section shall be at the rate specified by resolution of the City Council as provided for in Section 3.40.100 of this Chapter on the charges made for such services and shall be paid by the person paying for such services. This tax is intended to and does apply to all charges billed to a telephone account having a situs in the City, irrespective of whether a particular communication service originates and/or terminates within the City.

B. As used in this Section, the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones except where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other period charge shall be included in the base for computing the amount of tax due; nor shall the
term "charges" include charges for any type of service or equipment furnished by a service supplier which is subject to public utility regulations during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to public utility regulation.

C. The term "telephone communication services" refers to that service which provides access to a telephone system and the privilege of telephone quality communication with substantially all persons having telephone stations which are part of such telephone system. The words "telephone communication services" do not include land mobile service or maritime mobile services as defined in Section 2.1. of Title 47 of the Code of Federal Regulations, as said Sections existed on January 1, 1983.

D. The tax imposed by this Section shall be billed and collected from the service users by the person providing the telephone communications services, or the persons receiving payment for such services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month; or, at the option of the person required to collect and remit the tax, an estimated amount of tax collected which shall be measured by the tax billed in the previous month, shall be remitted to the tax administrator on or before the last day of each month. If estimated tax payments are remitted to the tax administrator, the person required to collect and remit the tax shall reconcile the difference between the amount of the tax actually due and the amount of the estimated tax paid to the tax administrator every third month after the date that the tax is first imposed. Any additional tax due to the City shall immediately be paid to the tax administrator. The amount of any overpaid tax may be deducted from the next payment due to the City. In the event of a tax overpayment, documentation establishing such overpayment shall be provided to the City along with the tax payment for the month in which the overpayment is claimed.

E. Notwithstanding the provisions of subsection A of this Section, the tax imposed under this Section shall not be imposed upon any person for using the following intrastate, interstate, or international telephone communications services:

1. Service paid for by inserting coins in coin-operated telephones available with respect to local telephone service, or with respect to toll telephone service, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

2. Except with respect to local telephone service, services used in collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

3. Services furnished to an international organization, or to the American National Red Cross.
4. Any toll telephone service which originates within a combat zone and is from a member of the Armed Forces of the United States performing service in such combat zone; provided a certificate, setting forth such facts as the secretary may by regulations prescribe, is furnished to the person receiving such payment.

5. Any toll telephone service which entitles the subscriber, upon payment of a periodic charge (determined as a flat amount or upon the basis of total elapsed transmission time), to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located, that is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

6. The installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to such installation.

7. Amounts paid by a nonprofit hospital for services furnished to such organization.

8. Services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

9. Services or facilities paid for by a nonprofit educational organization and furnished to such organization. For purposes of this subsection, the term NONPROFIT ORGANIZATION means an educational organization described in Section 170(b)(1)(A)(ii) of the Internal Revenue Code which is exempt from income tax under Section 501(a) of the same code. The term also includes a school operated as an activity of an organization described in Section 501(c)(3) of the Internal Revenue Code which is exempt from income tax under Section 501(a) of the same code, if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

F. Upon proof by any taxpayer of payment of a tax in another state on the same interstate telephone communication services taxed and paid for pursuant to this Section, that taxpayer shall be eligible for a tax credit in the amount previously paid to the other jurisdiction.

3.09.060 Electricity Users' Tax.

A. There is imposed a tax upon every person in the City using electrical energy in the City, other than an electrical corporation or a gas corporation. The tax imposed by this Section shall be at the rate specified by resolution of the City Council as provided for in Section 3.40.100 of this Chapter on the charges made for such energy by an electrical corporation franchised to serve the City and shall be billed to and paid by the person using the energy. The tax applicable to electrical energy provided by a nonutility supplier shall be based on the specified tax rate and the sale price of that electrical energy if there is an arms-length transaction for the sale of the electrical energy between the nonutility supplier and the service user. If there is not an arms-length sale from a nonutility supplier, the tax shall be determined by applying the tax rate to the
equivalent charges the service user would have incurred if the energy used had been provided by
the electrical corporation franchised to serve the City. Nonutility suppliers shall install, maintain
and use an appropriate utility-type metering system which shall verify compliance with this
Section. "Charges," as used in this Section, shall include charges made for: 1) metered energy;
and 2) minimum charges for service, including customer charges, service charges, demand
charges, standby charges and all other annual and monthly charges, fuel or other cost
adjustments, authorized by the California Public Utilities Commission or the Federal Energy
Regulatory Commission.

B. As used in this Section, the term "using electrical energy" shall not be construed to mean the
storage of such energy by a person in a battery owned or possessed by that person for use in an
automobile or other machinery device apart from the premises upon which the energy was
received, provided, however, that the term shall include the receiving of such energy for the
purpose of using it in the charging of batteries; nor shall the term include the mere receiving of
such energy by an electrical public utility or governmental agency at a point within the City for
resale; nor shall the term include the use of such energy in the production of water by a public
utility or a governmental agency.

C. The tax imposed by this Section shall be billed and collected from the service user by the
service supplier or nonutility supplier. The tax imposed by this Section on use supplied by self-
generation or cogeneration or from a nonutility supplier not subject to the jurisdiction of this
Chapter, shall be collected and remitted to the tax administrator in the manner set forth below.
The amount of tax collected by a service supplier or a nonutility supplier in one month shall be
remitted by U.S. mail to the tax administrator, postmarked on or before the last day of the
following month; or, at the option of the person required to collect and remit the tax, an
estimated amount of tax, measured by the tax billed in the previous month, shall be remitted by
U.S. mail, to the tax administrator, postmarked on or before the last day of each month. If
estimated tax payments are remitted to the tax administrator, the person required to collect and
remit the tax shall reconcile the difference between the amount of the tax actually due and the
amount of the estimated tax paid to the tax administrator every third month after the date that the
tax is first imposed. Any additional tax due to the City shall immediately be paid to the tax
administrator. The amount of any overpaid tax may be deducted from the next tax payment due
to the City. In the event of a tax overpayment, documentation establishing such overpayment
shall be provided to the City along with the tax payment for the month in which the overpayment
is claimed.

D. Notwithstanding any other provision of this Chapter, a service user receiving electricity
directly from a nonutility supplier, or a nonutility supplier not under the jurisdiction of this
Chapter, or otherwise not having the full tax due, billed and collected by the service supplier,
shall report said fact to the tax administrator within thirty (30) days of said use; and shall remit
directly to the tax administrator the amount of said tax due.

E. The tax administrator may require from said service user the filing of tax returns or other
satisfactory evidence documenting the sale price, or fair market value in the absence of a sales
price, and quantity of electricity used.
3.09.070 Gas Users' Tax.
A. There is imposed a tax upon every person in the City, other than a gas corporation or an electrical corporation, using, in the City, gas which is delivered through mains or pipes or by motor vehicle or by rail. The tax imposed by this Section shall be at the rate specified by resolution of the City Council as provided for in Section 3.40.100 of this Chapter on the charges made for such gas and shall be paid by the person paying for such gas. The tax applicable to gas or gas transportation provided by nonutility suppliers shall be based on the sale price of the gas or gas transportation if that is derived from an arms-length transaction between a nonaffiliated nonutility supplier and the service user. If there is not an arms-length transaction, the tax shall be determined by applying the tax rate to the equivalent charges the service user would have incurred if the gas or gas transportation had been provided by the gas corporation franchised to serve the City. "Charges," as used in this Section, shall include:

1. Those billed for gas which is delivered through mains or pipes or by motor vehicle or by rail;
2. Gas transportation charges; and
3. Demand charges, service charges, customer charges, minimum charges, annual and monthly charges, and any other charge authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission.

B. The tax imposed by this Section is not applicable to:

1. Charges made for gas which is to be resold and delivered through mains and pipes or by motor vehicle or by rail;
2. Charges made for gas sold by a public utility or governmental agency for use in the generation of electrical energy or for the production or distribution of water;
3. Charges made by a gas public utility for gas used and consumed in the course of its public utility business; and
4. Charges made for gas used in the propulsion of a motor vehicle, as authorized in the Vehicle Code of the State.

C. The tax imposed in this Section shall be billed and collected from the service user by the person selling or transporting the gas. A person selling only transportation services to a user for delivery of gas through mains or pipes or by motor vehicle or by rail shall collect the tax from the service user based on the transportation charges. The amount of tax collected by the person selling or transporting the gas shall be remitted by U.S. mail to the tax administrator, postmarked on or before the last day of the following month; or, at the option of the person required to collect and remit the tax, an estimated amount of tax, measured by the tax billed in the previous month, shall be remitted by U.S. mail, to the tax administrator, postmarked on or before the last day of each month. If estimated tax payments are remitted to the tax administrator, the person required to collect and remit the tax shall reconcile the difference between the amount of the tax
actually due and the amount of the estimated tax paid to the tax administrator every third month after the date that the tax is first imposed. Any additional tax due to the City shall immediately be paid to the tax administrator. The amount of any overpaid tax may be deducted from the next tax payment due to the City. In the event of a tax overpayment, documentation establishing such overpayment shall be provided to the City along with the tax payment for the month in which the overpayment is claimed.

D. Notwithstanding any other provision of this Chapter, a service user receiving gas directly from a nonutility supplier, or a nonutility supplier not under the jurisdiction of this Chapter, or otherwise not having the full tax due, billed and collected by the service supplier, shall report said fact to the tax administrator within thirty (30) days of said use; and shall remit directly to the tax administrator the amount of said tax due.

E. The tax administrator may require from said service user the filing of tax returns or other satisfactory evidence documenting the sale price, or fair market value in the absence of a sales price, and quantity of gas used.

(Ord. 92-798, 1992)

3.09.080 Cable Television Users' Tax.

A. There is imposed a tax upon every person in the City using cable television service in the City. The tax imposed by this Section shall be at the rate specified by resolution of the City Council as provided for in Section 3.40.100 of this Chapter on the gross charges made for such service and shall be paid by the person paying for such service.

B. The tax imposed by this Section shall be billed and collected from the service user by the person providing such cable television service. The amount of tax collected shall be remitted by U.S. mail to the tax administrator, postmarked on or before the last day of the following month; or, at the option of the person required to collect and remit the tax, an estimated amount of tax measured by the tax billed in the previous month, shall be remitted by U.S. mail, to the tax administrator, postmarked on or before the last day of each month. If estimated tax payments are remitted to the tax administrator, the person required to collect and remit the tax shall reconcile the difference between the amount of tax actually due and the amount of estimated tax paid to the tax administrator every third month after the date that the tax is first imposed. Any additional tax due to the City shall immediately be paid to the tax administrator. The amount of any overpaid tax may be deducted from the next tax payment due to the City. In the event of a tax overpayment, documentation establishing such overpayment shall be provided to the City along with tax payment for the month in which the overpayment is claimed.

3.09.090 Tax Rate.

The taxes authorized by this Chapter shall be set by resolution of the City Council following a public hearing held for that purpose. From the effective date of this Ordinance and until August 1, 1998, the tax rate shall not exceed five percent (5%) of the charges for utility services as defined in this Chapter. After August 1, 1998, the tax rate shall not exceed three percent (3%) of the charges for such utility services.

3.09.100 Remittance of Tax and Penalties.
A. Taxes collected from a service user which are not remitted to the tax administrator on or before the due dates provided in this Chapter are delinquent. Should the due date occur on a weekend or legal holiday, the return may be postmarked on the first regular working day following a Saturday, Sunday, or legal holiday.

B. Penalties for delinquency in remittance of any tax collected or any deficiency determination shall attach and be paid by the person required to collect and remit the tax at the rate of fifteen percent (15%) of the total tax collected or imposed herein.

C. Every penalty imposed under the provisions of this Chapter shall become part of the tax required to be remitted.

3.09.110 Actions to Collect.
Any tax required to be paid by a service user under the provisions of this Chapter shall be deemed a debt owed by the service user to the City. Any tax collected from a service user by a service supplier or nonutility supplier which has not been paid to the tax administrator shall be deemed a debt owed to the City by the person required to collect and remit. Any person owing money to the City under the provisions of this Chapter shall be liable to the City for the amounts owed, including penalties, as well as for the costs and expenses incurred by the City, including collection fees, attorney fees and court costs, resulting from the failure to pay said amounts.

3.09.120 Duty to Collect; Procedures.
The duty to collect and remit the taxes imposed by this Chapter shall be performed as follows:

A. Notwithstanding any other provision of this Chapter, the tax shall be collected at the same time as, and along with, the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid except in those cases where a service user pays the full amount of the charges but notifies the service supplier of his/her refusal to pay the tax imposed on said charges. The tax administrator shall have the power to make an assessment for delinquent taxes as provided for in Section 3.40.150 of this Chapter thereby relieving the service supplier from the obligation to collect these delinquent taxes.

B. The duty to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of the ordinance codified in this Chapter and the resolution of the City Council establishing the applicable tax rate. Where a person receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

3.09.130 Additional Powers and Duties of the Tax Administrator.
A. The tax administrator has the power and duty to enforce each and all of the provisions of this Chapter.

B. The tax administrator has the power to adopt rules and regulations not inconsistent with the provisions of this Chapter for the purpose of carrying out and enforcing the payment, collection,
and remittance of the taxes herein imposed.

C. The tax administrator may make administrative agreements to vary the strict requirements of this Chapter so that collection of any tax imposed herein may be made in conformance with the billing procedures of a particular service supplier so long as said agreements result in collection of the tax in conformance with the general purpose and scope of this Chapter.

3.09.140 Assessment; Administrative Remedy.
A. The tax administrator may make an assessment for taxes not remitted by a person required to remit such taxes.

B. The service supplier shall provide the City with the names and addresses of the service users neglecting to pay the tax imposed under the provisions of this Chapter, and the amounts of any delinquent taxes due and owing to the City.

C. Whenever the tax administrator determines that a service user has failed to pay the tax due and owing under this Chapter, and the tax administrator deems it in the best interests of the City, the service supplier or nonutility supplier may be relieved of the obligation to collect taxes due under this Chapter for the specified billing periods in which the taxes are delinquent.

D. The tax administrator shall notify the service user that the tax administrator has assumed responsibility to collect the delinquent taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user personally or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax. If the service user fails to remit the tax to the tax administrator within fifteen (15) days from the date of the mailing or personal service of the notice, a penalty of fifteen percent (15%) of the amount of the tax set forth in the notice shall be imposed. The penalty shall become a part of the tax herein required to be paid. In the event the City commences a collection action as provided for in Section 3.40.120 of this Chapter, the service user shall also be responsible for the payment of the City's collection fees, attorney fees and court costs.

3.09.150 Records.
It shall be the duty of every person required to collect and remit to the City any tax imposed by this Chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax such person may have been liable for according to this Chapter. The Tax Administrator shall have the right to inspect these records at all reasonable times.

3.09.160 Refunds.
A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the tax administrator, it may be refunded as provided in this Section.

B. Notwithstanding the provisions of subsection A of this Section, a service supplier may claim a refund; or take as a credit against taxes remitted, the amount overpaid, paid more than once, or
erroneously or illegally collected or received, when it is established that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit. A service supplier that has collected and paid to the tax administrator any amount of tax in excess of the amount of tax imposed by this Chapter and actually due from a service user, may refund such amount to the service user and claim credit for such overpayment against the amount of tax which is due upon any other monthly returns, provided such credit is claimed in a return dated no later than three (3) years from the date of overpayment.

C. No refund shall be paid under the provisions of this Section unless the claimant establishes the right thereto by written records showing entitlement thereto.

D. Notwithstanding other provisions of this Section, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility services, the taxes paid pursuant to this Chapter on the amount of such refunded charges shall also be refunded to service users, and the service supplier shall be entitled to claim a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. In the event the ordinance codified in this Chapter is repealed, the amounts of any refundable taxes will be borne by the City.

E. A service supplier may refund the taxes collected from the service user as required by this Section in accordance with this Section or by the service supplier's customary practice.

3.09.170 Limitation of Action.
The validity of this Chapter or of any tax levied pursuant to this Chapter shall not be contested in any action or proceeding or defense unless such action or proceeding or defense shall have been brought or raised in a court of competent jurisdiction within sixty (60) days from the date of the adoption of the ordinance codified in this Chapter. Unless an action or proceeding is commenced or such defense raised within said period, this Chapter and any tax levied pursuant to this Chapter shall be held valid and, in every respect, legal and incontestable.

3.09.180 Termination or Suspension of Tax.
The service supplier shall, upon notification, terminate or suspend any utility users' excise tax commencing with the first full billing period which occurs after the effective date of such action by the City Council.

3.09.190 Operative Date.
This Ordinance became operative on January 1, 1993.
Chapter 10

FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM

Sections:
3.10.010 Findings and Intent.
3.10.020 Delegation of Authority and Direction to Manager.
3.10.030 "Costs Reasonably Borne" Defined.
3.10.040 Determination of the Percentage of Costs Reasonably Borne to Be Recovered and Establishment of Specific Fees.

3.10.010 Findings and Intent.
A. Pursuant to article XIIIB of the California Constitution, it is the intent of the City Council to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefor in providing the regulation, products or services hereinafter enumerated in this Chapter.

B. The fee and service charge revenue/cost comparison system set forth in this Chapter provides a mechanism for ensuring that fees adopted by the City for services rendered do not exceed the reasonable estimated cost for providing the services for which the fees are charged.

C. The adoption of this Chapter is exempt from the California Environmental Quality Act (Public Resources Code sections 21000 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of City departments, as set forth in Public Resources Code section 21080 (b)(8)(1).

3.10.020 Delegation of Authority and Direction to Manager.
The City Manager is hereby delegated the authority and directed to provide documents to the City Council to implement its herein enumerated policy to adjust fees and charges to recover the percentage of costs reasonably borne as established hereby, in providing the regulation, product or service enumerated in this Chapter in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established in this Chapter.

3.10.030 "Costs Reasonably Borne" Defined.
"Costs reasonably borne," as used and ordered to be applied in this Chapter are to consist of, but are not limited to, the following elements:

A. All applicable direct costs including, but not limited to, salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.

B. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, vehicle expense, insurance, debt service, and like expenses when
distributed on an accounted and documented rational proration system.

C. Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

D. General overhead, expressed as a percentage, distributing and charging the expenses of the City Council, City Attorney, City Manager, City Clerk, City Treasurer, Economic Development, Finance Department, Personnel Office, and City Promotion, and all other staff and support service provided to the entire City organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.

E. Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses as enumerated in subsections A, B, C, and F of this Section.

F. Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the City.

3.10.040 Determination of the Percentage of Costs Reasonably Borne to Be Recovered and Establishment of Specific Fees.

A. That certain document entitled "Cost Control System for the City of Ceres," dated March 1992, as produced by Management Services Institute, Inc., of Anaheim, California, is on file in the office of the City Clerk of the City of Ceres, and all updates and revisions to said document, are incorporated herein by reference.

B. The City Council shall review on an annual basis, or more frequently should it determine that such review is necessary, the service categories listed in the "Cost Control System for the City of Ceres," dated March 1992, together with all updates and revisions to said document, for the purpose of determining, for each such service category, the percentage of costs reasonably borne to be recovered by the City for the provision of each such service, and the specific dollar amount of the fee to be charged for each such service.

C. Following such review by the City Council and the holding of a public hearing as provided by state law, the City Council shall pass its resolution determining the percentage of costs reasonably borne to be recovered by the City and the specific dollar amount of the fee to be charged for each service category.
Chapter 11
NEW RESIDENTIAL DEVELOPMENT SERVICE OPERATIONS FEE

Sections:
3.11.010 Findings and Intent.
3.11.020 Implementation of Residential Service Operations Fees.

3.11.010 Findings and Intent.
A. The goals and policies of the Ceres General Plan include City policies 1.B.1 and 1.B.5 stating that new growth within the City should maintain a positive fiscal balance for the City and mitigate one hundred (100) percent of any operating deficit for the cost of the services and facilities necessary to support such growth.

B. The City Council is concerned that new residential development within the City does not generate sufficient revenue to fully pay the cost of providing the City services necessitated by such development. To more accurately identify and quantify the projected service cost of new residential development and its impact upon the City's budget, the City Council engaged the professional services of Economic and Planning Systems Inc. (E.P.S.) for the purpose of preparing a citywide fiscal impact analysis to summarize and analyze the annual operating costs and revenue related to new residential development occurring in the City through the year 2015.

C. The final report and analysis of E.P.S. has been completed, and their report entitled, "Ceres Citywide Fiscal Impact Analysis," dated July 14, 2000, (the report) is on file in the office of the City Clerk. The said report is approved, adopted and incorporated into this chapter by reference as though fully set forth herein, including all conclusions and supportive findings.

D. The report establishes that City operations and maintenance General Fund expenses to serve new residential development will exceed General Fund revenue generated from new development through the year 2015 based on the provision of current levels of municipal services, thereby creating a shortfall in revenue to provide City services. In addition, the City has determined to increase municipal service levels for certain City services. As a result of the existing shortfall in revenue, and the projected increased service levels, a total shortfall between the cost of services and the revenue generated by new residential development to fund such services in the approximate sum of six hundred fifteen dollars ($615.00) per residential unit will exist, all of which is more fully explained in the reports from the Director of Planning and Community Development dated November 22, 1999 and January 18, 2000, which are on file in the office of the City Clerk and incorporated herein by this reference.

E. It is the intent and purpose of the City Council of the City of Ceres that new residential development within the City must pay for the cost of providing services to such development so that existing development will not be subject to a reduced level of service, the financial resources of the City will not be unduly burdened, and the City may continue to maintain orderly residential growth which guarantees the maintenance of essential City services to all citizens.
F. To accomplish the City's intent and purpose, and in order to promote and provide for the
general health and welfare of its citizens, the City Council finds that it is necessary to impose an
annual service operations fee upon new residential development in an amount determined by the
City Council and consistent with the "Ceres Citywide Fiscal Impact Analysis" dated July 14,
2000, or any future update or replacement of that analysis.

3.11.020 Implementation of Residential Service Operations Fees.
A. In order to mitigate the negative impact of the cost of providing services to new residential
development, each new subdivision, parcel map, or other discretionary approval for the
development of real property for residential use shall be required, as a condition of development,
to participate in the establishment of a community facilities district for the purpose of imposing a
residential service operations fee, or if such district has been previously established, to annex the
proposed residential project to the existing district.

B. The community facilities district shall be established, or properties shall be annexed to an
existing district, pursuant to the provisions of Government Code sections 53318, et seq. The
precise amount of the annual residential services operations fee to be levied against those
properties included within the district shall be determined at the time of the initial formation of
the district and in accordance with the statutes and laws applicable to the levying of such fees.
(Ord. 2000-893 § 1 (part), 2000)
Chapter 12

BUSINESS LICENSE TAX

Sections:
3.12.010 Definitions.
3.12.020 Purpose.
3.12.030 Imposition of Tax.
3.12.040 Branch Establishments.
3.12.050 Constitutional Apportionment.
3.12.060 Exemptions.
3.12.070 Exclusions.
3.12.080 Application.
3.12.090 Statements and Records.
3.12.100 Failure to File; Hearing.
3.12.120 Payment Provisions.
3.12.130 Delinquency; Penalty; Reissuance.
3.12.140 Refunds.
3.12.150 Retail Merchants and Miscellaneous Businesses.
3.12.170 Outside Contractors.
3.12.180 Professions and Services.
3.12.190 Wholesalers.
3.12.200 Miscellaneous Services or Trades; Flat Rate Schedule.
3.12.210 Rental or Lease of Property Fee Schedule.
3.12.230 Delivery by Vehicle.
3.12.240 Businesses Outside City.
3.12.270 Tax or Penalty a Debt.
3.12.280 Remedies Cumulative.
3.12.290 Effect on Other Licensing Laws.

3.12.010 Definitions.
For the purposes of this Title, the following terms shall have the following meanings:

“Business” means professions, trades, and occupations, and all and every kind of calling, whether or not carried on for profit.

“Collector” means the City Tax Collector, Finance Director, other City officer, and their designees, charged with the administration of this Title.

“Gross receipts” means the total of amounts actually received or receivable from sales and the
total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Included in “gross receipts” shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor, or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from “gross receipts” shall be the following:

1. Cash discounts allowed and taken on sales;

2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

5. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;

6. That portion of the receipts of a general contractor which represent payments to subcontractors, provided the general contractor furnishes the collector with the names and addresses of the subcontractors and the amounts paid to each subcontractor, and further provided that such subcontractors secure a license under this Chapter and pay the business license taxes which represent payments received from the general contractor;

7. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

8. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

9. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of part 2 of division 2 of the Revenue and Taxation Code of the State of California;

10. As to a retail gasoline dealer, the special motor fuel tax imposed by section 4041 of title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser;
11. That portion of gross receipts which represent business conducted in another jurisdiction and which portion of gross receipts has been taxed by that jurisdiction, provided the business submits proof satisfactory to the collector of such taxation and the payment thereof.

“Person” means any individual, trust, firm, joint stock company, corporation, partnership, association, city, county, district, state, local agency, or state department, and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, societies, and individuals transacting and carrying on any business in the City other than as an employee.

“Sale” includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying, or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

“Sworn statement” means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

3.12.020 Purpose.
This Article is enacted solely to raise revenues for municipal purposes and is not intended for regulation.

3.12.030 Imposition of Tax.
Every person who engages in business with the City shall pay a business license tax at the rate set, from time to time, by resolution of the City Council.

3.12.040 Branch Establishments.
Any person conducting two (2) or more types of businesses at the same location and under the same management, but which businesses use a single set or integrated set of books and records, may, at his or her option, pay only one tax calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest percentage payment on such gross receipts as set pursuant to Section 5.04.400.

3.12.050 Constitutional Apportionment.
A. None of the license taxes provided for by this Chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

B. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the collector for an adjustment of the tax.

1. Such application may be made before, at, or within six (6) months after payment of the
prescribed license tax.

2. The applicant shall, by sworn statement and supporting testimony, show this method of business and the gross volume or estimated gross volume of business and such other information as the collector may deem necessary to determine the extent, if any, of such undue burden or violation.

3. The collector shall investigate and, after having first obtained the written approval of the City Attorney, fix as the license tax for the applicant in a reasonable and nondiscriminatory amount. In the alternative, if the license tax has already been paid, the collector shall order a refund of the amount over and above the license tax so fixed.

4. In fixing the license tax to be charged, the collector shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this Chapter.

5. Should the collector determine the gross receipts measure of license tax to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City, or at the end of each three (3) month period, a sworn statement of the gross receipts and pay the amount of license tax therefor, provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this Chapter.

3.12.060 Exemptions.
A. The following are exempted from the payment of a license tax under this Chapter:

1. Any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such taxes as are herein prescribed;

2. Any public utility or franchisee possessing a franchise granted by the City, and making an annual payment under the franchise;

3. Any charitable institution, organization, or association organized and conducted for charitable purposes only. This exemption shall not apply to promoters employed by charitable organizations.

4. Any soldier, sailor, or marine of the United States who is currently on active duty or has received an honorable discharge or a release from active duty under honorable conditions from such service. Spouses or widows of such soldiers, sailors, or marines shall also be exempt;

5. Any natural person or group of persons under the age of eighteen (18) years who are bona fide residents of the City and have been so domiciled for at least thirty (30) calendar days prior to filing a claim for exemption;
6. Any person conducting or staging any concert, exhibition, lecture, dance, amusement or entertainment where the receipts, if any are derived therefrom, are to be used solely for charitable or benevolent purposes and not for private gain or for the private gain of any person in whole or in part;

7. Any religious, fraternal, educational, military, state, county or municipal organization or association conducting any business which is open to members thereof only and not open to the public; and

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

B. Any person claiming an exemption pursuant to this Section shall file a sworn statement with the collector stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this Chapter.

C. The collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this Section without payment to the City of the license tax required by this Chapter.

D. The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this Section upon information that the licensee is not entitled to the exemption as provided herein. In cases of revocation, the procedure and right of appeal shall be provided as in [business permit appeal procedure].

3.12.070 Exclusions.
Except as may be otherwise specifically provided in this chapter, the terms hereof shall not be deemed or construed to apply to any of the following:

A. Banks, to the extent that a City may not levy a license tax upon them under the provisions of Article XIII, Section 27 of the California Constitution.

B. Insurance companies and associations, to the extent that a City may not levy a license tax upon them under the provisions of Article XIII, Section 28 of the California Constitution.

C. Financial corporations and banks, to the extent the City may not levy a license tax upon them under Revenue and Taxation Code section 23182.

D. Any person whom the City is not authorized to license under any law or Constitution of the United States or the State. The Collector may require the filing of a verified statement from any person claiming to be excluded by the provisions of this section, which statement shall set forth all facts upon which the exclusion is claimed.
3.12.080 Application.
A. If the amount of the license tax to be paid by the applicant is measured by gross receipts, the applicant shall estimate the gross receipts accepted by the collector as reasonable, which will then be used in determining the amount of license tax to be paid by the applicant.

B. The amount of the license tax so determined shall be tentative only, and such person shall, within thirty (30) days after the expiration of the period for which the license was issued, furnish the Collector with a sworn statement, upon a form furnished by the Collector, showing the gross receipts during the period of the license.

C. The license tax for such period shall be finally ascertained and paid in the manner provided by this Chapter for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

3.12.090 Statements and Records.
No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items contained therein shall be subject to audit and verification by the Collector, his or her deputies, or authorized employees of the City, who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for license as may be necessary in their judgment to verify or ascertain the amount of license fee due.

3.12.100 Failure to File; Hearing.
A. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector, he fails to file a corrected statement, or if any person subject to the tax imposed by this Chapter fails to apply for a license, the Collector may determine the amount of license tax due from such person by means of such information as he or she may be able to obtain.

B. If the Collector is not satisfied with the information supplied in statements or applications filed, he or she may determine the amount of any license tax due by means of any information he may be able to obtain.

C. If such a determination is made, the collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Ceres, California, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within fifteen (15) days after the mailing or serving of such notice, make application in writing to the collector for a hearing on the amount of the license tax. If such application is made, the collector shall cause the matter to be set for hearing within fifteen (15) days before the City Council. The collector shall give at least ten (10) days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment. The Council shall consider all evidence produced, and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed above for
serving notices of assessment.

In addition to all other power conferred upon him, the Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued, except that six percent (6%) simple interest shall be added to any tax determined to be payable.

3.12.120 Payment Provisions.
A. Unless otherwise specifically provided, all annual registration taxes, under the provisions of this Chapter, shall be due and payable in advance on April 1 of each year.

B. A licensee paying a tax covering a new operation commencing in the first quarter of a licensing year shall pay the entire license tax; in the second quarter of a licensing year shall pay seventy-five percent (75%) of the license tax; in the third quarter of a licensing year shall pay fifty percent (50%) of the license tax; and in the fourth quarter of the licensing year shall pay twenty-five percent (25%) of the license tax.

C. The monthly business license tax imposed by Sections 5.04.230 through 5.04.270 of this Chapter shall be computed by excluding the credits applicable as listed in subsections 5.04.010(C)(4) through (11) of this Chapter, but the fee must not be lower than the minimum license tax as set pursuant to Section 5.04.400 of this Chapter.

3.12.130 Delinquency; Penalty; Reissuance.
A. Business licenses shall be delinquent thirty-five (35) days from the date when due. For failure to pay a license tax when due, the collector shall add a penalty of ten percent (10%) of the license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed thirty percent (30%) of the amount of the license tax due.

B. No license or sticker, tag, plate, or symbol shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person who, at the time of applying therefor, is indebted to the City for any delinquent license taxes, unless such person, with the consent of the collector, enters into a written agreement with the City, through the collector, to pay such delinquent taxes, plus ten percent (10%) annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one year.

C. If any person has failed to apply for and secure a valid license to operate a business, the business license tax due shall be that amount due and payable from the first date on which the person was engaged in business in the City together with applicable penalties.

D. Should court action be required to collect any business tax or penalties, any additional penalty shall be charged equal to costs of suit, including attorney’s fees. The penalties shall be added to the tax and they shall become due and payable and collected along with the delinquent tax.
E. In any agreement so entered into, such person shall acknowledge the obligation owed to the City and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the collector upon thirty (30) days' notice. In the event legal action is brought by the City to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including reasonable attorney fees. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided hereinabove, but no penalties shall accrue on account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement.

3.12.140 Refunds.
No refund of an overpayment of taxes imposed by this Chapter shall be allowed in whole or in part unless a claim for refund is filed with the collector within a period of three (3) years from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the collector on forms furnished by him and in the manner prescribed by him. Upon the filing of such a claim and when he determines that an overpayment has been made, the collector may refund the amount overpaid.

3.12.150 Retail Merchants and Miscellaneous Businesses.
Every person conducting, carrying on or managing a retail business from a fixed place of business within the City shall:
A. Pay an annual registration tax, as set pursuant to Section 5.04.400; and
B. Pay a business license tax as set pursuant to Section 5.04.400 on each dollar of monthly gross receipts, computed quarterly, and payable quarterly, on forms provided by the Collector.

Every person conducting, carrying on or engaging in business as a contractor from a fixed place of business in the City shall pay an annual registration tax as set pursuant to Section 5.04.400 and, in addition thereto, shall pay a business license tax as set pursuant to Section 5.04.400 on each dollar of monthly gross receipts resulting from the operation of said business, computed quarterly and payable quarterly. Any contractor who sells merchandise or wares in connection with the business shall include these receipts when computing the tax. For the purpose of this Chapter, a contractor is defined as any person who contracts for a project with another person; who is licensed by the State of California as a contractor, architect or registered civil engineer acting solely in his professional capacity; or who, in any capacity other than an employee of another with wages as the sole compensation, undertakes to or offers to undertake to or submits a bid to, or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation, or other structure, project, development or improvement, or do any part thereof, including the erection of scaffolding, or other structures or works in connection therewith.

3.12.170 Outside Contractors.
Every person, not having a fixed place of business within the City, who engages in business as a contractor within the City shall pay an annual business registration tax as set pursuant to Section
5.04.400 and, in addition thereto, shall pay a business license tax as set pursuant to Section 5.04.400 on each dollar of monthly gross receipts resulting from the business done within the City, computed quarterly and payable quarterly on forms provided by the collector.

3.12.180  Professions and Services.
Every person conducting, carrying on or managing any profession, occupation, service or trade from a fixed place of business within the City, which business is not otherwise specifically licensed by this Chapter, shall pay an annual registration tax as set pursuant to Section 5.04.400 and, in addition thereto, shall pay a business license tax as set pursuant to Section 5.04.400 on each dollar of the monthly gross receipts resulting from the operation of said business, computed quarterly and payable quarterly, with the exception of those businesses or similar businesses listed in Section 5.04.270.

3.12.190  Wholesalers.
Every person carrying on, conducting or managing a wholesale business from a fixed place of business within the City shall pay an annual registration tax as set pursuant to Section 5.04.400 and, in addition thereto, shall pay a business license tax as set pursuant to Section 5.04.400 on each dollar of the monthly gross receipts.

3.12.200  Miscellaneous Services or Trades; Flat Rate Schedule.
Every person conducting, carrying on or managing any of the following businesses or businesses similar in nature within the City shall pay a business license tax as set pursuant to Section 5.04.400 unless otherwise designated by the collector:

A. Auctioneer, Itinerant;
B. Ambulance operator;
C. Fireworks booths;
D. Christmas trees seller;
E. Billboard operator;
F. Sno-Cone, ice cream or food by vehicle operator;
G. Trimming/yard/trash hauling servicers;
H. Day nursery operator;
I. Fortunetelling.

3.12.210  Rental or Lease of Property Fee Schedule.
Every person whether residing within the City, or outside the City, who is engaged in the business of renting or leasing any building, structure, or real property within the City to other persons for compensation shall pay a business license tax as set pursuant to Section 5.04.400. It
is the intention of the City Council pursuant to the provisions of this Section to impose a business license tax upon those persons who rent or lease single-family residential units (including mobilehome park or trailer court units or space rental), multiple-family residential units (including hotels, motels, boarding houses, apartment houses, duplexes, triplexes or fourplexes), commercial buildings, and industrial buildings.

Every person who, in the City, engages in the business of conducting, carrying on, exhibiting, or maintaining any of the hereinafter listed amusements, games or entertainments shall pay a quarterly or daily license tax as set pursuant to Section 5.04.400:

A. Carnival;
B. Circus;
C. Traveling side show;
D. Public dance, where admission is charged;
E. Moving picture or theatrical show, at a fixed place within the City;
F. Moving picture or theatrical show, other than those having a fixed place in the City;
G. Merry-go-rounds, ferris wheels, and other mechanical riding devices, when not operated as a part of a carnival or circus.

3.12.230 Delivery by Vehicle.
Every person not having a fixed place of business within the City, and not being herein otherwise licensed or classified, who delivers goods, wares, or merchandise of any kind by vehicle or who provides any service by the use of vehicles in the City, shall pay a quarterly license tax as set pursuant to Section 5.04.400; provided, that in the case of businesses also soliciting door-to-door, the rates in Section 5.04.310 shall also apply; provided, that any such person may elect to pay a license tax under the appropriate classification of Section 5.04.230, measured by gross receipts from business done within the City and further provided that any such person who makes deliveries of goods, wares, or merchandise of any kind to only one place of business within the City shall pay a license tax as set pursuant to Section 5.04.400.

3.12.240 Businesses Outside City.
Every person not having a fixed place of business within the City who engages in business within the City and is not subject to the provisions of Section 5.04.320 shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the City.

The collector may make rules and regulations not inconsistent with the provisions of this Chapter as may be necessary or desirable to aid in the enforcement of the provisions of this Chapter.
A. The Collector is directed to enforce each and all of the provisions of this Chapter.

B. The Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required, by the Collector or the City Council.

C. The Collector, in the exercise of the duties imposed upon him under this Title and acting through his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Chapter have been complied with.

D. The Collector and each and all of his or her assistants and any police officer shall have the power and authority (upon obtaining an inspection warrant) to enter free of charge, and at any reasonable time, any place of business required to be licensed by this Title, and demand an exhibition of its license. Any person having such license theretofore issued, in his possession or under his control, who willfully fails to exhibit it on demand, shall be guilty of a misdemeanor. It shall be the duty of the Collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of these provisions.

E. Any person violating any of the provisions of this Chapter or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license or permit or in failing to procure said license or permit after due notification, as provided for shall be deemed guilty of a misdemeanor.

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

3.12.280 Remedies Cumulative.
All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

3.12.290 Effect on Other Licensing Laws.
A. Persons required to pay a license tax for transacting and carrying on any business under this Chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances.

B. Neither the adoption of this Chapter nor its superseding of any portion of any other City ordinance shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to January 1, 2019, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights
and obligations thereunto appertaining shall continue in full force and effect.

C. Where a license for revenue purposes has been issued to any person by the City prior to January 1, 2019, the tax paid for the business for which the license has been issued, and the term of such license has not expired, then the license tax prescribed for said business by this Chapter shall not be payable until the expiration of the term of such unexpired license.

All business license taxes authorized by the provisions of this Chapter shall be set and established or modified from time to time by resolution of the City Council. The resolution shall identify the specific category of business or type of fee authorized by this Chapter, state the amount of the tax rate applicable to each such category, and state the effective date of such tax rates.

Prior to passing any such resolution establishing or modifying any tax rate pursuant to this Section, the City Council shall hold at least one public hearing. Notice of said public hearing shall be published one time in the Ceres Courier, the official newspaper of the City, at least ten (10) days prior to the public hearing.
Chapter 13

PUBLIC FACILITIES FEES

Sections:

3.13.010 Purpose, Findings, And Declaration of Intent.
3.13.020 Administration of Public Facility Fees.
3.13.030 Authority for Adoption.
3.13.040 Definitions.
3.13.050 Fee Payment.
3.13.060 Public Facilities Fee Account.
3.13.070 Natural Disaster Fee Exemption.
3.13.080 Environmental Exemption.
3.13.090 Public Facility Fee Program.
3.13.100 Adoption of Fees Enacted by Resolution.
3.13.110 Other Rules.

3.13.010 Purpose, Findings, And Declaration of Intent.
A. In order to implement the goals and objectives of the Ceres General Plan and to mitigate impacts caused by new development within the City, public facilities fees are necessary. The fees are needed to finance public facilities and to assure that new developments pay their fair share for these improvements.

B. Title 7, chapter 5, section 66000 et seq. of the California Government Code provides that public facilities fees may be enacted and imposed on development projects. The City Council finds and determines that:

1. New development projects cause the need for construction, expansion or improvement of public facilities within the City.

2. Funds for construction, expansion or improvement of public facilities are not available to accommodate needs caused by development projects which results in inadequate public facilities within the City.

C. The City Council finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of public facilities fees for construction, expansion or improvement of public facilities.

D. Failure to enact public facilities fees will subject City residents to conditions detrimental to their health and/or safety.
3.13.020 Administration of Public Facility Fees.
The public facility fees enacted pursuant to this Chapter are to be administered in accordance
with California Government Code section 66000 et seq. and such administrative procedures
which may be adopted or revised by resolution of the City Council.

3.13.030 Authority for Adoption.
This Chapter is adopted under the authority of title 7, chapter 5 of the California Government
Code section 66000 et seq.

3.13.040 Definitions
Words when used in this Chapter, and in resolutions adopted thereto, shall have the following
meanings:

A. Administrative Procedures: The latest revision of the City of Ceres Public Facility Fee
Administrative Procedures adopted by resolution of the City Council.

B. City: The City of Ceres, a general law city organized and existing under the Constitution and
laws of the State of California.

C. City Council: The City Council of the City of Ceres.

D. Development Project: Any project undertaken for the purpose of development. "Development
project" includes a project involving the issuance of a permit for construction or reconstruction,
but not a permit to operate.

E. Fee: A monetary exaction, other than a tax or special assessment, which is charged by a local
agency to the applicant in connection with approval of a development project for the purpose of
defraying all or a portion of the cost of public facilities related to the development project.

F. Public Facility: Includes public improvements, public services and community amenities.

3.13.050 Fee Payment.
Fee payment shall be in accordance with the administrative procedures or as provided herein.

A. Prior to the issuance of any building permit, the applicant shall pay to the City the fees
adopted by resolution.

B. The fee shall be determined by the fee schedule in effect on the date the building permit
application is submitted and deemed complete by City staff.

C. When application is made for a new building permit following the expiration of a previously
issued building permit for which fees were paid, the fee payment shall not be required, unless the
fee schedule has been amended during the interim, in this event the appropriate increase or
decrease shall be imposed.

D. In the event that subsequent development occurs with respect to property for which fees have
been paid, additional fees shall be required only for additional square footage of development that was not included in computing the prior fee.

E. When a fee is paid for a development project and that project is subsequently reduced so that it is entitled to a lower fee, the City shall issue a partial refund of the fee.

F. When the fee is paid for a development project and the project is subsequently abandoned without any further action beyond the obtaining of a building permit, the payor shall be entitled to a refund of the fee paid, less the administrative portion of the fee.

G. If a building permit is required to allow a building to be modified to a use having higher public facility fees in accordance with this Chapter, the fee to be charged shall be the difference between the existing fee and the higher fee. If there is an addition to the building, the full rate for the use shall be used for the additional square footage.

3.13.060 Public Facilities Fee Account.
Fees paid under this Chapter shall be held in separate public facility accounts to be expended for the purpose for which they were collected. The City shall retain fee interest accrued and allocate it to the accounts for which the original fee was imposed.

3.13.070 Natural Disaster Fee Exemption.
No fee shall be applied by the City to the reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster and/or fire.

3.13.080 Environmental Exemption.
Pursuant to title 14 Code of Regulations sections 15061 and 15273(4), this Chapter is exempt from the California Environmental Quality Act.

3.13.090 Public Facility Fee Program.
A. The City has adopted a Public Facility Fee Program which indicates the approximate location, size, time of availability and estimates of costs for public facilities or improvements to be financed with public facility fees.

B. The public facility fees schedule adopted by the City Council shall be annually reviewed by the City Council for consistency with the Public Facility Fee Program.

3.13.100 Adoption of Fees Enacted by Resolution.
The adoption of public facility fees is a legislative act and shall be enacted by resolution after a noticed public hearing before the City Council.

3.13.110 Other Rules.
A. Construction: This Chapter and any subsequent amendment to the public facilities fee program shall be read together. With respect to any public facility fee enacted by resolution under this Chapter, any provision of such a public facility fee which is in conflict with this Chapter shall be void.
B. Severability Clause: Should any provision of this Chapter or a subsequent amendment to the public facilities fee program be held by a court of competent jurisdiction to be either invalid, void or unenforceable, the remaining provisions of this Chapter and the public facilities fee program shall remain in full force and effect.

C. Fee Adjustment Or Waiver: A developer of any project subject to the fee described in this Chapter may apply to the City Council for reduction or adjustment of that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the City Clerk not later than: 1) ten (10) days prior to the public hearing on the development permit application for the project, or 2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver reduction, or adjustment. The City Council shall consider the application at a public hearing held within sixty (60) days after the filing of the fee adjustment application. The Department of Public Works shall prepare a staff report and recommendation for the City Council's consideration. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Toby Wells, P.E., City Manager, (209) 538-5751, Toby.Wells@ci.ceres.ca.us

SUBJECT: Final Adoption of Ordinance No. 2020-1059, Amending in their entirety the following titles of the Ceres Municipal Code:

   Title 18 - Zoning

RECOMMENDED COUNCIL ACTION:

Staff recommends Council adopt Ordinance No. 2020-1059, Amending in their entirety of Title 18 of the Ceres Municipal Code.

I. BACKGROUND:

The comprehensive update to the Municipal Code was initiated in 2018. At the Council Goal setting meeting on February 8, 2019, Council gave direction to create a schedule to complete the update process. On June 24, 2019, Council approved the review process and the detailed schedule to complete the update of the Municipal Code by grouping Titles of the Municipal Code together. The schedule was last updated on December 9, 2020.

A discussion item was considered by the City Council for Title 18 on January 27, 2020 and considered by the Planning Commission on February 3, 2020. Direction was given to staff and these titles returned to Council as a Public Hearing on February 24, 2020 with corrections and direction.
II. REASONS FOR RECOMMENDATION:

Since adoption of the first ordinance in 1918, the Municipal Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century. Many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures.

Staff has worked diligently with the City Attorney’s office to modernize and prepare significant revisions to the Code with direction from the Council and the public to update Title 18 in the interests of clarity and accessibility.

Due to the comprehensive nature of the review and the process to update the Code in smaller manageable Groups, the proposed ordinance authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, to effectuate the adoption of Title 18.

Ordinance 2020-1059 was unanimously approved for introduction and first reading on March 9, 2020 two minor corrections as directed by Council. Staff recommends final adoption of Ordinance 2020-1059 with an effective date of May 1, 2020.

III. FISCAL IMPACTS:

There are only minor fiscal impacts for the codification process that will follow the formal adoption process. The existing budget is expected to accommodate the impacts associated with the adoption process.

IV. POLICY ALTERNATIVES:

There are no viable policy alternatives.

V. STEPS FOLLOWING APPROVAL:

If adopted, the effective date of Ordinance 2020-1059 will be May 1, 2020.

Approved by: ______________________
Toby Wells, P.E., City Manager

Attachments:

1. Ordinance 2020-1059

Item 10
ORDINANCE NO. 2020-1059

AN ORDINANCE OF THE CITY OF CERES ADOPTING COMPREHENSIVE
REVISIONS TO TITLE 18, ZONING OF THE CERES MUNICIPAL CODE

WHEREAS, the Municipal Code of the City of Ceres (the “Code”) contains the ordinances of the City Council of the City of Ceres (“City”); and

WHEREAS, since adoption of the first ordinance in 1918, the Code has not been subject to a comprehensive update. Accordingly, the Code contains many provisions dating back to the early 20th century; and

WHEREAS, many portions of the Code are unnecessary, antiquated, or incongruous with today’s laws and norms and do not reflect significant updates in state law and the City’s practices, policies, and procedures; and

WHEREAS, City staff and the Ceres City Council (“City Council”) have worked carefully with the City Attorney’s office to modernize and prepare significant revisions to the Code; and

WHEREAS, in the interests of clarity and accessibility, the City Council wishes to adopt this ordinance superseding the entirety of Title 18, Zoning.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF CERES ORDAIN:

SECTION 1. Title 18, Zoning, of the City of Ceres Municipal Code shall be amended to read as follows: See Attached (Exhibit A).

SECTION 2. The City Council authorizes the City Manager and the City Attorney to make any and all necessary edits and changes to the revised titles, including but not limited to, formatting, numbering, and related revisions, that do not change the substance of any section, to effectuate the adoption of Title 18, Zoning.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.
SECTION 4. This Ordinance shall become effective on May 1, 2020, after its final passage and adoption, and publication of the Ordinance shall occur in a newspaper of general circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

Passed, Approved, and Adopted on this 23rd day of March 2020.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  

APPROVED:

_________________________
Chris Vierra  
Mayor of the City of Ceres

ATTEST:

_________________________
Diane Nayares-Perez, CMC  
City Clerk of the City of Ceres
Title 18

ZONING

Chapters:

Chapter 01 Purpose and Intent
Chapter 02 Definitions
Chapter 03 Planning Responsibilities
Chapter 04 General Provisions and Administrative Adjustments
Chapter 05 Zoning Maps
Chapter 06 Community Facilities Zone (C-F)
Chapter 07 R-A, Residential Agriculture Zone
Chapter 08 R-1, Single Family Residential Zone
Chapter 09 R-2, Two Family Residential Zone (Low Density)
Chapter 10 R-3, Medium Density Multiple Family Residential
Chapter 11 R-4, Medium High Density Multiple Family Residential Zone
Chapter 12 R-5, High Density Multiple Family Residential Zone
Chapter 13 P-C, Planned Community Zone
Chapter 14 A-P, Administrative Professional Zone
Chapter 15 C-1, Neighborhood Commercial Zone, C-1
Chapter 16 C-2, Community Commercial Zone
Chapter 17 C-3, Wholesale Commercial Zone
Chapter 18 H-1, Highway Commercial Zone
Chapter 19 M-1, Light Industrial Zone
Chapter 20 M-2, General Industrial Zone
Chapter 21 A-O, Airport Overlay Zone
Chapter 22 H-P, Historic Preservation Zone
Chapter 23 Material Effects Performance Standards
Chapter 24 Parking and Storage of Recreational Vehicles in Residential Zones
Chapter 25 Off Street Parking and Loading Standards
Chapter 26 Signing Standards
Chapter 27 Fences, Hedges, Wall Standards
Chapter 28 Special Provisions.
Chapter 29 Non-Conforming Lots, Buildings and Uses
Chapter 30 Conditional Use Permits
Chapter 31 Variances
Chapter 32 Amendments
Chapter 33 Relocation of Buildings
Chapter 34 Appeals
Chapter 35 Historic Preservation
Chapter 36 Downtown Specific Plan Overlay Zone
Chapter 37 Development Agreements
Chapter 38 Subdivision Tract Sales Offices, Signs, Flags and Temporary Construction/Job Site
Chapter 39 Density Bonus Program
Chapter 40  Floodplain Management and Flood Hazard Identification Regulations
Chapter 41  Reasonable Accommodations Policy and Procedures
Chapter 42  Dancing.
Chapter 01

PURPOSE AND INTENT

Sections:
18.01.010 Title and Citation.
18.01.020 Principles of the Zoning Ordinance.

18.01.010 Title and Citation.
This chapter shall be known as and shall be cited as the "Ceres Zoning Ordinance."

18.01.020 Principles of the Zoning Ordinance.
The zoning ordinance has been prepared in accordance to the following principles:

A. This chapter is adopted to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare; and further, the purpose of this ordinance is to encourage, classify, designate, regulate, restrict and promote the highest and best location and use of buildings, structures and land for residence, commerce, trade, manufacturing, recreation, community facilities, or other purposes in appropriate places; to regulate and limit the height, number of stories and size buildings and other structures designated, erected or altered; to regulate and determine the size of yards and other open places; and to regulate and limit the density of population, and for said purposes to divide the City into zones of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to enhance and stabilize the value of property; to provide open space for light and air and to prevent and fight fires; to prevent undue dispersion or concentration of population; to promote orderly and healthy community development; to lessen the congestion of streets; to facilitate adequate provisions for community facilities such as transportation, schools, parks, and other public requirements.

B. This chapter is intended to conform to the Ceres General Plan and all environmental design plans adopted pursuant to the General Plan. Future amendments of these plans shall be reflected in amendments of this zoning ordinance and future amendments to this zoning ordinance shall only be made in conformity with the General Plan and environmental design plans.

C. If any section, subsection, paragraph, sentence, clause or phrase of this chapter for any reason shall be held invalid or unconstitutional, the validity of the remaining portions shall not be affected. The City Council of the City of Ceres hereby declares that it would have enacted this ordinance and each section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases are declared to be invalid or unconstitutional.
Chapter 02

DEFINITIONS

Sections:
18.02.010 Definitions and Interpretive Provisions.

18.02.010 Definitions and Interpretive Provisions.
For the purpose of carrying out the provisions and intent of this title, words, phrases, and terms shall be deemed to have the meanings ascribed to them and shall be interpreted to have the standards and include the parts, elements and the features set forth in this Chapter. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular. The word "shall" is mandatory, and the word "may" is permissive.

“Abut”, “Adjacent”, “Adjoining”: Contiguous to or having a common property line or district line, or separated only by a private street, street, alley or easement.

“Access”, “Access Way”: The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property and use as required by this Title.

“Access”, “Approved”: Access to a State highway, County road, or City street of not less than forty feet (40’) in width, by a connecting access of not less than thirty feet (30’) which said connecting access being owned by the owner of the parcel or parcels to which it furnishes access or an irrevocable easement for the permanent use of such parcel or parcels.

“Accessory Dwelling Unit (ADU)”: An attached or detached residential dwelling unit that is subordinate to a principal residence on the same lot and that provides complete independent living facilities for one or more persons. These units include permanent provisions for bedrooms, bathrooms and kitchen facilities. An accessory dwelling unit shall include efficiency units and manufactured homes as defined by California Health and Safety Code sections 17958.1 and 18007, respectively.

“Accessory Structure/Building”: A structure/building which occupies a portion of a lot, whether attached or detached, and which is subordinate to or incidental to the principal use on the same lot. Such structures/buildings shall include, but are not limited to: patio covers, metal, fabric or wooden structures that cover a vehicle or a recreational vehicle, arbors or trellises, sheds, detached garages, cabanas, workshops, covered or uncovered decks, accessory dwelling unit and similar structures (i.e. pop-up tent or easy up tent structures). No accessory structure/building of any size shall be located within the front yard or exterior side yard area of a single-family residential lot. Accessory structures/buildings may be located within the side yard or rear yard areas of a single-family residential lot provided such structures comply with the applicable setback requirements and if said structures have been legally permitted by the City.
“Accessory Use”: A use subordinate to or incidental to the principal use on the same lot.

“Advertise”: To praise publicly, promote, or otherwise call attention by audio or visual means, to any product, service, activity or occurrence.

“Advertising Structure”: Self-supporting structure erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind, including statuary, may be placed for advertising purposes. "Advertising structure" does not include:

A. Official notices issued by any court or public body or officer.

B. Notices posted by any public officer in the performance of a public duty or by any person in giving legal notices.

C. Directional, warning or information structures required or authorized by law or by Federal, State, County, or City authority.

D. A structure erected near a city or county, which contains the names of such city or county and the names of, or any other information regarding civic, fraternal, or religious organizations erected with the approval of the Director of Community Development.

“Advertisement, Off Site”: To advertise off the location where a product, service, activity or occurrence is or will exist.

“Advertisement, On Site”: To advertise on the location where a product, service, activity or occurrence is or will exist.

“Advisory Agency”: Agencies advisory to the City Council on all matters related to the zoning and use of land and structures. Such agencies shall include but are not limited to the Planning Commission and other committees the City Council may form or authorizes from time to time.

“Aggregate Surface Area”: The computed area of a sign background. Where a sign is composed of "cut-out" elements, the aggregate surface shall be computed on the basis of a rectangle equivalent in dimensions to the extreme height and width dimensions of said display. This definition shall also apply to "script," "panel," and similar signs composed as separate elements. For the purposes of this definition, channel letters or symbols that are not framed by a background will to computed based on the indivual letters or symbols for determiner sign area.

“Agriculture”: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and animal husbandry for the purpose of selling the products resulting from such activity for financial gain or profit.

“Airport”: Land and buildings improved and intended for the use, servicing, maintenance or
storage of aircraft.

“Alley” or “Lane”: A public or private way, not more than thirty feet (30’) wide affording only secondary means of access to abutting property.

“Alluvial Fan”: A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Alteration”: Any change to the use, or intended use, of land.

“Amendment”: An addition, deletion or a change in the wording, context or substance of this Title or the Zoning Map.

“Animal Hospital”: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be only incidental to such hospital use.

“Annexation (Annex)”: The extension of the municipal boundaries of the City of Ceres to include land not previously included within the municipal boundaries of the City of Ceres.

“Appeal”: A process for requesting a formal change to an official decision that was made by City officials (i.e., Planning Commission or Director of Community Development). When a person disagrees with a decision, an appeal may be filed so that the City Council can review the determination that was made.

“Apex”: The point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

“Area of Shallow Flooding”: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1—3’); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Assessor”: The County Assessor of the County of Stanislaus.

“Automobile and Trailer Sales Lot”: An open area, other than a street, used for the display and sales of new or used automobiles and trailer coaches.

“Automobile Body and Paint Shop”: A business which performs automobile and truck body repairs and painting in an enclosed building.

“Automobile Repair Garage”: A business which services automobiles and trucks, does major mechanical repairs, replaces and rebuilds automobile engines and components, excluding body
work.

“Automobile Service Station”: A business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of motor vehicles. Operations may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories, and replacement items; lubrication services; washing of cars.

“Automobile Wrecking”: The wrecking or dismantling of used motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled, obsolete or wrecked motor vehicles or their parts.

“Aviary”: Any place where more than five (5) domestic and/or non-domestic birds are kept outside.

“Bar”: A bar is a retail business establishment that serves alcoholic beverages, such as beer, wine, liquor, cocktails, and other beverages such as mineral water and soft drinks and often sells snack foods such as potato chips or peanuts, for consumption on premises. Some types of bars, such as pubs, may also serve food from a restaurant menu.

“Basement”: A space wholly or partly underground, and having more than one-half (½) of its height, measuring from its floor to its ceiling, below the average adjoining grade; if the finished floor level directly above a basement is more than six feet (6) above grade at any point, such basement shall be considered a story. As it pertains to flooding provisions of this Title, basement shall include any area of the building having its floor subgrade, or below ground level, on all sides.

“Beginning of Construction”: The incorporation of labor and material within the foundation of the building or buildings.

“Block Frontage”: All property fronting on one side of a street between intersecting and intercepting streets, or between a street and right of way, waterway, end of a cul-de-sac, or City boundary. An intercepting street shall determine only the boundary of the block frontage on the side of the street that it intercepts where the City boundary intersects or intercepts a street in a block, the block shall be considered to end at the City boundary.

“Boarding House” or “Rooming House”: A building containing a single-dwelling unit, where lodging is provided with or without meals for compensation to not more than three (3) nontransients.

“Breezeway”: A roofed passageway, open on at least two (2) sides, where the roof is in keeping with the design and construction of the main building. Said breezeway shall be considered an inner court that is created by a roof structure connecting two (2) buildings. The space between buildings connected by a breezeway shall not be less than six feet (6’) in length.

“Building, Structure”: Any structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind. No building shall be located within any future right of way or public easement established by authority of the City Council in the manner prescribed by
law.

“Building, Attached”: Any two (2) or more buildings closer than six inches (6”) together or physically adjoined in some way. Garages shall be considered attached if the roof structure is continuous with the building adjacent to it.

“Building End”: The side(s) of the building that is (are) not the building front or building rear.

“Building Front”: The side(s) of the building where the main entrance or building facade is located.

“Building Height”: The vertical distance measured from sole plate to the highest portion of the roof of the building, exclusive of chimneys, ventilators and other exceptions to building height permitted in the zones in which it is located.

“Building Line”: A line on private property, established by ordinance which regulates the location of buildings and/or structures as they relate to the rights of way of alleys, streets, highways or easements.

“Building, Main”: A building within which is conducted the principal use permitted on the lot, as provided by this Title.

“Building, Metal”: A building whose components are prefabricated and are composed of metal.

“Building Rear”: The side(s) of the building diametrically opposed to the front of the building.

“Building Site”: The ground area of a building, together with all the open space accepted before and required by this Title.

“Business”: Any activity on, or use of, land which involves the buying, selling, processing or improving of things, or the rendering of services and having financial gain as the primary aim of the activity or use; whether or not such activity or use be for hire or on account of the buyer, seller, processor, improver or renderer.

“Cabana”: A detached structure used as a bathhouse or related to a residential trailer, but not used for sleeping purposes.

“Carnival”: A traveling or itinerant commercial amusement enterprise consisting of side shows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the City of Ceres.

“Carport”: A permanent roofed structure with two (2) fully enclosed sides or less to be used for automobile shelter and automobile storage.

“Cellular Mobile Radio-Telephone Utility Facility”: A transmitting and/or communication tower and/or facilities used for either private or quasi-public communication purposes. Cellular
structures are those structures which are independent of all other structures and house cellular equipment. Antennas consist of the following types:

A. Whip Antennas: Cylindrical antennas approximately two inches (2") in diameter and varying in length from ten feet (10’) to fifteen feet (15’).

B. Dish Antennas: Circular antennas which vary in diameter from two feet (2') to twelve feet (12’).

C. Panel Antennas: Panel antennas incorporate a fiberglass cover/panel backed by a metallic reflector. These antennas vary in approximate size from one foot by six inches (1’ X 6") to four feet by one foot (4’ X 1’).

D. Small Cell Site - are low-powered cellular radio access nodes that operate in licensed and unlicensed spectrum that have a range of 10 meters to a few kilometers. They are "small" compared to a mobile macrocell, partly because they have a shorter range and partly because they typically handle fewer concurrent calls or sessions.

“Child Care Facility”: Any building, group of buildings, or portion thereof used for the daytime care of children.

“Church”: A permanently located building commonly used for any type of religious worship. Such building shall be fully enclosed with walls (including windows and doors), having a roof (canvas or fabric excluded) and shall conform to applicable legal requirements affecting design and construction.

“Circus”: A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind used for exhibitions of horsemanship, acrobatic performances, acts of clowns, feats of animal training, or the like, temporarily located within the City of Ceres

“City”: The incorporated City of Ceres.

“City Clerk”: The City Clerk of the City of Ceres.

“Clinic”: A place for group medical services not involving overnight housing of patients.

“Club”: An association of persons (whether or not incorporated), religious or otherwise, for social purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

“Coin/card-Operated Amusement Device”: Any video game amusement machine or device operated by means of the insertion of a coin, token, card or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. This shall not include vending machines which are not incorporating game or amusement features nor does this include any coin-operated mechanical music device.
“Commercial”: Is used to describe those areas and buildings within the City of Ceres used primarily for trade or business.

“Commercial Recreation Facility”: Commercial swimming pools, bowling alleys, skating rinks, dance halls, drive-in theaters, walk-in theaters, golf courses and driving ranges and similar uses as determined by the Planning Commission or Director of Community Development. This shall also include amusement game arcades and the operation of more than six (6) "coin-operated amusement devices" as defined in this Section.


“Compatible Use”: Any use that by its manner of operation is suitable in the district in which it is located. Said use of land or buildings shall be in harmony with the uses on abutting properties in the same district.

“Conditional Use Permit (CUP)”: A discretionary permit issued by the Planning Commission under the provisions of this Title, to allow a conditional use that may or may not be allowable under the Zoning Ordinance. If approval is granted, the developer/applicant must meet certain conditions to ensure the use is not detrimental to the public health, safety, and welfare and will not impair the integrity and character of the surrounding area. Each application is considered on its individual merits. CUPs require a public hearing approval and are subject to the fulfillment of certain conditions by the developer. An "Administrative Conditional Use Permit" shall mean a specific type of use permit issued by the Director of Community Development. An administrative conditional use permit shall also be subject to the findings set forth in Sections 18.30.030, subsection (E), and 18.30.090 of this Title.

“Corner Cutback”: The provisions for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways. Such space shall be kept free of buildings, structures, and landscaping which would constitute a visual obstruction.

“Cottage Food Operations” (CFO): An enterprise where an individual prepares and packages non-potentially hazardous foods in a primary residential dwelling unit, which serves as his or her private residence, said foods being for the direct and/or indirect sale to consumers, and that does not have more than one full-time equivalent employee, and does not generate gross annual sales beyond those identified in California Health and Safety Code section 113758.

“Council”, “City Council”: The City Council of the City of Ceres.

“County”: The County of Stanislaus.

“County Recorder”: The County Recorder of Stanislaus County.

“Court”: An open, unoccupied space other than yard, on the same lot with a building or group of buildings.
“Development Agreement” (DA): A legislatively approved contract between the City and a person having legal or equitable interest in real property within the jurisdiction that "freezes" certain rules, regulations, and policies applicable to development of a property for a specified period of time, usually in exchange for certain concessions by the owner. These agreements can be amended from time to time.

“Development Unit”, “Phase”: Those portions and uses of a planned community district that are proposed for development at one time and under one planned unit development permit. Development units may consist of portions of a planned community district or of the entire district.

“Director”: shall mean the Director of Community Development for the City of Ceres.

“Domestic Animal”: Animals normally kept as pets, as defined in Title 8.

“Dormitory”: A guest room designed, intended for or occupied as sleeping quarters by more than two (2) persons, either related or unrelated. Every one hundred (100) square feet of total enclosed floor area in a dormitory shall be considered as a separate guest room for purposes of calculating off-street parking requirements.

“Drainage Channel”: Any existing or proposed open ditch, open culvert, open channel or canal, naturally created, designed or constructed to transmit water for flood control or irrigation purposes, which existing or proposed ditch, culvert, channel or canal is delineated on County flood control district plans or on drainage plans prepared by the City of Ceres.

“Driveway”: An accessway to a required off-street parking facility that has an impervious surface such as asphalt or concrete.

“Driveway (Single-Family Residential Lot)”: A private roadway for the exclusive use of the occupants of a property and their guests which provides vehicular access from a public street to required off-street parking spaces, garages, or recreational vehicle storage for a single-family residential lot. No more than 50% of the lot shall be covered by a driveway.

“Dry Cleaning or Laundry Agency”: An establishment, commonly known to the trade as a pickup shop, tailor shop, service inlet or outlet upon, in or through which is operated a service for receiving and delivering wearing apparel, or fabrics to which spotting, sponging, dry cleaning, laundering or pressing or other finishing service is to be performed.

“Dump”: A place used for the disposal, abandonment, discarding, dumping, reduction, burial or incineration of any garbage, trash, refuse or waste material.

“Dwelling”: A building or portion thereof designed and used exclusively for residential occupancy, with the exception of permitted home occupations, including one-family, two-family and multiple-dwellings, but not including hotels, boarding or rooming houses, tents, cabins, trailers or trailer coaches.
“Dwelling Footprint”: The total square footage of the horizontal areas of a dwelling with attached garage. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures of enclosed porches. Where a single-family dwelling has a detached garage (and does not include an attached garage), the footprint of the detached garage shall be counted as part of the dwelling.

“Dwelling, Group”: A detached building designed and used for occupancy by two (2) or more families, all sharing the same kitchen and sanitary facilities.

“Dwelling, Multiple”: A detached building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and sanitary facilities for each family.

“Dwelling, Single-Family”: A detached building designed or used exclusively for the occupancy of one family and having a kitchen facility for only one family.

“Dwelling, Two-Family”: A detached building designed and used for occupancy by two (2) families, both living independently of each other and having separate kitchen and sanitary facilities for each family. The term “Duplex” shall mean the same as “Dwelling, Two-Family”.

“Dwelling Unit”: One or more rooms used as a residence and constituting a separate and independent housekeeping unit with a single kitchen and sanitary facilities.

“Easement”: A space on a lot or parcel of land, and so indicated on a subdivision map or in a deed restriction, reserved for or used for public utilities or public uses.

“Educational Institution”: Public, parochial and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, and nonprofit research institutions. Such institutions must either:

A. Offer general academic instruction equivalent to the standards prescribed by the State Board of Education, or

B. Confer degrees as a college or university of undergraduate or graduate standing, or

C. Conduct research.

This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

“Elevation Plan”: A mechanically drawn side view of a building(s) or structure(s), including but not limited to the following:

A. Name and address of the owner of the building or structure and the property.
B. Name and address of the person who prepared the plan.

C. Scale, preferably no less than one-quarter inch equals one foot (¼” = 1’).

D. Date of preparation.

E. Views and proper labeling of the front, rear, and sides of all buildings and structures, including signs.

F. Description by word and/or rendering of all materials exposed on the front, rear and sides of all buildings and structures, including signs.

“Emergency Shelter”: Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household shall be denied emergency shelter because of an inability to pay.

“Employee Housing”: Employee housing for six (6) or fewer workers shall be deemed a single-family structure with a residential land use, and shall be treated the same as a single-family structure with a residential land use, and shall be treated the same as a single-family dwelling of the same type in the same zone. Includes but is not limited to farmworker housing.

“Encroachment”: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Environmental Design Plan”: Any plan established to supplement the General Plan of the City. Examples of such plans include bikeways plans and civic design plans.

“Environmental Impact Report”: A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in section 21100 of the California Environmental Quality Act.

“Environmental Review Committee”: A Committee composed of the Director of Community Development, City Engineer and a representative of the County Health Department or their designated representative.

“Erect”: To build, construct, attach, hang, place, suspend or fix, and shall also include suspending of wall signs.

“Exterior Architectural Feature”: The architectural elements embodying style, design, general arrangement, and components of all the of the outer surfaces of an improvement, including, but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.
“Facade”: The front or main face of a building.

“Family”: Two (2) or more persons related by birth, marriage, or adoption; or an individual or group of persons living together in a dwelling unit.


“Fence”: Any structure forming a physical barrier which is so constructed that not less than fifty percent (50%) of the vertical surface is open to permit the transmission of light, air, and vision through the surface in a horizontal plane, but which is impenetrable to persons and animals. This shall include wire mesh, steel mesh, chain link, louver, stake, masonry, vinyl, wrought iron, and other similar materials.

“Flood Boundary and Floodway Map (FBFM)”: The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Design”: A flood of one percent (1%) frequency over a period of one hundred (100) years, which is used to establish the flood plain.

“Flood, Flooding, or Flood Water”:
A. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; or mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which results in "flooding" as defined in this definition.

“Flood Hazard Boundary Map”: The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)”: The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study”: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Flood Plain Administrator”: The individual appointed to administer and enforce the floodplain
“Flood Plain Management”: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Flood Plain Management Regulations”: This Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Flood Plain or Flood-Prone Area”: Any land area susceptible to being inundated by water from any source (see definition of Flood, Flooding, or Flood Water).

“Floodproofing”: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB1-93, TB 3-93, and TB7-93 for guidelines on dry and wet floodproofing.)

“Floodway”: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). Also referred to as "regulatory floodway."

“Floodway Encroachment Lines”: The lines marking the limits of floodways on Federal, State, and local floodplain maps.

“Floodway Fringe”: That area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

“Flood Plain”: That area which has been or may be covered by flood water or inundated by ground water during a design flood.

“Floor Area”: The sum of the gross horizontal areas of the several floors of the building, excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures of enclosed porches. Whenever the term "floor area" is used in this Title as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, floor area applies not only to the ground floor area but also to any additional stories and basement of the structure.

“Floor Area Ratio (FAR)”: The ratio of gross building floor area to total lot area expressed as such. Example: two (2) square feet of gross floor area for every three (3) square feet of total lot area would result in a floor area ratio of .66:1.
“Floor Plan”: A mechanically drawn top view of a building or structure including but not limited to the following:

A. Name and address of the owner of the building or structure and the property located on.
B. Name and address of the person who prepared the plan.
C. North point.
D. Scale, preferably not less than one-fourth inch equals one foot (¼" = 1").
E. Date of preparation.
F. The total square footage of each building area.
G. Location, by dimension and proper labeling of all rooms, hallways, interior spaces, patios and carports.

“Front Wall”: The wall of the building or structure nearest the street which the building fronts, but excluding certain architectural features such as cornices, canopies, eaves or embellishments.

“Frontage”: The line where a lot abuts a dedicated street or highway right-of-way line. Frontage is expressed in lineal feet and is measured along the right-of-way line. Where a future street or highway right-of-way line has been established on the General Plan or other official plan, frontage shall be measured along that line.

“Functionally Dependent Use”: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Garage”: An accessory building or portion of a main building used for the housing of vehicles. A garage shall be enclosed on all sides.

“Garage, Private”: A garage on the same lot as a dwelling used for the housing of vehicles of the occupants of the dwelling; provided, however, that such private garage shall not be used for the housing of any vehicle with a gross vehicle weight of greater than five (5) tons.

“Garage, Public”: Any structure for housing vehicles other than a private garage.

“General Plan”: The adopted General Plan for the City of Ceres. The General Plan is the foundation for local land use planning and is amended from time to time. The plan acts as a guide for the City - usually ten (10) to twenty (20) years - consisting of goals and policies for the physical development of the City. Land use ordinances are based on those goals and policies that are listed...
in the General Plan. The General Plan covers all of the land within the jurisdiction and any additional land that, in the agency's judgment, bears relation to its planning.

“General Plan Amendment”: A General Plan Amendment is the process by which it is possible to modify the goals and policies listed in the General Plan or modify General Plan land use designations of property from one designation to another.

“Grade”: The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five feet (25’) in a horizontal distance of one hundred feet (100’) would be expressed as a grade of twenty-five percent (25%). See also "slope" in this Section.

“Greenhouse”: A building or structure chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants, and shall be classified as a building in determining lot coverage.

“Guest”: Any transient person who occupies a room for sleeping purposes.

“Guest Room”: A room which is designed to be occupied by guests for sleeping purposes, but not including dormitories.

“Hazardous Materials”: all substances included on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services in compliance with State law (Health & Saf. Code, § 25282.)

“House”: (Accessory living quarters) living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit. A guest house shall be deemed to be an accessory building and subject to all the standards related to accessory buildings.

“Hedge”: A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

“Highest Adjacent Grade”: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Highway”: A major or secondary highway as designated on the General Plan.

“Highway Right-of-Way Line”: Either the existing right of way if it conforms to the General Plan or the future right-of-way line for a local, collector or major thoroughfare as designated on the General Plan or adopted plan line. A yard abutting such a street or thoroughfare shall be measured from this future right of way.

“Historic Landmark”: Any improvement that has special historic, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the
City, the State of California, or the Nation, and that has been designated pursuant to this Chapter.

“Historic or Cultural Resource”: Improvements, building, structures, signs, features, sites, places, or other objects of historic, aesthetic, educational, cultural, or architectural significance to the citizens of the City, which may or may not have been officially designated as "historic landmarks" or "historic sites" as defined by this Code.

“Historic Site”: A parcel, parcels or part thereof constituting part of the premises on which a historic or cultural resource is situated, and which has been designated a historic site pursuant to this Chapter.

“Historic Structure”: Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

“Home Occupation”: Any occupation conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the residential character thereof. Home Occupation shall not include those occupations which are a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes, and all home occupations shall be subject to the issuance of a home occupation permit issued by the Director of Community Development if he finds that the proposed home occupation meets the requirements of this Section.

“Hospital”, “General Hospital”: An institution in which patients are given medical or surgical care and which is licensed by the State.

“Hotel”: Any building or portion thereof designed for or used by or containing six (6) or more guest rooms or suites of rooms or a combination of six (6) or more guest rooms or suites of rooms and not more than two (2) dwelling units, but not including any institutions in which human beings are housed or detained under legal restraint.
“Improvement”: Any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

“Industrial”: Is used to describe those areas and buildings within the City used primarily for industry.

“Industrial Recreational Facility”: Active indoor recreation activities that may only be permitted within existing industrial-zoned buildings with a conditional use permit approval and include, but are not limited to: archery ranges, dance studios, fencing clubs, go-kart racing, health clubs, exercise and sports performance training facilities, indoor sports complexes and fields (i.e., baseball fields/batting cages, basketball courts, gymnastics facilities, soccer/football fields, skating/hockey rinks, and tennis courts), martial arts studios, shooting ranges, simulated shooting games (i.e., laser tag and paintball wars, etc.), swimming pools, trampoline facilities, and similar uses as determined and approved by the Planning Commission.

“Industry”: The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage elevators, truck storage yards, warehouse, wholesale storage and similar types of enterprises.

“Initial Study”: A preliminary analysis prepared by the lead agency, as required by the California Environmental Quality Act which identifies the potential environmental impacts of a proposed project. This process is used to determine whether an Environmental Impact Report or a Negative Declaration or Mitigated Negative Declaration would be prepared.

“Junior Accessory Dwelling Unit (JADU)”: A unit no more than 500 square feet in size, typically attached to an existing single-family home that has an entrance from the outside directly to the JADU. These units must have a cooking facility but are not required to have sanitary facilities.

“Junk”: Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage, conversion, or restoration to some use. Any article or material which, unaltered or unchanged, and without further reconditioning can be used for its original purpose readily as when new, shall not be considered junk.

“Junkyard”: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles or other motor vehicles or machinery, or for the storage or keeping of junk, including scrap metals or other scrap materials or storage of used building and household materials, or storage of leftover materials from the building of individual homes or a subdivision of homes.

“Kennel”: A place where five (5) or more dogs or cats over four (4) months old are kept for commercial or noncommercial purposes. The term "kennel" shall not apply to animal control shelters operated by governmental agencies, nonprofit societies for the care of stray animals or to veterinary hospitals.
“Kitchen”: Any room intended or designed to be used or maintained for the cooking or preparation of food.

“LAFCO Out of Boundary Service Agreement”: A process through the Stanislaus County Local Agency Formation Commission (LAFCO) by which it is possible (through an agreement) for the City of Ceres to provide services (including, but not limited to, water and sewer) for property outside its jurisdictional boundaries but generally within its sphere of influence.

“Land Use Zoning Map”: The general zoning map of the City.

“Landscape Plan”: For the purpose of this ordinance, a "landscape plan" shall mean top and side views of a piece of property including but not limited to the following:

A. Name and address of the owners of the property.
B. Name and address of the person who prepared the plan.
C. Overall dimensions of the entire property.
D. Identification of all property lines.
E. North point.
F. Scale, preferably no less than one-quarter inch equals one foot (¼” = 1’).
G. Date of preparation.
H. Views, location, and proper labeling of all ground covering and irrigation systems.
I. Description by word and/or rendering of all ground covering materials.

“Landscaping/Landscape area”: The area of land that includes the original planting of suitable vegetation (such as trees, shrubs, lawn/grass, mulch/bark) in conformity with the requirements of this Title, and the continued maintenance thereof.

“Laundromat”: An establishment having self-service coin-operated laundry machines, excluding dry cleaning equipment.

“Laundry Plant”: An establishment equipped to perform the service of tailoring, or dry cleaning by immersion and agitation, or by immersion only, in a nonvolatile commercially moisture-free solvent using not more than one dry cleaning machine of a maximum sixty (60) pound capacity with a State licensed operator in attendance at all times and/or one laundry machine of a maximum fifty (50) pound capacity.

“Levee”: A manmade structure, usually an earthen embankment, designed and constructed in
accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee System”: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Liquor”: Any alcoholic or intoxicating beverage.

“Livestock”: Those animals normally used, raised or kept for agricultural purposes.

“Loading Space”: An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, which space shall abut a street, alley, or other appropriate means of ingress and egress. A loading space shall be not less than twelve feet (12’) in width, forty feet (40’) in length, and with fourteen feet (14’) of vertical clearance.

“Lot Area”: The total square footage of any one legal lot.

“Lot, Corner”: A lot located at the intersection of two (2) or more streets at an angle of not more than one hundred twenty degrees (120°). If the angle is greater than one hundred twenty degrees (120°), it shall be considered an interior lot. If a lot meets the definition of a corner lot but has imposed a nonvehicular access easement and a solid masonry wall on a street side, then this area shall be an interior lot line for purposes of determining yard areas and setbacks. The designation of the front and side of a corner lot may be made by the subdivider.

“Lot Coverage”: That portion of a lot or building site which is occupied by any building, accessory structure or covered patio used for human occupancy.
“Lot”, “Cul-de-Sac” or “Curvilinear”: A lot fronting on, or with more than one-half of its width fronting on the turn-around end of the cul-de-sac street or on the outside curve of a curvilinear street.

“Lot Depth”: The average horizontal distance between the front and rear lot lines of interior lots measured in the same direction as the side lines of interior lots. Lot depth for all other lots is the average horizontal distance from the front lot line to the most opposite lot line.

“Lot, Flag”: A flag lot is a property located behind another property, with an access strip of land to get back to it from a public street.

“Lot, Key”: Any lot so located where the side lot line abuts the rear lot line of one or more lots, and is not separated by an alley.

“Lot or Parcel of Land”: The term lot or parcel of land shall mean:

A. A piece of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the County Recorder of Stanislaus County; or

B. A piece of real property delineated on an approved record of survey, lot split or subparceling map as filed in the office of the County Recorder and abutting at least one public street; or

C. A piece of real property containing not less lot area than required by the zone in which it is located, abutting at least one public street and held under separate ownership from adjacent property prior to the effective date of the ordinance codified in this Title.

“Lot, Reversed Corner”: A corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.

“Lot, Interior”: A lot other than a corner lot.

“Lot, Substandard”: A lot whose area, width, or depth is less than that required in the zone in which it is located.

“Lot, Through, Double Frontage Lot”: A lot having frontage on two (2) parallel or approximately parallel dedicated streets, not including a corner or reversed corner lot. The Planning Commission shall determine which frontage or frontages shall be considered as the lot front or lot frontages for purposes of compliance with yard, setback, and lot depth provisions of this Title.

“Lot Line”, “Property Line”: Any line bounding a lot as defined by this Code.

“Lot Line, Front”:

A. On an interior lot, "front lot line" means the property line abutting a street.
B. On a corner lot, the subdivider may determine which property line shall be the front lot line.

C. On a through lot or a lot with three (3) or more sides abutting a street, the Planning Commission shall determine which property line shall be the front lot line.

“Lot Line, Rear”: A lot line not normally abutting a street which is normally opposite and most distant from the front lot line. "Rear lot line" shall be established as follows:

A. Interior lots rear lot line shall be opposite the front line.

B. Triangular or irregularly shaped lot, rear lot line shall be established by a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet (10').

C. A lot which is bounded on all sides by streets may have no rear lot line.

D. Corner lot, rear lot line will normally be the lot line opposite the front lot line. However, the developer may for site design purposes establish the interior side lot line as the rear lot line and the rear lot line as the interior side lot line. Such designation must be requested by the developer and approved by Director of Community Development.

“Lot Line, Side”: Any lot line not a front lot line or rear lot line. On a lot with three (3) or more sides abutting a street, all lot lines abutting a street, other than the front lot line, may be side lot lines. On lots with two (2) or more sides abutting the street, the side lot line(s) abutting a street shall be the exterior side lot line and the side lot line(s) not abutting a street shall be known as the interior side lot line(s).

“Lot of Record”: A parcel of land as shown on the records of the County Assessor at the time of the passage of the ordinance codified by this Title.

“Lot Width”: The width of the lot at its narrowest width. Said width is determined at the front property line for interior lots through lots and corner lots. The width of cul-de-sac, curvilinear and irregular lots may be determined at the front yard setback line.

“Lowest Floor”: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see definition of Basement) is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Chapter. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)

“Main Dwelling Unit”: The primary dwelling unit, existing or proposed, which provides complete
independent living facilities for one or more persons.

“Maintenance”: The term "maintenance" shall mean:

A. For buildings, walls, fences, driveways, walkways, parking lots, courts, and patios; to paint, repair or perform other various tasks needed to keep the aforementioned in a state as prescribed by the Director of Community Development.

B. For landscaped areas; to water, prune, fertilize, spray or perform other various tasks needed to keep the aforementioned in a maintained and manicured state.

“Marquee”: A fixed shelter used only as a roof extending over a building line and which is entirely supported by the building to which it is attached.

“Manufactured Home”: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

“Manufactured Home Park or Subdivision”: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“Mean Ground Level”: The top of the nearest adjoining curb. If there are not adjoining curbs, the "mean ground level" shall mean the average natural elevation of the lot or piece of property.

“Mean Sea Level”: For purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“Mitigated Negative Declaration”: A written statement prepared by the lead agency, as required by the California Environmental Quality Act stating that revisions or conditions of approval for a project and agreed to by the applicant, will not have a significant effect on the environment.

“Mobile Home”: A transportable structure or trailer coach built on a chassis for future movement, and designed to be used as a dwelling without a permanent foundation when connected to the required utilities, and intended for occupancy by one family. No such structure shall be deemed to be a mobile home which is less than eight feet (8’) nor greater than fourteen feet (14’) in width for a single section, nor less than thirty-two feet (32’) nor greater than seventy feet (70’) in length for a single section.

“Mobile Home Access Drive”: A private thoroughfare which affords internal circulation for a mobile home park.

“Mobile Home Access Drive Line”: The boundary line between an access drive and the abutting mobile home space.
“Mobile Home Access Drive, Side”: That access drive bounding a corner mobile home space and which extends in the same general direction as the line determining the depth of the mobile home space.

“Mobile Home Area”: The sum in square feet of the ground area occupied by a mobile home and all structures on a mobile home space.

“Mobile Home Building Line”: A line parallel with the front mobile home line or access drive and distance there from the depth of the required front yard.

“Mobile Home Park”: Any area or tract of land where space is rented or sold or held for rent to one or more owners or users of residential trailers or mobile homes.

“Mobile Home Park Storage Area”: An area within a mobile home park intended for the storage of items and the accommodation of uses commonly associated with and incidental to the uses permitted in a mobile home park and its operation and maintenance thereof.

“Mobile Home, Residential”: Vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the California State Vehicle Code and to be used for human habitation.

“Mobile Home Space”: A plot of ground within any trailer park designed for the accommodation of one residential trailer and related facilities.

“Mobile Home Space, Corner”: A mobile home space situated at the intersection of two (2) or more access drives.

“Mobile Home Space Depth”: The horizontal distance between the front and rear mobile home space line.

“Mobile Home Space, Interior”: A mobile home space other than a corner mobile home space.

“Mobile Home Space Line, Front”: In case of an interior mobile home space, a line separating the mobile home space from the access drive, and in the case of a corner lot, a line separating the narrowest access drive frontage of the mobile home space from the access drive.

“Mobile Home Space Line, Rear”: A mobile home space line which is opposite and most distant from the front mobile home space line and, in the case of an triangular or irregularly shaped mobile home space, a line within the mobile home space line, having a length of not less than ten feet (10').

“Mobile Home Space Line, Side”: Any mobile home space boundary line not a front mobile home space line or a rear mobile home space line.

“Mobile Home Space Width”: The horizontal distance between the side mobile home space lines
measured at right angles to the mobile home space depth at the front mobile home line.

“Mobile Home Space Yard”: An open area on a mobile home space unoccupied and unobstructed from the ground upward.

“Mobile Home Space Yard, Front”: mobile home space yard extending across the full width of the mobile home space, the depth of which is the distance between the front mobile home space line and the building line.

“Mobile Home Space Yard, Rear”: A mobile home space yard contiguous to the rear line of a mobile home space and extending from side line to side line.

“Mobile Home Space Yard, Side”: A mobile home space yard between the mobile home and the side line, extending from the front building line to the rear yard.

“Motel”: A building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile parking space provided in connection therewith, which building or group is designated, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, auto courts, motor courts, motor hotels, and similar designations.

“Negative Declaration”: A written statement prepared by the lead agency, as required by the California Environmental Quality Act briefly describing the reasons why a proposed project will not have a significant effect on the environment.

“Net Acre”: For the purposes of this ordinance, the term "net acre" shall mean an acre of land less all required public dedications. For computation purposes, a "net acre" is assumed to be seventy-five percent (75%) of a total gross acre, or undeveloped acre, or portion thereof.

“Net Density”: The number of dwelling units per net acre of land.

“Nonconforming Building”: A building or portion thereof lawfully existing on the effective date of the ordinance codified in this Title, which was designed, erected or structurally altered for use which does not conform to the uses permitted in the zone in which it is located, or which does not comply with one or more of the property development standards of the zone in which it is located.

“Nonconforming Use”: A lawful use of a building or land existing on the effective date of the ordinance codified in this Title which does not conform to the uses permitted in the zone in which it is located.

“Nursing Home”: A structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.
“Obstruction”: For floodplain purposes, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, restrain, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“Open Space”: The area of a lot which is not occupied by building coverage, parking lot or driveway.

“Open Space, Private”: That usable open space which is intended to be used by the occupants of a single dwelling unit.

“Open Space, Public”: That usable open space which is intended to be used by the occupants of several dwelling units.


“Parking Area, Common”: A public or private parking area jointly used by two (2) or more uses.

“Parking Area, Private”: An open area, other than a street, used for parking of automotive vehicles and restricted from general public use. Such areas shall have frontage on or access to a dedicated street or alley.

“Parking Area, Public”: An area, other than a private parking area or street used for the parking of vehicles and available for public or quasi-public use, either free or for a fee. Such areas shall have frontage on or access to a dedicated street or alley.

“Parking Space, Automobile”: Space exclusive of driveways, ramps, columns, loading areas, office or work areas within a building or open parking area for the parking of one automobile. A parking space shall be not less than nine feet (9’) in width, twenty feet (19’) in length and shall be accessible and usable for the parking of a standard motor vehicle.

“Patio”: An open area or an accessory outdoor living structure not exceeding fourteen feet (14’) in height and open on at least one side. If covered, a patio shall be included for the purposes of determining lot coverage and floor area ratio.

“Permittee”: The person, firm or corporation who is proposing to use or who is using the land pursuant to the permit required by this Title at the time the matter is under consideration in connection with any procedure under this Title.

“Permitted Use”: Any use listed as a principal use or accessory use, and shall further include a conditional use as listed for the particular district, provided a conditional use permit is obtained.
“Person”: An individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the Federal or State government, City, County special district, or any other group or combination acting as an entity, excepting the City.

“Planned Community”: For the purposes of this ordinance, the term "planned community" shall mean:

A. Land under unified control, planned and developed as a whole;

B. In a single development operation or a definitely programmed series of development operations, including all lands and buildings;

C. For principal and accessory structures and uses substantially related to the character of the district;

D. According to comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings, and;

E. With a program for provisions, operation, and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated or maintained at general expense.

“Plant Nursery”: Land and buildings improved and intended for sale of planting stocks, gardening equipment, and related outdoor furniture, supplies, and masonry. “Plant Nursery” shall not include a “Cannabis Business” as defined in Section 5.22.020 of the Ceres Municipal Code.

“Planting, Maintenance Required”: In a space between a fence or wall and a property line or right-of-way line, the planting shall be regulated so as to maintain the required open areas in the fence structure in order to preserve passage of light and air and permit necessary visibility.

“Portable Outdoor Storage Unit”: Any container which is rented, loaned or owned by owners or occupants of property for their temporary use and is designed for the transportation and storage of personal property of any kind.

“Poultry”: A species of fowl.

“Poultry Farm”: Any premises on which the primary use is the breeding, raising or maintaining of poultry for sale, or for production of eggs for sale, or both, or where the primary income from the premises is derived from the aforesaid occupation.

“Prezoning”: The zoning of unincorporated property by the City of Ceres prior to its annexation by the City.
“Private Noncommercial Use”: A use operated by a private nonprofit club or association, such as fraternal association, improvement associations, and similar groups; said use having the purpose primarily of serving the members of the club or association and including uses such as private golf courses, country clubs, swimming pools, riding clubs, private lodges and like uses.

“Property Development Standards”: Regulations to be applied to each district addressing:

A. Lot area.

B. Lot coverage.

C. Lot dimensions.

D. Setback requirements.

E. Distance between buildings.

F. Population density.

G. Building height.

H. Site plan approval.

I. Yards, landscaping, open space requirements.

J. Fences, hedges, walls.

K. Off-street parking and loading.

L. Access.

M. Signing.

N. Laundry and clothes drying areas.

O. Solid waste storage, disposal facilities.

P. Recreational areas.

Q. Park-in-lieu fees.

R. Security.

“Property Line”: Property line shall have the same meaning as lot line.
“Provisions”: Includes all regulations and requirements referred to in reference.

“Quasi-Public Organization”: Any nongovernmental, nonprofit organization that is devoted to public service or welfare.

“Recreational Facility”: a building or place that provides a particular service or is used for a particular industry.

“Recreational Vehicle”: A vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Recycling Center”: An operation which is certified by the California Department of Conservation and which accepts from consumers, and pays or provides the redemption value and applicable redemption bonus pursuant to section 14572 of the California Public Resources Code for empty beverage containers intended to be recycled.

“Regulatory Floodway”: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1’).

“Residence”: A building used, designed and intended to be used as a home or dwelling place.

“Residential”: Describes those areas and buildings within the City used primarily for living and dwelling purposes.

“Residential Care Facilities”: A state-licensed structure operating as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons in return for compensation, but in which no surgical or other primary treatments, such as customarily provided in hospitals or sanitariums are performed, and in which no persons are kept or served who normally would be admissible to a mental hospital. Residential care facilities include convalescent homes, rest homes, nursing homes, and other residential care facilities as deemed similar by the Director of Community Development.

“Rest Home for the Aged”: A building containing a State or County licensed dwelling unit, where lodging is provided with or without meals for compensation to more than three (3) ambulatory, well, and sixty-five (65) years old or over nontransients.
“Restore, Renovate”: To return a use, building, structure, or piece of land to a former or normal state.

“Retail Store”: A business selling goods, wares, services, or merchandise directly to the ultimate consumer.

“Rezoning”: The legislative act of amending a zoning designation of a property on the Zoning Map, which changes said designation from one zone district to another zone district.

“Riverine”: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Room”: An interior space of a building of structure totally enclosed or set apart by walls, including closets or hallways.

“Sanitarium”: A health station or retreat or other place where patients are housed and where medical or surgical treatment is given. This does not include mental institutions or places for the treatment of narcotics addicts.

“Schools; Elementary, Intermediate, Junior High, and High”: An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State.

“School, Private”: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a nongovernmental organization.

“Setback Line, Front Yard”: The line which defines the depth of the required front yard. The setback line is parallel with the street line, or when established by General Plan, with the highway right of way, removed therefrom by the perpendicular distance prescribed for the front yard in the zone.

“Setback Line, Rear Yard or Side Yard”: The line which defines the width or depth of the required rear or side yard. The setback line is parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the zone.

“Shipping Container”: Any container which is rented or purchased by owners or occupants of property for their temporary or permanent use and is designed for storage of personal property of any kind.

“Shopping Center”: Any combination of five (5) or more separately owned and operated offices or commercial uses developed as a single project on a site of at least one acre, and includes neighborhood commercial as well as community commercial uses.

“Side Street”: That street bounding a corner or reversed corner lot which extends in the same
general direction as the line determining the depth of the lot.

“Site Plan, Plot Plan”: A mechanical drawing of a piece of property, including but not limited to the following:

A. Name and address of the owner of the property.

B. Name and address of the person who prepared the plan.

C. North point.

D. Scale—preferably no less than one inch equals thirty feet (1″ = 30′), or (1/8″ = 1′).

E. Date of preparation.

F. Proposed use classification for each building or activity area.

G. All required street widening, street width and parkway widths, and alleys.

H. Location of all existing or proposed public or private easements.

I. Overall dimensions of entire property, identify all property lines.

J. Net area of site.

K. A complete legal description and site address.

L. Indicate the square footage of each building or activity area and total number of parking spaces provided.

M. Location, by dimension and proper labeling, of all:

1. Buildings, building heights and activity areas;

2. Parking areas, including layout of parking stalls and landscaping;

3. Driveways, alleys, and accessways, including entrances to and from;

4. Public streets;

5. Sidewalks (public), and walkways (private);

6. Fences, walls, screens, and landscaping;

7. Exterior lighting;
8. Site drainage, including natural drainage courses;

9. Signs;

10. Recreation areas, facilities.

N. Disposition of all existing buildings on the property.

O. Indicate location and extent of any filled ground or dump conditions.

P. Existing and finish grades and drainage plan.

“Site Plan Approval (SPA)”: The approval by the Planning Commission of a site plan, floor plans, elevations and a landscape plan of a proposed development to ensure that the development is in conformity with both the intent and provisions of this Title.

“Slope”: A natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio. For example, a horizontal distance of fifty feet (50’) with a rise of one hundred feet (100’) would be expressed as a 1:2 slope.

“Special Flood Hazard Area (SFHA)”: An area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

“Stable, Private”: A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

“Stable, Riding”: Any stable where horses are kept for hire.

“Storage”: The placing or keeping of personal property of any kind in a yard or on a lot.

“Story”: A space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

“Story, Half”: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4’) above the floor of such story, provided, however, that any partial story used for one or more dwelling units, shall be deemed a full story.

“Street, Road”: A public or approved private right of way which provides a means of access to abutting property.

“Street, Center Line”: The center line of a street or right of way as established by official surveys.
“Street, Collector”: A street which is intended to ultimately serve more than fifty (50) dwelling units and has a minimum width of sixty feet (60’).

“Street Line”: The boundary line between a street right of way and abutting property.

“Street, Local, Minor Street”: A street which is intended to ultimately serve fifty (50) or less dwelling units and has a minimum width of fifty feet (50’).

“Street, Major, Arterial Street”: A street which has a minimum width of one hundred feet (100’).

“Structural Alteration”: Any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, roof trusses, foundations, piles or retaining walls or similar components.

“Structure”: Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts, joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation components.

“Substantial Damage”: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Market value shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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

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

“Supermarket”: A market having ten thousand (10,000) or more square feet of floor area devoted principally to the sale of food.

“Supportive Housing”: Housing with no limit on length of stay, that is occupied by a target population, and that is linked to an on-site or off-site service that assists the supportive housing residents in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Swimming Pool”: An above grade or below grade body of water created by artificial means which is designed for and offers the possibility of use for swimming, bathing and/or total bodily immersion by any person, any portion of which exceeds eighteen inches (18") in depth. This definition shall not include: hot tubs, spas, bathtubs, whirlpool baths, therapeutic baths, saunas or similar structures as determined by the Planning Commission when located at least twenty-four inches (24") above finished grade and physically separated from a swimming pool structure by at least three feet (3').

“Target Population”: Persons with low incomes who have one or more disability, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500 of the Welfare and Institutions Code), and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care systems, individuals exiting from institutional settings, veterans, and homeless people.

“Temporary Use”: A use intended to be operated on a temporary or seasonal basis. Temporary uses shall include the following types:

A. Seasonal or Theme-Oriented Use: This type of use shall be limited to fireworks stands, pumpkin lots, Christmas tree lots, and City-sponsored activities. These uses shall not be operated for a period of more than thirty (30) days during a twelve (12) month period.

B. Special Business Use Event: This type of use is defined as one which is operated in conjunction with established permanent commercial uses which do not result in a substantial alteration to the capacity and/or circulation of off-street parking areas as determined by the Director of Community Development. Such activities may include grand openings, sidewalk sales, parking lots sales, promotions, and related activities, and other similar activities as may be determined by the Director of Community Development. The sales of items at such special business or use events shall be limited to only those types of merchandise customarily offered for sale by the business conducting the special business or use event. Special business or use event sales shall be conducted only on property immediately adjacent to the business conducting the sale.
C. Photography/filming: This type of permit shall be processed under temporary use permits as identified under Section 18.30.030, subsection (D), of the Ceres Municipal Code, and shall also be required to receive clearance through the City Council for any street closures or use of public rights of way in accordance with Chapter 12.01 of the Ceres Municipal Code.

“Trade School”: Private schools offering instruction preponderantly in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments.

“Trailer”: A vehicle without motor power designed and constructed to travel on the public thoroughfares in accordance with the provisions of the California State Vehicle Code and to be used for human habitation. No trailer shall be used as a place of human habitation except in regularly established trailer parks.

“Transient”: A person who received dwelling accommodations for a price, with or without meals, for a period of not more than one hundred eighty (180) consecutive days.

“Transitional Housing”: Buildings configured as rental housing developments, but operated under program requirements that require termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

“Usable Open Space”: The term "usable open space" shall mean:
   A. The aggregate area of front, side and rear yards, uncovered patios, and balconies and decks having a depth of not less than six feet (6’) and area not less than sixty feet (60’), on a building site or building which is available and accessible to the occupants of the building or building site for purposes of active and/or passive outdoor recreation.

   B. This area is exclusive of driveways, areas for off-street parking and services, and ground level areas with a width of less than five feet (5’) or maximum dimension of under ten feet (10’). At least seventy-five percent (75%) of the usable open space shall have a slope of ten percent (10%) or less.

“Use”: The purpose for which land or building is erected, enlarged, arranged, designed or intended, or for which land or building is or may be occupied or maintained.

“Used”: Includes the words "arranged for," "designed for," "occupied for," or "intended to be occupied for."

“Variance”: A permit for deviation from the provisions established in the zone in which the property is located, granted by the Planning Commission pursuant to and intended to permit the fair use of property in cases where the strict enforcement of the law would, because of exceptional conditions on the land such as the location, size, shape or slope of the lot, work an unnecessary
hardship on the subject property which would not apply to other properties in the same zone.

“Visual Obstruction”: Any fence, hedge, tree, shrub, wall or structure exceeding three feet (3′) in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on the streets, alleys or driveways. This does not include trees kept trimmed of branches below a minimum height of seven feet (7′).

“Wall”: Any structure or device forming a physical barrier, which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air, and vision through the surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier. Walls shall be constructed to conform to the standards of the City’s Building Code and/or California Building Code. Walls within in front or exterior side-yard setback shall not be more than three feet (3′) in height.

“Water Surface Elevation”: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse”: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

“Wholesaling”: The selling of any type of goods for the purpose of resale.

“Yard”: Any open space other than a court on the same lot with a building or a dwelling group, which space is generally open from the ground to the sky, except for the projections and/or accessory buildings permitted by this Title.

“Yard, Front”: A space between the front yard setback line and the front lot line of the existing or future highway right-of-way line, and extending the full width of the lot.

“Yard, Rear”: A space between the rear yard setback line and the rear lot line, extending the full width of the lot.

“Yard, Side”: A space extending from the front yard setback line, or from the front lot line where no front yard is required by this Title, to the rear yard setback line or rear lot line between a side line and side yard setback line.

“Yard, Exterior Side”: A space extending from the front yard setback line to the rear year setback line for a property that is located on a corner.

“Zone (District)”: A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this Title.
Chapter 03

PLANNING RESPONSIBILITIES

Sections:
18.03.010 Purpose.
18.03.020 Composition of the Ceres Planning Agency.
18.03.030 Responsibilities of the City Council.
18.03.040 Responsibilities of the Planning Commission.
18.03.050 Responsibilities of the Director of Community Development.
18.03.060 Establishment of the General Plan Review Committee.
18.03.070 Sign Review Committee.

18.03.010 Purpose.
The purpose of this chapter is to establish the administration of this title and to set forth the basic responsibilities of the officials and bodies charged with its administration.

18.03.020 Composition of the Ceres Planning Agency.
Section 65100 of the California Government Code requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the Planning Agency, as designated by this title, may be any one (1) of the following, as further defined in this chapter and title. In the absence of an assignment, the City Council shall have the Planning Agency responsibility and authority.

A. City Council;
B. Planning Commission;
C. Director of Community Development.

18.03.030 Responsibilities of the City Council.
The City Council shall have the following land use responsibilities:

A. Members of the Planning Commission shall be appointed by the Mayor and approved by the City Council as provided in Title 2 of this Code.

B. Hear and decide appeals of the decisions of the Planning Commission.

C. Hear and decide applications for zoning amendments, General Plan amendments, community plans, specific/master plans, special planning areas, prezoning, and development agreements. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.

D. Direct planning-related policy amendments and special studies as necessary or desired.
E. Exercise such other powers and duties as are prescribed by State law or local ordinance.

**18.03.040 Responsibilities of the Planning Commission.**
The Planning Commission shall have the following land use responsibilities:

A. Hear and decide appeals of the decisions of the Planning Division and the Director of Community Development.

B. Hear and decide applications for conditional use permits, variances, major design review (e.g., site plan approval or specific plan site plan entitlements), extensions to nonconforming use status, tentative subdivision maps, and tentative parcel maps.

C. Review and approve or disapprove official zoning interpretations.

D. Hear and make recommendations to the City Council on applications or proposals for amendments to this title.

E. Initiate studies of amendments to this title and make recommendations to the City Council for amendments to this title.

F. Hear and make recommendations to the City Council on applications for zoning amendments, the General Plan and its amendments, specific/master plans, special planning areas, prezoning, and other related planning studies.

G. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Council.

**18.03.050 Responsibilities of the Director of Community Development.**
The Director of Community Development shall have the responsibility and authority to administer and enforce this title as follows:

A. Maintain the sections of this title, zoning map, and all records of zoning actions and interpretations.

B. Advise the City Council, City Manager, and Planning Commission on planning matters.

C. Decide administrative permits, minor deviations, minor uniform sign programs, parking reduction permits, reasonable accommodation permits, and temporary use permits.

D. Staff meetings and provide administrative services for the Planning Commission.

E. Direct planning-related policy amendments and special studies as necessary or desired.

F. Conduct administrative functions authorized by this title, including distribution and receipt of
permit applications and corresponding fees, application review and public noticing, determination and issuance of administrative permits and approvals, and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by the City Council and Planning Commission.

G. Provide information to the public and facilitate public participation on planning matters.

H. Prepare official zoning interpretations for Planning Commission review and action.

I. Hear and decide applications for minor design reviews and minor use permits.

J. Hear and decide tentative subdivision, vesting subdivision map and other land use entitlement extensions.

K. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Manager.

18.03.060 Establishment of the General Plan Review Committee.
The City Council may form a committee for the purposes of reviewing updating, and recommending amendments to the City’s General Plan. The Committee shall be composed of two (2) Planning Commissioners; two (2) City Council members; and such other members as the City Council may from time to time determine are necessary or desirable. All members shall be appointed by the Mayor with the concurrence of the City Council. Each member of the General Plan Review Committee shall serve at the pleasure of the Mayor for an indefinite term, and may be removed by the recommendation of the Mayor and confirmation by a majority vote of the City Council.

18.03.070 Sign Review Committee.
The City Council, may at any time, establish a Committee for the purpose of reviewing and updating the City’s Zoning Code as it relates to sign regulations. The committee shall be composed of two (2) Council members and two (2) Planning Commissioners. Committee meetings may be called at the discretion of the Mayor or Chairman of the Planning Commission.
Chapter 04

GENERAL PROVISIONS AND ADMINISTRATIVE ADJUSTMENTS

Sections:
18.04.010 Components.
18.04.020 Application and Interpretation.
18.04.030 Ambiguity.
18.04.040 Permitted Uses Only.
18.04.050 Open Space –Encroachment.
18.04.060 Open Space –Other Buildings.
18.04.070 Addition of Permitted/Conditional Uses.
18.04.080 Similar Uses Permitted or Conditional.
18.04.090 Uses of Nonconforming Site.
18.04.100 Yard Requirements –Measurement.
18.04.110 Coverage –Measurement.
18.04.120 Appeal to City Council.
18.04.130 Administrative Adjustments –Purpose.
18.04.140 Administrative Adjustments –Scope of Authority.
18.04.150 Adjustment Criteria.
18.04.160 Administrative Adjustment Report.
18.04.170 Site Plan Approval.

18.04.010 Components.
This Title shall consist of a zoning map and it will determine districts, control land uses, restrain population densities, specify uses and locations of structures, designate appropriate landscaping of certain structural uses, determine areas and dimensions of sites, provide for off-street parking and loading facilities, and prescribe other regulations in order to protect the public health, safety, and welfare of the City.

18.04.020 Application and Interpretation.
In their interpretation and application, the provisions of this Title shall be held to be minimum requirements. This Title shall apply to all property whether owned by private persons, firms, corporations or organizations; by the United States of America or any of its agencies; by the state of California or any of its agencies or political subdivisions; by any City or county, including the City or any of its agencies; or by any authority or district organized under the laws of the state of California, all subject to the following exceptions:

A. Public streets and alleys;

B. Underground utility lines and facilities;

C. Underground communications lines;

D. Overhead communications lines;
E. Overhead electric distribution lines, not including transmission and distribution substations;

F. Railroad rights-of-way;

G. Transmission lines.

18.04.030 Ambiguity.
Except as otherwise expressly provided pursuant to other provisions of this Title, if ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or with respect to height, yard requirements, area requirements, or zone boundaries, and as they may pertain to unforeseen circumstances, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by resolution, set forth its findings and interpretations, and thereafter such interpretations shall govern unless appealed to the City Council pursuant to Section 18.03.030. Upon review, such interpretation may be approved, disapproved or modified by the City Council.

18.04.040 Permitted Uses Only.
No structure or part thereof shall be erected, altered or enlarged, nor shall any site or structure be used, designated or intended for use other than the uses listed in this Code as permitted or conditional in the zone in which such structure, land or premises is located.

18.04.050 Open Space –Encroachment.
No structure shall be erected, nor shall any existing structure be altered, enlarged, rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, site area, and building location regulations designated for the zone in which such structure or open space is located.

18.04.060 Open Space –Other Buildings.
No yard or other open space provided about any structure for the purpose of complying with provisions of this Title shall be considered as providing a yard or open space for any other structure, and no yard or other open space on one site shall be considered as providing a yard or open space for a structure on any other site.

18.04.070 Addition of Permitted/Conditional Uses.
A. Upon application or on its own initiative, the Planning Commission may add to the list of permitted or conditional uses, if the Planning Commission makes the following findings:

1. That any addition to the list of permitted or conditional uses will be in accordance with the purposes of the zone in which the use is proposed;

2. That the use will be an appropriate addition to the list of permitted or conditional uses because the use has the same basic characteristics as the uses permitted in the zone;

3. That the use will not be detrimental to the public health, safety or welfare;
4. That the use will not adversely affect the character of the zone in which it is to be permitted;

5. That the use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or be more objectionable than the uses permitted in the zone;

6. That the use will not create any greater hazard of fire or explosion than the hazards normally associated with the uses permitted in the zone;

7. That the use is within conformance with the purpose, intent, and policies of the General Plan.

B. Additions may be made to the list of permitted or conditional uses by resolution of the Planning Commission, subject to ratification by the City Council. The Planning Commission and City Council may, at their discretion, hold a public hearing on a proposed addition.

18.04.080 Similar Uses Permitted or Conditional.
A. When a use is not specifically listed in the zoning ordinance and does not appear to be covered by a general category, the Director of Community Development has the discretion to make the finding that the use can be permitted subject to the granting of a conditional use permit if the use is similar in nature and intensity to other uses listed.

B. It is further recognized that every conceivable use cannot be identified in this Title, and anticipating that new uses will evolve over time, this establishes the Director of Community Development’s authority to compare a proposed use and measure it against those listed in this Title that are similar in nature and intensity in order to make a determination that the use is "similar" and may be permitted by right or allowed subject to the granting of a conditional use permit.

C. In determining "similarity" the Director of Community Development shall make all of the following findings:

1. The proposed use shall meet the intent of and be consistent with the goals, objectives, and policies of the General Plan;

2. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;

3. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and

4. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use zone in which it is to be located.
18.04.090 Uses of Nonconforming Site.
Except as otherwise provided in this Title, a site having an area, frontage, width or depth less than the minimum prescribed for the zone in which the site is located, as depicted on a duly approved and recorded subdivision map, or a site for which a deed or valid contract of sale was recorded prior to the adoption of this Title, and that had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, such sites may be used for any permitted use, but shall be subject to all other regulations for the zone in which the site is located.

18.04.100 Yard Requirements –Measurement.
A. Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel on the site; provided, that where a precise street plan has been adopted by the City Council, required yards shall be measured from the property line, and no provision of this Title shall be construed to permit a structure or use to extend beyond such line; and provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

B. On a site that is not rectangular or approximately rectangular in shape, required yards shall be measured in the manner prescribed by the Director of Community Development in accordance with adopted codes and ordinances.

18.04.110 Coverage –Measurement.
Percentage of a site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures, open or enclosed, by the total horizontal area within the property line of the site.

18.04.120 Appeal to City Council.
Where the Planning Commission is authorized to make any decision pursuant to the provisions of the Ceres Zoning Ordinance and that decision is to be subject to appeal to the City Council, the following procedure shall apply.

A. The interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the City Council, appeal any decision, determination or requirement of the Planning Commission by filing a notice thereof in writing with the City Clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the Planning Commission.

B. Upon the filing of an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of City Councilmember requests. The City Clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than ten (10) days before the hearing.

C. In holding the hearing on the matter, the City Council may receive any and all information
pertinent to the matter, regardless of whether such information was first presented to the Planning Commission. In the case of decisions by the Planning Commission that followed a public hearing, the City Council shall hold a new public hearing on the matter. Upon the close of the hearing, the City Council shall vote to either confirm the decision of the Planning Commission, overturn the decision, or confirm the decision with modifications, and the City Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the City Council at the next scheduled City Council meeting. In the case of a tie vote, the Planning Commission decision shall stand, and shall be considered final as of the date of the City Council vote.

18.04.130 Administrative Adjustments –Purpose.
The purpose of an administrative adjustment is to provide action on projects that are routine in nature but may require an interpretation of established policies and standards set forth in the zoning ordinance.

18.04.140 Administrative Adjustments –Scope of Authority.
A. Notwithstanding the provisions of Chapter 18.31 related to variances, the Director of Community Development or his or her designee shall have the authority to grant administrative adjustments to development standards contained within this Title.

B. Upon written request, the Director of Community Development may approve, conditionally approve, or deny without notice minor adjustments to the following development standards; building and landscaping setbacks, site area, lot width, building height, parking.

C. Any administrative adjustment shall be limited to no more than twenty percent (20%) of a required development standard. In making the adjustment, the Director of Community Development shall make a finding that the adjustment is consistent with the criteria listed in Section 18.04.150. With respect to adjustments to building setbacks and building height, the adjustment shall also be approved by the Fire Chief or his or her designee prior to granting the administrative adjustment.

18.04.150 Adjustment Criteria.
The Director of Community Development shall record the decision in writing along with the basis for the decision. The Director of Community Development may approve or conditionally approve an application, with or without conditions, only if all the following criteria are met:

A. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, creating a practical difficulty or unnecessary hardship;

B. That granting of the administrative adjustment is necessary to provide consistency with properties in the same vicinity and land use designation or development standards within which the administrative adjustment is sought;

C. That granting the administrative adjustment will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land.
use designation or development standards in which the property is located;

D. That granting the administrative adjustment will not be inconsistent with the goals and policies of the General Plan.

18.04.160 Administrative Adjustment Report.
The Planning Commission may request that the Director of Community Development report to the Planning Commission a summary of the administrative adjustment applications that have been processed and approved during the proceeding calendar year.

18.04.170 Site Plan Approval.
Where required by this Title, a site plan, elevations of all buildings, floor plans of all buildings, and a landscape plan shall be submitted to the Planning Commission to enable it to make a finding that the proposed development is in conformity with both the intent and provisions of this Title.

A. Filing: Application for site plan approval shall be filed by the owner of the property for which the approval is sought, or by the authorized representative of the owner.

B. Form and Contents: Application shall be made to the Planning Commission on forms furnished by the Planning Division and shall be full and complete, including such data as may be prescribed by the Planning Commission to assist in determining the validity of the request. The applicant shall verify the petition and the date of verification shall be noted on the petition.

C. Filing Fee. When an application for site plan approval is filed, a uniform fee shall be paid in such amount as determined by the City Council from time to time by resolution.

D. Application Review. The Planning Division shall investigate the facts bearing on any case involving an application for site plan approval to provide the Planning Commission with data essential for action consistent with the intent of the Title and the General Plan. Applicants are strongly encouraged to be present at the Planning Commission meeting scheduled for the consideration of the application.

E. Duration. Site plan approvals shall expire in twenty-four (24) months from approval by the Planning Commission or when approved by the City Council under appeal. If substantial improvements have begun within the twenty-four (24) months, the site plan approval application may be deemed valid as determined by the Director of Community Development. The Director of Community Development’s determination may be appealed to the Planning Commission and subsequently to the City Council. Upon expiration of a site plan approval, a new application must be submitted for approval by the Planning Commission. Where the General Plan land use designation or policies have changed and said site plan approval application is not consistent with such change, the site plan approval shall be null and void.
Chapter 05  
ZONING MAPS

Sections:
18.05.010 Establishment of Zone Names.
18.05.020 Designation of Zone Names.
18.05.030 Determination of Boundaries.
18.05.040 Rights of Way and Water Determination.
18.05.050 Vacated Boundary Lines.
18.05.060 Uncertain Boundaries.
18.05.070 Map to Be on File.
18.05.080 Zoning Map Amendments.
18.05.090 Zoning Map Revisions.
18.05.100 Zoning Annexed Areas.

18.05.010 Establishment of Zone Names.
A. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, several classes of zones are established to be known as follows:

1. Agricultural zone, abbreviate as A;

2. Residential agricultural zone, abbreviated as R-A;

3. Single-family residential zone, abbreviated as R-1;

4. Two-family residential zone, abbreviated as R-2;

5. Medium density residential zone, abbreviated as R-3;

6. Medium High density residential zone, abbreviated as R-4;

7. High density residential zone, abbreviated as R-5

7. Low density residential zone (Mitchell Road Corridor Specific Plan), abbreviated as RL-7;

8. Medium density residential zone (Mitchell Road Corridor Specific Plan), abbreviated as RM-15;

9. High density residential zone (Mitchell Road Corridor Specific Plan), abbreviated as RH-25;

10. Community facility zone, abbreviated as C-F;
11. Planned community zone, abbreviated as PC;
12. Industrial park zone (Mitchell Road Corridor Specific Plan), abbreviated as IP;
13. Light industrial zone, abbreviated as M-1;
14. General industrial zone, abbreviated as M-2;
15. Administrative Professional zone, abbreviated as A-P;
16. Neighborhood commercial zone, abbreviated as C-1;
17. Community commercial zone, abbreviated as C-2;
18. Service commercial zone, abbreviated as C-3;
19. Highway commercial zone, abbreviated as H-1;
20. Community commercial zone, abbreviated as CC;
21. Highway commercial zone, abbreviated as HC;
22. Regional commercial zone, abbreviated as RC;
23. Mixed use zone 1 (Mitchell Road Corridor Specific Plan), abbreviated as MX-1;
24. Mixed use zone 2 (Mitchell Road Corridor Specific Plan), abbreviated as MX-2;
25. Airport overlay zone, abbreviated as A-O;
26. Historic preservation zone, abbreviated as H-P;

18.05.020 Designation of Zone Names
The designations, locations, and boundaries of the zones set forth in this Title shall be shown on the Zoning Maps of the City. Said Maps and all notations, references, data, and other information shown thereon shall be and are hereby adopted and made a part of this Title. Said maps, properly attested, shall be and remain on file in the offices of the Planning Division.

18.05.030 Determination of Boundaries.
Where indicated, zone boundaries are approximately street, alley or lot lines, said lines are determined to be the boundaries of the zone. Otherwise, the boundaries shall be determined by the dimensions shown on the General Zoning Map. In the absence of a dimension, the boundary shall be determined by the Director of Community Development by use of the scale shown on the Map.
18.05.040 **Rights of Way and Water Determination.**
A street, alley, railroad or railway right of way, watercourse, drainage channel or body of water included on the Zoning Map shall, unless otherwise indicated, be included within the zone of adjoining property on either side thereof, and where such street, alley, watercourse, drainage channel or body of water serves as a boundary between two (2) or more different zones, the center line, or midway line, of such right of way, watercourse, channel or body of water extending to the general direction of the long dimension thereof shall be considered the boundary between zones.

18.05.050 **Vacated Boundary Lines.**
In the event that a vacated street, alley, right of way, or easement was the boundary between two (2) zones, the new zone boundaries shall be at the new property line or at a line established at or within fifty feet (50’) of the center line of the street, alley, right of way or easement that has been vacated.

18.05.060 **Uncertain Boundaries.**
Where uncertainties exist, the Director of Community Development, upon written application or upon own initiative, shall by written decision determine the location of such boundaries.

18.05.070 **Map to Be on File.**
The original of the general zoning map shall be kept on file with the City Clerk and shall constitute the original record. A copy of the map shall also be filed with the Planning Division.

18.05.080 **Zoning Map Amendments.**
All amendments and changes shall be recorded by the secretary of the Planning Commission with the City Clerk after such amendments or changes become effective. This data shall at that time be filed with the Director of Community Development. A new amended general zoning map shall be prepared by the Planning Division at the end of each fiscal year upon which is shown all changes and amendments enacted during the previous period of time. Said zoning map shall thereafter be filed with the City Clerk and Planning Division.

18.05.090 **Zoning Map Revisions.**
The City Council may from time to time order the revision of the Official Zoning Map by the Planning Division so as to include all changes to date and to replace the original or amended Official Zoning Map which is part of this Title. No changes shall be made upon such revised map that have not been made through regular zone change procedure.

18.05.100 **Zoning Annexed Areas.**
Territory annexed by of the city of Ceres will be zoned under the following conditions:

A. Prezoning: The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning that will apply to the property in such territory in the event of subsequent annexation to the City:

1. The method and procedure for establishing such prezones shall be the same as set forth in this Title and as provided for in chapter 4 of the Government Code, Zoning Regulations,
sections 65800-65907.

2. Unincorporated territory which has been prezoned shall carry a "p" prefix before the zone classification and shall be so designated on the Official Zoning Map of the City.

3. The zone classification which has been established by prezoning procedure for unincorporated territory shall become effective at the time that the annexation of such territory to the City becomes effective, at which time the "p" prefix shall be deemed automatically removed from the zone classification.

B. Prezoning Required: All territory considered for annexation shall be required to prezone said territory with a zone classification which is consistent with the General Plan land use designation. However, prezoning is not required when a master plan or specific plan is initiated by the City or a project proponent for annexation of territory into the City limits.

C. Prezoning shall be processed in accordance with the provisions of Chapter 18.32, Zoning Amendments.
Chapter 06

COMMUNITY FACILITIES ZONE (C-F)

Sections:
18.06.010 Purpose and Intent.
18.06.020 Principal Uses.
18.06.030 Accessory Uses.
18.06.040 Conditional Uses.
18.06.050 Prohibited Uses.
18.06.060 Property Development Standards.

18.06.010 Purpose and Intent.
The C-F Community Facilities Zone is intended to accommodate governmental, public utility, public education facilities, and quasi-public medical, cultural, and service facilities.

18.06.020 Principal Uses.
Buildings, structures, and land shall be used, and building and structures shall hereafter be erected, structurally altered, or enlarged in the C-F Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.06.060. Permitted uses shall include:

A. All facilities owned, leased, or operated by the City, the County, the State, the Federal government, the Ceres Unified School District and other governmental districts.

B. All privately owned, quasi-public facilities such as general hospitals, health clinics, museums, libraries, educational institutions, auditoriums, parks and playgrounds, cultural centers, cemeteries, etc.

18.06.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the C-F Zone:

A. Concession stands and facilities for public convenience.

B. Recreation structures and equipment.

C. Storage buildings for public vehicles.

D. Other buildings and uses customarily appurtenant to permitted uses.

E. Signs, which pertain only to permitted use on the premises.

F. Public and private off-street parking facilities as specified in Section 18.06.060, subsection (L).
18.06.040 Conditional Uses.
The following uses may be permitted in the C-F Zone subject to a conditional use permit as provided for in Chapter 18.30 of this Title:

A. The facilities of all public utilities as defined by the California Public Utilities Code.

B. The facilities of public utilities incorporated as political entities by the State.

C. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular telephone antennas.

18.06.050 Prohibited Uses.
The following uses are expressly prohibited in the C-F Zone:

A. Residential uses.

B. Commercial uses.

C. Industrial uses.

D. Mobile homes and trailers.

E. Metal buildings, except for accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance.

F. Off-site advertising.

18.06.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the C-F Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

1. For all principal uses, the minimum lot area shall be ten thousand (10,000) square feet.

2. For uses requiring a use permit, the minimum lot area shall be determined by the Planning Commission.

B. Lot Coverage: Maximum allowable lot coverage by structures for all uses shall be sixty percent (60%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission.
1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60’).
   b. All corner lots shall have a minimum width of seventy-five feet (75’).
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40’) at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100’).

D. Setback Requirements: The following setback requirements shall apply to all uses in the C-F Zone.

1. Front Yard: Twenty-five feet (25’) minimum except detached accessory structures shall have a fifty-foot (50’) minimum front yard Setback. No accessory structure/building shall be located within the front yard.

2. Side Yard:
   a. Interior side yard—five feet (5’) minimum.
   b. Exterior side yard—twenty-five feet (25’) minimum.

3. Rear Yard: Ten feet (10’) minimum. When property in a C-F Zone is contiguous with a Residential Zone on the same block frontage, the property in the C-F Zone shall be required to have the same size rear yard as the Residential Zone property or greater.

4. Cellular Equipment Supports: Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment, shall not be located within a distance equal to twice the height of the tower from a residentially zoned parcel. Small cell sites that are placed in the existing right-of-way on utility poles or street lights shall have no setback requirement.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings, accessory buildings, and between main and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10’) for single-story buildings, twenty feet (20’) for two (2) story buildings, and thirty feet (30’) for three (3) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15’) for single-story buildings, twenty-five
feet (25’) for two (2) story buildings, and thirty-five feet (35’) for three (3) story buildings.

3. For buildings front to rear with space for entry or exit purposes, the minimum distance between buildings shall be twenty feet (20’) for single-story buildings, thirty feet (30’) for two (2) story buildings, forty feet (40’) for three (3) story buildings.

4. For buildings front to front arranged about an interior court with a driveway in said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30’) for single-story, forty feet (40’) for two (2) story, and fifty feet (50’) for three (3) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25’) for single-story buildings, thirty-five feet (35’) for two (2) story buildings, and forty-five feet (45’) for three (3) story buildings.

F. Floor Area Ratio Requirements:

1. For all single-story buildings and the first story of all multiple-story buildings, the maximum allowable Floor Area Ratio shall be 0.60:1.0.

2. For all multiple story buildings, the maximum allowable Floor Area Ratio shall be .96:1.0 for all floors except the first story.

G. Building Height Requirements:

1. No main building erected in the C-F Zone shall have a height greater than thirty-five feet (35’) or greater than three (3) stories.

2. No accessory building erected in the C-F Zone shall have a height greater than one story or greater than fifteen feet (15’).

3. The following projections may exceed the height requirements of this section:
   a. Pentouses or roof structures specifically for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building;
   b. Fire or parapet walls, skylights, towers, church steeples or similar religious structures, flagpoles, chimneys, water tanks or wireless masts or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.
   c. No penthouse, roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space. Any area that falls within the area designated as an airport or other overlay zone shall comply with the height limitations prescribed by that zone, if they are lower than those prescribed.

H. Site Plan Approval: Before any building is erected on any lot, a site plan and floor plan of all
buildings and their elevations and a landscape plan shall be submitted to and approved by the Planning Commission. At the discretion of the Director of Community Development, this provision may not apply to City initiated projects or facilities when they are deemed minor in nature or to address a pending health and safety issue. In those circumstances, the particular City initiated project or facilities may proceed to Building Permit stage, without having received Planning Commission approval.

I. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section, with the exception of the following uses:

   a. General hospitals shall be subject to the following minimum individual yard requirements:

      i. Front yard: 50’ minimum

      ii. Side yard: 30’ interior minimum; 50’ minimum

      iii. Rear yard: 40’ minimum

   b. Educational institutions shall be subject to the following minimum individual yard requirements:

      i. Front yard: 40’ minimum.

      ii. Side yard: 30’ interior minimum; 40’ exterior minimum

      iii. Rear yard: 30’ minimum.

2. Landscaping: All yards shall be landscaped and maintained and meet requirements of the State of California Model Water Efficient Landscape Ordinance (MWELO). Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones. All landscaped areas that abut public property shall include a four-inch (4”) raised planter area along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:
1. When any use abuts a residential zone, a six-foot (6′) high solid masonry wall or landscaped and maintained fence shall be required.

2. All general hospitals, educational institutions shall be required to have a six-foot (6′) high solid masonry wall or landscaped and maintained fence on all sides adjacent to another use.

3. Fences may be constructed of any generally acceptable material except that barbed wire, razor wire, and electric charged fences are not allowed within thirty (30) feet of any residential zone. However, an exception to this subsection may be granted pursuant to a conditional use permit.

L. Off-Street Parking Requirements:

1. Public business offices: at least one (1) space for every two hundred (200) square feet of net floor area except areas used exclusively for storage.

2. Places of public assembly: at least one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

3. Public buildings and grounds other than schools and administrative offices: at least one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

4. Public utility structures and installation: at least one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

5. Bus depots, railroad/transfer stations and yards, and airports and heliports and other transportation and terminal facilities: at least one (1) space for every two (2) employees plus the number of additional spaces prescribed by the Director of Community Development.

6. Schools and colleges, including public, parochial and private elementary, high schools, kindergartens, and nursery schools: at least one (1) space for each employee, including teachers and administrators and one (1) space for every four (4) students in grade nine (9) and above.

7. Hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: at least one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Community Development Director.

8. Libraries, museums, art galleries, and similar uses: at least one (1) space for every six
hundred (600) square feet of net floor area and one (1) space for every two (2) employees.

9. Post offices: at least one (1) space for every one thousand (1,000) square feet of net floor area and one (1) space for each employee.

10. Off-street parking must comply with the standards established by Chapter 18.25.

M. Loading Requirements: All uses that require the receipt, delivery, or distribution of goods by truck with the potential frequency of once a day or greater, one loading berth, plus any additional berths as may be prescribed by the Director of Community Development. Off-street loading must comply with the requirements established by Chapter 18.25.

N. Access:

1. All uses shall be located on streets with a classification of collector thoroughfares or greater as designated by the General Plan, with the exception of general hospitals and educational institutions, excepting not including elementary schools.

2. All general hospitals and educational institutions, except for elementary schools, shall be located on streets with a classification of major thoroughfares or greater as designated by the General Plan.

3. All ingress to and egress from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: No provisions.

Q. Solid Waste Storage, Disposal Facilities:

1. For all uses, no open storage is allowed.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No provisions.

S. Park-In-Lieu Fees: No provisions.
Chapter 07

R-A RESIDENTIAL AGRICULTURE ZONE

Sections:
18.07.010 Property Development Standards.
18.07.020 Principal Uses.
18.07.030 Accessory Uses.
18.07.040 Conditional Uses.
18.07.050 Prohibited Uses.
18.07.060 Property Development Standards.

18.07.010 Property Development Standards.
The R-A, Residential Agriculture Zone is intended to provide for residential and agricultural purposes, primarily the growing of nursery stock, flowers, fruits, and vegetables, with appropriate single-family dwellings with a minimum lot area of one acre. The R-A zone aims to preserve lands best suited for agriculture from the encroachment of incompatible uses, to prevent the intrusion of urban development into agricultural areas in such a manner as to make agricultural production uneconomical or impractical to preserve in agricultural use, and provide appropriate areas for certain predominantly open uses of land that are not injurious to agricultural uses but that may not be harmonious with urban uses.

18.07.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged in the R-A Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.07.060. The following uses shall be permitted by right:

A. Single-family dwellings.

B. Farms and ranches for orchards, tree crops, field crops, row crops, berry and bush crops, flower gardening, production and wholesale nurseries, aviaries.

C. Farms and ranches for animal husbandry and livestock farming, provided:

1. There be no more than one horse, mule, cow, steer, nor more than three (3) goats, sheep or similar livestock, nor more than ten (10) chickens, turkeys or similar fowl for each acre of lot area.

2. The minimum lot size for such a use shall be one acre.

3. There shall be no such animal and no pen, coop, stable, barn or corral within twenty feet (20’) of any lot line abutting a street, or within thirty-five feet (35’) of any other lot line, or within fifty feet (50’) of any dwelling or other building used for human habitation.
on the same or adjacent lot.

D. Horticulture.

E. Apiaries.

F. Churches or other religious institutions on a minimum lot size of one acre and located on a major thoroughfare or primary collector as designated by the General Plan.

G. Residential care facilities, licensed with the State of California. See definition under Section 18.02.010 of this Title.

H. Transitional housing. See definition under Section 18.02.010 of this Title.

I. Supportive housing. See definition under Section 18.02.010 of this Title.

18.07.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-A Zone:

A. Private stables, greenhouses, lathehouses, barn corrals, pens or other similar rooms, buildings or structures for the storage of packing products produced or raised on the same premises, and petroleum products for exclusive use on the premises.

B. Rooming and boarding of not more than three (3) persons per single-family dwelling unit.

C. Private garages and off-street parking areas.

D. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:

1. There shall be a minimum of three (3') foot unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three (3') foot unobstructed clearance area shall be measured from the edge of the water line along the perimeter of the pool to the property line.

   a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three (3') foot unobstructed clearance area by this Chapter.

2. In no case shall swimming pool accessory mechanical equipment be permitted within the required front yard setback area or within the 5-foot side yard and rear yard setback areas, except when it is located at least ten feet (10') from any dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from side yard and rear yard property lines.
E. Signs, subject to the provisions of Chapter 18.26.

F. Storage of trailers and mobile homes, subject to the provisions for accessory uses.

G. Portable outdoor storage units and shipping containers, subject to the provisions of Section 18.28.110.

H. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, as determined by the Director of Community Development.

I. Home occupations subject to the requirements of Section 18.02.010, "home occupation."

K. Subdivision tract sales offices, signs, flags and temporary construction/job site trailers, subject to provisions of Chapter 18.38.

K. Kennels, subject to the provisions of Section 18.28.080.

L. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

M. Accessory Dwelling Units, subject to the provisions of Section 18.28.060.

18.07.040 Conditional Uses.
The following uses may be permitted in the R-A Zone subject to a conditional use permit:

A. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public buildings, structures and facilities.

B. Country clubs and related uses.

C. Sale of agricultural products produced on the premises, provided that a City business has been obtained.

D. Schools.

E. Public riding stables and academies.

F. Public buildings; except for storage, corporation, repair yards.

G. Public utility substations.

H. Churches or other religious facilities on a lot size of less than one acre.

I. State licensed general hospitals.
J. State licensed sanitariums.

K. State licensed child care facilities.

M. Public parks and playgrounds.

N. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

O. Aviaries, subject to the provisions contained in Section 18.28.050 of this Title.

**18.07.050 Prohibited Uses.**
The following uses are prohibited in the R-A Zone unless expressly allowed by this Chapter:

A. Multiple dwellings.

B. Commercial uses.

C. Industrial uses.

D. Trailers and mobile homes for residential uses.

E. Metal buildings, except accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

F. Off-site advertising.

G. Possession of animals not classified as household pets under Title 8 of this Code.

**18.07.060 Property Development Standards.**
The following property development standards shall apply to all land and buildings in the R-A Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

   1. For all principal uses, the minimum lot area shall be one (1) acre.

   2. For uses requiring a use permit, conditions as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures for all uses shall be fifteen percent (15%). Additional ten percent (10%) allowable lot coverage is provided for accessory structures proposed on single-family lots when the dwelling footprint has reached the
fifteen percent (15%) maximum. The additional ten percent (10%) allowance shall be calculated based on multiplying ten percent (10%) by the size of the lot.

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply, unless otherwise approved by the Planning Commission:

1. Width:
   a. All lots except cul-de-sac lots shall have a minimum width of one hundred twenty-five feet (125').
   b. All cul-de-sac or curvilinear lots shall have a minimum width of eighty-five feet (85') at the front line.

2. Depth: All lots shall have a minimum depth of one hundred fifty feet (150').

D. Setback Requirements: The following setback requirements shall apply to all uses without livestock or fowl as listed in Section 18.07.020, subsection (C), of this Chapter:

1. Front Yard: Twenty-five feet (25') minimum, except detached accessory structures shall have a fifty-foot (50') minimum front yard setback. No accessory structure/building shall be located within the front yard or exterior side yard area of a single-family lot.

2. Side Yard:
   a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12'), and the other interior side yard setback shall be at least five feet (5'). For lots having only one interior side yard, the setback shall be at least twelve feet (12'). A third garage space may be substituted for a portion of the required twelve feet (12') such that a side yard setback of five feet (5') is permitted adjacent to a third garage space. Detached accessory structures located in the rear half of the lot shall have a minimum interior 4-foot side yard setback requirement, unless constructed with appropriate fire-resistive walls as required by the California Building Code.
   c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the 12' side yard setback side.

3. Rear Yard: Twenty-five feet (25') minimum. Detached accessory structures shall have a minimum rear yard setback requirement of four feet (4'). A minimum setback of five feet (5') shall be required for a garage that is accessed from an alley. In all cases a minimum clearance of eight feet (8') shall be required between an accessory structure and
the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Code.

4. Livestock Or Fowl: For those uses with livestock or fowl as listed in Section 18.07.020, subsection (C), of this Chapter, the following provisions shall apply: there shall be no such animal and no pen, coop, stable, barn or corral within twenty feet (20') of any lot line abutting a street, or within thirty-five feet (35') of any other lot line, or within fifty feet (50') of any dwelling or other building used for human habitation on the same or adjacent lot.

E. Distance Between Buildings: The following provisions shall apply for the distance between main buildings, accessory buildings and between main and accessory buildings on the same lot, except for those buildings and accessory buildings listed in Section 18.07.020, subsection (C), of this Chapter. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10') for single story buildings, and twenty feet (20') for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15') for single story buildings, twenty-five feet (25') for two (2) story buildings.

3. For buildings front to rear with space for entry or exit purposes the minimum distance between buildings shall be twenty feet (20') for single story buildings, and thirty feet (30') for two (2) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30') for single story buildings, and forty feet (40') for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25') for single story buildings, and thirty-five feet (35') for two (2) story buildings.

F. Floor Area Ratio Requirements:

1. For single story buildings and the first story of all multiple story buildings, the maximum allowable Floor Area Ratio shall be .15:1.

2. For all two (2) story buildings the maximum allowable Floor Area Ratio shall be .24:1.

G. Building Height Requirements: No building erected shall have a height greater than two (2) stories or twenty-five feet (25'), whichever is less as defined under Section 18.02.010. Permitted projections above this higher include: ventilating fans or similar equipment required to
operate and maintain the building, skylights, church steeples, flag poles, chimneys, or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

H. Population Density: For all residential uses, there shall be a minimum of one acre of lot area for each dwelling unit.

I. Site Plan Approval: Before any group dwelling, condominium, or nonresidential building is erected on any lot, a site plan, floor plan of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in Section 18.07.060, subsection D, with the exception of the following conditional uses: general hospitals, sanitariums, nursing homes, residential care facilities, maternity homes, elementary schools, high schools, and childcare facilities.

   a. For sanitariums, nursing homes, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:

      (1) Front yard: 20’ minimum.

      (2) Side yard:
          25’ feet interior minimum.
          25’ exterior minimum.

      (3) Rear yard: 25’ minimum.

   b. For schools, and childcare facilities minimum individual yards shall comply with the following:

      (1) Front yard: 40’ minimum.

      (2) Side yard:
          30’ interior minimum.
          40’ exterior minimum.

      (3) Rear yard: 30’ minimum.

   c. For general hospitals, minimum individual yards shall comply with the following:
(1) Front yard: 50' minimum.

(2) Side yard;
   40' interior minimum.
   50' exterior minimum.

(3) Rear yard: 40' minimum.

d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area requirement is met.

2. Landscaping:

a. For all residential uses, front yard and exterior side yard areas of single-family homes shall be landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones.

b. All other uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls: When any elementary school, high school, public buildings, public utility substation, church, general hospital, sanitarium, residential care facility, maternity home, child care facility, place of public assembly, or commercial use abut an R-A Zone, a six (6’) foot high solid masonry wall or landscaped and maintained fence shall be required.

L. Off-Street Parking Requirements:

1. For all single-family residential uses, two (2) parking spaces per dwelling unit. The parking or storage of any vehicles, beyond the provided driveway, within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all schools, general hospitals, sanitariums, residential care facilities, public buildings, public utility substations, and places of public assembly, the following off-street parking requirements shall apply:

   a. Schools, including public, parochial, and private elementary schools, high
schools, kindergartens and nursery schools: One (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12).

b. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: One and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

c. Residential care facilities: One (1) space for every three (3) licensed beds.

d. Public buildings and grounds other than schools and administrative offices: One (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

M. Loading Requirements:

1. For all residential uses, no requirements.

2. For all permitted farms and ranches, as determined by the Director of Community Development.

3. For all allowed country clubs, schools, public utility substations, public buildings, general hospitals, and churches. When any of the foregoing requires the receipt, delivery or distribution of goods by truck with the potential frequency of once a day or greater, one berth, plus any additional berths as may be required by the Director of Community Development.

4. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. Vehicular Access:

   a. The following conditional uses shall be located on streets with a classification of major thoroughfares or greater as designated by the General Plan:
general hospitals, churches, high schools.

b. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

c. All ingress to and egress from public property shall be in a forward motion.

2. Pedestrian Access: There shall be pedestrian access from a dedicated street to property use for residential purposes. Driveways shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be allowed.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same lot or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities:

1. For single-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

S. Park-In-Lieu Fees: Parkland dedication or in-lieu fees shall be required of all new residential uses in the R-A Zone, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated established in Chapter 13 of Title 17.
Chapter 08

R-1, SINGLE-FAMILY RESIDENTIAL ZONE

Sections:
18.08.010 Purpose and Intent.
18.08.020 Principal Uses.
18.08.030 Accessory Uses.
18.08.040 Conditional Uses.
18.08.050 Prohibited Uses.
18.08.060 Property Development Standards.

18.08.010 Purpose and Intent.
The R-1, Single-Family Residential Zone is intended to provide for the development of single-family residential homes to urban standards, together with the schools, parks, open spaces and other public services required for a satisfactory family environment. This Chapter intended to provide living area within the City where regulations are designed to: Promote and encourage a suitable environment for family life; provide space for community facilities needed to complement urban residential areas and for institutions that require a residential environment; minimize traffic congestion; and avoid an overload of utilities designed to service only low density residential use.

18.08.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged in the R-1 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to public health, safety, and welfare. All uses shall be subject to the property development standards provided for in Section 18.08.060:

A. Single-family dwellings.

B. Two-family dwellings on corner lots, subject to the following provisions:
   1. A minimum lot area of eight thousand (8,000) square feet;
   2. The main entrance, garage, and driveway serving each unit shall front on separate streets.
   3. Architectural and site plan approval under Section 18.12.120, subsection (I).

C. Mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974. Mobile homes permitted under this provision shall utilize roofing materials, roof overhang and siding materials customary to conventionally constructed single-family detached dwellings in the vicinity.

E. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary
collector as designated by the General Plan.

F. Residential care facilities, licensed with the State of California.

G. Transitional housing.

H. Supportive Housing.

18.08.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-1 Zone:

A. Private garages and off-street parking areas.

B. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:

1. There shall be a minimum of three-foot (3') unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three-foot (3') unobstructed clearance area shall be measured from the edge of the water line along the perimeter of the pool to the property line.

   a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three-foot (3') unobstructed clearance area required by this Chapter.

2. In no case shall swimming pool accessory mechanical equipment be permitted within the required front or side yard setback area, or within the five-foot (5') side yard and rear yard setback areas, except when it is located at least ten feet (10') from any dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from side yard and rear yard property lines.

C. Signs subject to the provisions of Chapter 18.26.

D. Portable outdoor storage units and shipping containers, subject to the provisions of Section 18.28.110.

E. Other accessory uses and accessory structures customarily appurtenant to a permitted use, as determined by the Director of Community Development.

F. Home occupations subject to the requirements of Section 18.02.010, "home occupations."

G. Subdivision tract sales offices, signs, flags and temporary construction job site trailers, subject to provisions of Chapter 18.38.
H. Kennels, subject to the provisions of Section 18.28.080

I. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

J. Accessory Dwelling Units and Junior Accessory Dwelling Units subject to Section 18.28.060.

18.08.040 Conditional Uses.
The following uses may be permitted in the R-1 Zone subject to a conditional use permit:

A. Country clubs and related uses.

B. Horticulture.

C. Schools.

D. Public utility substations.

E. Churches on a lot size of less than one acre.

F. State licensed general hospitals.

G. State licensed sanitariums.

H. State licensed child care facilities.

I. Public parks and playgrounds.

J. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

K. Aviaries subject to Section 18.28.050 of this Title.

18.08.050 Prohibited Uses.
The following uses are expressly prohibited in the R-1 Zone:

A. Multiple dwellings.

B. Commercial uses, except as permitted by Sections 18.08.020 through 18.08.040.

C. Industrial uses.

D. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.
E. Overnight storage or parking of trucks with a gross vehicle weight of greater than five (5) tons.

F. The keeping of any livestock.

G. Agricultural uses.

H. Metal buildings/structures, except for accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

I. Off-site advertising.

J. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

K. Adult businesses as defined in Chapter 5.15 of this Code.

G. Possession of animals not classified as household pets under Title 8 of this Code.

18.08.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the R-1 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

1. For interior lots, the minimum lot area shall be six thousand two hundred (6,200) square feet.

2. For corner lots, the minimum lot area shall be seven thousand five hundred (7,500) square feet.

3. For uses requiring a conditional use permit, the minimum lot area shall be as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures for all uses shall be forty percent (40%). Additional ten percent (10%) allowable lot coverage is provided for accessory structures proposed on single-family lots when the dwelling footprint has reached the forty percent (40%) maximum. The additional ten percent (10%) allowance shall be calculated based on multiplying ten percent (10%) by the size of the lot.

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission:

1. Width:
a. All interior lots shall have a minimum width of sixty feet (60’).

b. All corner lots shall have a minimum width of seventy-five feet (75’).

c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40’) at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100’).

D. Setback Requirements: The following setback requirements shall apply to all uses in the R-1 Zone:

1. Front Yard: Twenty feet (20’) minimum, except detached accessory structures shall have a thirty-five foot (35’) minimum front yard setback. No accessory structure/building shall be located within the front yard or exterior side yard area of a single-family lot.

2. Side Yard:

a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12’), and the other interior side yard setback shall be at least five feet (5’). For lots having only one interior side yard, the setback shall be at least twelve feet (12’). Garage space may be substituted for a portion of the required twelve feet (12’) such that a side yard setback of five feet (5’) is permitted adjacent to the garage space. Detached accessory structures, including recreational vehicles and boats, located in the rear half of the lot shall have a minimum interior four-foot (4’) side yard setback requirement, unless constructed with appropriate fire-resistant walls as required by the California Building Code.

b. Exterior Side Yard: Fifteen feet (15’) minimum for main dwelling except garages and access parking areas shall be a minimum of twenty feet (20’) from the property line.

c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the 12’ side yard setback side.

3. Rear Yard: Minimum fifteen percent (15%) of lot depth, but not be required to exceed twenty-five feet (25’) maximum. Detached accessory structures shall have a minimum rear yard setback requirement of four feet (4’), unless constructed with appropriate fire restrictive walls as required by the California Building Code. A minimum setback of five feet (5’) shall be required for a garage that is accessed from an alley. In all cases a minimum clearance of eight feet (8’) shall be required between an accessory structure and the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Codes.
E. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10′) for single story buildings, and twenty feet (20′) for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15′) for single story buildings, and twenty-five feet (25′) for two (2) story buildings.

3. For buildings front to rear with space for entry or exit purposes the minimum distance between buildings shall be twenty feet (20′) for single story buildings, and thirty feet (30′) for two (2) story buildings.

4. For buildings front to front arranged about an interior court, with a driveway to said interior court, the driveway being access to parking area or buildings, the minimum distance between buildings shall be thirty feet (30′) for single story buildings, and forty feet (40′) for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25′) for single story buildings, and thirty-five feet (35′) for two (2) story buildings.

5. Distance between main buildings and accessory buildings shall be as required by the adopted California Building Code.

F. Floor Area Ratio Requirements:

1. Interior Lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.54:1.0.

2. Corner Lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.64:1.0.

G. Building Height Requirements: No main building shall have a height greater than two (2)
stories or twenty-five feet (25'); whichever is less as defined under Section 18.02.010 of this Title. No accessory building erected shall have a height greater than one story or fifteen feet (15’), whichever is less. Permitted projections above this height include: ventilating fans or similar equipment required to operate and maintain the building, skylights, church steeples, flagpoles, chimneys, or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

H. Population Density: For all residential uses, there shall be a minimum of six thousand two hundred (6,200) square feet of lot area for each dwelling unit.

1. Site Plan Approval: Before any group dwelling, condominium, or nonresidential building, excluding accessory buildings, is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

I. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D. of this Section, with the exception of the following conditional uses: general hospitals, sanitariums, residential care facilities, maternity homes, schools, and child care facilities.

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:
      
      (1) Front Yard: Twenty feet (20’) minimum.
      
      (2) Side Yard:
          Twenty-five feet (25’) interior minimum.
          Twenty-five feet (25’) exterior minimum.
      
      (3) Rear Yard: Twenty-five feet (25’) minimum.

   b. For schools and child care facilities minimum individual yards shall comply with the following:
      
      (1) Front Yard: Forty feet (40’) minimum.
      
      (2) Side Yard:
          Thirty feet (30’) interior minimum.
          Forty feet (40’) exterior minimum.
      
      (3) Rear Yard: Thirty feet (30’) minimum.
c. For general hospitals, minimum individual yards shall comply with the following:

   (1) Front Yard: Fifty feet (50’) minimum.

   (2) Side Yard:
       Forty feet (40’) interior minimum.
       Fifty feet (50’) exterior minimum.

   (3) Rear Yard: Forty feet (40’) minimum.

d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area requirement is met.

2. Landscaping:

a. For all single-family residential uses, live landscaping shall be provided in the front yard and exterior side yard setbacks. Front yard and exterior side yard areas of single-family homes shall be landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones. Said landscaped areas shall be equipped with an automatic irrigation system and seven (7) day timer and be maintained at all times. The irrigation system shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

b. All other uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

J. Fences, Hedges And Walls: When any school, public building, public utility substation, church, general hospital, sanitarium, residential care facility, maternity home, child care facility, place of public assembly or commercial use abuts an R-1 Zone, a seven-foot (7’) high solid masonry wall shall be required. Under certain circumstances, the Planning Commission may permit a landscaped and maintained fence. Residential units shall be subject to the provisions of Chapter 18.27 of this Title, “Fences, Hedges and Walls Standards.”

K. Off-Street Parking Requirements:
1. For all single-family residential uses, two (2) fully enclosed and covered off-street parking spaces per unit. Existing garages may be converted to additional living area subject to the approval of the Director of Community Development if at least two (2) off-street parking spaces can be provided. The parking or storage of any vehicles within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all schools, general hospitals, sanitariums, residential care facilities, public buildings, public utility substations and places of public assembly, the following off-street parking requirements shall apply:

   a. Schools, including public, parochial and private elementary schools, high schools, kindergartens and nursery schools: one (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12).

   b. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

   c. Residential care facilities: one (1) space for every three (3) licensed beds.

   d. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

   e. Public utility structures and installation: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

   f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

L. Off-Street Loading Requirements:

1. For all residential uses, no requirements.

2. For all allowed country clubs, schools, public utility substations, public buildings, general hospitals, and churches: when any of the foregoing requires the receipt, delivery or distribution of goods with the potential frequency of once a day or greater, one berth, plus any additional berths as may be required by the Director of Community Development.

3. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.
M. Access:

1. Vehicular Access:
   a. The following conditional uses shall be located on streets with a classification of major thoroughfares or greater as designated by the General Plan: general hospitals, churches, high schools.
   b. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.
   c. All ingress to and egress from public property shall be in a forward motion with the exception of single-family dwellings.

2. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes. Driveways shall be considered pedestrian access.

N. Signing: All signage shall comply with Chapter 18.26 of this Title.

O. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

P. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be allowed.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same lot or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

Q. Recreational Facilities:

1. For single-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

R. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all new
residential uses, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 09
R-2, TWO-FAMILY RESIDENTIAL ZONE (LOW DENSITY)

Sections:
18.09.010 Purpose and Intent.
18.09.020 Principal Uses.
18.09.030 Accessory Uses.
18.09.040 Conditional Uses.
18.09.050 Prohibited Uses.
18.09.060 Property Development Standards.

18.09.010 Purpose and Intent.
The R-2, Two-Family Residential Zone is intended to provide for the development of two (2) unit
attached housing consistent with the “Low Density Residential” (up to 7 dwelling units/acre) and
“Medium Density Residential” (7 to 12 dwelling units/acre) land use designations of the General
Plan, together with the schools, parks, open spaces and other public services required for a
satisfactory family environment. The R-2 Zone may be used as a buffer or transition between
residential areas of different densities and housing types. The R-2 Zone may also be used to
provide a mix of attached and detached housing.

18.09.020 Principal Uses.
Buildings, structures, and land shall be used, and buildings and structures shall hereafter be
erected, structurally altered or enlarged in the R-2 Zone only for the following uses, plus such
other uses as the Planning Commission may deem to be similar and not more obnoxious or
detrimental to the public health, safety, and welfare. All uses shall be subject to the property
development standards in Section 18.09.060.

A. Single-family dwellings.

B. Two-family dwellings, subject to site plan approval under Section 18.09.060, subsection (I).

C. Group and cluster dwellings, condominiums, subject to site plan approval under Section
   18.09.060, subsection (I).

D. Mobile homes on permanent foundations that are certified under the National Mobile
   Home Construction and Safety Standards Act of 1974. Mobile homes permitted under this
   provision shall utilize roofing materials, roof overhang and siding materials customary to
   conventionally constructed single-family detached dwellings in the vicinity.

E. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary
   collector as designated by the General Plan.

F. Residential care facilities, licensed with the State of California. See definition under
Section 18.02.010 of this Title.

G. Transitional housing. See definition under Section 18.02.010 of this Title.

H. Supportive housing. See definition under Section 18.02.010 of this Title.

18.09.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-2 Zone:

A. Rooming and boarding, subject to the following provisions:
   1. Not more than two (2) persons per single-family dwelling unit.
   2. Not more than one person per dwelling unit for two-family uses.

B. Private garages and off-street parking areas.

C. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:

   1. There shall be a minimum of three-foot (3′) unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three-foot (3′) unobstructed clearance area shall be measured from the edge of the water line along the perimeter of the pool to the property line.

   a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three-foot (3′) unobstructed clearance area required by this Chapter.

   2. In no case shall swimming pool accessory mechanical equipment be permitted within the required front or side yard setback area or within the five-foot (5′) side yard and rear yard setback areas, except when it is located at least ten feet (10′) from any adjacent dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from side yard and rear yard property lines.

D. Signs, subject to the provisions of Chapter 18.26.

E. Portable outdoor storage units, and shipping containers, subject to the provisions of Section 18.28.110.

F. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, as determined by the Director of Community Development.

G. Home occupations subject to the requirements of Section 18.02.010, “home occupation.”

H. Subdivision tract sales offices, signs, flags and temporary construction/job site trailers,
subject to provisions of Chapter 18.80.

I. Kennels, subject to the provisions of Section 18.28.080.

J. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

K. Second dwelling units, Accessory dwelling units and Junior accessory dwelling units subject to Section 18.28.060.

18.09.040 Conditional Uses.
The following uses may be permitted in the R-2 Zone subject to a conditional use permit.

A. Country clubs and related uses.

B. Horticulture.

C. Schools.

D. Public buildings, except for storage, corporation, repair yards.

E. Public utility substations.

F. Churches on a lot size of less than one acre.

G. State licensed general hospitals.

H. State licensed sanitariums.

I. State licensed child care facilities.

J. Public parks and playgrounds.

K. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

L. Aviaries, subject to the provisions contained in Section 18.28.050 of this Title.

18.09.050 Prohibited Uses.
The following uses are expressly prohibited in the R-2 Zone:

A. Medium-high density multiple-family dwellings.

B. Commercial uses.

C. Industrial uses.
D. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

E. Overnight storage or parking of trucks with a gross vehicle weight of greater than five (5) tons.

F. The keeping of any livestock.

G. Agricultural uses as defined in Section 18.02.010 of this Title.

H. Metal buildings except for accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

I. Off-site advertising.

J. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

K. Adult businesses as defined in Chapter 5.15 of this Code.

L. Possession of animals not classified as household pets under Title 8 of this Code.

**18.09.060 Property Development Standards.**
The following property development standards shall apply to all land and buildings in the R-2 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

1. For all single-family lots, the following provisions shall apply:
   a. For interior lots, the minimum lot area shall be six thousand two hundred (6,200) square feet.
   b. For corner lots, the minimum lot area shall be seven thousand five hundred (7,500) square feet.
   c. For uses requiring a conditional use permit, the minimum lot area shall be as specified by the Planning Commission.

2. For all other principal uses, the minimum lot area shall be nine thousand (9,000) square feet.

3. For uses requiring a use permit, as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be as follows:
1. Single-family lots, the maximum allowable lot coverage by structures for all uses shall be forty percent (40%). Additional ten percent (10%) allowable lot coverage is provided for accessory structures proposed on single-family lots when the dwelling footprint has reached the forty percent (40%) maximum. The additional ten percent (10%) allowance shall be calculated based on multiplying ten percent (10%) by the size of the lot.

2. For all other interior lots, the maximum allowable lot coverage shall be fifty percent (50%).

3. For all other corner lots, the maximum allowable lot coverage shall be forty-five percent (45%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission:

1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60').
   b. All corner lots shall have a minimum width of seventy-five feet (75').
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40') at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100').

D. Setback Requirements: The following setback requirements shall apply to all uses in the R-2 Zone:

1. Front Yard: Twenty feet (20') minimum setback, except detached accessory structures shall have a thirty-five foot (35') minimum front yard setback. No accessory structure/building shall be located within the front yard or exterior side yard area of a single-family lot.

2. Side Yard:
   a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12'), and the other interior side yard setback shall be at least five feet (5'). For lots having only one interior side yard, the setback shall be at least twelve feet (12'). A garage space may be substituted for a portion of the required twelve feet (12') such that a side yard setback of five feet (5') is permitted adjacent to the garage space. Detached accessory structures located in the rear half of the lot shall have a minimum interior 4-foot side yard setback requirement, unless constructed with appropriate fire-
resistive wall as required by the California Building Code.

b. Exterior Side Yard: Ten feet (10’) minimum.

c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the 12’ side yard setback side.

3. Rear Yard: Minimum twenty percent (20%) of lot depth, but not be required to exceed twenty-five feet (25’) maximum. Detached accessory structures shall have a minimum rear yard setback requirement of four feet (4’), unless constructed with appropriate fire-resistive walls as required by the California Building Code. A minimum setback of five feet (5’) shall be required for a garage that is accessed from an alley. In all cases a minimum clearance of eight feet (8’) shall be required between an accessory structure and the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Code.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10’) for single story buildings, and twenty feet (20’) for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15’) for single story buildings, and twenty-five feet (25’) for two (2) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20’) for single story buildings, and thirty feet (30’) for two (2) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30’) for single story buildings, and forty feet (40’) for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25’) for single story buildings, and thirty-five feet (35’) for two (2) story buildings.

5. Distance between main buildings and accessory buildings shall comply with the Uniform Building Code.

F. Floor Area Ratio Requirements:
1. For single-family interior lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.54:1.0.

2. For single-family corner lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.64:1.0.

3. All other interior lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.50:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.80:1.0.

4. All other corner lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.45:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.72:1.0.

G. Building Height Requirements: No main building shall have a height greater than two (2) stories or twenty-five feet (25’); whichever is less as defined under Section 18.02.010 of this Title. No accessory building erected shall have a height greater than one story or fifteen feet (15’) whichever is less.

Permitted projections above this height include: ventilating fans or similar equipment required to operate and maintain the building, skylights, church steeples, flagpoles, chimneys, or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. Any area of an R-2 Zone that falls within an area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive.

H. Population Density: For all residential uses, the density shall not exceed ten (10) dwelling units/acre for those properties that are zoned R-2 and designated medium density residential (7 to 12 dwelling units/acre) in the General Plan, or exceed seven (7) dwelling units/acre for those
properties that are zoned R-2 and designated low density residential (up to 7 dwelling units/acre) in the General Plan.

I. Site Plan Approval: Before any two-family dwellings on a corner lot, group dwelling, condominium, or nonresidential building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subdivision D of this Section, with the exception of the following conditional uses: general hospitals, sanitariums, residential care facilities, maternity homes, elementary schools, high schools, and child care facilities.

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:
      
      (1) Front Yard: Twenty feet (20') minimum.
      
      (2) Side Yard:
          Twenty-five feet (25') interior minimum.
          Twenty-five feet (25') exterior minimum.
      
      (3) Rear Yard: Twenty-five feet (25') minimum.

   b. For schools and child care facilities minimum individual yards shall comply with the following:
      
      (1) Front Yard: Forty feet (40') minimum.
      
      (2) Side Yard:
          Thirty feet (30') interior minimum.
          Forty feet (40') exterior minimum.
      
      (3) Rear Yard: Thirty feet (30') minimum.

   c. For general hospitals, minimum individual yards shall comply with the following:
      
      (1) Front Yard: Fifty feet (50') minimum.
      
      (2) Side Yard:
          Forty feet (40') interior minimum.
          Fifty feet (50') exterior minimum.
(3) Rear Yard: Forty feet (40') minimum.

d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area requirement is met.

2. Landscaping:

a. For all single-family residential uses, live landscaping shall be provided in the front yard and exterior side yard setbacks. Front yard and exterior side yard areas of single-family homes shall be landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones. Said landscaped areas shall be equipped with an automatic irrigation system and seven (7) day timer and be maintained at all times. The irrigation system shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

b. All other uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges And Walls: When any elementary school, high school, public building, public utility substation, church, general hospital, sanitarium, residential care facility, maternity home, child care facility, place of public assembly, or commercial use abuts an R-2 Zone or R-1 Zone, a six-foot (6') high solid masonry wall shall be required. Under certain circumstances the Planning Commission may permit a landscaped and maintained fence. Residential units shall be subject to the provisions of Chapter 18.27 of this Title, Fences, Hedges and Walls Standards.

L. Off-Street Parking Requirements:

1. For all single-family residential uses, two (2) fully enclosed and covered off-street parking spaces per unit. Existing garages may be converted to additional living area subject to the approval of the Director of Community if at least two (2) off-street parking spaces can be provided. The parking or storage of any vehicles within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all two-family residential uses, one and one-half (1½) spaces per dwelling unit, one of which shall be covered.
3. For all schools, general hospitals, sanitariums, residential care facilities, nursery homes, public buildings, public utility substations and places of public assembly, the following off-street parking requirements shall apply:

   a. Schools: one (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12).

   b. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: one and one-fourth (1¼) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

   c. Residential care facilities: one (1) space for every three (3) licensed beds.

   d. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

   e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

   f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed as determined by the Director of Community Development.

M. Off-Street Loading Requirements:

1. For all residential uses: no requirements.

2. For all allowed country clubs, schools, public utility substations, public buildings, general hospitals, and churches: if the use requires the receipt, delivery, or distribution of goods with the potential frequency of once a day or greater: one berth, plus any additional berths as may be required by the Director of Community Development.

3. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. Vehicular Access:

   a. The following conditional uses shall be located on streets with a classification of major thoroughfares or greater as designated by the General Plan:
general hospitals, churches, and high schools.

b. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

c. All ingress to and egress from public property shall be in a forward motion with the exception of single-family and two-family dwellings.

2. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes. Driveways shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be permitted.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same lot or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities:

1. For single-family and two-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

S. Park-In-Lieu Fees: Parkland dedication or in-lieu fees shall be required of all new residential uses, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 10

R-3, MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:
18.10.010 Purpose and Intent.
18.10.020 Principal Uses.
18.10.030 Accessory Uses.
18.10.040 Conditional Uses.
18.10.050 Prohibited Uses.
18.10.060 Property Development Standards.

18.10.010 Purpose and Intent.
The R-3, Medium Density Residential Zone is intended to provide for the development of medium-high density housing consistent with the "Medium Density Residential" (7-12 dwelling units/acre) land use designations of the General Plan, together with the schools, parks, open spaces and other public services required for a satisfactory family environment.

18.10.020 Principal Uses.
Buildings, structures, and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged in the R-3 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.10.060 of this Chapter:
A. Single family dwellings
B. Two-family dwellings, subject to site plan approval under Section 18.10.060, subsection (I).
C. Condominium, group and cluster dwellings, subject to site plan approval under Section 18.10.060, subsection (I).
D. Medium density multiple-family dwellings, subject to site plan approval under Section 18.10.060, subsection (I).
E. Mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974. Mobile homes permitted under this provision shall utilize roofing materials, roof overhang and siding materials customary to conventionally constructed single-family detached dwellings in the vicinity.
F. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary collector as designated by the General Plan.
G. Residential care facilities, licensed with the State of California.
H. Transitional housing

I. Supportive housing.

18.10.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-3 Zone:

A. Rooming and boarding:
   1. Not more than two (2) persons per single-family dwelling unit.
   2. Not more than one person per dwelling unit for two-family uses.
   3. Not more than one person per dwelling unit for medium-high density multiple-family uses.

B. Private garages and off-street parking areas.

C. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:
   1. There shall be a minimum of three-foot (3’) unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three-foot (3’) unobstructed clearance area shall be measured from the edge of the waterline along the perimeter of the pool to the property line.
      a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three-foot (3’) unobstructed clearance area required by this Chapter.
   2. In no case shall swimming pool accessory mechanical equipment be permitted within any required front or side yard setback area, or within the five-foot (5’) side yard and rear yard setback areas, except when it is located at least ten feet (10’) from any adjacent dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from side yard and rear yard property lines.

D. Signs, subject to the provisions of Chapter 18.26 of this Title.

E. Overnight storage or parking of trucks with a gross vehicle weight of five (5) tons or less.

F. Portable outdoor storage units, and shipping containers, subject to the provisions of Section 18.28.110.

G. Other accessory uses and accessory buildings customarily appurtenant to a permitted use,
as determined by the Director of Community Development.

H. Home occupations subject to the requirements of Section 18.02.010 of this Title.

I. Subdivision tract sales offices, signs, flags, and temporary construction/job site trailers, subject to provisions of Chapter 18.80 of this Title.

J. Kennels, subject to the provisions of Section 18.28.080.

K. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

L. Accessory Dwelling Unit and Junior Accessory Dwelling Units subject to Section 18.28.060 of this Title.

**18.10.040 Conditional Uses.** The following uses may be permitted in the R-3 Zone subject to a conditional use permit:

A. Private clubs.

B. Horticulture.

C. Educational institutions.

D. Public buildings, except for storage, corporation, repair yards.

E. Public utility substations.

F. Churches on a lot size of less than one acre.

G. State licensed General hospitals.

H. State licensed Sanitariums.

I. State licensed child care facilities.

J. Public parks and playgrounds.

K. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

L. Aviaries, subject to the provisions contained in Section 18.28.050 of this Title.

**18.10.050 Prohibited Uses.** The following uses are expressly prohibited in the R-3 Zone:

[CW091887.6]
A. High density multiple-family dwellings.

B. Commercial uses.

C. Industrial uses.

D. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

E. Overnight storage or parking of trucks with a gross vehicle weight of greater than five (5) tons.

F. The keeping of any livestock.

G. Agricultural uses, as defined in Section 18.02.010 of this Title.

H. Metal buildings except accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substances. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

I. Off-site advertising.

J. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

K. Adult businesses as defined in Chapter 5.15 of this Code.

L. Possession of animals not classified as household pets under Title 8 of this Code.

**18.10.060 Property Development Standards.**
The following property development standards shall apply to all land and buildings in the R-3 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:
   1. For all principal uses, the minimum lot area shall be six thousand (6,000) square feet.
   2. For uses requiring a use permit, as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be as follows:
   1. For single-family lots, see Section 18.10.060 of this Title.
   2. For all other interior lots, fifty percent (50%).
3. For all other corner lots, forty-five percent (45%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply, unless otherwise approved by the Planning Commission:

1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60').
   b. All corner lots shall have a minimum width of seventy-five feet (75').
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40') at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100').

D. Setback Requirements: The following setback requirements shall apply to all uses in the R-3 Zone:

1. Front Yard: Twenty feet (20') minimum, except detached accessory structures shall have a thirty-five foot (35') minimum front yard setback. No accessory structure/building shall be located within the front yard area.

2. Side Yard:
   a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12'), and the other interior side yard setback shall be at least five feet (5'). For lots having only one interior side yard, the setback shall be at least twelve feet (12'). A garage space may be substituted for a portion of the required twelve feet (12') such that a side yard setback of five feet (5') is permitted adjacent to a garage space. Detached accessory structures located in the rear half of the lot shall have a minimum interior 4'-foot side yard setback requirement, unless constructed with appropriate fire-resistive walls as required by the California Building Code.
   b. Exterior Side Yard: Twenty feet (20') minimum.
   c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the twelve-foot (12') side yard setback side.

3. Rear Yard: Minimum twenty percent (20%) of lot depth, but not be required to exceed twenty-five feet (25') maximum. Detached accessory structures shall have a minimum rear yard setback requirement of four feet (4'). A minimum setback of five feet (5') shall be required for a garage that is accessed from an alley. In all cases a minimum
clearance of eight feet (8’) shall be required between an accessory structure and the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Codes.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10’) for single story buildings, twenty feet (20’) for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15’) for single story buildings, and twenty-five feet (25’) for two (2) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20’) for single story buildings, and thirty feet (30’) for two (2) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30’) for single story buildings, and forty feet (40’) for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25’) for single story buildings, and thirty-five feet (35’) for two (2) story buildings.

5. Distance between main buildings and accessory buildings shall comply with the California Building Code.

F. Floor Area Ratio Requirements:

1. For single-family and two-family interior lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.54:1.0.

2. For single-family and two-family corner lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be
3. All other interior lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.50:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.80:1.0.
   c. For all two and one-half (2 ½) story buildings, the maximum allowable FAR shall be 0.96:1.0.

4. All other corner lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.45:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.72:1.0.
   c. For all two and one-half (2 ½) story buildings, the maximum allowable FAR shall be 0.86:1.0.

G. Building Height Requirement: No main building erected shall have a height greater than three stories or forty feet (40′), whichever is less, as defined under Section 18.02.010 of this Title. No accessory building erected shall have a height greater than one story or fifteen feet (15′), whichever is less. Permitted projections above this height include: ventilating fans or similar equipment required to operate and maintain the building, skylights, church steeples, flagpoles, chimneys, or similar structures, when approved by the Planning Commission; provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances. Any area that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by the Zone, if they are more restrictive.

H. Population Density: For all residential uses, the density shall not exceed twelve (12) dwelling units/acre, the maximum density permitted for properties designated medium-high density residential (7-12 dwelling units/acre) in the General Plan.

I. Site Plan Approval: Before any two-family dwellings on a corner lot, group dwelling, condominium, medium density multiple-family dwelling, and nonresidential building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:
1. The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section, with the exception of the following conditional uses: general hospitals, sanitariums, residential care facilities, maternity homes, educational institutions, and child care facilities.

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:

      (1) Front Yard: Twenty feet (20') minimum.

      (2) Side Yard:
          Twenty-five feet (25') interior minimum.
          Twenty-five feet (25') exterior minimum.

      (3) Rear Yard: Twenty-five feet (25') minimum.

   b. For educational institutions and child care facilities, minimum individual yards shall comply with the following:

      (1) Front Yard: Forty feet (40') minimum.

      (2) Side Yard:
          Thirty feet (30') interior minimum.
          Forty feet (40') exterior minimum.

      (3) Rear Yard: Forty feet (40') minimum.

   c. For general hospitals, minimum individual yards shall comply with the following:

      (1) Front Yard: Fifty feet (50') minimum.

      (2) Side Yard:
          Forty feet (40') interior minimum.
          Fifty feet (50') exterior minimum.

      (3) Rear Yard: Forty feet (40') minimum.

   d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area requirement is met.

2. Landscaping:

   a. For all single-family residential uses, live landscaping shall be provided in
the front yard and exterior side yard setbacks. Front yard and exterior side yard areas of single-family homes shall be appropriately landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones. Said landscaped areas shall be equipped with an automatic irrigation system and seven (7) day timer and be maintained at all times. The irrigation system shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

b. All other uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4") raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges And Walls:

1. When any educational institution, child care facility, sanitarium, residential care facility, maternity home, general hospital, place of public assembly, public buildings, public utility substation or commercial use abuts a residential zone, a six-foot (6′) high solid masonry wall shall be required. When multiple-family development abuts a single-family development a six-foot (6′) high masonry wall shall be required. Under certain circumstances, the Planning Commission may permit a landscaped and maintained fence.

2. When any medium-high density multiple-family residential dwelling greater than five (5) units abuts a single-family or two-family residential dwelling, a six-foot (6′) high solid masonry wall or landscaped and maintained fence shall be required.

3. Residential units shall be subject to the provisions of Chapter 18.27 of this Title.

L. Off-Street Parking Requirements:

1. For all single-family residential uses, two (2) fully enclosed and covered off-street parking spaces per unit. Existing garages may be converted to additional living area subject to the approval of the Director of Community Development if at least two (2) off-street parking spaces can be provided. The parking or storage of any vehicles within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all other residential uses: one and one-half (1½) spaces for one-bedroom
dwelling units, two (2.0) spaces for two bedroom dwelling units, two and one-half (2½) spaces for any unit with three bedrooms or more, one of which shall be covered. Provided further that for multiple-family residential projects devoted entirely to persons fifty-five (55) years of age and older, off-street parking requirements shall be as approved by the Planning Commission through the site plan approval process, but in no case shall have less than one (1) space per dwelling unit.

3. For all educational institutions, general hospitals, sanitariums, residential care facilities, public buildings, public utility substations, and places of public assembly, the following off-street parking requirements shall apply:

a. Educational institutions: one (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12) and one (1) space for every two (2) students above grade twelve (12).

b. General hospitals, sanitariums and charitable and religious institutions providing sleeping accommodations: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

c. Residential care facilities: one (1) space for every three (3) licensed beds.

d. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

Off-street parking requirements are explained in Chapter 18.25 of this Title.

M. Off-Street Loading Requirements:

1. For all residential uses, no requirements.

2. For all allowed private clubs, educational institutions, public utility substations, public buildings, general hospitals, and churches requiring the receipt, delivery, or distribution of goods with the potential frequency of once a day or greater: one berth, plus any additional berths as may be prescribed by the Community Development Director.
3. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. Single-Family: For all single-family uses, see Section 18.08.060, subsection M, of this Title.

2. Two-Family: For all two-family uses, see Section 18.09.060, subsection N, of this Title.

3. Vehicular Access:

   a. All medium-high density multiple-family residential uses shall be located on streets with a classification of collector thoroughfares or greater as designated by the General Plan.

   b. The following conditional uses shall be located on streets with a classification major thoroughfare or greater as designated by the General Plan: general hospitals, churches, high schools.

   c. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

   d. All ingress to and egress from public property shall be in a forward motion.

   e. Where nonconforming double frontage lots exist, a two-family dwelling may be developed with access from each public right of way and where such unit is developed with a two (2) car enclosed garage, said two-family unit may back out onto the public right of way with a classification of secondary collector or lower.

4. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes. Driveways and sidewalks shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities:

1. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

2. For all medium-high density multiple-family residential dwellings, each lot shall provide clothes drying areas; either mechanical, solar, or both, which shall be sufficiently concealed from public view.
Q. Solid Waste Storage, Disposal Facilities:

1. For all uses, no open storage of solid waste allowed.

2. For all medium density multiple-family residential dwellings: each dwelling unit shall have a minimum of twenty (20) cubic feet of enclosed and concealed trash containers.

3. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same lot or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities:

1. For single-family and two-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

3. For medium-high density multiple-family residential dwellings, there shall be not less than one hundred (100) square feet of recreation area per dwelling unit, up to twenty-five percent (25%) of which may be provided indoors.

S. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all new residential uses, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 11

R-4, MEDIUM-HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:
18.11.010 Purpose and Intent.
18.11.020 Principal Uses.
18.11.030 Accessory Uses.
18.11.040 Conditional Uses.
18.11.050 Prohibited Uses.
18.11.060 Property Development Standards.

18.11.010 Purpose and Intent.
The R-4, High Density Residential Zone is intended to provide for the development of high density housing consistent with the “Medium High Density Residential” (12-20 dwelling units/acre) land use designations of the General Plan, together with the schools, parks, open spaces and other public services required for a satisfactory family environment.

18.11.020 Principal Uses.
Buildings, structures, and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged in the R-4 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.11.060:

A. Single-family dwellings.
B. Two-family dwellings, subject to site plan approval under Section 18.11.060, subsection (I).
C. Condominium, group and cluster dwellings, subject to site plan approval under Section 18.11.060, subsection (I).
D. Medium density multiple-family dwellings, subject to site plan approval under Section 18.11.060, subsection (I).
E. Medium-high density multiple-family dwellings, subject to site plan approval under Section 18.11.060, subsection (I).
F. Mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974. Mobile homes permitted under this provision shall utilize roofing materials, roof overhang and siding materials customary to conventional single-family detached homes in the vicinity.
G. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary...
collector as designated by the General Plan.

H. Residential care facilities, licensed with the State of California.

H. Employee housing for no more than six (6) workers.

I. Transitional housing.

J. Supportive housing.

18.11.030 Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-4 Zone:

A. Rooming and Boarding:

1. Not more than two (2) persons per single-family dwelling unit.

2. Not more than one person per unit for two-family uses.

3. Not more than one person per dwelling unit for medium density multiple-family uses.

B. Private garages and off-street parking areas.

C. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:

1. There shall be a minimum of three-foot (3’) unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three-foot (3’) unobstructed clearance area shall be measured from the edge of the water line along the perimeter of the pool to the property line.

   a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three-foot (3’) unobstructed clearance area required by this Chapter.

2. In no case shall swimming pool accessory mechanical equipment be permitted within the required front yard setback area or within the five-foot (5’) side yard and rear yard setback areas, except when it is located at least ten feet (10’) from any adjacent dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from a property line.

D. Signs, subject to the provisions of Chapter 18.26.
E. Overnight storage or parking of trucks with a gross vehicle weight of five (5) tons or less.

F. Portable outdoor storage units, and shipping containers, subject to the provisions of Section 18.28.110.

G. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, as determined by the Director of Community Development.

H. Home occupations subject to the requirements of Section 18.02.010.

I. Subdivision tract sales offices, signs, flags, and temporary construction or job site trailers, subject to provisions of Chapter 18.38.

J. Kennels, subject to the provisions of 18.28.080.

K. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

L. Accessory Dwelling Units and Junior Accessory Dwelling Units subject to Section 18.28.060 of this Title.

18.11.040 Conditional Uses.
The following uses may be permitted in the R-4 Zone subject to a conditional use permit:

A. Private clubs.

B. Horticulture.

C. Educational institutions.

D. Public buildings, except for storage, corporation, repair yards.

E. Public utility substations.

F. Churches on a lot size of less than one acre.

H. State licensed general hospitals.

I. State licensed sanitariums.

J. State licensed child care facilities.

K. Public parks and playgrounds.

L. Mobile home parks, subject to the provisions in Section 18.28.070 of this Title.
M. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

N. Aviaries, subject to the provisions contained in Section 18.28.050 of this Title.

18.11.050 Prohibited Uses.
The following uses are expressly prohibited in the R-4 Zone:

A. Commercial uses.

B. Industrial uses.

C. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

D. Overnight storage or parking of trucks with a gross vehicle weight of greater than five (5) tons.

E. The keeping of any livestock.

F. Agricultural uses, except accessory buildings used exclusively for storage.

G. Metal buildings, except accessory buildings used exclusively for storage.

H. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

I. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

J. Adult businesses as defined in Chapter 5.15 of this Code.

K. Possession of animals not classified as household pets under Title 8 of this Code.

18.11.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the R-4 Zone, unless otherwise specified in Section 18.11.040 of this Chapter:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:
   1. For all principal uses, the minimum lot area shall be five thousand three hundred (5,300) square feet.
   2. For uses requiring a use permit, the minimum lot area shall be as specified by the use permit.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be as follows:
1. For single-family and two-family lots, the maximum allowable lot coverage by structures for all uses shall be forty percent (40%). Additional allowable ten percent (10%) lot coverage is provided for accessory structures proposed on single-family lots when the dwelling footprint has reached the forty percent (40%) maximum. The additional ten percent (10%) allowance shall be calculated based on multiplying ten percent (10%) by the size of the lot.

2. For all other interior lots, sixty percent (60%).

3. For all other corner lots, fifty-four percent (54%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply, unless otherwise approved by the Planning Commission:
   1. Width:
      a. All interior lots shall have a minimum width of sixty feet (60').
      b. All corner lots shall have a minimum width of seventy-five feet (75').
      c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40') at the front line.
   2. Depth: All lots shall have a minimum depth of one hundred feet (100').

D. Setback Requirements: The following setback requirements shall apply to all uses in the R-4 Zone:

   1. Front Yard: Twenty feet (20') minimum, except detached accessory structures shall have a thirty-five foot (35') minimum front yard setback. No accessory structure/building shall be located within the front yard area of a single-family lot.

   2. Side Yard:
      a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12'), and the other interior side yard setback shall be at least five feet (5'). For lots having only one interior side yard, the setback shall be at least twelve feet (12'). A garage space may be substituted for a portion of the required twelve feet (12') such that a side yard setback of five feet (5') is permitted adjacent to a third garage space. Detached accessory structures located in the rear half of the lot shall have a minimum interior 4-foot side yard setback requirement, unless constructed with fire appropriate fire-resistive walls pursuant to the California Building Code.
      b. Exterior Side Yard: Twenty feet (20') minimum.
c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the 12’ side yard setback side.

3. Rear Yard: Minimum twenty percent (20%) of lot depth, but not be required to exceed twenty-five feet (25’) maximum. Detached accessory structures shall have a minimum rear yard setback requirement of 4 feet. A minimum setback of five feet (5’)
shall be required for a garage that is accessed from an alley. In all cases a minimum clearance of eight feet (8’) shall be required between an accessory structure and the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Codes.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10’) for single-story buildings, twenty feet (20’) for two (2) story buildings, and thirty feet (30’) for three (3) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15’) for single-story buildings, twenty-five feet (25’) for two (2) story buildings, and thirty-five feet (35’) for three (3) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20’) for single-story buildings, thirty feet (30’) for two (2) story buildings, and forty feet (40’) for three (3) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30’) for single-story buildings, forty feet (40’) for two (2) story buildings, and fifty feet (50’) for three (3) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25’) for single-story buildings, thirty-five feet (35’) for two (2) story buildings, and forty-five feet (45’) for three (3) story buildings.

5. Distance between main buildings and accessory buildings shall comply with the California Building Code.

F. Floor Area Ratio Requirements:

1. For all single-family lots:
For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 40:1.0.

b. For all two (2) story buildings, the maximum allowable FAR shall be 0.64:1.0.

c. For all three (3) story buildings, the maximum allowable FAR shall be 0.96:1.0.

2. For all two-family interior lots:

a. For single-story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.50:1.0.

b. For all two (2) story buildings, the maximum allowable FAR shall be 0.80:1.0.

c. For all three (3) story buildings, the maximum allowable FAR shall be 1.20:1.0.

3. For all two-family corner lots:

a. For single-story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.45:1.0.

b. For two (2) story buildings, the maximum allowable FAR shall be 0.72:1.0.

c. For all three (3) story buildings, the maximum allowable FAR shall be 1.08:1.0.

4. For all other interior lots:

a. For single-story buildings and the first story of all multiple-story buildings, the maximum allowable FAR shall be 0.60:1.0.

b. For all two (2) story buildings, the maximum allowable FAR shall be 0.95:1.0.

c. For all three (3) story buildings, the maximum allowable FAR shall be 1.94:1.0.

5. For all other corner lots:

a. For single-story buildings and the first story of all multiple-story buildings, the maximum allowable FAR shall be 0.54:1.0.
b. For all two (2) story buildings, the maximum allowable FAR shall be 0.86:1.0.

c. For all three (3) story buildings, the maximum allowable FAR shall be 1.30:1.0.

G. Building Height Requirements: No main building or accessory building erected shall have a height greater than three (3) stories or thirty-five feet (40′), whichever is less. The Planning Commission may Permit projections above this height include: ventilating fans or similar equipment required to operate and maintain the building, skylights, church steeples, flagpoles, chimneys, television antennas or wireless masts, or similar structures; provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances. Any area that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive.

H. Population Density: For all residential uses, the density shall not exceed twenty (20) dwelling units/acre.

I. Site Plan Approval: Before any two-family dwellings on a corner lot, group dwelling, condominium, medium density multiple-family dwelling, medium-high density multiple-family dwelling, high density multiple-family dwelling or nonresidential building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section, with the exception of the following conditional uses: general hospitals, sanitariums, residential care facilities, maternity homes, educational institutions, and child care facilities.

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:

      (1) Front yard: 20′ minimum.

      (2) Side yard:
           25′ interior minimum.
           25′ exterior minimum.

      (3) Rear yard: 25′ minimum.

   b. For educational institutions and child care facilities minimum individual yards shall comply with the following:
(1) Front yard: 40′ minimum.

(2) Side yard:
   - 30′ interior minimum.
   - 40′ exterior minimum.

(3) Rear yard: 40′ minimum.

c. For general hospitals, minimum individual yards shall comply with the following:

   (1) Front yard: 50′ minimum.

   (2) Side yard:
      - 40′ interior minimum.
      - 50′ exterior minimum.

   (3) Rear yard: 40′ minimum.

   d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area is met.

2. Landscaping:

   a. For all single-family residential uses, live landscaping shall be provided in the front yard and exterior side yard setbacks. Front yard and exterior side yard areas of single-family homes shall be landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt or hardscape material such as decorative rock or brick, or paving stones. Said landscaped areas shall be equipped with an automatic irrigation system and seven (7) day timer and be maintained at all times. The irrigation system shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

   b. All other uses shall provide landscaping, which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4″) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified
by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. When an educational institution, child care facility, sanitarium, residential care facility, maternity home, general hospital, place of public assembly, public building, public utility substation, or commercial use abuts a residential zone a six-foot (6’) high solid masonry wall shall be required. When multiple-family development abuts a single-family development, a six-foot (6’) high solid masonry wall shall be required. Under certain circumstances, the Planning Commission may permit a landscaped and maintained fence.

2. When any medium or medium high density multiple-family residential dwelling greater than five (5) units abuts a single-family or two-family residential dwelling, a six-foot (6’) high solid masonry wall or landscaped and maintained fence shall be required.

3. Residential units shall be subject to the provisions of Chapter 18.27 of this Title, "Fences, Hedges and Walls Standards."

L. Off-Street Parking Requirements:

1. For all single-family residential uses, two (2) fully enclosed and covered off-street parking spaces per unit. Existing garages may be converted to additional living area subject to the approval of the Community Development Director if at least two (2) off-street parking spaces can be provided. The parking or storage of any vehicles within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all other residential uses: one and one-half (1½) spaces for one bedroom dwelling units, two (2.0) spaces for two bedroom dwelling units, two and one-half (2½) spaces for any unit with three bedrooms or more, one of which shall be covered. Provided further that for multiple-family residential projects devoted entirely to persons fifty-five (55) years of age and older, off-street parking requirements shall be as approved by the Planning Commission through the site plan approval process, but in no case shall have less than one (1) space per dwelling unit.

3. For all educational institutions, general hospitals, sanitariums, residential care facilities, public utility substations, and places of public assembly, the following off-street parking requirements shall apply:
   a. Educational institutions: One (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12) and one (1) space for every two (2) students above grade twelve (12).
   b. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: One and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.
c. Residential care facilities: one (1) space for every three (3) licensed beds.

d. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

4. All uses must comply with the Off-street parking standards provided in Chapter 18.25.

M. Off-Street Loading Requirements:

1. For all residential uses, no requirements.

2. For all allowed private clubs, educational institutions, public utility substations, public buildings, general hospitals and churches requiring the receipt, delivery, or distribution of goods with the potential frequency of once a day or greater: one berth, plus any additional berths as may be prescribed by the Director of Community Development.

3. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. Single-Family: For all single-family uses, see Section 18.08.060, subsection M, of this Title.

2. Two-Family: For all two-family uses, see Section 18.09.060, subsection N, of this Title.

3. Vehicular Access:

   a. All medium-high density multiple-family residential uses shall be located on streets with a classification of collector thoroughfares or greater as designated by the General Plan.
b. The following conditional uses shall be located on major thoroughfares as designated by the General Plan: general hospitals and educational institutions, except for elementary schools.

c. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on property requiring off-street parking.

d. All ingress to and egress from public property shall be in a forward motion.

e. Where nonconforming double frontage lots exist, a two-family dwelling may be developed with access from each public right of way and where such unit is developed with a two (2) car enclosed garage, said two-family unit may back out onto the public right of way with a classification of secondary collector or lower.

4. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes, driveways and sidewalks shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities:

1. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

2. For all high density multiple-family residential dwellings, each lot shall provide clothes drying areas; either mechanical, solar, or both, which shall be sufficiently concealed from public view.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage of solid waste shall be allowed.

2. For all high density multiple-family residential dwellings; each dwelling unit shall have a minimum of twenty (20) cubic feet of enclosed and concealed trash containers or the ability to access an appropriately sized trash enclosure.

3. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same, or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient
Landscaping Guidelines and Standards.

R.  Recreational Facilities:

1. For single-family and two-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

3. For medium and medium-high density multiple-family residential dwellings, there shall be not less than one hundred (100) square feet of recreation area per dwelling unit, up to twenty-five percent (25%) of which may be provided indoors.

S. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all new residential uses, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 12

R-5, HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE

Sections:
18.12.010 Purpose and Intent.
18.12.020 Principal Uses.
18.12.030 Accessory Uses.
18.12.040 Conditional Uses.
18.12.050 Prohibited Uses.
18.12.060 Property Development Standards.

18.12.010 – Purpose and Intent.
The R-5, High Density Residential Zone is intended to provide for the development of high density housing consistent with the “High Density Residential” (20-30 dwelling units/acre) land use designations of the General Plan, together with the schools, parks, open spaces and other public services required for a satisfactory family environment.

Buildings, structures, and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged in the R-5 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.12.060:

A. Single-family dwellings.
B. Two-family dwellings, subject to site plan approval under Section 18.12.060, subsection (I).
C. Condominium, group and cluster dwellings, subject to site plan approval under Section 18.12.060, subsection (I).
D. Medium density multiple-family dwellings, subject to site plan approval under Section 18.12.060, subsection (I).
E. Medium-high density multiple-family dwellings, subject to site plan approval under Section 18.12.060, subsection (I).
F. Mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974. Mobile homes permitted under this provision shall utilize roofing materials, roof overhang and siding materials customary to conventional single-family detached homes in the vicinity.
G. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary collector as designated by the General Plan.

H. Residential care facilities, licensed with the State of California. See definition under Section 18.02.010 of this Title.

I. Employee housing for no more than six (6) workers.

J. Transitional housing. See definition under Section 18.02.010 of this Title.

K. Supportive housing. See definition under Section 18.02.010 of this Title.

18.12.030 – Accessory Uses.
The following uses shall be permitted as accessory to the principal uses in the R-5 Zone:

A. Private garages and off-street parking areas.

B. Private swimming pools, exclusively for the use of the residents and guests, subject to the following provisions:

1. There shall be a minimum of three-foot (3′) unobstructed clearance provided along at least sixty percent (60%) of the perimeter of all swimming pools constructed in order to provide adequate access to the pool for safety purposes. The three-foot (3′) unobstructed clearance area shall be measured from the edge of the water line along the perimeter of the pool to the property line.

   a. No more than forty percent (40%) of the perimeter of the pool may contain architectural or landscaping features which encroach into the three-foot (3′) unobstructed clearance area required by this Chapter.

2. In no case shall swimming pool accessory mechanical equipment be permitted within the required front yard setback area or within the 5-foot side yard and rear yard setback areas, except when it is located at least ten feet (10′) from any adjacent dwelling, at which time said accessory mechanical equipment shall have no minimum setback requirement from a property line.

C. Signs, subject to the provisions of Chapter 18.26.

D. Overnight storage or parking of trucks with a gross vehicle weight of five (5) tons or less.

E. Portable outdoor storage units, and shipping containers, subject to the provisions of Section 18.28.110.

F. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, as determined by the Director of Community Development.
G. Home occupations subject to the requirements of Section 18.02.010.

H. Subdivision tract sales offices, signs, flags, and temporary construction or job site trailers, subject to provisions of Chapter 18.38.

I. Kennels, subject to the provisions of Section 18.28.080.

J. Cottage food operations, subject to the requirements as defined under Section 18.02.010.

K. Second dwelling units Accessory Dwelling Units and Junior Accessory Dwelling Units subject to Section 18.28.060 of this Title.

18.12.040 - Conditional Uses.
The following uses may be permitted in the R-5 Zone subject to a conditional use permit:

A. Private clubs.

B. Horticulture.

C. Educational institutions.

D. Public buildings, except for storage, corporation, repair yards.

E. Public utility substations.

F. Churches on a lot size of less than one acre.

G. State licensed general hospitals.

H. State licensed sanitariums.

I. State licensed child care facilities.

J. Public parks and playgrounds.

K. Mobile home parks, subject to the provisions in Section 18.48.090 of this Title.

L. Temporary tract sales office and tract signs, for subdivisions less than twenty (20) lots and as permitted in Chapter 18.38 of this Title.

M. Aviaries, subject to the provisions contained in Section 18.28.050 of this Title.

The following uses are expressly prohibited in the R-4 Zone:
A. Commercial uses.

B. Industrial uses.

C. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

D. Overnight storage or parking of trucks with a gross vehicle weight of greater than five (5) tons.

E. The keeping of any livestock.

F. Agricultural uses, except accessory buildings used exclusively for storage.

G. Metal buildings, except accessory buildings used exclusively for storage. Portable outdoor storage units and shipping containers shall comply with Section 18.28.110.

H. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance.

I. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

J. Adult businesses as defined in Chapter 5.15 of this Code.

K. Possession of animals not classified as household pets under Title 8 of this Code.

18.12.060 - Property Development Standards.
The following property development standards shall apply to all land and buildings in the R-5 Zone, unless otherwise specified in Section 18.18.080 of this Chapter:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

1. For all principal uses, the minimum lot area shall be five thousand three hundred (5,300) square feet.

2. For uses requiring a use permit, the minimum lot area shall be as specified by the use permit.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be as follows:

1. For single-family and two-family lots, the maximum allowable lot coverage by structures for all uses shall be forty percent (40%). Additional allowable lot coverage is provided for accessory structures proposed on single-family lots when the dwelling footprint has reached the forty percent (40%) maximum.
2. For all other interior lots, sixty percent (60%).

3. For all other corner lots, fifty-four percent (54%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply, unless otherwise approved by the Planning Commission:

1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60').
   b. All corner lots shall have a minimum width of seventy-five feet (75').
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40') at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100').

D. Setback Requirements: The following setback requirements shall apply to all uses in the R-5 Zone:

1. Front Yard: Twenty feet (20') minimum, except detached accessory structures shall have a thirty-five foot (35') minimum front yard setback. No accessory structure/building shall be located within the front yard area of a single-family lot.

2. Side Yard:
   a. Interior Side Yard: For lots having two (2) interior side yard areas, one such interior side yard shall have a setback of at least twelve feet (12'), and the other interior side yard setback shall be at least five feet (5'). For lots having only one interior side yard, the setback shall be at least twelve feet (12'). A third garage space may be substituted for a portion of the required twelve feet (12') such that a side yard setback of five feet (5') is permitted adjacent to a third garage space. Detached accessory structures located in the rear half of the lot shall have a minimum interior 5-foot side yard setback requirement.
   b. Exterior Side Yard: Twenty feet (20') minimum.
   c. New Home Designs (side yard): Development of new single-family homes shall be designed such that their attached or detached garages are positioned on the 12' side yard setback side.

3. Rear Yard: Minimum twenty percent (20%) of lot depth, but not be required to exceed twenty-five feet (25') maximum. Detached accessory structures shall have a
minimum rear yard setback requirement of 5 feet. A minimum setback of five feet (5’) shall be required for a garage that is accessed from an alley. In all cases a minimum clearance of eight feet (8′) shall be required between an accessory structure and the lowest overhead utility line located in an alley. Accessory structures shall be constructed to meet the requirements of the applicable California Building Codes.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10′) for single-story buildings, twenty feet (20′) for two (2) story buildings, and thirty feet (30′) for three (3) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15′) for single-story buildings, twenty-five feet (25′) for two (2) story buildings, and thirty-five feet (35′) for three (3) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20′) for single-story buildings, thirty feet (30′) for two (2) story buildings, and forty feet (40′) for three (3) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30′) for single-story buildings, forty feet (40′) for two (2) story buildings, and fifty feet (50′) for three (3) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25′) for single-story buildings, thirty-five feet (35′) for two (2) story buildings, and forty-five feet (45′) for three (3) story buildings.

5. Distance between main buildings and accessory buildings shall comply with the California Building Code.

F. Floor Area Ratio Requirements:

1. For all single-family lots:
   a. For single story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 40:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.64:1.0.
c. For all three (3) story buildings, the maximum allowable FAR shall be 0.96:1.0.

2. For all two-family interior lots:
   a. For single-story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.50:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.80:1.0.
   c. For all three (3) story buildings, the maximum allowable FAR shall be 1.20:1.0.

3. For all two-family corner lots:
   a. For single-story buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 0.45:1.0.
   b. For two (2) story buildings, the maximum allowable FAR shall be 0.72:1.0.
   c. For all three (3) story buildings, the maximum allowable FAR shall be 1.08:1.0.

4. For all other interior lots:
   a. For single-story buildings and the first story of all multiple-story buildings, the maximum allowable FAR shall be 0.60:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.95:1.0.
   c. For all three (3) story buildings, the maximum allowable FAR shall be 1.94:1.0.

5. For all other corner lots:
   a. For single-story buildings and the first story of all multiple-story buildings, the maximum allowable FAR shall be 0.54:1.0.
   b. For all two (2) story buildings, the maximum allowable FAR shall be 0.86:1.0.
   c. For all three (3) story buildings, the maximum allowable FAR shall be 1.30:1.0.

G. Building Height Requirements: No main building or accessory building erected shall have
a height greater than three (3) stories or forty feet (40'), whichever is less. The Planning Commission may Permit projections above this height include ventilating fans or similar equipment required to operate and maintain the building, skylights, church steeples, flagpoles, chimneys, television antennas or wireless masts, or similar structures; provided that the same may be safely erected and maintained at such height in view of surrounding conditions and circumstances. Any area that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive.

H. Population Density: For all residential uses, the density shall not exceed thirty (30) dwelling units/acre, for properties designated High Density Residential in the General Plan.

I. Site Plan Approval: Before any two-family dwellings on a corner lot, group dwelling, condominium, medium density multiple-family dwelling, medium-high density multiple-family dwelling, high density multiple-family dwelling or nonresidential building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. The minimum individual yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D, with the exception of the following conditional uses: general hospitals, sanitariums, residential care facilities, maternity homes, educational institutions, and child care facilities.

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:

      (1) Front yard: 20’ minimum.

      (2) Side yard:

          25’ interior minimum.

          25’ exterior minimum.

      (3) Rear yard: 25’ minimum.

   b. For educational institutions and child care facilities minimum individual yards shall comply with the following:

      (1) Front yard: 40’ minimum.

      (2) Side yard:

          30’ interior minimum.

          40’ exterior minimum.

      (3) Rear yard: 40’ minimum.
c. For general hospitals, minimum individual yards shall comply with the following:

1. Front yard: 50’ minimum.

2. Side yard:
   - 40’ interior minimum.
   - 50’ exterior minimum.

3. Rear yard: 40’ minimum.

d. The minimum rear yard requirements for all residential uses may be reduced by up to fifty percent (50%) if the minimum overall yard area is met.

2. Landscaping:

a. For all single-family residential uses, live landscaping shall be provided in the front yard and exterior side yard setbacks. Front yard and exterior side yard areas of single-family homes shall be appropriately landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt or hardscape material such as decorative rock or brick, or paving stones. Said landscaped areas shall be equipped with an automatic irrigation system and seven (7) day timer and be maintained at all times. The irrigation system shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

b. All other uses shall provide landscaping, which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4”) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. When an educational institution, child care facility, sanitarium, residential care facility, maternity home, general hospital, place of public assembly, public building, public utility substation, or commercial use abuts a residential zone a six-foot (6’) high solid masonry wall shall be required. When multiple-family development abuts a single-family development, a six-foot (6’) high solid masonry wall shall be required. Under certain circumstances, the Planning Commission may permit a landscaped and maintained fence.
2. When any medium or medium high density multiple-family residential dwelling greater than five (5) units abuts a single-family or two-family residential dwelling, a six-foot (6') high solid masonry wall or landscaped and maintained fence shall be required.
3. Residential units shall be subject to the provisions of Chapter 18.27 of this Title, "Fences, Hedges and Walls Standards."

L. Off-Street Parking Requirements:

1. For all single-family residential uses, two (2) fully enclosed and covered off-street parking spaces per unit. Existing garages may be converted to additional living area subject to the approval of the Community Development Director if at least two (2) off-street parking spaces can be provided. The parking or storage of any vehicles within the front yard and exterior side yard landscape areas of a single-family residence is prohibited.

2. For all other residential uses: one and one-half (1½) spaces one bedroom dwelling units, two (2.0) spaces for two bedroom dwelling units, two and one-half (2½) spaces for any unit with three bedrooms or more, one of which shall be covered. Provided further that for multiple-family residential projects devoted entirely to persons fifty-five (55) years of age and older, off-street parking requirements shall be as approved by the Planning Commission through the site plan approval process, but in no case shall have less than one (1) space per dwelling unit.

3. For all educational institutions, general hospitals, sanitariums, residential care facilities, public utility substations, and places of public assembly, the following off-street parking requirements shall apply:
   a. Educational institutions: One (1) space for each employee and one (1) space for every four (4) students in grades nine (9) through twelve (12) and one (1) space for every two (2) students above grade twelve (12).
   b. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: One and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.
   c. Residential care facilities: one (1) space for every three (3) licensed beds.
   d. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.
   e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.
f. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

4. All uses must comply with the Off-street parking standards provided in Chapter 18.25.

M. Off-Street Loading Requirements:

1. For all residential uses, no requirements.

2. For all allowed private clubs, educational institutions, public utility substations, public buildings, general hospitals and churches requiring the receipt, delivery, or distribution of goods with the potential frequency of once a day or greater: one berth, plus any additional berths as may be prescribed by the Director of Community Development.

3. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. For Single-Family: For all single-family uses, see Section 18.08.060, subsection M, of this Title.

2. Two-Family: For all two-family uses, see Section 18.09.060, subsection N, of this Title.

3. Vehicular Access:

   a. All high density multiple-family residential uses shall be located on streets with a classification of collector thoroughfares or greater as designated by the General Plan.

   b. The following conditional uses shall be located on major thoroughfares as designated by the General Plan: general hospitals and educational institutions, not including elementary schools.

   c. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on property requiring off-street parking.

   d. All ingress to and egress from public property shall be in a forward motion.

   e. Where nonconforming double frontage lots exist, a two-family dwelling
may be developed with access from each public right of way and where such unit is developed with a two (2) car enclosed garage, said two-family unit may back out onto the public right of way with a classification of secondary collector or lower.

4. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes, driveways and sidewalks shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities:

1. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards.

2. For all high density multiple-family residential dwellings, each lot shall provide clothes drying areas; either mechanical, solar, or both, which shall be sufficiently concealed from public view.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage of solid waste shall be allowed.

2. For all high density multiple-family residential dwellings; each dwelling unit shall have a minimum of twenty (20) cubic feet of enclosed and concealed trash containers or the ability to access an appropriately sized trash enclosure.

3. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each residential unit when two (2) or more such units are located on the same, or for each residential development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities:

1. For single-family and two-family dwellings, no requirements.

2. For condominium group and cluster dwellings, as required by the Planning Commission upon site plan approval.

3. For medium and medium-high density multiple-family residential dwellings, there
shall be not less than one hundred (100) square feet of recreation area per dwelling unit, up to twenty-five percent (25%) of which may be provided indoors.

S. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all new residential uses, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 13

P-C, PLANNED COMMUNITY ZONE

Sections:
18.13.010 Purpose and Intent.
18.13.030 Master Plan.
18.13.040 Development Plan.
18.13.050 Property Development Standards.

18.13.010 Purpose and Intent.
The purpose of this District is to establish a needed level of preplanning for the development or redevelopment of land and to encourage innovative design solutions while retaining positive land use relationships and compatibility of uses. Specifically, this chapter seeks to facilitate the variation of standards of the Zoning Code under proper planning, to achieve, where appropriate, unique and innovative community design whenever it can be demonstrated that such variation will result in an environment superior to that possible under the normal application of standards.

The following general provisions shall apply to all P-C Zones:

A. A P-C Zone may be established only on a parcel or parcels of at least one acre.

B. P-C Zones shall comply with the General Plan.

C. Development of a P-C Zone may proceed by phases. Such phases shall be reasonable and logical in size, shape, and function, and in relationship to other development units within the Zone.

D. All land in a proposed P-C Zone shall be held in one ownership, under unified control, or have the written consent or agreement of all owners of property proposed for inclusion in the development.

E. Fortunetelling and related activities as defined in Chapter 5.12 of this Code shall not be permitted in any P-C Zone.

F. The City may initiate a P-C Zone where, in the opinion of the City, the establishment of such Zone is in the best interest of the City.

G. The Director of Community Development may authorize the review of the master plan and development plan simultaneously.

H. Adult businesses as defined in Chapter 5.15 of this Code shall be permitted in any P-C
Zone, where M-1 or M-2 uses are approved or contemplated by the General Plan.

I. Aviaries shall be permitted in any P-C zone, subject to the provisions of Section 18.28.050.

J. Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted in any P-C zone, subject to the provisions of Section 18.28.060.

K. Mobile home parks shall be permitted in any P-C zone, subject to the development standards of Section 18.28.070.

18.13.030 Master Plan.
An application for a Planned Community Zone shall be accompanied by a master plan (maps and explanatory text) for the entire area and such other material as specified by this Chapter. A master plan need not be prepared when the City initiates the rezoning.

A. Requirements: The project master plan shall, when required, set forth the following:

1. Location and boundaries for the area proposed for the planned unit development.

2. Present an approximate proposed topography of the area including natural features that are to be retained (i.e., stands of trees, rock outcroppings, streams, etc.).

3. Proposed uses of all land including, but not limited to, residential, commercial and professional centers, public buildings, school sites, recreational facilities, and all common open spaces.

4. Proposed densities of all areas indicated for residential development.

5. Proposed property development standards as applicable in Section 18.13.050 of this Chapter. All mobile home parks shall also comply with the property development standards of Section 18.28.070 of this Title.

6. The location and width of all public and private streets.

7. General site data, including acreage in total development, total acreage in each density classification, school sites, and total acreage devoted to common open space.

B. The Application Procedure:

1. The property owner of record, or his authorized agent, may submit an application and master plan for Planned Community zoning to the Planning Commission. The Planning Commission shall hold a public hearing on such project master plan and may approve or conditionally approve the project master plan if it finds the criteria set forth in this Chapter have been satisfied.
a. The City may initiate a rezoning to P-C in accordance with the procedures as set forth in this Code.

2. The Planning Commission may deny the application if it finds that any of the required criteria have not been satisfied or that the project master plan would be detrimental to the public peace, health, safety, or welfare.

3. The decision and findings of the Planning Commission shall be forwarded along with the project master plan to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve, or deny the project master plan. The decision of the City Council shall be final.

4. Public hearing procedures shall be governed by the procedures outlined in Chapter 18.32 of this Title.

5. An application for a Planned Community Zone shall be accompanied by a filing fee as established by resolution from time to time by the City Council.

6. An adopted master plan may be modified upon approval by the Community Development Director. Such modification shall be approved only when the Community Development Director deems the modification to be minor in nature.

18.13.040 Development Plan.
After the establishment of a P-C Zone by the acceptance of a master plan a development plan which is in conformance with the approved project master plan shall be filed with the Planning Commission. A master plan need not be on file when the City initiates the rezoning to Planned Community, and instead, a development plan shall be judged upon its merits in accordance with the intent of the Planned Community Zoning.

A development plan may cover all or a portion of the area included in the P-C Zone. No building permit shall be issued for any new building or structure unless a development plan has been approved pursuant to this Title. Residential remodels, additions, and accessory structures and similar modifications are not subject to a development approval or conditional use permit. An approved development plan may be modified upon approval by the Director of Community Development. Such modification shall be approved only when, in the opinion of the Director of Community Development, such modification is deemed minor in nature. The development plan shall be subject to a conditional use permit in the P-C Zone.

A. The development plan shall set forth the following and shall be presented in the form as may be required by the Director of Community Development.

1. The exact boundaries and legal description of the property to be developed.

2. All proposed improvements that are to be constructed on the land and their precise locations including (but not limited to) all residential and nonresidential structures,
recreational facilities and typical plans showing walls, fences, trash areas, streets, and walk areas.

3. Common open space showing size, grades and function upon completion where appropriate.

4. The location and dimension of all off-street parking facilities, public and private.

5. Location and size of all public and quasi-public sites if applicable.

6. A tabulation of the percentage of total building coverage of the development.

7. A tabulation of densities within each project area or sector.

8. Building elevations of typical architectural styles to be constructed.

9. A schematic landscaping plan indicating the type and size of plant material to be used, and method of providing permanent maintenance to all planted areas and open space.

10. Floor plans of typical dwelling units, the unit size in square feet and the amount and private open space in square feet.

11. If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the State Subdivision Map Act and Title 17 of this Code with the following exceptions:

   a. All lots less than twenty (20) acres may not be required to front on a publicly maintained right of way.

   b. Design requirements.

   c. Unless an earlier expiration date is specified in the permit, any permit issued in conjunction with a tentative subdivision map shall expire no sooner than the approved tentative map, or any extension thereof.

12. A proposed construction schedule from ground breaking to occupancy.

B. The following design guidelines are established for all P-C Zones:

1. The overall plan shall achieve and integrate land and building relationship.

2. Private and public open spaces, pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities when proposed by the applicant or required by the City shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site. When the design consists of single-
family dwellings with private open space, such private open spaces fronting public or private roads shall be landscaped.

3. The layout of structures and other facilities shall affect a conservation in street and utility improvements.

4. Recreational areas proposed by the applicant or required by the City shall be generally dispersed throughout the development and shall be easily accessible from all structural units.

5. Architectural unity, as well as the establishment of varying architectural styles and environmental harmony within the development and within the surrounding properties, shall be attained.

6. Fencing and screening shall be incorporated in the design, when proposed by the applicant or required by the City.

C. Accessory structures in residentially designated parcels shall be subject to provisions defined in 18.02.010 and listed in Section 18.28.060.

18.13.050 Property Development Standards.
The following property development standards shall apply to all land and buildings in the P-C Zone, with the exception of mobile home parks.

A. Lot Areas: No requirements for individual dwelling units, however, the total lot area of the P-C District shall not be less than one acre.

B. Lot Coverage: In the area covered by the development plan, exclusive of all rights of way, the maximum lot coverage shall be as approved by the Planning Commission or City Council as established by the General Plan, except for residentially designated parcels which shall comply with the following lot coverage standards:

1. Single-family units: The maximum allowable lot coverage by structures for all uses shall be forty percent (40%).

2. Two-family units:
   a. for interior lots, fifty percent (50%);
   b. for corner lots, forty-five percent (45%).

3. Medium density multiple-family units:
   a. for interior lots, fifty percent (50%);
b. for corner lots, forty-five percent (45%).

4. Medium high density multiple-family units:
   a. for interior lots, sixty percent (60%);
   b. for corner lots, fifty-four percent (54%).

C. Lot Dimensions: All lot dimensions shall be as approved by the Planning Commission.

D. Setback Requirements: All setback requirements in the P-C Zone shall be as approved by the Planning Commission, excluding requirements for accessory structures, minor alterations and additions, which shall comply with the following requirements:

   1. Single-family units: The setback requirements are listed in Section 18.08.060, subsection D.
   2. Two-family units: The setback requirements are as listed in Section 18.09.060, subsection D.
   3. Medium density multiple-family: The setback requirements are as listed in Section 18.10.060, subsection D.
   4. Medium high density multiple-family units: The setback requirements are as listed in Section 18.11.060, subsection D.

E. Distance Between Buildings: No requirements, except that all buildings shall be shaped, designed, and organized to allow adequate access of persons, light, and air as approved by the Planning Commission or City Council.

F. Floor Area Ratio Requirements: As approved by the Planning Commission.

G. Building Height Requirements: As approved by the Planning Commission, except any area that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive than those prescribed by the master plan.

H. Population Density: The population density for all residential uses shall not exceed the density as established by the General Plan.

I. Site Plan Approval: No application is required; however, approval shall be accomplished through approval of the conditional use permit required for the development plan. The Planning Commission shall have the approval authority of the architectural style and design of development within the P-C Zoning District. Unless otherwise approved, single-family development shall provide a minimum of 6:12 pitch for roof systems.
J. Yards, Landscaping, Open Space Requirements:

1. Yards: All front, side, and rear yards shall be shown on the development plan and approved by the Planning Commission depending on the placement and type of structures.

2. Landscaping:
   a. All open spaces shall be landscaped.
   b. A landscaping plan, including a permanent underground irrigation system which also shows finished grades for the entire project, shall be as approved Director of Community Development prior to the issuance of a building permit. All landscaped areas shall be maintained. Front yard and exterior side yard areas of single-family homes shall be landscaped and maintained. Where a single-family residence exists on a lot, a minimum of fifty (50%) percent of the required front yard of said lot shall be maintained as landscape area and in which mow strips shall not be permitted and no more than fifty (50%) percent of the front yard area shall comprise of concrete, asphalt, or hardscape material such as decorative rock or brick, or paving stones. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4") raised planter box along the line of abutment.
   c. All private yards and open space facing or adjacent to a public or private roadway shall be landscaped and an underground irrigation system shall be installed prior to occupancy of the units. Such landscape plan and irrigation system are subject to approval by Director of Community Development and shall comply with the Ceres Water Efficient Landscaping Guidelines and Standards.

3. Open Space Requirements:
   a. Private open space:
      (1) For all ground-level dwelling units, a minimum of four hundred (400) square feet of private open space per unit shall be provided.
   b. Common open space, where proposed by the applicant or required by the City, the minimum common open space requirements shall be as follows:
      (1) Single-family units: thirty-five percent (35%) of the gross designated single-family area.
      (2) Two-family units: thirty percent (30%) of the gross designated two-
family area.

(3) Medium density multiple-family units: twenty-five percent (25%) of the gross designated medium density multiple-family area.

(4) Medium-high density multiple-family units: twenty-five percent (25%) of the gross designated medium-high density multiple-family area.

K. Fences, Hedges and Walls: The type, size, and location of all fences, hedges, and walls shall be as shown on the approved development plan.

L. Off-Street Parking Requirements: Off-street parking for all uses shall be the same as the requirements specified for the same or similar uses in other sections of this Title, as determined by the Director of Community Development, and comply with the standards established in Chapter 18.25. The parking or storage of any vehicles within the front yard exterior side yard landscape areas of a single-family residence is prohibited.

M. Off-Street Loading Requirements: Off-street loading for all uses shall be the same as the requirements specified for the same or similar uses, as determined by the Director of Community Development.

N. Access:

1. Vehicular Access:

   a. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on property requiring off-street parking.

   b. All ingress to and egress from public property shall be in a forward motion, except for single- and two-family residences abutting on local streets.

2. Pedestrian Access: There shall be pedestrian access from a private or dedicated street to property used for residential purposes. A driveway shall be considered pedestrian access.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: For all residential uses, each lot shall have adequate clothes drying facilities, as determined by the Planning Commission, which shall not be visible from adjacent, adjoining or public property.

Q. Solid Waste Storage, Disposal Facilities:

1. For all uses, no open storage of solid waste allowed.
2. For all residential uses, each dwelling unit shall have a minimum of twelve (12) cubic feet of enclosed and concealed trash containers.

3. For all other uses, solid waste and disposal facilities shall be provided as determined by the Planning Commission, and sufficiently concealed from public view.

R. Recreational Facilities: Recreational facilities shall be as approved by the Planning Commission.

S. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all new residential uses in the P-C Zone, subject to credit for open space provided.

T. Recreational Vehicles and Trailers: Parking or storage of recreational vehicles, motor homes, or other similar recreational equipment and trailers with the front yard area of interior lots and the front and exterior side yards of corner lots including driveways of said lots shall be prohibited. The placement of recreational equipment when stored within the side yard and rear yard area shall be screened from public view.

U. Recreational Storage Area: The Planned Community development shall provide for an area, as approved by the Planning Commission sufficient in size to provide for the storage of recreational vehicles, mobile homes, or other similar recreational vehicles and trailers. Storage of such equipment and vehicles shall be used exclusively for said residents.
Chapter 14

A-P, ADMINISTRATIVE PROFESSIONAL ZONE

Sections:
18.14.010 Purpose and Intent.

18.14.010 Purpose and Intent.
The purpose of the A-P, Administrative Professional Zone is to provide for and promote concentrations of nonretail businesses and professional offices where such uses are desirable.

Buildings, structures, and land shall be used, and buildings and structures shall hereafter be erected, structurally altered or enlarged in the A-P Zone only for the following purposes, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.14.060 of this Chapter. All uses and storage shall be conducted within a totally enclosed building with the exception of public utility substations, or other outdoor displays of goods typically used outdoors specifically permitted by the Director of Community Development, as long as the outdoor display is not within the public right of way, does not block pedestrian (including handicapped) or vehicular access, or occupy required parking spaces:

A. Administrative, financial, professional offices.
B. Ambulance services.
C. Art galleries.
D. Artist and photographers studios.
E. Banks and loan institutions.
F. Child care facilities and nursery schools.
G. Editorial offices.
H. Educational institutions.
I. Employment agencies.
J. Exhibit halls, however, sale of items exhibited shall be subject to a conditional use permit.

K. General research, but not involving the manufacture, fabrication, processing or sale of products.

L. Insurance brokers, adjusters, and agents.

M. Law offices.

N. Libraries.

O. Lodges and meeting halls.

P. Medical, dental and biological laboratories.

Q. Medical, dental and therapeutic clinics.

R. Mortuaries.

S. Museums.

T. Newsstands.

U. Notary publics.

V. Optometrists.

W. Orthopedic equipment and supplies.

X. Pharmacies.

Y. Physicians' equipment and supplies.

Z. Public buildings.

AA. Public utility substations.

BB. Real estate brokers.

CC. Stenographers, public.

DD. Tax consulting services.

EE. Ticket agencies.
FF. Vocational colleges, such as barber and beauty colleges, modeling schools, medical training schools.

GG. Other uses which the Director of Community Development or Planning Commission may deem to be similar in character and purpose to those enumerated above.

HH. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary collector as designated by the General Plan.

A. The following uses shall be permitted as accessory to all the principal uses:

1. Public and private off-street parking facilities as specified in Section 18.14.060 subdivision L of this Chapter.

2. Signs in accordance with Chapter 18.26 of this Title.

3. Minor storage structures for goods sold at retail.

4. Off-street loading facilities as specified in Section 18.14.060, subsection M, of this Chapter.

The following uses may be permitted in the A-P Zone subject to a conditional use permit as provided for in Chapter 18.30 of this Title:

A. Restaurants, coffee shops and/or tea rooms.

B. Confectionery stores.

C. Florists.

D. Gift shops.

E. Office supply stores.

F. Barber shops and beauty shops.

G. Churches, on a lot size of less than one acre.

H. State licensed general hospitals.

I. State licensed sanitariums, residential care facilities, and maternity homes.
J. State licensed child care facilities.

L. Public parks and playgrounds.

M. Fortunetelling and related activities as defined in Chapter 5.12 of this Code; provided that no fortunetelling establishment shall be located closer than one thousand feet (1,000’) to any other licensed fortunetelling establishment.

N. Residential uses. However, the Director of Community Development and Planning Commission shall ensure that residential use does not preempt office use.

O. Methadone clinics or similar.

The following uses are expressly prohibited in an A-P Zone:

A. Industrial waste.

B. Commercial uses not otherwise expressly allowed in this Chapter.

C. Mobile homes and trailers.

D. The keeping of any livestock.

E. The keeping of more than three (3) domestic animals.

F. Agricultural uses.

G. Metal buildings, except accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance.

H. Off-site advertising.

I. Adult businesses as defined in Chapter 5.15 of this Code.

The following property development standards shall apply to all land and buildings in the A-P Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

   1. For all principal uses, the minimum lot area shall be eight thousand (8,000) square feet.

   2. For uses requiring a use permit, as specified by the Planning Commission.
B. Lot Coverage:  
For nonresidential use, the maximum allowable lot coverage by structures for all uses shall be thirty percent (30%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission:

1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60’).
   b. All corner lots shall have a minimum width of seventy-five feet (75’).
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40’) at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100’).

D. Setback Requirements: The following setback requirements shall apply to all uses in the A-P Zone:

1. Front Yard: Fifteen feet (15’) minimum, except detached accessory structures shall have a thirty-five foot (35’) minimum front yard.

2. Side Yard:
   a. Interior Side Yard—Eight Foot (8’) Minimum. However, for a residential use within the zone, one interior side yard shall have a setback of at least twelve feet (12’). A garage space may be substituted for a portion of the required twelve feet (12’) such that a side yard setback of five feet (5’) is permitted adjacent to the garage space.
   b. Exterior side yard—fifteen-foot (15’) minimum.

3. Rear Yard: Ten feet (10’) minimum.

4. When property in an A-P Zone is contiguous with an R Zone on the same block frontage, the property in the A-P Zone shall be required to have the same size rear yard as the R Zone property or greater.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings, accessory buildings, and between main and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.
1. For buildings end to end, the minimum distance between buildings shall be ten feet (10′) for single-story buildings, and twenty feet (20′) for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15′) for single-story buildings, and twenty-five feet (25′) for two (2) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20′) for single-story buildings, and thirty feet (30′) for two (2) story buildings.

4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30′) for single-story buildings, and forty feet (40′) for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25′) for single story buildings, and thirty-five feet (35′) for two (2) story buildings.

F. Floor Area Ratio Requirements:

1. For all nonresidential buildings and the first story of all multiple story buildings, the maximum allowable FAR shall be 1.0:1.0.

2. For all residential single story and two (2) story buildings at R-1, R-2, R-3, R-4, and R-5 densities, floor area ratio requirements shall be those set forth in Sections 18.08.060, subsection F, 18.09.060, subsection F, 18.10.060, subsection F, 18.11.060, subsection F, and 18.12.120, subsection F, respectively.

G. Building Height Requirements: No main building erected shall have a height greater than two (2) stories or twenty-five feet (25), whichever is less. No accessory building erected in an A-P Zone shall have a height greater than one story or fifteen feet (15′), whichever is less. Permitted projections above this height include: penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, flagpoles, roof signs when permitted in the zone, chimneys, water tanks or wireless masts or similar structures, when approved by the Planning Commission; provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. No penthouses or roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space. Any area of an A-P Zone that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive.

H. Population Density: For all residential uses, the density shall not exceed twenty-five (25) dwelling units per acre.
I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: Except as otherwise provided, the minimum yard requirements for all principal uses shall be as follows:
   
   a. Front yard—ten feet (10’) minimum.
   
   b. Interior side yard—five feet (5’) minimum.
   
   c. Exterior side yard—five feet (5’) minimum.
   
   d. Rear yard—five feet (5’) minimum.

2. Hospitals, Sanitariums, and similar facilities.: The minimum yard requirements for general hospitals, sanitariums, residential care facilities, maternity homes, educational institutions, and child care facilities shall be as follows:

   a. For sanitariums, residential care facilities, and maternity homes, minimum individual yards shall comply with the following:

      (1) Front yard: 20’ minimum.
      
      (2) Side yard:
            25’ interior minimum.
            25’ exterior minimum.

      (3) Rear yard: 25’ minimum.

   b. For educational institutions and child care facilities, minimum individual yards shall comply with the following:

      (1) Front yard: 40’ minimum.
      
      (2) Side yard:
            30’ interior minimum.
            40’ exterior minimum.

      (3) Rear yard: 30’ minimum.

   c. For general hospitals minimum individual yards shall comply with the following:
(1) Front yard: 50’ minimum.

(2) Side yard:
   40’ interior minimum.
   50’ exterior minimum.

(3) Rear yard: 40’ minimum.

3. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall include a four-inch (4”) raised planter box along the line of abutment.

4. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All nonresidential uses that abut a residential zone, a six-foot (6’) high solid masonry wall or landscaped and maintained fence shall be required. Fencing requirements between nonresidential uses and residential uses shall be approved by the Planning Commission.

2. All multiple-family residential use with greater than five (5) units that abut a single-family or two-family residential dwelling, shall provide a six-foot (6’) high solid masonry wall, or landscaping and maintained fence shall be required.

3. All general hospitals, sanitariums, residential care facilities, maternity homes, educational institutions, and child care facilities shall be required to have a six-foot (6’) high solid masonry wall or landscaped and maintained fence on all sides adjacent to another use.

L. Off-Street Parking Requirements:

1. Ambulance service: one (1) space for each employee on the maximum shift, plus any additional spaces as prescribed by the Director of Community Development.

2. Public business and professional offices except medical and dental offices: one (1) space for every two hundred seventy-five (275) square feet of net floor area, not including areas used exclusively for storage.

3. Libraries, museums, art galleries and similar uses: one (1) space for every six hundred (600) square feet of net floor area and one (1) space for every two (2) employees.
4. Banks, loan, and title companies: one (1) space for every two hundred (200) square feet of net floor area, not including floor area used exclusively for storage.

5. Schools and colleges, including public, parochial and private elementary, high schools, kindergarten and nursery schools: one (1) space for every employee, including teachers and administrative and one (1) space for every four (4) students in grade eleven (11) and above.

6. General research institutions: one (1) space for each employee on the maximum shift, plus any additional spaces as prescribed by the Director of Community Development.

7. Places of public assembly: one (1) space for every six (6) seats or one (1) space for every sixty (60) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

8. Medical and dental offices: one (1) space for every one hundred fifty (150) square feet of net floor area plus one (1) space for every two (2) employees for medical office buildings or complexes with up to six thousand (6,000) square feet of net floor area served by a single parking lot; or one (1) space for every two hundred (200) square feet of net floor area plus one (1) space for every two (2) employees for medical office buildings or complexes with six thousand (6,000) to twelve thousand (12,000) square feet of net floor area served by a single parking lot; or one (1) space for every two hundred fifty (250) square feet of net floor area plus one (1) space for every two (2) employees for medical office buildings or complexes with over twelve thousand (12,000) square feet of net floor area served by a single parking lot.

9. Funeral homes, mortuaries: one (1) space for every five (5) seats of the aggregate number of seats provided in all assembly rooms of the mortuary.

10. Public buildings and grounds other than schools: one (1) space for every two (2) employees, plus the number of additional open spaces prescribed by the Director of Community Development.

11. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

12. Post offices: one (1) space for every one thousand (1,000) square feet of net floor area and one (1) space for each employee.

13. Business, professional, trade, art, craft, music and dancing schools, and colleges: one (1) space for each employee including the teachers and administrators and one additional for every two (2) students sixteen (16) years or older.
14. Retail stores, food, drug, variety stores, and similar enterprises: one (1) space for every two hundred (200) square feet of net floor area exclusively for administrative office, storage or truck loading.

15. Restaurants, bars, cafes and other establishments for sale and consumption on the premises of food and beverages: one (1) space for every three (3) seats.

16. General hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

17. Residential care facilities: one (1) space for every three (3) licensed beds.

18. For all residential uses at R-1, R-2, R-3, and R-4 densities, two (2) fully enclosed and covered off-street parking spaces per unit.

M. Off-street loading requirements: all uses that require the receipt, delivery or distribution of goods by truck with the potential frequency of once a day or greater; one loading berth, plus such additional berths as may be prescribed by the Director of Community Development. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. All main vehicular access to an A-P Zone shall be through streets with a classification of collector or greater, as required by the General Plan.

2. All general hospitals allowed in the A-P Zone shall be located on streets with a classification of major thoroughfare or greater as designated by the General Plan.

3. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

4. All ingress and egress to and from public property shall be in a forward motion, except for a single-family dwelling on a minor street. Access for the reconstruction of an existing nonconforming building shall be as approved by the Planning Commission and Director of Community Development.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, clothes drying areas, and facilities shall not be allowed in front and exterior side yards. For all medium and medium-high density multiple-family residential dwellings, each lot shall provide clothes drying areas; either mechanical, solar, or both, which shall be sufficiently concealed from public view.
Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be permitted.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

3. For residential use at R-3 and R-4 densities, as set forth in Sections 18.10.060, subsection Q, and 18.11.060, subsection Q, respectively. However, two-family dwellings, shall be subject to the requirements set forth in Section 18.09.060, subdivision Q.

R. Park-In-Lieu Fees: For all residential uses, park land dedication or in-lieu fees shall be required, based on a per dwelling unit assessment. Park-in-lieu fees shall be calculated as established in Chapter 13 of Title 17.
Chapter 15

C-1, NEIGHBORHOOD COMMERCIAL ZONE

Sections:
18.15.010 Purpose and Intent.
18.15.020 Principal Uses.
18.15.030 Accessory Uses.
18.15.040 Conditional Uses.
18.15.050 Prohibited Uses.
18.15.060 Property Development Standards.

18.15.010 Purpose and Intent.
The C-1, Neighborhood Commercial Zone is intended to be a very limited commercial area to serve the needs of the immediate neighborhood for convenience goods only. The stores in this Zone are intended to fit into the residential pattern of surrounding neighborhoods without creating either architectural or traffic conflicts. This Zone is not intended to expand into larger-scale shopping centers.

18.15.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged in the C-1 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.15.060 of this Chapter. All uses and storage shall be conducted within a totally enclosed building with the exception of public utility substations, nursery stock, and incidental goods or other outdoor displays of goods typically used outdoors (i.e., lawnmowers, play structures, or vehicles, etc.) specifically permitted by the Director of Community Development, as long as the outdoor display is not within the public right of way, does not block pedestrian, handicap, or vehicular access, or occupy required parking spaces. Principal uses in the C-1 Zone shall include:

A. General: Those convenience-oriented uses in the A-P Zone that clearly follow the intent and purpose of the C-1 Zone including, but not limited to:

1. Banks, savings and loan institutions.

2. Libraries.

3. Pharmacies.

B. Retail Stores:

1. Art galleries.
2. Art supplies.


4. Delicatessens, provided no on-sale consumption of alcoholic beverages shall be permitted.

5. Drive-in dairies.

6. Florists.

7. Food stores, including dressed poultry or rabbits, eggs, bakeries, and ice cream confectioneries. All produce must be sold on the premises, and there shall be no slaughtering or dressing of poultry on-premises.

8. Gift shops.

9. Grocery, fruit, and vegetable stores.


11. Hobby shops.


13. Meat or fish markets.


15. Photographic supply stores.


17. Restaurants, tea rooms, cafes, provided no dancing or on-sale consumption of alcoholic beverages shall be permitted.

18. Variety stores.


20. Confectionery shops.

21. Cosmetic shops.

22. Craft shops.
23. Garden supply and related masonry and patio furniture stores.
24. Health food stores.
25. Ice cream parlors.
26. Flooring stores.
27. Maternity shops.
28. Novelty shops.
29. Piano sales and service stores.
30. Redemption centers.
31. Stationery stores.
32. Toy stores.
33. Wallpaper materials and supply stores.
34. Yarn shops.

C. Services:

1. Appliance, radio-television store and repair shops.
2. Barbershop or beauty shops.
3. Bill paying offices.
4. Child care facilities
5. Dry cleaning or laundry agencies.
7. Libraries.
8. Post offices.
9. Public utility customer service offices.
10. Tailors.
11. Taxicab offices.
12. Food catering services.
14. Landscape services.
15. Printing and copying services.
16. Picture framing services.

D. Miscellaneous:
1. Botanical gardens.
2. Commercial horticulture establishments.
4. Public utility substations.
5. Churches on a minimum lot size of one acre and located on a major thoroughfare or primary collector as designated by the General Plan.

E. Others: Other uses which the Director of Community Development or the Planning Commission may deem to be similar in character and purpose to those enumerated above.

18.15.030 Accessory Uses.
The following uses may be permitted as accessory to the principal uses in the C-1 Zone:

A. Residential uses clearly secondary and incidental to the principal use.
B. Signs in accordance with Chapter 18.26 of this Title.
C. Minor enclosed storage structures for goods sold at retail.
D. Public and private off-street parking facilities as specified in Section 18.15.060, subdivision L, of this Chapter.
E. Off-street loading facilities as specified in Section 18.15.060, subsection M, of this Chapter.
F. The operation of six (6) or less coin-operated amusement devices.

G. Recycling center consisting of an area less than five hundred (500) square feet, subject to site plan approval.

18.15.040 Conditional Uses.
The following uses may be permitted in the C-1 Zone subject to a conditional use permit as provided in Chapter 18.30 of this Title:

A. Drive-in restaurants.

B. State licensed general hospitals.

C. Liquor stores, with sales for off-premises consumption only. On-premises alcohol consumption may be permitted within the C-1 Zone subject to the following provisions:
   1. On-premises alcohol consumption shall be operated only in conjunction with a bona fide "public eating place" as defined in the State Business and Professions Code.
   2. On-premises alcohol consumption shall be permitted only within neighborhood commercial shopping centers located along major thoroughfares as identified in the City General Plan.
   3. On-premises alcohol consumption shall be restricted to one establishment per neighborhood commercial shopping center.

E. Churches on a lot size of less than one acre.

F. Music, musical instruments, and record stores.

G. Music studios.

H. Dance studios.

I. Mortuaries.

J. Automobile service stations subject to the requirements of Section 18.28.090 of this Title.

K. Fortunetelling and related activities as defined in Chapter 5.12 of this Code, provided that no fortunetelling establishment shall be located closer than one thousand feet (1,000') to any other licensed fortunetelling establishment.

L. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular telephone antennas.
18.15.050  Prohibited Uses
The following uses are expressly prohibited in the C-1 Zone:

A. Residential uses, except as provided for in Section 18.15.060 subdivision A of this Chapter.

B. Trailers, mobile homes for residential uses.

C. Industrial uses.

D. On-premises consumption of alcoholic beverages, except as provided by Section 18.15.080, subsection D.

E. Wholesaling and warehousing.

F. Metal buildings, except accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance.

G. Off-site advertising, unless otherwise specifically permitted by Chapter 18.26 of this Title.

H. Recycling center consisting of an area greater than five hundred (500) square feet.

I. Adult businesses as defined in Chapter 5.15 of this Code.

J. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

K. Methadone clinics or similar.

18.15.060  Property Development Standards.
The following property development standards shall apply to all land and buildings in the C-1 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:

   1. For all principal uses, the minimum lot area shall be ten thousand (10,000) square feet.

   2. For uses requiring a use permit, the minimum lot area shall be as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be fifty percent (50%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission:
1. Width:
   a. All interior lots shall have a minimum width of sixty feet (60’).
   b. All corner lots shall have a minimum width of seventy-five feet (75’).
   c. All cul-de-sac or curvilinear lots shall have a minimum width of forty feet (40’) at the front line.

2. Depth: All lots shall have a minimum depth of one hundred feet (100’).

D. Setback Requirements:

1. Front Yard: Ten feet (10’) minimum, except detached accessory structures shall have a twenty-foot (20’) minimum front yard.

2. Side Yard:
   a. Interior side yard—five feet (5’) minimum.
   b. Exterior side yard—ten feet (10’) minimum.

3. Rear Yard: Ten feet (10’) minimum.

4. When property in a C-1 Zone is continuous with any yard in an R-Zone on the same block frontage, the property in the C-1 Zone shall be required to have the same size yard as the R-Zone property or greater.

E. Distance Between Buildings: The following provisions shall apply for distance between main buildings, accessory buildings, and between main and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed height are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply.

1. For buildings end to end, the minimum distance between buildings shall be ten feet (10’) for single-story buildings, and twenty feet (20’) for two (2) story buildings.

2. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance between buildings shall be fifteen feet (15’) for single-story buildings, and twenty-five feet (25’) for two (2) story buildings.

3. For buildings front to rear with space for exit or entry purposes, the minimum distance between buildings shall be twenty feet (20’) for single-story buildings, and thirty feet (30’) for two (2) story buildings.
4. For buildings front to front arranged about an interior court with a driveway to said interior court, the driveway being access to parking area or building, the minimum distance between buildings shall be thirty feet (30’) for single-story buildings, and forty feet (40’) for two (2) story buildings. However, if no driveway is provided, the minimum distance shall be twenty-five feet (25’) for single-story buildings, and thirty-five feet (35’) for two (2) story buildings.

F. Floor Area Ratio Requirements:

1. For all single story buildings and the first story of all multiple story buildings, the maximum allowable Floor Area Ratio shall be 0.50:1.0.

2. For all two (2) story buildings, the maximum allowable Floor Area Ratio shall be 0.80:1.0.

G. Building Height Requirements: No main building erected shall have a height greater than two (2) stories or twenty-five feet (25’), whichever is less. No accessory building erected in a C-1 Zone shall have a height greater than one story or fifteen feet (15’), whichever is less. Permitted projections above this height include: penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating tanks or similar equipment required to operate and maintain the buildings, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, water tanks or wireless masts or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. Any area of a C-1 Zone that falls within the area designated as an Airport Overlay Zone shall comply with the height limit alone prescribed by that Zone, if they are more restrictive.

H. Population Density: No requirements.

I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D, except for general hospitals.

   a. For general hospitals, minimum individual yards shall comply with the following:

      (1) Front yard: 50’ minimum.

      (2) Side yard:
40’ interior minimum.
50’ exterior minimum.

(3) Rear yard: 40’ minimum.

2. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4”) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All uses that abut a residential zone, a six-foot (6’) high solid masonry wall or landscaped and maintained fence shall be required.

2. All general hospitals shall be required to have a six-foot (6’) high solid masonry wall or landscaped and maintained fence on all sides adjacent to another use.

L. Off-Street Parking Requirements:

1. For all A-P uses, see Section 18.22.120, subsection L.

2. For all other uses, the following off-street parking requirements shall apply:

   a. Retail stores, food, drug, variety stores, and similar enterprises: One (1) space for every two hundred (200) square feet of net floor area except for floor used exclusively for administrative office, storage, or truck loading.

   b. Repair shops, retail stores which handle only bulk merchandise, and similar enterprises: One (1) space for every three hundred (300) square feet of net floor area not including floor area used exclusively for truck loading.

   c. Restaurants, bars, cafes, and other establishments for the sale and on-premise consumption of food and beverages: One (1) space for every three (3) seats.

   d. Automobile service stations and service garages: One (1) space for every three hundred (300) square feet of floor area.

   e. Self-service car washes: One (1) space for each wash bay plus reservoir of spaces equal to three (3) times the capacity of the car wash facility.
f. General hospitals: One and one-half (1 ½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

g. Public buildings and grounds other than schools and administrative offices: One (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

h. Public utility structures and installations: One (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

i. Places of public assembly: One (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

j. All Off-street parking shall comply with the standards established by Chapter 18.25.

M. Off-Street Loading Requirements: All uses that require the receipt, delivery or distribution of goods by truck with the potential frequency of once a day or greater; one loading berth, plus such additional berths as may be prescribed by the Director of Community Development.

N. Access:

1. All main vehicular access to and from the C-1 Zone shall be through streets with a classification of collector thoroughfares or greater as designated by the General Plan.

2. All general hospitals and churches shall be located on streets with a classification of major thoroughfare or greater as designated by the General Plan.

3. Each property requiring off-street parking shall provide vehicular access from a dedicated street or alley to off-street parking facilities.

4. All ingress to and egress from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: No provisions.

Q. Solid Waste Storage, Disposal Facilities:

1. For all uses, no open storage shall be allowed.
2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse, and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No requirements.

S. Park-In-Lieu Fees: No requirements.
Chapter 16

C-2, COMMUNITY COMMERCIAL ZONE

Sections:
18.16.010 Purpose and Intent.
18.16.020 Principal Uses.
18.16.030 Accessory Uses.
18.16.040 Conditional Uses.
18.16.050 Prohibited Uses.
18.16.060 Property Development Standards.

18.16.010 Purpose and Intent.
The C-2, Community Commercial Zone is intended to provide for and promote concentrations of community-oriented commercial uses as well as appropriate public, quasi-public, and administrative professional uses within the City.

18.16.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged in the C-2 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and are not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.16.060 of this Chapter. All uses and storage shall be conducted within a totally enclosed building with the exception of public utility substations, nursery stock, and incidental goods or outdoor displays of goods typically used outdoors, such as lawnmowers, children’s play structures, and vehicles, specifically permitted by the Director of Community Development. In no event shall an outdoor display be placed within the public right of way, block pedestrian or vehicular access, or occupy required parking spaces:

A. General:
   1. All principal uses of the A-P Zone.
   2. Those uses allowed in the C-1 Zone.

B. Retail Stores:
   1. Automobile parts sales.
   2. Auto rental offices, but no storage or servicing of rental cars on the premises shall be permitted.
   3. Bakeries for on-premises retail sale only.
4. Clothing and wearing apparel stores.
5. Department stores.
6. Electrical fixture supply stores.
7. New furniture stores.
8. Household appliance stores.
9. Leather goods and luggage stores.
10. Liquor stores.
11. Retail floor covering facilities.
12. Furriers.
13. Pawnshops.
14. Plumbing fixture supply stores.
15. Printing and office supply stores.
16. Restaurants, cocktail lounges, nightclubs where liquor, beer or other alcoholic beverages may be sold for consumption on the premises.
17. Saddle sales and repair.
18. Shoe stores.
20. Toy stores.

C. Services:
1. Automatic car washes.
2. Blueprinting and photocopy services.
3. Locksmiths.
4. Mail order offices.
D. Others:

1. Shopping centers.

2. Other uses which the Director of Community Development of the Planning Commission may deem to be similar in character and purpose to those enumerated above.

18.16.030 Accessory Uses.
The following uses may be permitted as accessory to the principal uses in the C-2 Zone:
A. Residential uses clearly secondary and incidental to the principal use.

B. Minor storage structures for goods sold at retail.

C. Public and private off-street parking facilities as specified in Section 18.26.120, subsection L, of this Chapter.

D. Off-street loading facilities as specified in Section 18.26.120, subsection M, of this Chapter.

E. The operation of six (6) or less coin-operated amusement devices.

F. Recycling center consisting of an area less than five hundred (500) square feet, subject to site plan approval.

18.16.040 Conditional Uses.
The following uses may be permitted in the C-2 Zone subject to a conditional use permit as provided for in Chapter 18.50 of this Title.

A. Automobile service stations, subject to the provisions of Section 18.28.090 of this Title.

B. Dry cleaning and laundry plants.

C. Churches on a lot size of less than one acre.

D. Printing shops, (not including photocopying).

E. Commercial recreation facilities.

F. General hospitals, (excluding sanitariums, residential care facilities, and maternity homes).

G. Auto repair garages.

H. Marquee signs.
I. Auto sales facilities; provided that such facilities shall be permitted only on major thoroughfares as designated by the General Plan.

J. Fortunetelling and related activities as defined in Chapter 5.12 of this Code; provided that no fortunetelling establishment shall be located closer than one thousand feet (1,000’) to any other licensed fortunetelling establishment.

K. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular telephone antennas.

L. Methadone clinics or similar.

18.16.050 Prohibited Uses.
The following uses are expressly prohibited in the C-2 Zone:

A. Residential uses, unless clearly secondary and incidental to the principal use.

B. Trailers, mobile homes for residential uses.

C. Industrial uses.

D. Wholesaling and warehousing.

E. Off-site advertising.

F. Recycling center consisting of an area greater than five hundred (500) square feet.

G. Adult businesses as defined in Chapter 5.15 of this Code.

H. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

18.16.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the C-2 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:
   1. For all shopping centers, the minimum lot area shall be two (2) acres.
   2. For all other uses, no requirements.

B. Lot Coverage: No requirements.

C. Lot Dimensions: No requirements.
D. Setback Requirements: For all uses in the C-2 Zone, the following setback provisions shall apply:

1. Front yard five feet (5′) minimum.
2. Side yard—no minimum.
3. Rear yard—ten feet (10′) minimum.
4. When property in a C-2 Zone is contiguous with any yard in a Residential “R” Zone on the same block frontage, the property in the C-2 Zone shall be required to have the same size yard as the Residential “R” Zone property or greater.

E. Distance Between Buildings: No requirements.

F. Floor Area Ratio Requirements: 0.50:1.0.

G. Building Height Requirements: The height of all main and accessory buildings erected in the C-2 Zone shall be as approved by the Planning Commission upon site plan approval, except those areas of a C-2 Zone that fall within the area designated as an Airport Overlay Zone, which shall comply with the Airport Overlay Zone height requirements.

H. Population Density: No requirements.

I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of the Community Commercial Zone in this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum individual yard requirements for all uses shall be the same as the setback requirements in subsection D of this Section except for general hospitals.

   a. For general hospitals, minimum individual yards shall comply with the following:

      (1) Front Yard: Fifty feet (50′) minimum.

      (2) Side Yard:
           Forty feet (40′) interior minimum.
           Fifty feet (50′) exterior minimum.

      (3) Rear Yard: Forty feet (40′) minimum.
2. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall include a four-inch (4") raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All general hospitals shall be surrounded by a six-foot (6') high solid masonry wall or landscaped and maintained fence.

2. For all uses that abut a residential zone, a six-foot (6') high solid masonry wall or landscaped and maintained fence shall be required.

L. Off-Street Parking Requirements:

1. For A-P uses, see Section 18.22.120, subsection L, of this Title.

2. For all other uses, the following off-street parking requirements shall apply:

   a. Retail stores, food, drug, variety stores, and similar enterprises: One (1) space for every two hundred (200) square feet of net floor area except for floor used exclusively for administrative office, storage, or truck loading.

   b. Repair shops, retail stores which handle only bulk merchandise, and similar enterprises: One (1) space for every three hundred (300) square feet of net floor area not including floor area used exclusively for truck loading.

   c. Restaurants, bars, cafes, and other establishments for the sale and on premise consumption of food and beverages: One (1) space for every three (3) seats.

   d. Automobile service stations and service garages: One (1) space for every three hundred (300) square feet of floor area.

   e. Self-service car washes: One (1) space for each wash bay plus reservoir of spaces equal to three (3) times the capacity of the car wash facility.

   f. General hospitals: One and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Community Development Director.

   g. Public buildings and grounds other than schools and administrative offices:
One (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Community Development Director.

h. Public utility structures and installations: One (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Community Development Director.

i. Places of public assembly: One (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Community Development Director.

j. All Off-street parking shall comply with the standards established by Chapter 18.25.

k. Automatic car washes: spaces equal to six (6) times the capacity of the facility.

l. For all mixed uses, the parking requirements of the most intense use shall apply.

M. Off-Street Loading Requirements: All uses that require the receipt, delivery, or distribution of goods by truck with the potential frequency of once a day or greater, one loading berth, plus any additional berths as may be prescribed by the Director of Community Development.

N. Access:

1. All main vehicular access to and from the C-2 Zone shall be through streets with a classification of major thoroughfare or greater, as designated by the General Plan.

2. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

3. All ingress and egress to and from public property shall be in a forward motion.

O. Signing. Signing shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas Facilities: No requirements.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage allowed shall be permitted.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable
materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No requirements.

S. Park-In-Lieu Fees: No requirements.
Chapter 17

C-3, WHOLESALE COMMERCIAL ZONE

Sections:
18.17.010 Purpose and Intent.
18.17.020 Principal Uses.
18.17.030 Accessory Uses.
18.17.040 Conditional Uses.
18.17.050 Prohibited Uses.
18.17.060 Property Development Standards.

18.17.010 Purpose and Intent.
The C-3, Wholesale Commercial Zone is intended to provide for and promote concentrations of wholesale and heavy commercial uses in those areas where such uses are desirable.

18.17.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged in the C-3 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.17.060 of this Chapter. All uses shall be of a non-nuisance type as regulated by the performance standards in Chapter 18.23. All uses and storage shall be conducted within a totally enclosed building with the exception of public utility substations, nursery stock, and incidental goods or outdoor displays of goods typically used outdoors (i.e., lawnmowers, children’s play structures, and vehicles, etc.) specifically permitted by the Director of Community Development, as long as the outdoor display is not within the public right of way, does not block pedestrian (including handicapped) or vehicular access, or occupy required parking spaces:

A. General:

1. Auto sales and services.
2. Boat, trailer, motorcycle sales.
4. Furniture and appliances, used.
5. Plumbing supplies.
6. Tire sales.
7. Trailer sales and rentals.
8. Playground equipment sales and services.
B. Services:

1. Animal hospitals, veterinary clinics, and kennels.
2. Auto body and paint shops.
3. Auto rental services including offices, storage, and service areas.
4. Auto repair garages.
5. Bakeries for retail and wholesale trade.
7. Dry cleaning and laundry plants.
8. Equipment rental.
10. Ice and cold storage facilities.
11. Public storage facilities.
13. Stove fixture sales.
14. Swimming pool sales offices including contractor storage facilities.
15. Upholstery shops.
16. Machinery sales and service.
17. Automobile service stations, subject to the provisions of Section 18.28.090 of this Title.
18. Moving and storage services.
19. Pest control services.
20. Taxidermists.

C. Others: Any other uses which the Director of Community Development or the Planning
Commission may deem to be similar in character and purpose to those enumerated above.

18.17.030 **Accessory Uses.**
The following uses may be permitted as accessory to the principal uses in the C-3 Zone:

A. Public and private off-street parking facilities as specified in Section 18.17.060, subsection L, of this Chapter.

B. Off-street loading facilities as specified in Section 18.17.060, subsection M, of this Chapter.

C. Recycling center consisting of an area less than five hundred (500) square feet, subject to site plan approval.

18.17.040 **Conditional Uses.**
The following uses may be permitted in the C-3 Zone subject to a conditional use permit as provided for in Chapter 18.30 of this Title.

A. State licensed general hospitals.

B. Machine shops.

C. Sheet metal shops.

D. Ceramic products processing, using only previously pulverized clay and fired in kilns using only electricity or natural gas.

E. Open-air sales for other than new and used cars, garden supplies.

F. Marquee signs.

G. Sale of used furniture and appliances, subject to the following specific conditions:

1. All operations shall be carried on within an enclosed building;

2. No stacking or piling of furniture shall be permitted. The methods of display shall be substantially equivalent to normal practices in establishments selling new furniture and appliances;

3. Aisles shall be provided which are adequate for direct access to all furniture and equipment on display;

4. All appliances and furniture on display shall be complete and whole, and shall display no structural damage or broken parts visible to the naked eye;

5. All used furniture shall meet the sanitary requirements of the County Health
H. Fortunetelling and related activities as defined in Chapter 5.12 of this Code; provided, that no fortunetelling establishment shall be located closer than one thousand feet (1,000′) to any other licensed fortunetelling establishment.

I. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular telephone antennas.

J. Adult businesses as allowed by Chapter 5.15 of this Code.

K. Methadone clinics or similar.

**18.17.050 Prohibited Uses.**
The following uses are expressly prohibited in the C-3 Zone:

A. Residential uses.

B. Any combination of residential and nonresidential uses in any building or structure on any lot.

C. Trailers, mobile homes for residential uses.

D. Off-site advertising.

E. Recreational vehicle (RV) parks.

F. Recycling center consisting of an area greater than five hundred (500) square feet.

**18.17.060 Property Development Standards.**
The following property development standards shall apply to all land and buildings in the C-3 Zone:

A. Lot Area: For all uses, no requirements.

B. Lot Coverage: For all uses, no requirements.

C. Lot Dimensions: For all uses, no requirements.

D. Setback Requirements:
   1. Front yard—five feet (5′) minimum.
   2. Side yard—no requirements.
3. Rear yard—no requirements.

4. When property in a C-3 Zone is contiguous with any yard in an R Zone on the same block frontage, the property in the C-3 Zone shall be required to have the same size yard as the R Zone property or greater.

5. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment, shall not be located within a distance equal to twice the height of the tower from a residentially zoned parcel.

6. No front or exterior side-yard setback is required for fences in the C-3 zoned area located east of El Camino Avenue between Don Pedro Road and Roeding Road subject to the following:

   a. A minimum ten-foot (10′) wide landscaped area shall be provided on the street side of the fence along all street frontages. The minimum ten-foot (10′) wide landscaped area may include area in the street right of way. The landscaping shall comply with the Water Efficient Landscape Guidelines and Standards and shall be used to screen any outdoor storage areas if the fence is not solid (a chainlink fence with slats is considered solid for screening purposes). The landscape area may be reduced to not less than five feet (5′) in width when installed in conjunction with masonry, wrought iron, or other decorative fence material.

   b. The maximum fence height in the front and exterior side-yard setback area is eight feet (8′), including any security attachments such as barbed wire.

   c. The type and location of the fence and the required landscaping shall receive approval by the Planning Department.

E. Distance Between Buildings: No requirements.

F. Floor Area Ratio Requirements: 0.50:1.0.

G. Building Height Requirements: For all uses, no main building erected shall have a height greater than three (3) stories or thirty-five feet (35′), whichever is less. No accessory building erected shall have a height greater than two (2) stories or twenty-five feet (25′), whichever is less. Permitted projections above this height include: penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings, and fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, water tanks or wireless masts or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. No penthouse, roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

H. Population Density: No requirements.
I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section, with the exception of general hospitals.

   a. For general hospitals, minimum individual yards shall comply with the following:

      (1) Front yard: Fifty feet (50′) minimum.

      (2) Side yard:
           Forty feet (40′) interior minimum.
           Fifty feet (50′) exterior minimum.

      (3) Rear yard: Forty feet (40′) minimum.

2. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall include a four-inch (4″) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All general hospitals shall be surrounded by a six-foot (6′) high solid masonry wall or landscaped and maintained fence.

2. For all uses that abut a residential zone, a six-foot (6′) high solid masonry wall or landscaped and maintained fence shall be required.

L. Off-Street Parking Requirements: For all uses, the following off-street parking requirements shall apply:

1. Retail stores, food, drug, variety stores, and similar enterprises: one (1) space for every two hundred (200) square feet of net floor area except for floor area used exclusively for administrative office, storage or truck loading.
2. Repair shops, wholesale establishments, retail stores which handle only bulk merchandise and similar enterprises: one (1) space for every three hundred (300) square feet of net floor area except for floor area used exclusively for truck loading.

3. Open uses and commercial uses conducted primarily outside of buildings: one (1) space for each employee on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

4. Restaurants, bars, cafes, and other establishments for sale and consumption on the premises of food and beverages: one (1) space for every three (3) seats plus any additional spaces as prescribed by the Director of Community Development.

5. Warehouses and storage facilities: one (1) space for every one thousand (1,000) square feet of building area or one (1) space for each employee during a maximum shift, whichever is greater.

6. Automobile service stations: one (1) space for every three hundred (300) square feet of floor area.

7. Automatic car washes: Spaces equal to six (6) times the capacity of the facility.

8. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Planning.

9. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

10. Places of public assembly: one (1) space for every five (5) seats or one (1) space for every fifty (50) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Director of Community Development.

11. General hospitals: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

12. For all mixed uses in the C-3 Zone, the parking requirements of the most intense use shall apply.

M. Off-Street Loading Requirements: All uses shall provide loading spaces unless plans are submitted showing that the receipt, delivery or distribution of goods will not disrupt the circulation and off-street parking spaces on the site. All off-street loading shall comply with the standards
established by Chapter 18.25 of this Title.

N. Access:

1. All main vehicular access to and from the C-3 Zone shall be through streets with a classification of major thoroughfare or greater, as designated by the General Plan.

2. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

3. All ingress and egress to and from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: No provisions.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be allowed.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No requirements.

S. Park-In-Lieu Fees: No requirements.

T. Additional Provisions: All metal buildings shall be treated with some rust or corrosion-inhibiting substance. All main metal buildings shall have an architectural facade on the front side and any public-facing side.
Chapter 18

H-1, HIGHWAY COMMERCIAL ZONE

Sections:
18.18.010 Purpose and Intent.
18.18.020 Principal Uses.
18.18.030 Accessory Uses.
18.18.040 Conditional Uses.
18.18.050 Prohibited Uses.
18.18.060 Property Development Standards.

18.18.010 Purpose and Intent.
The H-1, Highway Commercial Zone is intended to provide for and promote concentrations of those administrative professional, retail commercial, and service commercial uses which serve the needs of the traveling public.

18.18.020 Principal Uses.
Buildings, structures, and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged in the H-1 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.18.060 of this Chapter. All uses and storage shall be conducted within a totally enclosed building with the exception of public utility substations, or other outdoor displays of goods typically used outdoors specifically permitted by the Director of Community Development, as long as the outdoor display is not within the public right of way, does not block pedestrian (including handicapped) or vehicular access, or occupy required parking spaces:

A. Those principal uses listed in the Administrative Professional zone which clearly follow the intent and purpose of this Zone; including, but not limited to:

1. Automobile club offices.
2. Automobile rental offices.
3. Ambulance services, etc.

B. Those retail commercial uses listed at principal uses in the Neighborhood and Community Commercial zones which clearly follow the intent and purpose of this Zone; including, but not limited to:

1. New and used automobile, motorcycle, boat, trailer, and recreational vehicle sales.
2. Retail stores and shops for sales of automobile parts and accessories, souvenirs, curios, film, books, and magazines, etc.
C. Those service commercial uses listed as principal uses in the Wholesale Commercial zone which clearly follow the intent and purpose of this Zone; including, but not limited to:

1. Automobile, motorcycle, boat, trailer and recreational vehicle repair garage.
2. Restaurants, coffee shops, refreshment stands.
3. Hotels, motor hotels, inns.
4. Automobile service stations, subject to the provisions of Section 18.28.090 of this Title.

D. Public buildings.

E. General hospitals.

F. Other uses which the Director of Community Development may deem to be similar in character and purpose to those enumerated above.

18.18.030 Accessory Uses.
The following uses may be permitted as accessory to the principal uses in the H-1 Zone:

A. Minor enclosed storage structures for goods sold at retail.

B. Public and private off-street parking facilities as specified in Section 18.18.060, subsection L, of this Chapter.

C. Off-street loading facilities as specified in Section 18.18.060, subsection M, of this Chapter.

D. The operation of six (6) or less coin-operated amusement devices.

18.18.040 Conditional Uses.
The following uses may be permitted in the H-1 Zone subject to a conditional use permit as provided for in Chapter 18.30 of this Title.

A. Automobile, trailer and motor home parks for transient occupancy.

B. Marquee signs.

C. Adult businesses as allowed by Chapter 5.15 of this Code.

D. Methadone clinics or similar.

18.18.050 Prohibited Uses.
The following uses are expressly prohibited in the H-1 Zone:

A. Residential uses.

B. Any combination of residential uses in any building or structure on any lot.

C. Trailer, mobile homes for residential uses.

D. Industrial uses.

E. Wholesaling and warehousing.

F. Metal buildings, except for accessory buildings used exclusively for storage. All such accessory metal buildings shall be treated with some rust or corrosion-inhibiting substance.

G. Off-site advertising.

H. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

I. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment.

18.18.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the H-1 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:
   1. For all principal uses, the minimum lot area shall be ten thousand (10,000) square feet.
   2. For uses requiring a use permit, as specified by the use permit. Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be sixty percent (60%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply; unless otherwise approved by the Planning Commission:
   1. Width:
      a. All lots except cul-de-sac lots, one hundred feet (100’) minimum.
      b. All cul-de-sac or curvilinear lots, seventy feet (70’) minimum.
2. Depth: All lots shall have a minimum depth of one hundred feet (100').

D. Setback Requirements:

1. Front yard—ten feet (10') minimum.

2. Side yard—ten feet (10') interior minimum. Ten feet (10') exterior minimum.

3. Rear yard—ten feet (10') minimum.

4. When property in an H-1 Zone is contiguous with any yard in an R-Zone on the same block frontage, the property in the H-1 Zone shall be required to have the same size yard as the R-Zone property or greater.

E. Distance Between Buildings: No requirements.

F. Floor Area Ratio Requirements:

1. For all buildings and the first story of all multiple story buildings, the maximum allowable Floor Area Ratio shall be 0.50:1.0.

2. For all two (2) story buildings, the maximum allowable Floor Area Ratio shall be 0.80:1.0.

3. For all three (3) story buildings, the maximum allowable Floor Area Ratio shall be 1.54:1.0.

G. Building Height Requirements: No main buildings erected shall have a height greater than three (3) stories or thirty-five feet (35'), whichever is less. No accessory building erected shall have a height greater than one story or fifteen feet (15'), whichever is less. Permitted projections above the height include: penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, approved by the commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. No penthouse, roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

H. Population Density: No requirements.

I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of the Highway Commercial Zone in this Chapter.
J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum yard requirements for all uses shall be the same as those listed in the setback requirements in Section 18.18.060, subsection D.

   a. For general hospitals, minimum individual yards shall comply with the following:

      (1) Front yard: 50’ minimum.

      (2) Side yard:
           40’ interior minimum.
           50’ exterior minimum.

      (3) Rear yard: 40’ minimum.

2. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4”) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All uses that abut a residential zone, a six-foot (6’) high solid masonry wall or landscaped and maintained fence shall be required.

2. All general hospitals shall be required to have a six-foot (6’) high solid masonry wall or landscaped and maintained fence on all sides adjacent to other uses.

L. Off-Street Parking Requirements: For all uses, the following off-street parking requirements shall apply:

1. Ambulance service: One (1) space for each employee on the maximum shift, plus any additional spaces as prescribed by the Community Development Director.

2. Retail stores, food, drug, variety stores, and similar enterprises: One (1) space for every two hundred (200) square feet of net floor area except for floor area used exclusively for administrative offices, storage or truck loading.

3. Public business and professional offices except medical and dental offices: one (1) space for every two hundred seventy-five (275) square feet of net floor area except areas...
used exclusively for storage.

4. Restaurants, bars, cafes and other establishments for sale and consumption on the premises of food and beverages: one (1) space for every three (3) seats, plus any additional spaces as prescribed by the Director of Community Development.

5. Open uses and commercial and industrial uses conducted primarily outside of buildings: one (1) space for each employee on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

6. Hospitals, sanitariums, and charitable and religious institutions providing sleeping accommodations: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

7. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

8. Automobile service stations: one (1) space for every three hundred (300) square feet of floor area.

9. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

10. Bus depots, railroad stations and yards, and airports and heliports and other transportation and terminal facilities: one (1) space for every two (2) employees plus the number of additional spaces prescribed by the Director of Community Development.

11. Trailer parks: one (1) space for each unit plus one additional space for every three (3) units, none of which shall occupy area designated for access drives. Off-street parking standards are explained in Chapter 18.25.

M. Off-Street Loading Requirements: All uses shall provide loading spaces unless plans are submitted showing that the receipt, delivery or distribution of goods will not disrupt the circulation and off-street parking spaces on the site. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. All main vehicular access to and from an H-1 Zone shall be through streets, with a classification of major thoroughfare or greater, as designated by the General Plan.

2. There shall be vehicular access from a dedicated street or alley to off-street parking
facilities on the property requiring off-street parking.

3. All ingress to and egress from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: For all automobile trailer and motor home parks, hotels, and motor inns, there shall be provided on the subject lot adequate laundry facilities and clothes drying areas, either mechanical or solar which shall be sufficiently hidden from public view.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be permitted.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreation Facilities: For all automobile trailer and motor home parks, hotels and motor inns, as approved by the Planning Commission upon site plan approval.

S. Park-In-Lieu Fees: No provisions.
Chapter 19

M-1, LIGHT INDUSTRIAL ZONE

Sections:
18.19.010 Purpose and Intent.
18.19.020 Principal Uses.
18.19.030 Accessory Uses.
18.19.040 Conditional Uses.
18.19.050 Prohibited Uses.
18.19.060 Property Development Standards.

18.19.010 Purpose and Intent.
The M-1, Light Industrial Zone is intended to provide for and promote concentrations of light and specialized industrial uses and administrative and research establishments.

18.19.020 Principal Uses.
Buildings, structures, and land shall be used, and buildings and structures shall hereafter be erected, structurally altered or enlarged in the M-1 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.19.060. All uses shall be of a non-nuisance type as required by the performance standards in Chapter 18.38.

A. Those C-3 uses that are of such a nature as to be appropriate in the M-1 Zone, including but not limited to:

1. Upholstery shops.
2. Boat building repairs.
3. Bottling plants.
5. Sheet metal shops.
6. Ceramic product processing, using only previously pulverized clay and fired in kilns using only electricity or natural gas, or other approved fuels as approved by Air Pollution Control District.

B. Manufacturing, assembly, or packaging of products from the following previously prepared materials:

1. Bone.
2. Canvas.
3. Cellophane.
5. Feathers.
6. Felt.
7. Fibre.
9. Glass.
10. Hair.
11. Horns.
12. Leather.
14. Paints not employing a boiling process.
15. Paper.
17. Plastics or synthetics.
18. Precious or semi-precious stones or metals.
19. Shells.
20. Textiles.
22. Wood.
23. Yarns.
24. Petroleum and petroleum products.

25. Rubber and metal stamps.

26. Shoes.
27. Stone monument works.

C. Manufacture of electric and electronic instruments and devices, such as:
   1. Televisions.
   2. Computers.
   3. Cell phones.
   4. Radios.

D. Laboratories.
   1. Research.
   2. Experimental.
   3. Film.
   4. Testing.

E. Other:
   1. Storage, repair, and corporation yards.
   2. Warehousing.

F. Other uses which the Director of Community Development and/or Planning Commission may deem to be similar in character and purpose to those enumerated above.

G. Emergency shelters, subject to Section 18.28.100 of this Code.

**18.19.030 Accessory Uses.**
The following uses shall be permitted as accessory to all the principal uses in the M-1 Zone:

A. Cafeterias, canteens when operated within a totally enclosed building used for one or more of the principal uses.
B. Residential uses required for plant security personnel only.

C. Public and private off-street parking facilities as specified in Section 18.32.120, subsection L.

D. Off-street loading facilities as specified in Section 18.32.120, subsection M.

E. Retail sales where such activity is secondary to the main activity.

F. Recycling center consisting of an area less than five hundred (500) square feet, subject to site plan approval.

18.19.040 Conditional Uses.
The following uses may be permitted in the M-1 Zone subject to a conditional use permit as provided for in Chapter 18.30 of this Title:

A. Automobile service stations, subject to the provisions set forth in Section 18.28.090 of this Title.

B. Convenience-oriented retail and service commercial uses to primarily serve the principal use, including, but not limited to:

1. Restaurants, coffee shops.
2. Food stores.
3. Confectionery stores.
4. Barber and beauty shops.

C. Public buildings.

D. General hospitals.

E. Off-site advertising.

F. Those uses permitted in the M-2 General Industrial Zone, where such activity is compatible with existing uses and future uses which may be permitted in the M-1 Zone District.

G. Recycling center and auxiliary facilities consisting of an area greater than five hundred (500) square feet.

H. Self-supporting, monopole or guyed towers constructed for the purpose or supporting cellular telephone antennas.

I. Adult businesses as allowed by Chapter 5.15 of this Code.
J. Industrial recreational facility, as defined under Section 18.02.010 of this Title.

K. Methadone clinics or similar.

**18.19.050 Prohibited Uses.**
The following uses are expressly prohibited in the M-1 Zone:

A. Residential uses, unless otherwise permitted as an accessory use.

B. Retail commercial and service commercial uses, unless otherwise permitted as an accessory use.

C. Those uses permitted in the M-2 Zone, unless otherwise permitted in this Section.

D. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

E. Pallet Storage/Pallet Fabrication related uses.

**18.19.060 Property Development Standards.**
The following property development standards shall apply to all land and buildings in the M-1 Zone:

A. Lot Area: For all new lots and proposed rezoning, the following provisions shall apply:
   1. For all principal uses, the minimum lot area shall be ten thousand (10,000) square feet.
   2. For uses requiring a use permit, the minimum lot area shall be as specified by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage by structures shall be sixty percent (60%).

C. Lot Dimensions: For all new lots and proposed rezoning, the following provisions shall apply, unless otherwise approved by the Planning Commission:
   1. Width: One hundred feet (100') minimum.
   2. Depth: One hundred feet (100') minimum.

D. Setback Requirements: For all principal uses, the following provisions shall apply:
   1. Front Yard: Fifteen feet (15') minimum.
2. Side Yard:
   a. Interior—no requirements.
   b. Exterior—fifteen feet (15’) minimum.

3. Rear Yard: No requirements.

4. Cellular Equipment Supports: Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment shall not be located within a distance equal to twice the height of the tower from a residentially zoned parcel.

5. The setback for all conditional uses shall be as required by the Planning Commission.

6. Fences: No front or exterior side-yard setback is required for fences in the industrial-zoned area located west of Railroad Avenue between Whitmore Avenue and Industrial Way subject to the following:
   a. A minimum ten-foot (10’) wide landscaped area shall be provided on the street side of the fence along all street frontages. The minimum ten-foot (10’) wide landscaped area may include area in the street right of way. The landscaping shall comply with the Water Efficient Landscape Guidelines and Standards and shall be used to screen any outdoor storage areas if the fence is not solid (a chainlink fence with slats is considered solid for screening purposes). The landscape area may be reduced to not less than five feet (5’) width when installed in conjunction with masonry, wrought iron, or other decorative fence material.
   b. The maximum fence height in the front and exterior side-yard setback area is eight feet (8’) including any security attachments such as barbed wire.
   c. The type and location of the fence and the required landscaping shall receive approval by the Director of Community Development.
   d. Fences along Whitmore Avenue shall meet the full setback requirements.
   e. Existing residential and commercial uses shall meet full setback requirements unless all directly adjacent properties have fences in the front setback area.

E. Distance Between Buildings: No requirements.

F. Floor Area Ratio Requirements:

1. For all buildings and the first story of all multiple-story buildings, the maximum
allowable FAR shall be 0.50:1.0.

2. For all multiple-story buildings, the maximum allowable FAR shall be as approved by the Planning Commission.

G. Building Height Requirements: The height of all main and accessory buildings erected in the M-1 Zone shall be as approved by the Planning Commission except those areas of an M-1 Zone that fall within the area designated as an Airport Overlay Zone, which shall comply to the height limitations prescribed by that Zone.

H. Population Density: No requirements.

I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of the Light Industrial Zone in this chapter.

J. Yards, Landscaping, Open Space Requirements:

1. Yards: The minimum yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section, except for general hospitals.
   a. For general hospitals, minimum individual yards shall comply with the following:
      (1) Front yard: Fifty feet (50′) minimum.
      (2) Side yard:
           Forty feet (40′) interior minimum.
           Fifty feet (50′) exterior minimum.
      (3) Rear yard: Forty feet (40′) minimum.

2. Landscaping: All uses shall provide landscaping which shall be maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall include a four-inch (4″) raised planter box along the line of abutment.

3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges and Walls:

1. All general hospitals shall be surrounded by an eight-foot (8′) high solid masonry wall or landscaped and maintained fence.
2. Convenience-oriented commercial uses and public buildings, not including storage, corporation, repair yards shall be required to have a six-foot (6′) high solid masonry wall on all sides abutting an M-1 use.

3. The fences, hedges and wall requirements for all other uses in the M-1 Zone shall be as approved by the Planning Commission upon site plan approval.

L. Off-Street Parking Requirements:

1. For all C-3 uses, see Section 18.17.060, subsection L, of this Title.

2. For all other uses, the following off-street parking requirements shall apply:

   a. Warehouses and storage facilities: one (1) space for every one thousand (1,000) square feet of building area or one (1) space for each employee during a maximum shift, whichever is greater.

   b. Manufacturing and industrial uses: uses involving any type of manufacturing shall provide one (1) space for every eight hundred (800) square feet of building floor area or one (1) space for each employee during a maximum shift, whichever is greater.

   c. Office uses within a warehouse or manufacturing use shall provide one (1) space for every 275 square feet of building floor area dedicated to office or one (1) space for each employee during a maximum shift, whichever is greater.

   d. Open uses and commercial and industrial uses conducted primarily outside of buildings: one (1) space for each employee on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

   e. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

   f. Retail stores, food, drug, variety stores, and similar enterprises: one (1) space for every two hundred (200) square feet of net floor area except for floor area used exclusively for administrative office, storage or truck loading.

   g. Restaurants, bars, cafes and other establishments for sale and consumption on the premises of food and beverages: one (1) space for every three (3) seats, plus any additional spaces as prescribed by the Director of Community Development.

M. Off-Street Loading Requirements: All uses shall provide loading spaces unless plans are
submitted showing that the receipt, delivery, or distribution of goods will not disrupt the circulation and off-street parking spaces on the site. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. All main vehicular access to and from an M-1 Zone shall be through streets with a classification of major thoroughfare or greater, as designated by the General Plan.

2. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

3. All ingress to and egress from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: No provisions.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be permitted.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No requirements.

S. Park-In-Lieu Fees: No provisions.

T. Additional Provisions: All metal buildings in the M-1 Zone shall be covered with some rust or corrosion-inhibiting substance. Such substance shall be a color other than clear or silver.
Chapter 20

M-2, GENERAL INDUSTRIAL ZONE

Sections:
18.20.010 Purpose and Intent.
18.20.020 Principal Uses.
18.20.030 Accessory Uses.
18.20.040 Conditional Uses.
18.20.050 Prohibited Uses.
18.20.060 Property Development Standards.

18.20.010 Purpose and Intent.
The M-2, General Industrial Zone is intended to provide for and encourage sound industrial development, providing large and exclusive areas for such development; sufficiently regulated to protect nearby residential, commercial and industrial uses from hazards, noises, and other disturbances and nuisances.

18.20.020 Principal Uses.
Buildings, structures, and land shall be used, and buildings and structures shall hereafter be erected, structurally altered or enlarged in the M-2 Zone only for the following uses, plus such other uses as the Planning Commission may deem to be similar and not more obnoxious or detrimental to the public health, safety, and welfare. All uses shall be subject to the property development standards in Section 18.20.060. All uses shall be of a non-nuisance type as regulated by the performance standards in Chapter 18.38.

A. Those uses permitted in the M-1 Zone.

B. Manufacturing, processing, packaging, and assembly uses, however, the uses listed in Section 18.34.080 shall require a conditional use permit.

C. Railroad yards and repair shops, freight stations, and repair shops.

D. Trucking and motor terminals and repair shops.

E. Public and quasi-public storage and corporation yards.

F. Other uses which the Director of Community Development and/or Planning Commission may deem to be similar in character and purpose to those enumerated above.

18.20.030 Accessory Uses.
The following uses shall be permitted as accessory to all the principal uses in the M-2 Zone:

A. Cafeterias, canteens, and other incidental services when operated within a totally enclosed
building used for one or more of the principal uses.

B. Residential uses required for plant security personnel only.

C. Public and private off-street parking facilities as specified in Section 18.34.120, subsection L.

D. Off-street facilities as specified in Section 18.34.120, subsection M.

E. Recycling center consisting of an area less than five hundred (500) square feet, subject to site plan approval.

**18.20.040 Conditional Uses.**

The following uses may be permitted in the M-2 Zone subject to a conditional use permit as provided for in Chapter 18.30:

A. Automobile service stations.

B. Convenience oriented retail and service commercial uses to primarily serve the principal uses, including but not limited to:

1. Restaurants, coffee shops.

2. Food stores.

3. Confectionery stores.

4. Gift shops.

5. Barber and beauty shops.

C. Public buildings.

D. General hospitals.

E. The manufacturing, compounding, processing, packaging or treatment of products such as:

1. Food products.

2. Fruit and vegetable packing.

3. Perfumes.

4. Toiletries.
5. Alcoholic beverages.

F. Automobile manufacturing.

G. Structural steel fabricating shops, forges, and foundries.

H. Any manufacturing use, involving primary production of the following products from raw materials, provided that such uses are located not less than five hundred feet (500′) from the nearest residential or commercial zone:

1. Aniline dyes.
2. Ammonia.
3. Ammunition.
4. Asphalt.
5. Carbide.
6. Charcoal.
7. Caustic soda.
8. Cellulose.
10. Carbon black and bone black.
11. Creosote.
13. Industrial alcohol.
14. Nitrates of an explosive nature.
15. Potash.
17. Pyroxylin.
18. Rayon yarn.
20. Rubber.
22. Turpentine.
23. Coal, coke, tar products.
24. Fertilizers.
25. Gelatin.

I. The following industrial processes:
   1. Nitrating of cotton or other materials.
   2. Magnesium foundry.
   3. Reduction, refining, smelting and alloying of metal or metal ores. Refining of petroleum products, such as gasoline, kerosene, naphtha, lubricating oil, distillation of wood or bones.
   4. Storage, curing or tanning of raw, green, or salted hides or skins.

J. Stockyards, slaughter houses, slag piles.

K. Storage of fireworks or explosives.

L. Automobile salvage and wrecking operations.

M. Industrial metal, waste rags, glass, paper salvage operations.

N. Off-site advertising, subject to the provisions of Chapter 18.26 of this Title.

O. Recycling center and auxiliary facilities consisting of an area greater than five hundred (500) square feet of floor area.

P. Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular telephone antennas.
Q. Adult businesses as allowed by Chapter 5.15 of this Code.

R. Industrial recreational facility, as defined under Section 18.02.010 of this Title.

S. Pallet Storage/Pallet Fabrication related uses.

18.20.050 Prohibited Uses.
The following uses are expressly prohibited in the M-2 Zone:

A. Residential uses unless otherwise authorized as an accessory use in this Chapter.

B. Retail commercial and service commercial uses unless otherwise authorized as a conditional use in this Chapter.

C. Administrative and office uses unless otherwise authorized as a conditional use in this Chapter.

D. Fortunetelling and related activities as defined in Chapter 5.12 of this Code.

18.20.060 Property Development Standards.
The following property development standards shall apply to all land and buildings in the M-2 Zone:

A. Lot Area: For all new lots and proposed rezoning:
   1. The minimum lot area in the M-2 Zone shall be twenty thousand (20,000) square feet with the exception of the following conditional uses:
      a. Automobile service stations.
      b. Convenience-oriented commercial uses.
      c. Public buildings (other than storage, corporation, repair yards).
   2. The minimum lot size for the above conditional uses shall be as approved by the Planning Commission.

B. Lot Coverage: The maximum allowable lot coverage for all uses shall be sixty percent (65%).

C. Lot Dimensions:
   1. The following minimum lot dimensions shall apply, unless otherwise approved by the Planning Commission:
a. Width: One hundred feet (100′) minimum.

b. Depth: One hundred feet (100′) minimum.

D. Setback Requirements:

1. Front Yard: Twenty-five feet (25′) minimum.

2. Side Yard:
   a. Interior—no requirements.
   b. Exterior—twenty-five feet (25′) minimum.

3. Rear Yard: No requirements.

4. The setback requirements for automobile service stations, convenience-oriented commercial uses, and public buildings (other than storage and corporation yards) shall be subject to the setback requirements approved by the Planning Commission.

5. Cellular Equipment Supports: Self-supporting, monopole or guyed towers constructed for the purpose of supporting cellular equipment, shall not be located within a distance equal to twice the height of the tower from a residentially-zoned parcel.

6. Fences: No front and exterior side-yard setback is required for fences in the industrial-zoned area located west of Railroad Avenue between Whitmore Avenue and Industrial Way subject to the following:

   a. A minimum ten foot (10′) wide landscaped area shall be provided on the street side of the fence along all street frontages. The minimum ten foot (10′) wide landscaped area may include area in the street right of way. The landscaping shall comply with the Water Efficient Landscape Guidelines and Standards and shall be used to screen any outdoor storage areas if the fence is not solid (a chain-link fence with slats is considered solid for screening purposes). The landscape area may be reduced to not less than five feet (5′) in width when installed in conjunction with masonry, wrought iron, or other decorative fence material.

   b. The maximum fence height in the front and exterior side-yard setback area is eight feet (8′) including any security attachments such as barbed wire.

   c. The type and location of the fence and the required landscaping shall receive approval by the Planning and Community Development Department.

   d. Fences along Whitmore Avenue shall meet the full setback requirements.
E. Distance Between Buildings: For all uses, no requirements.

F. Floor Area Requirements:
   1. For all buildings and the first story of all multiple-story buildings, the maximum allowable FAR shall be 0.65:1.0.
   2. For all multiple-story buildings, the maximum allowable FAR shall be as approved by the Planning Commission.

G. Building Height Requirements: The height of all main and accessory buildings erected in the M-2 Zone shall be as approved by the Planning Commission upon site plan approval, except those areas of an M-2 Zone that fall within the area designated as an Airport Overlay Zone, which shall comply with the height limitations prescribed by the zone, if they are more restrictive.

H. Population Density: No requirements.

I. Site Plan Approval: Before any building is erected on any lot, a site plan, floor plans of all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission.

J. Yards, Landscaping, Open Space Requirements:
   1. Yards: The minimum yard requirements for all uses shall be the same as those listed in the setback requirements in subsection D of this Section.
   2. Landscaping: All uses shall provide landscaping which shall be maintained, all new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall include a four-inch (4") raised planter box along the line of abutment.
   3. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission upon site plan approval.

K. Fences, Hedges And Walls:
   1. All general hospitals shall be surrounded by a ten-foot (10’) high solid masonry wall or landscaped and maintained fence.
   2. The following conditional uses shall be required to have an eight-foot (8’) high solid masonry wall on all sides abutting an M-2 use:
      a. Convenience-oriented commercial uses.
b. Public buildings (except storage, corporation, repair yards).

3. The fences, hedges and wall requirements for all other uses in the M-2 Zone shall be as approved by the Planning Commission upon site plan approval.

L. Off-Street Parking Requirements: For all uses, the following off-street parking requirements shall apply:

1. Manufacturing and industrial uses: Uses involving any type of manufacturing shall provide one (1) space for every eight hundred (800) square feet of building floor area or one (1) space for each employee during a maximum shift, whichever is greater.

2. Warehouses and storage facilities: one (1) space for every one thousand (1,000) square feet of building area or one (1) space for each employee during a maximum shift, whichever is greater.

3. Office uses within a warehouse or manufacturing use shall provide one (1) space for every 275 square feet of building floor area dedicated to office or one (1) space for each employee during a maximum shift, whichever is greater.

4. Open uses and commercial and industrial uses conducted primarily outside of buildings: one (1) space for each employee on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

5. Automobile service stations: one (1) space for every three hundred (300) square feet of floor area.

6. Public buildings and grounds other than schools and administrative offices: one (1) space for every two (2) employees, plus the number of additional spaces prescribed by the Director of Community Development.

7. Public utility structures and installations: one (1) space for every two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Director of Community Development.

8. Retail stores, food, drug, variety stores, and similar enterprises: one (1) space for every two hundred (200) square feet of net floor area except for floor area used exclusively for administrative office, storage or truck loading.

9. Restaurants, bars, cafes and other establishments for sale and consumption on the premises of food and beverages: one (1) space for every three (3) seats, plus any additional spaces as prescribed by the Director of Community Development.

10. General hospitals: one and one-half (1½) spaces for each licensed bed. Facilities of one hundred (100) beds and larger shall provide off-street parking as prescribed by the Director of Community Development.

11. All off-street parking shall comply with the standards listed in Chapter 18.25 of this Title.
M. Off-Street Loading Requirements: All uses shall provide loading spaces unless plans are submitted showing that the receipt, delivery or distribution of goods will not disrupt the circulation and off-street parking spaces on the site. Off-street loading shall comply with the standards established by Chapter 18.25 of this Title.

N. Access:

1. All main vehicular access to and from M-2 Zone shall be through streets with a classification of major thoroughfare or greater, as designated by the General Plan.

2. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.

3. All ingress and egress to and from public property shall be in a forward motion.

O. Signing: All signage shall comply with Chapter 18.26 of this Title.

P. Laundry, Clothes Drying Areas, Facilities: No provisions.

Q. Solid Waste Storage, Disposal Facilities:

1. No open storage shall be allowed.

2. Unless specifically waived by the Director of Community Development, an area for the storage, collection, and loading of garbage, solid waste, refuse and recyclable materials shall be provided for each use or development where common trash collection facilities are provided. Such areas shall be conveniently located for users and collectors and of sufficient size to accommodate the volume of garbage, solid waste, refuse and recyclable materials generated by the use, uses or development. Such areas shall be protected from the weather and screened from public view in accordance with the Ceres Water Efficient Landscaping Guidelines and Standards.

R. Recreational Facilities: No requirements.

S. Park-In-Lieu Fees: No provisions.

T. Additional Provisions: All metal buildings in the M-2 Zone shall be covered with some rust or corrosion-inhibiting substance. Such substance shall be a color other than clear or silver.
Chapter 21

A-O AIRPORT OVERLAY ZONE

Sections:
18.21.010 Purpose and Intent.
18.21.020 Property Development Standards.

18.21.010 Purpose and Intent.
The A-O, Airport Overlay Zone is intended to be an overlay zone to other zones within the City to provide for additional property development standards for those areas of the City located within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the Modesto City-County Airport. These zones are shown on the Modesto City-County Airport Approach and Clear Zone Plan, consisting of one sheet, prepared by the City of Modesto Planning and Community Development Department and may also be included in the Stanislaus County Airport Land Use Compatibility Plan.

The purpose of this Zone is to prevent hazards that may endanger the lives and property of the users of the airport, the residents and property in the vicinity of the airport, and in effect reduce the size of the area available for landing, takeoff, and maneuver of aircraft, thus tending to destroy or impair the utility of the airport.

18.21.020 Property Development Standards.
The following property development standards shall apply to all land, buildings, and structures within the A-O Zone.

A. Airport Zone Height Limitations: Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any overlay zone created by this Chapter to a height in excess of the applicable height limit established for such zone. Such applicable height limitations are hereby established for each of the overlay zones in question as follows:

1. Utility Runway Visual Approach Zone: The height limit for the Utility Runway Visual Approach Zone slopes upward twenty feet (20′) horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface.

2. Non-Precision Instrument Approach Zone: The height limit for the Non-Precision Instrument Approach Zone slopes upward thirty-four feet (34′) horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface.

3. Precision Instrument Runway Approach Zone: The height limit for the Precision Instrument Runway Approach Zone slopes upward fifty feet (50′) horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000′) along the extended runway centerline; thence slopes upward forty feet (40′) horizontally for each foot vertically to an
additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.

4. Transitional Zones: The height limit for the Transitional Zone slopes upward and outward seven feet (7') horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extends to a height of one hundred fifty feet (150') above the airport elevation which is two hundred forty-seven feet (247') above mean sea level. The height limit of the Transitional Zone also slopes upward and outward seven feet (7') horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the horizontal surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, height limits sloping upward and outward seven feet (7') horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

5. Horizontal Zone: The height limit for the Horizontal Zone is one hundred fifty feet (150') above the airport elevation or a height of two hundred forty-seven feet (247') above the mean sea level.

6. Conical Zone: The height limit for the Conical Zone slopes upward and outward twenty feet (20') horizontally for each foot vertically beginning at the outer periphery of the Horizontal Zone and beginning at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation or a height of four hundred forty-seven feet (447') above the mean sea level.

7. Excepted Height Limitation: Nothing in this Chapter shall be construed as prohibiting the growth, construction, or maintenance of any building, structure or tree to a height up to thirty-five feet (35') above the surface of the land in any zone. This exception does not apply to any navigation easement owned by the City.

B. Lighting and Electrical Interference:

1. Notwithstanding any other provisions of this chapter, no use within the A-O Zone may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare to the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

2. The owner of any existing nonconforming building, structure or tree shall be required to permit the installation, operation, end maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of
aircraft in the vicinity of the airport, the presence of airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City.
Chapter 22

H-P, HISTORIC PRESERVATION ZONE

Sections:
18.22.010 Purpose and Intent.
18.22.020 Property Development Standards.

18.22.010 Purpose and Intent.
The H-P, Historic Preservation Zone is intended to be an overlay zone to the other zones within the City to provide for additional review and property development standards for those areas or structures which reflect the City's historic, architectural, aesthetic, or other heritage as may be defined under Chapter 18.35 Historic Preservation.

The purpose of the H-P, Historic Preservation Zone is to identify and promote the City's heritage through identification and specific building permit review as established under Chapter 18.35 Historic Preservation.

18.22.020 Property Development Standards.
The following property development standards shall apply to all land, buildings, and structures within the H-P Zone.

A. The property development standards of the base zone district shall apply if such standards do not conflict with the purpose and intent of Chapter 18.35.

B. No building permit shall be issued and no building, alteration, demolition, or removal of any improvements shall occur until such permits are approved in accordance with Chapter 18.35 Historic Preservation.
Chapter 23

MATERIAL EFFECTS PERFORMANCE STANDARDS

Sections:
18.23.010  General Provisions.
18.23.020  Locations Where Determinations Are To Be Made.
18.23.030  Dangerous and Objectional Elements.

18.23.010  General Provisions.
No building, structure or land shall be used, hereafter erected, structurally altered, or enlarged to be used or occupied in such a manner as to create any dangerous, injurious, noxious, annoying, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, odor, gas, or other form of air pollution; heat, cold, electrical or other disturbance; glare; liquid or solid refuse or wastes; or any other substances, conditions, or elements which would adversely affect the surrounding area or adjoining premises.

18.23.020  Locations Where Determinations Are To Be Made.
Measurements necessary for the enforcement of performance standards shall be taken at the following points:

A. At the lot line of the establishment or use in any zone except C-3, M-1, M-2 Zones.

B. In the C-3, M-1, and M-2 Zones, three hundred feet (300′) from the establishment or use, or at the boundary of the zone if closer to the establishment or use, or at any point within an adjacent Non-Industrial Zone.

18.23.030  Dangerous and Objectional Elements.

A. Noise: No noise shall be radiated from any use or facility that either;

1. Fails to comply with the noise standards established in Chapter 9.04 of this Code; or

2. In any other way constitutes a nuisance to adjacent or adjoining properties.
<table>
<thead>
<tr>
<th>Land Use Categories</th>
<th>55</th>
<th>60</th>
<th>65</th>
<th>70</th>
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<tr>
<td>Residential – Low Density Single-Family, Duplex, Mobile Homes</td>
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<td>Residential – Multi-family and Mixed Use</td>
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<td>Transient Lodging – Hotels, Motels</td>
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<td>Schools, Libraries, Churches, Hospitals, Nursing Homes</td>
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<td>Office Buildings, Business Commercial and Professional</td>
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<td>Playgrounds, Neighborhood Parks</td>
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<td>Golf courses, Riding Stables, Cemeteries</td>
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<tr>
<td>Industrial, Manufacturing, Utilities, Agriculture</td>
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<tr>
<td>Auditoriums, Concert Halls, Amphitheaters</td>
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<td>Sports Arena, Outdoor Spectator Sports</td>
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- **Normally Acceptable:** Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

- **Conditionally Acceptable:** New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

- ** Normally Unacceptable:** New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

- **Clearly Unacceptable:** New construction or development should generally not be undertaken.
B. **Vibration:** No use shall produce any vibration that is transmitted through the ground and is discernable without the aid of instruments.

C. **Odors:** All uses shall be so operated that they do not emit any odors in such quantity or degree as to constitute a nuisance to adjacent or adjoining properties.

D. **Glare:** Every use shall be so operated that it does not emit direct or indirect glare in such quantities or degree as to constitute a nuisance to adjacent or adjoining properties.

E. **Fire and Explosion Hazards:** All activities involving the use and storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry.

F. **Heat:** No heat emission shall be permitted by any use or facility which at any time either:

1. Increases the temperature on any adjacent property in excess of ten degrees (10°) Fahrenheit, whether such an increase be in the air or on the ground, or in a natural stream or lake, or in any structure; or

2. In any other way constitutes a nuisance to adjacent or adjoining properties.

G. **Radioactivity or Electric Disturbance:** No use or activity shall be permitted which emits dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment located on adjacent properties.

H. **Smoke, Fumes, Gases, Dust, and Particulate Matter:** No emission shall be permitted at any point which would violate the current regulation for such emission as established by the San Joaquin Valley Air Pollution Control District.

I. **Liquid or Solid Waste:** No discharge shall be permitted at any point into any public sewer, private sewage system, or stream or into the ground, except in accord with standards approved by the State and County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply, interfere with material processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.
Chapter 24

PARKING AND STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

Sections:
18.24.010 Purpose.
18.24.020 Scope and Application.
18.24.030 Recreational Vehicles Defined.
18.24.040 Rules and Regulations Applicable to Developed Residential Properties.
18.24.050 Use of Recreational Vehicle as Temporary Guest.
18.24.060 Violation/Penalty.

18.24.010 Purpose.
The purpose of this Chapter is to establish reasonable rules and regulations regarding the parking and storage of recreational vehicles on residential properties in order to promote to general health, safety and welfare of the citizens of this community.

18.24.020 Scope and Application.
The provisions of this Chapter shall not affect, nor have any application to the following:

A. The parking and storage of recreational vehicles on residential properties developed and constructed pursuant to the provisions of the PC, Planned Community Zone, contained in Chapter 18.13 of this Code, whether such residential properties were developed and constructed prior to, or subsequent to, the effective date of the ordinance codified in this Chapter.

B. The validity or enforcement of the provisions contained in Chapter 10.14 of this Code relating to abandoned, wrecked, dismantled, or inoperative vehicles on private property.

C. Any residential subdivision or other residential development which is subject to any specific plans, master plans, private covenants, conditions and restrictions which impose rules, regulations or standards relating to recreational vehicle parking or storage which are more restrictive than those imposed by the provisions of this Chapter.

18.24.030 Recreational Vehicles Defined.
For the purpose of this Chapter, recreational vehicles are defined to include but not be limited to motor homes, pull behind trailers and campers, fifth wheel, pickup truck campers (whether on or off the pickup truck), motorboats and sailboats with trailers, converted vans, jet skis, snowmobiles, on and off-road motorcycles, all-terrain vehicles (ATV’s), utility trailers, and any other similar type of vehicle possessed and used for recreational purposes.

18.24.040 Rules and Regulations Applicable to Developed Residential Properties.
The following rules and regulations shall apply to all developed residential properties.

A. Permitted Parking and Storage. Residents may park and store upon their developed
property such recreational vehicles they may own or possess, which are lawfully registered to any occupant of the premises, in such number and type as they may possess. The manner in which such vehicles are to be parked or stored on developed residential properties shall be regulated by this Chapter. Such vehicles are not permitted to be parked or stored on undeveloped properties.

1. Recreational vehicles may be parked or stored within the side yard or rear yard setback area of a property, and said vehicles may also be permitted within the front yard setback area of a property provided they are parked or stored in a direction that is perpendicular to the street or right of way. A recreational vehicle may be parked or stored on property non-perpendicular to the street or right of way if on a curvilinear driveway leading to the home’s primary garage. On corner lots, a recreational vehicle may be parked on property parallel to the secondary street or right of way if perpendicular to the primary street or right of way. Recreational Vehicles shall not be parked or stored within any landscape areas of properties. There shall not be more than two recreational vehicles parked or stored within the front or exterior side-yard of a property. There is not a limit for recreational vehicles that are parked and stored in a fenced side or rear yard.


1. All recreational vehicles shall be kept reasonably clean and free of accumulated dirt, trash, flat tires, and broken windows.

2. Recreational vehicles shall be maintained in such a manner as will not present a fire hazard. In this regard, the area surrounding the recreational vehicle shall be kept free of trash, rubbish, or flammable materials.

3. Recreational vehicles shall not be permitted to leak any fluids, gasoline, diesel, propane, anti-freeze, or sewage. Any leakages or any hazard to the public shall be the sole liability of the recreational vehicle owner or the person who is in control of the property, either as tenant, licensee, or owner.

4. Recreational vehicles shall be parked or stored in a manner which does not block any ingress or egress to the residence, including ingress or egress through windows.

5. Recreational vehicles shall be parked or stored in a manner which does not allow such vehicle to obscure the view of any traffic sign or extend into any public right-of-way, such as a sidewalk, public alley or curb; nor shall such vehicle extend over or onto other private property without the permission of the property owner.

6. Recreational vehicles shall be parked or stored so that they remain a safe distance from energized utilities. The safe distance shall be determined by the Fire Department.

7. Recreational vehicles shall not be used as kennels or other animal storage, nor shall recreational vehicles be allowed to become infested with rodents, stray animals, insects, or other creatures which pose a health and safety hazard.
8. Recreational vehicles stored on property pursuant to this Section and within public view, and if covered, shall have a properly fitted cover designed for the vehicle that they are covering. Use of tarps, plastic or other similar materials is expressly prohibited for use as a cover.

18.24.050 Use of Recreational Vehicle as Temporary Guest.
Recreational vehicles which are lawfully parked or stored upon residential property may be used for guest quarters for a period not to exceed thirty (30) days within a calendar year. An emergency extension of the thirty (30) day period within a calendar year may be granted in the discretion of the Director of Community Development.

No recreational vehicle lawfully parked or stored upon residential property may be rented, leased, used or occupied as a permanent residence.

18.24.060 Violation/Penalty.
Violation of any provision of this Chapter shall be an infraction and shall be punishable as provided in Title 19 of this Code.
Chapter 25

OFF-STREET PARKING AND LOADING STANDARDS

Sections:
18.25.010 Off Street Parking Facilities.
18.25.020 Off Street Loading Facilities.

18.25.010 Off Street Parking Facilities.
All off-street parking facilities shall conform to the following minimum standards:

A. Dimensions:

1. Table:

<table>
<thead>
<tr>
<th>ANGLE</th>
<th>STALL WIDTH</th>
<th>STALL DEPTH</th>
<th>STALL DEPTH</th>
<th>STALL DEPTH</th>
<th>DRIVE-WAY WIDTH</th>
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</thead>
<tbody>
<tr>
<td>45°</td>
<td>12.7'</td>
<td>19.8'</td>
<td>33.2'</td>
<td>8.8'</td>
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<tr>
<td>50°</td>
<td>11.8'</td>
<td>20.3'</td>
<td>34.8'</td>
<td>9.4'</td>
<td></td>
</tr>
<tr>
<td>55°</td>
<td>11.0'</td>
<td>20.7'</td>
<td>36.3'</td>
<td>11.6'</td>
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</tr>
<tr>
<td>60°</td>
<td>10.4'</td>
<td>21.0'</td>
<td>37.5'</td>
<td>15.0'</td>
<td></td>
</tr>
<tr>
<td>70°</td>
<td>9.6'</td>
<td>20.9'</td>
<td>38.7'</td>
<td>18.2'</td>
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</tr>
<tr>
<td>80°</td>
<td>9.1'</td>
<td>20.3'</td>
<td>39.0'</td>
<td>22.4'</td>
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<tr>
<td>90°</td>
<td>9.0'</td>
<td>19.0'</td>
<td>38.0'</td>
<td>24.0'</td>
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</tr>
</tbody>
</table>
2. For any given parking between forty-five degrees (45°) and ninety degrees (90°) not specifically listed in the above table, use a table angle nearest the given angle.

3. The minimum driveway width (F) at any parking stall angle less than forty-five degrees (45°), including parallel stalls, is eight point eight feet (8.8′).

4. The turnaround or end driveway width (G) shall be a minimum of eighteen feet (18′).

5. The wheelstop setback dimension (E) shall be a minimum of two feet (2′) for any parking plan.

6. The required front setback dimension (A) shall be as specified for the zone in which the parking lot is to be located.

B. Access:

1. All ingress to and egress from off-street parking facilities with the exception of the R-1 and R-2 Zones and used properties shall be in a forward motion. However, alleyways may be used for ingress and egress to and from parking stalls provided that the stalls are set back the proper distance from the property line so that the aisle width is sufficient, as required in the Parking Stall and Aisle Dimension Table.

2. Any driveway used for both ingress to and egress from a parking facility shall have a minimum width of twenty feet (20′). Any driveway used for either ingress or egress to or from a parking facility and not directly serving parking stalls shall have a minimum width of ten feet (10′).

C. Small Car “Compact” Stalls: If desired, thirty percent (30%) of the required parking stalls may be designated for parking small cars. Small car stalls shall be seven and one-half feet (7½′) in width and fifteen feet (15′) in length for ninety-degree (90°) angle. Each small car space shall be identified with the word “compact” painted on the pavement. Small car spaces shall be distributed within a parking lot and not all grouped/bunched in one location.

D. Handicap Spaces: Every parking facility serving commercial, industrial and public uses shall include parking stalls for the physically handicapped. Parking spaces for physically handicapped persons shall be provided per the latest adopted version of the California Building Code.

E. Location: Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest point of the building that such parking area is required to serve.

1. For one, two (2), or multiple-family dwellings, parking areas shall be located on
the same lot or building site as the buildings they are required to serve.

2. For hospitals, sanitariums, residential care facilities, asylums, orphanages, rooming houses, lodging houses, fraternity, and sorority houses, parking areas shall not be located more than one hundred fifty feet (150’) from the buildings they are required to serve.

3. For uses other than those specified above, parking areas shall not be located over four hundred feet (400’) from the building they are required to serve.

F. Landscaping: Not less than five percent (5%) of the interior of all off-street parking facilities with five (5) or more spaces shall be landscaped and maintained. All such landscaping and maintenance shall be subject to approval by the Director of Community Development or his or her designee.

G. Lighting: All off-street parking facilities shall be illuminated. Illumination shall be so arranged as to reflect the light away from adjacent properties, streets or highways. All off-street parking illumination facilities shall be as approved by the Community Development Director.

H. Screening:

1. General: All off-street parking facilities with five (5) or more spaces abutting a dedicated street shall be separated from such street by a decorative wall, view-obscuring fence, permanently maintained evergreen hedge, earth berm or combination thereof, not less than thirty inches (30”) and not more than thirty-six inches (36”) in height.

2. Abutting Residential Zones: All off-street parking facilities with five (5) or more spaces abutting a residential use shall be separated from such property by a six-foot (6’) high solid masonry wall or landscaped and maintained fence.

I. Vehicle Repair Work: No major repair work or servicing of vehicles shall be conducted in any off-street parking facilities.

J. Site Plan Approval: Before any off-street parking facility containing ten (10) or more spaces may be erected on any lot in any zone, a site plan and a landscape plan shall be submitted to and approved by the Planning Commission upon site plan approval. Any off-street parking facility containing nine (9) or fewer spaces may be approved administratively by the Director of Community Development or his or her designee, if all standards of this Section are met.

K. Paving: All off-street parking facilities, parking spaces, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to adjacent properties, streets or alleys.

18.25.020 Off Street Loading Facilities.
All off-street loading facilities shall conform to the following standards:
A. Dimensions: Each loading space shall be at least forty feet (40’) in length, twelve feet (12’) in width exclusive of aisle or maneuvering space, and shall have an overhead clearance or at least fourteen feet (14’).

B. Access: All loading space shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley. From major streets, all ingress and egress to or from a loading space shall be in a forward motion.

C. Paving: All loading spaces, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to adjacent properties, streets or alleys.

D. Lighting: If the loading area is illuminated, lighting shall be deflected away from adjacent uses so as to cause no annoying glare.

E. Vehicle Repair Work: No repair work or servicing of vehicles shall be conducted on off-street loading facilities.
Chapter 26

SIGNING STANDARDS*

Sections:
18.26.010 Purpose and Intent.
18.26.040 Fees.
18.26.050 Definitions.
18.26.080 Temporary Signs.
18.26.090 Free Standing Directional Signs.
18.26.100 Tenant Identification Signs.
18.26.120 Illumination.
18.26.130 Maintenance and Use of Nonconforming Signs; Removal Without Compensation.
18.26.140 Removal of Illegal Signs; Procedure.
18.26.150 Inventory and Abatement.
18.26.160 Abandoned, Dilapidated or Unsafe Signs, Fracture, Structural Members and Supporting Poles.

18.26.010 Purpose and Intent
The purpose of this Chapter is to establish sign regulations that are intended to:

A. Protect the general public health, safety, welfare and aesthetics of the community.

B. Promote the City's standards for appearance by regulating the design, character, location, type, quantity, quality of materials, scale, color, illumination, and maintenance of signs.

C. Improve pedestrian and traffic safety.

D. Maintain and enhance the City's ability to attract and retain businesses which are sources of economic development, employment, and revenue for the City and its residents.

E. Minimize the possible adverse effect of signs on nearby public and private property.

F. Enable the fair and consistent enforcement of these sign regulations.

No sign may be erected, placed, established, painted, created or maintained in the City except in
conformance with the standards, procedures, exemptions, and other requirements of this Chapter. Any applicable master or specific plan guidelines may be more restrictive. The effect of these regulations is to:

A. Establish an approval system to allow a variety of types of signs, subject to the standards and procedures of this Chapter.

B. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without a requirement for formal approvals.

C. Provide for temporary signs in limited numbers and circumstances.

D. Provide for the repair or removal of abandoned, dilapidated or unsafe signs, which may be causing a hazard for pedestrians or vehicles.

E. Provide for the enforcement of the provisions of this Chapter.

A sign approval shall be obtained from the Planning Division before erection or display of any signs, except as provided by Section 18.26.060. A building permit is generally required for most types of new signs made of permanent materials and shall be obtained concurrent with or immediately following any sign approval required.

A. A sign approval shall expire eighteen (18) months after its effective date, unless the sign has been erected or a different expiration date is stipulated at the time of approval. A sign approval shall remain valid for the duration of any building permit issued for the proposed sign.

B. A sign approval shall become void if the sign is not constructed, installed, or maintained in accordance with the approved application. The sign will then be considered illegal and shall be required to be corrected to conform to the terms of this Chapter or be abated according to the provisions of Section 18.26.140. Any sign not legally erected or erected without a sign approval after the effective date of this Chapter shall be considered illegal.

18.26.040 Fees.
Each application for a sign for which an approval is required by this Chapter shall be accompanied by a sign approval fee as established by City Council resolution from time to time.

18.26.050 Definitions.
The following words and phrases utilized in this Chapter not defined elsewhere are defined below:

“A-Frame Sign”: A freestanding sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." Such signs are usually designed to be portable, hence they are not considered permanent signs.
“Abandoned Sign”: Any display remaining in place or not maintained for a period of one hundred eighty (180) days or more which no longer advertises or identifies an ongoing business, product or service available on the business premises where the display is located.

“Animated or Moving Sign”: Any sign which uses movement lighting or special materials to depict action or create a special effect.

“Architectural Feature”: An element that appears to be part of the designated sign area, but is actually physically integrated into a building’s design (stone, stucco, wood or other building material) and is not utilized as part of calculating sign area (i.e., illuminated sign letters vs. non-illuminated background area for signage).

“Attached Sign”: Any sign which is affixed to and made an integral part of a building or structure. Attached signs include, but are not limited to wall signs, roof signs and projecting signs, to distinguish them from freestanding and ground signs.

“Awning”: A temporary or permanent structure attached to, or supported by a building, designed for aesthetics, or shelter over a pedestrian or vehicular way and which may or may not project over public property.

“Balloon”: Any cloth, plastic, paper, or similar material used for advertising purposes, typically hot or cold air captive balloons, inflatable animals, or similar signs, which may be attached to any structure, staff, pole, line, framing or vehicle, and may or may not be designed to move with the wind.

“Banner”: Any cloth, plastic, paper, or similar material used for advertising purposes attached to any structure, staff, pole, line, framing or vehicle, anchored or secured to attract attention by windblown movement.

“Business Center”: Shopping centers, major single-tenant and multi-tenant commercial and industrial buildings located on sites greater than five acres.

“Business Frontage”: The primary business frontage is that portion of the building elevation facing a street, parking lot or walkway in which the primary entrance to the building is located. All other business frontage is secondary business frontage. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

“Canopy”: Any fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not project over public property.

“Construction Sign”: Sign located on a site during construction, which informs of new buildings, opening dates, leasing opportunities and/or identifies the architects, engineers, contractors, and financiers.
“Dilapidated Sign”: Any sign or element of a sign which is excessively weathered or structurally unsound, or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions.

“Directional Sign: The primary intent of the directional sign is to direct both pedestrian and vehicular traffic to parking or buildings on the premises that are not readily identifiable from the adjacent sidewalk or street. The advertisement of the business or use is not the main function of this type of sign.

“Electronic Changeable Copy Sign”: A sign utilizing grouped lighting elements under electronic control to permit the regular and frequent change of copy.

“Feather Banner”: Any cloth, plastic, paper or similar material used for advertising purposes attached to any pole or similar device, anchored or secured to attract attention by windblown movement.

“Flag”: Any cloth, plastic, paper or similar material used for advertising purposes, most typically flown from a pole, but may be attached to any structure, staff, pole, line, framing or vehicle, whose windblown movement is designed to attract attention, but not including official flags of the United States, the State of California and other states of the Nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

“Free Standing Sign”: Any sign which is supported by structures or supports that are not attached to a building or buildings.

“Ground Sign”: A freestanding sign six feet (6’) or less in height with a base or method of support which is an integral part of the sign.

“Highway Oriented Use” E: Any professional, retail or commercial, or industrial use located on property within two hundred feet (200’) of the State Highway 99 right of way.

“Marquee”: A permanent roofed structure attached to and supported by a building and projecting over public property.

“Neon Signs”: Any type of advertising with tubes internally illuminated with neon or similar type of gas. A single neon tube, used around a building as a trim or accent, is not considered a sign.

“Nonconforming Sign”: Any legally established sign which fails to conform to the regulations of this Chapter.

“Off-Site Advertising or Billboard”: Any sign advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or offered at the property on which the sign is located.

“Pennant”: Any cloth, plastic, paper or similar material used for advertising purposes, most
typically hung along a string, but may be attached to any structure, staff, pole, line, framing or vehicle, whose windblown movement is designed to attract attention.

“Portable Sign”: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

“Project Identification Monument Sign”: A specific type of ground sign supported from grade to the bottom of the sign with the appearance of having a solid base. These signs are generally located at the primary entry points to a project, and identify the name of a center or group of buildings rather than that of an individual tenant.

“Reader Board”: A sign constructed so that individual letters or other advertising material can easily be changed, used only by businesses, activities or uses that depend on frequently changing events.

“Sign”: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of a person or entity, or communicate information of any kind to the public.

“Sign Approval”: An approval issued by the Planning Division to any person or entity authorized by this Chapter to erect a sign, except as exempted. A building permit issued by the Building Department may also be required prior to a sign being lawfully erected.

“Sign Area”: The entire face of a sign, including the surface and any framing projections or molding, but not including the support structure. Where a sign consists of individual letters or an individual logo/symbol that is attached to or painted on the wall of a building or structure where there is no distinguishable frame or border, the combined square footage of each individual letter or individual logo/symbol will be considered as the sign area. If the calculations of individual letters or logos/symbols cannot be determined, then dimensions around each letter or logo/symbol may be used to determine the sign area. For ground signs, Figure 1 illustrates measurements of sign area and height. Ground sign area is the area of the sign and structure beginning at a point above the base or pedestal upon which the sign is mounted.

![Figure 1](image)

“Sign Height”: Sign height shall be measured as the vertical distance from the top of the street curb nearest the sign, to the top of the sign, including the support structure and any design elements.
See Figure 1.

“Temporary Sign”: Nonilluminated signs on private property either designed to be displayed for a short period of time, not permanently affixed to a building or property or constructed of lightweight materials such as paper, cloth, cardboard, wallboard, etc.

“Window Sign”: Any sign that is painted, applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

“Yard Sign”: A sign placed in the front or side yard of any property that does not exceed more than six square feet and is not more than three feet in height.

A sign approval is not required for the signs contained in this Section. The location, number, and area of these signs are regulated only by this Section and are allowed in addition to signs regulated by other sections of this Chapter.

A. Official Signs: Official signs posted pursuant to and in the discharge of any governmental function by public officials in the performance of their duties (including traffic and street name signs, as well as notices, emblems or other forms of identification and signs required by law). Sign groupings for the purpose of display of logos of nonprofit service organizations where such grouping is provided for and approved by the City Council shall be considered official signs.

B. Interior Signs: Signs located in the enclosed lobby or court of any building or group of buildings, which are not visible from any public right of way.

C. Window Signs: Signs in windows not exceeding twenty-five percent (25%) of the window area. Painted windows signs that celebrate the recognized holidays, and not commercial advertisements or sales, shall not exceed 50% of the window area.

D. Informational Signs: Signs for the safety and convenience of the public such as "restrooms," "danger," "impaired clearance," "no smoking," and other signs of a similar nature, up to two (2) square feet per sign, unless a larger sign is otherwise required by State or Federal law.

E. Yard Signs: Nonilluminated and noncommercial yard signs are permitted in any number either freestanding or attached, limited to a total sign area of six (6) square feet per sign in residential zones and thirty-two (32) square feet per sign in other zones. No single yard sign shall be erected for more than one hundred thirty (130) days. No sign shall be erected on private property without the property owner's consent. Ground-mounted yard signs may be placed within City right of way or within a public utility easement (excluding canal easements/ownership) provided that such signs: (1) shall not be placed any closer than ten (10) feet from the edge of the paved portion of a roadway where no sidewalk is present or five (5) feet back from the edge of sidewalk; (2) shall comply with Code Section 18.27.020 (Clear Vision Triangle); and (3) shall not create a safety hazard for vehicles exiting existing commercial and residential driveways. Yard signs are not
permitted at any time within canal easements or /ownership or on utility poles located in a utility easement. Yard signs that are installed within City right of way or within a public utility easement may be removed by the City/utility authority as necessary to accommodate work within said right of way or utility easement. In such an event, neither the City nor the utility removing the sign shall not have any liability to the owner(s) of such yard signs.

F. Nameplates, Street Addresses And Building Directories: Street addresses and nameplates not exceeding two (2) square feet in area for single-family or two-family dwelling structures and four (4) square feet per sign for all other uses, and displaying only the name of the premises upon which it is displayed; the name of the owner or lessee of such premises; and the address of such premises. Buildings with more than five (5) tenants may have building directories not to exceed nine (9) square feet, affixed flat against the wall of a building, or as a ground sign, which only show the name and/or address of the persons or entity occupying the building.

G. Seasonal Decorations: Holiday greetings, decorations, and displays, excluding advertising signs disguised as seasonal decorations.

H. Plaques: Solid metal plaques or cut inscriptions, either erected by recognized historical agencies, or which show names of buildings and dates of construction, provided the sign does not exceed four (4) square feet in area.

I. Replacement of Sign Copy: The removal and replacement of sign copy without increasing or decreasing the area of the sign. The sign container, including the structural and electrical connections, with the exception of necessary maintenance or repairs, shall remain unchanged. Any increase or decrease to the area of the sign shall require a sign approval.

J. Flags: The flag of any country, state, school or duly constituted governmental body, or charitable, civic or nonprofit organization, when not intended to be displayed for advertising purposes.

K. Artwork: Any sculpture, display, or decoration clearly intended to be a work of art rather than related to the use of the property, as determined by the Director of Community Development. Any decision of the Director may be appealed to the Planning Commission.

L. Bulletin Boards: Bulletin boards not over twenty-four (24) square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions.

M. Real Estate Signs:

1. One nonilluminated sign on each street frontage for any lot or building which serves solely to advertise the sale, lease or rental of or an offer to build to suit on the premises where the sign is located, provided the sign does not exceed twenty-four (24) square feet in area and ten feet (10′) in height if the sign is in a commercial, professional or industrial zone, or six (6) square feet in area and four feet (4′) in height if the sign is in a residential zone.
2. Three (3) nonilluminated open house directional signs, each not exceeding three (3) square feet in area and forty-two inches (42”) in height, which shall be permitted during daylight hours only in the general vicinity of the open house, provided they do not contain any advertising message other than the real estate office name and contact information, and that such signs are located on private property with permission of the property owner.

N. Garage Sale Signs: One sign may be permitted to advertise said sale, which sign shall be displayed only at the sale, only during the date or dates and hours of said sale, not to exceed six (6) square feet in area nor six feet (6’) in height, provided the resident has obtained a garage sale permit pursuant to Chapter 5.18 of this Code.

Except as otherwise provided, the signs described in this Section are prohibited.

A. Signs constituting a potential traffic hazard by being placed in such a manner as to obstruct free and clear vision of pedestrian traffic, or which simulate in size, color, lettering or design any traffic sign or signal.

B. Signs within the public right of way, including those on street trees, utility poles, street signals, streetlights, street name signs, traffic warning signs or sidewalks, fences/walls, except official signs or other signs specifically permitted by Section 18.26.060 of this Chapter. This prohibition includes “sign twirlers”, “sign spinners”, “sign clowns”, “sign walkers”, “human directional”, and human “sandwich board” signs. Signs located within the public right of way may be removed by and discarded without any notice to the potential owner of said sign.

C. Signs consisting of any moving, swinging, rotating, flashing, blinking or otherwise animated components, except barber poles, clocks, thermometers, or electronic changeable copy signs unless otherwise approved pursuant to Section 18.26.110.

D. Windblown devices and signs whose movement is designed to attract attention, such as feather flags/feather banners, pennants, flags, inflatable signs or balloons, inflatable animals (other than those inflatables permitted by a Temporary Use Permit) or similar signs, or reflective attachments to sign faces, unless otherwise specifically permitted or exempted by Section 18.26.060 or 18.26.080 of this Chapter or any design guidelines of an adopted specific plan.

E. Vehicle signs or signs on or affixed to trucks, vans, automobiles, trailers or other vehicles which advertise, or provide direction to, a use or activity not related to the lawful making of deliveries or sales of merchandise or rendering of service from such vehicle. Vehicles used for the lawful activities described shall be parked in reasonable proximity to the business they advertise when not in use, as determined by the Director of Community Development.

F. Portable signs or freestanding signs not permanently affixed, anchored or secured to the ground or structure on the lot they occupy, including A-frame signs, unless specifically allowed by Section 18.26.080 of this Chapter.
G. Obstructing signs or signs erected in such a manner that any portion of their surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe or obstruct any required stairway, door ventilator or window.

H. Roof signs or any signs erected, constructed and maintained upon or over the roofline of any building.

I. Any sign located on vacant or unoccupied property that was erected for a business which has since vacated.

K. Permanent signs containing fluorescent colors as all or part of their copy.

L. Off-Site Advertising or Billboards shall be prohibited in all zones.

18.26.080 Temporary Signs.
Temporary signs are those nonilluminated signs on private property either designed to be displayed for a short period of time, not permanently affixed to a building or property, or constructed of lightweight materials such as paper, cloth, cardboard, wallboard, etc. A sign approval is required for the following temporary signs:

A. Grand Opening and Going-Out-of-Business Signs: An unlimited number of on-site temporary signs may be displayed for a maximum of thirty (30) calendar days in conjunction with a grand opening, or a minimum of ninety (90) calendar days in conjunction with a going-out-of-business sale, with a temporary sign permit issued by the Planning Division. Only one "Grand Opening" or "Going-Out-Of-Business" sale sign shall be permitted per business at any one location.

B. Special Events and Promotional Signs: One on-site temporary banner no more than seventy-two (72) square feet in area per banner per street frontage for outdoor sales, special events, special promotional sales, and temporary uses such as Christmas tree sales and Halloween pumpkin sales are permitted to be displayed up to a maximum of ninety (90) days per calendar year, with a temporary sign permit issued by the Planning Division. A banner is permitted to be attached at the front end of the building where said promotional sales/event is being held, but said banner may not be displayed above the roofline of any building, nor attached to trees or related landscaping, and a banner shall not be attached above the top of any light standard, pole, ground sign, pole sign, or utility/transformer structure but may otherwise be located anywhere on the property that a permanent sign is allowed. There shall be no maximum length of time between the display of banners, as long as the cumulative total does not exceed ninety (90) days. The ninety (90) day time period shall include the display of temporary signs for grand openings (up to thirty (30) days) as described in subsection A. of this Section. In addition, inflatable balloons, animals, or similar signs shall be permitted to be displayed up to fifteen (15) days per calendar year, with a sign permit issued by the Planning Division. Certain types of hot air inflatable balloons, animals, or similar signs may be prohibited by Federal Aviation Administration regulations.
C. Fireworks Stands: Temporary signs may be displayed in conjunction with fireworks stands for the duration of the sales as specified in the permit issued for the use, which shall be subject to review and approval by the Fire Department.

D. Construction Signs: One such sign not to exceed forty (40) square feet in area and eight feet (8’) in height is permitted per building site, located a minimum of ten feet (10’) from the street right of way line. No construction sign shall be erected prior to the issuance of a building permit, and the sign must be removed upon expiration of the building permit. In addition to information on the new buildings, or identification of architects, engineers, contractors, and financiers, the sign may include any sketch or architectural rendering of the proposed use.

E. Subdivision Signs:

1. A maximum of two (2) on-site, nonilluminated double-faced signs advertising a residential subdivision are permitted, limited to thirty-two (32) square feet per side, two (2) side maximum, and eight feet (8’) in height, located a minimum of ten feet (10’) from the street right of way. These signs shall be removed not later than three (3) years from the recording date of the subdivision, except that the Planning Director may grant one-year time extensions until ninety percent (90%) occupancy is reached.

2. One nonilluminated off-site subdivision sales sign identifying the location of the subdivision shall be permitted per development, limited to thirty-two (32) square feet per side, two (2) side maximum, and eight feet (8’) in height. The sign shall be located on private property, a minimum of ten feet (10’) from the street right of way, where it shall not constitute a traffic hazard. These signs shall be removed not later than three (3) years from the recording date of the subdivision, except that the Planning Director may grant one-year extensions until ninety percent (90%) occupancy is reached.

3. Additional on-site signs containing information about the model name or number, floor plan, area, or price are permitted in residential subdivisions provided there is not more than one such sign for each model. Signs concerning models shall not have an area exceeding three (3) square feet nor a height of more than three feet (3′), and shall be located immediately adjacent to the model to which they refer. Signs authorized under this Section shall not be erected until the subdivision map is recorded and building permits are issued for the construction of the project.

4. One subdivision banner for grand openings not to exceed seventy-two (72) square feet in area or twenty feet (20′) in height may be permitted within the boundaries of the recorded subdivision. In addition, a maximum of four (4) flags not to exceed twenty feet (20′) in height and eight (8) square feet in area may be permitted within the subdivision. The banner and flags shall be permitted for no more than one hundred eighty (180) days from the date specified on the sign approval.

5. One nonilluminated sales office sign which shall not exceed twelve (12) square feet in area, may be permitted to be attached to the model home or temporary trailer, and shall
not be higher than the plane surface to which it is attached.

**18.26.090 Free Standing Directional Signs.**

A. Freestanding directional signs may be allowed in any multiple-family, professional, commercial or industrial zone as deemed appropriate in size, number, and location by the Director of Community Development.

B. Directional signs are not permitted to obstruct traffic visibility.

C. The maximum height of this type of sign shall not exceed six feet (6′).

D. The maximum allowable sign area permitted per side or face is twelve (12) square feet, provided the business identification does not exceed half of the area on a given sign face.

**18.26.100 Tenant Identification Signs.**

The following regulations apply to the primary source of on-site advertising for legally maintained uses:

A. Single-Family Residential (Single- And Two-Family Uses):

1. For street addresses, nameplates, etc., see Section 18.26.060, subsection F, of this Chapter.

2. For single-family residential subdivisions, one nonilluminated project identification monument sign identifying the name of the development may be permitted adjacent to the main entrance. The sign, or lettering on a wall or fence, may not exceed thirty (30) square feet in area and six feet (6′) in height. The sign shall be located in a landscaped portion of the right of way or some other area that is authorized for this purpose and shall not be permitted to obstruct traffic visibility. Property owners shall make provisions for the ongoing maintenance of the sign and landscaping. More than one monument sign, a larger monument sign (area and height), or an illuminated monument sign may be permitted by the Planning Commission in conjunction with a discretionary permit or approval, or with the approval of a conditional use permit.

B. Multiple-Family Residential:

1. For projects with five (5) to twenty-nine (29) units, one parallel attached, ground or project identification monument sign per street frontage is permitted, not to exceed twenty (20) square feet per face and six (6) feet in height. Projects with thirty (30) units or more may have one parallel attached, ground or project identification monument sign per street frontage, not to exceed thirty (30) square feet per face and six (6) feet in height. Additional project identification monument signs for larger projects may be permitted if warranted at the discretion of the Director of Community Development.
C. Retail/Commercial: The following regulations apply to single-tenant buildings or multiple-tenant buildings located on sites less than one acre in size.

1. Any number of parallel attached signs is permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary business frontage, and one-half (½) square foot of sign area per lineal foot of secondary business frontage.

2. Awning, canopy and marquee signs are allowed and considered as attached signs, as long as the sign copy is placed on the vertical portion or fringe. These signs may project over the public right of way, to be maintained a minimum of eight feet (8') above the sidewalk and two feet (2') from the face of the curb.

3. One ground sign is permitted, not to exceed thirty-two (32) square feet in area and six feet (6') in height, except when located on sites with a freestanding center identification sign (not including uses located on a pad or property which is separate from the main building or buildings, but part of a business center) or where a conditional use permit is approved pursuant to subsection (a) below. Ground signs must be located in a landscaped portion of the front setback. Ground signs may incorporate a street address up to four (4) square feet in area into the base of the sign in addition to the otherwise permitted area. Allowable ground signs may be replaced with a twenty-foot (20') high freestanding sign of equal area if the use is highway oriented, located within two hundred feet (200') of the State Highway 99 right of way, as described in subsection H of this Section.
   a. Where an existing developed site with frontage on an arterial street or expressway, as defined by the circulation element of the General Plan, has been developed with less than a ten (10) foot landscaped setback and has a legally nonconforming sign, as established with a valid building permit, greater than six feet (6') in height, a conditional use permit may be granted to replace said sign with a sign up to the lesser of twelve feet (12') or the existing sign height. In granting such a conditional use permit, the Planning Commission shall consider the minimum height required to provide for unobstructed visibility of the sign for oncoming traffic, and the proposed design of the sign. Sign design shall incorporate the architecture of the site and not be unnecessarily massive. A single pole design will not be permitted.

4. Reader boards can be permitted as part of the overall allowed sign area and may be allowed only as approved by the Director of Community Development. No more than one reader board is permitted per lot or business center. The area and height of a ground or freestanding type of reader board, when permitted, are subject to the standards applicable to those types of signs and are not in addition to any other ground or freestanding sign.

5. In addition to the allowable signs noted above, for uses proposed with a drive-thru window operation: up to two (2) freestanding or attached menu boards for a combined area of thirty (30) square feet in area and no more than six feet (6') in height may be permitted per drive-thru lane subject to the approval of the Director of Community
Development. Additionally, a separate order screen/order canopy may also be permitted in conjunction with the menu boards at the discretion of the Director of Community Development. These signs may not be located in any required setback, are not desirable within the front setback, and shall not be permitted to obstruct traffic visibility. Menu boards may not be oriented so as to be readable from the primary street frontage. The main function of this type of sign is for customer convenience rather than business advertisement and permitted menu boards may be electronic.

6. A sign program approved by the Planning Commission in conjunction with any discretionary permit or approval shall be required for all new commercial and industrial centers consisting of four (4) or more tenant spaces. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This shall be achieved by:

a. Using the same background color, and generally allowing signs to be of up to three (3) different colors and up to two (2) type styles per multi-tenant center.

b. Using the same type of cabinet supports, or method of mounting for signs of the same type, or by using the same type of construction material for components, such as sign copy, cabinets, and supports.

c. Using the same form of illumination for all signs.

d. Using the same lettering height for all signs.

e. Major tenants will be permitted to deviate from the sign program to accommodate national trademarks or logos.

E. Industrial: The following regulations apply to industrial uses on sites less than one acre in size:

1. Any number of parallel attached signs is permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary business frontage, and one-half (½) square foot of sign area per lineal foot of secondary business frontage; provided, that the maximum area per sign does not exceed one hundred (100) square feet.

2. Awning, canopy and marquee signs are allowed and considered as attached signs, as long as the copy is placed on the vertical portion or fringe. These signs may project over the public right of way, to be maintained a minimum of eight feet (8’) above the sidewalk and two feet (2’) from the face of the curb.

3. One ground sign is permitted, not to exceed thirty (30) square feet in area and six feet (6’) in height.

4. Signs more than six feet (6’) in height may be allowed for certain uses listed later.
F. Business Centers:

1. Freestanding Center Identification Signs:

   a. In addition to the tenant identification signs permitted in this Section business centers located on sites greater than one acre may have a maximum of one freestanding center identification sign not exceeding one hundred fifty (150) square feet per side, or one-half (½) square foot of sign area per lineal foot of street frontage, whichever is less. On business centers over five (5) acres in size that have frontage on more than one street, two (2) such signs, one for each frontage, is permitted. These signs may not exceed a maximum height of twenty-five feet (25′), except when located within seven hundred fifty feet (750′) from the right of way of State Highway 99, where a maximum height of thirty-five feet (35′) is permitted. Freestanding center identification signs shall be located in a landscaped portion of the front setback. Freestanding signs over six feet (6′) in height are not permitted for uses located on a pad or property of any size which is separate from the main building or buildings, but part of a business center, except when the use is highway oriented, located within two hundred feet (200′) of the State Highway 99 right of way, as permitted by subsection H of this Section.

   b. Freestanding center identification signs located within seven hundred fifty feet (750′) from the right of way of State Highway 99 on sites greater than five acres in size may not exceed a maximum of five hundred (500) square feet per side, or one-half (½) square foot of sign area per lineal foot of street frontage, whichever is less, for retail/commercial uses, and eighty-five feet (85′) in height. For industrial uses, sign area may not exceed a maximum of one hundred fifty (150) square feet per side, or one-half (½) square foot of sign area per lineal foot of street frontage, whichever is less, and thirty-five feet (35′) in height.

2. Sign Program: A sign program approved by the Planning Commission in conjunction with any discretionary permit or approval shall be required for all new commercial and industrial centers consisting of four (4) or more tenant spaces. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This shall be achieved by:

   a. Using the same background color, and generally allowing signs to be of up to three (3) different colors and up to two (2) type styles per multi-tenant center.

   b. Using the same type of cabinet supports, or method of mounting for signs of the same type, or by using the same type of construction material for components, such as sign copy, cabinets, and supports.

   c. Using the same form of illumination for all signs.
d. Using the same lettering height for all signs.

e. Major tenants will be permitted to deviate from the sign program to accommodate national trademarks or logos.

f. Shopping centers located on sites more than five (5) acres in size with a sign program meeting the above criteria are allowed any number of parallel attached signs, as long as the total area does not exceed one and one-half (1½) square foot of sign area per lineal foot of primary business frontage, and one-half (½) square foot of sign area per lineal foot of secondary business frontage. Signs for individual businesses may not exceed a maximum of eighty percent (80%) of the business frontage for that business.

3. Project Identification Monument Sign: In addition to other signs allowed by this Section, one nonilluminated project identification monument sign identifying the name of the business center may be permitted adjacent to the main entrance. The sign, or lettering on a wall, may not exceed thirty (30) square feet in area and six feet (6′) in height. The sign shall be located in a landscaped portion of the front setback, and shall not be permitted to obstruct traffic visibility. More than one monument sign, a larger monument sign (area and height), or an illuminated monument sign may be permitted by the Planning Commission in conjunction with a discretionary permit or approval.

4. Reader Boards: Reader boards can be permitted as part of the overall allowed sign area. Reader boards may be allowed only as approved by the Director of Community Development. No more than one reader board is permitted per lot or business center. The area and height of a ground or freestanding type of reader board are subject to the standards applicable to those types of signs and are not in addition to any other ground or freestanding sign.

G. Hospitals: In addition to the tenant identification signs permitted above for retail commercial uses, hospitals may have one freestanding identification sign per street frontage not to exceed twenty feet (20′) in height and fifty (50) square feet in area. Directional signs locating emergency entries and exits may be permitted in addition to those discussed elsewhere in this Chapter upon approval by the Director.

H. Highway Oriented Uses:

1. For highway oriented retail, commercial and industrial uses located on property within two hundred feet (200′) of the State Highway 99 right of way, any ground sign allowed by this Chapter may be replaced by one freestanding identification sign not to exceed a maximum area of fifty (50) square feet per side, or one-half (½) square foot of sign area per lineal foot of street frontage, whichever is less, and twenty feet (20′) in height.

2. In addition to other signs permitted by this Chapter, except for freestanding
identification signs allowed under subsection H1 of this Section, tourist-oriented hotel, motel, restaurant or service station uses located within two hundred feet (200') of the State Highway 99 right of way may have one freestanding sign not to exceed thirty-five feet (35’) in height, and one hundred fifty (150) square feet in area. Adjacent parcels will be required to provide joint access whenever feasible.

3. Freestanding signs for highway-oriented uses may be higher than allowed by this subsection, subject to the approval of a conditional use permit by the Planning Commission. The Planning Commission will take into consideration evidence presented by the applicant illustrating whether an overcrossing or ramp of State Highway 99, sound wall, structure or existing vegetation will obstruct the visibility of said sign from the northbound or southbound lanes of the highway. In no case shall the Planning Commission approve a request for any Freestanding Center Identification sign above eighty-five (85’) feet in height.

I. Theaters: Traditional methods of theater advertising require a unique type of sign program. The size, location, type, and number of signs for theaters shall be subject to conditional use permit approval at the time the use is established.

J. Gas Stations:

1. One freestanding motor fuel price sign not more than thirty (30) square feet in area and not more than six feet (6’) in height is permitted for a gas station, unless a larger or taller sign is mandated by the California Business and Professions Code. The content of the motor fuel price sign shall be limited to grades and prices of motor fuels under full- and self-service and cash versus credit conditions as required by the California Business and Professions Code. The location of said signs shall be subject to approval by the Director of Community Development. Motor fuel price signs may incorporate an electronically changeable display for the price only.

2. Signs on service station pump island canopies are permitted as long as the total area does not exceed one-half (½) square foot of sign area per lineal foot of canopy sides that face a public street. Canopy signs are not permitted to project beyond or above the canopy roof.

3. Review/Approval Process: Planning Division review and approval is required for display racks, tent/awning signs, and any other sign which requires a building permit. All other additional signs/advertising devices do not require formal approval, as long as they adhere in type, size, number, and location to the standards noted above.

K. Auto/Motor Vehicle Sales.

1. Permitted Signs/Advertising Devices. The following additional types of signs/advertising devices are permitted for auto/motor vehicle sales:

{CW091887.6}
a. Pole banners, consisting of vertical fixed panels mounted at the top and bottom with brackets on light standards or poles, according to the following criteria:

(1) No more than one per permanent light standard or pole, or two (2) if directly opposite each other.

(2) May not exceed sixty (60) square feet in total area.

(3) Must have a minimum vertical clearance of eight feet (8').

(4) May not extend above the top of the light standard or pole it is attached to.

(5) Non-permitted off-site or on public utility poles.

b. Sno-cones/fan display pole banners, according to the following criteria:

(1) No more than one per permanent light standard or pole.

(2) May not exceed twelve feet (12') in height and eight feet (8') in width.

(3) May not extend above the top of the light standard or pole it is attached to.

(4) Must have a minimum vertical clearance of eight feet (8').

(5) Not permitted off site or on public utility poles.

c. Car toppers (signs magnetically attached to the top or hood of a vehicle), according to the following criteria:

(1) One sign/device per vehicle.

(2) May not extend more than eighteen inches (18") above the roof of the vehicle.

d. Under the hood signs (signs designed to fit under an open hood), according to the following criteria:

(1) No more than one sign under the hood of each vehicle.

(2) May not extend beyond the body of the vehicle.

e. Window stickers, according to the following criteria:
(1) Unlimited in size and number, as long as stickers are confined to vehicle windows only.

f. Display racks/ramps, according to the following criteria:

(1) No more than one rack/ramp per one hundred feet (100') of frontage.

(2) No portion of rack/ramp may be more than six feet (6') above grade.

(3) Not permitted in any setback.

g. Flags (governmental and/or non-governmental), according to the following criteria:

(1) No more than twenty-four (24) square feet in area per flag.

(2) No more than one flag per permanent light standard or pole.

h. Antenna (slip-on) pennants, according to the following criteria:

(1) No more than one per vehicle.

(2) May not project above the height of the antenna when fully extended.

i. Balloons, except such devices regulated under Section 18.42.160, subsections A. and B., temporary signs for the purposes of display time allowances for inflatable balloons or similar signs.

j. Pennants/metallic-plastic vinyl streamers, according to the following criteria:

(1) Pennants or streamers permitted between poles and/or buildings.

k. Banners, except such devices shall be regulated under Section 18.42.160, subsections A. and B, temporary signs for the purposes of display time allowances and shall comply with the following criteria:

(1) No more than one banner per street frontage.

(2) Each banner shall not exceed a maximum area of seventy-two (72) square feet.

(3) Banners may not be displayed above the roof line of any building,
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or above the top of any light standard, pole ground sign, or pole sign.

(4) Banners may be located anywhere on the property that a permanent sign is allowed.

1. Temporary or permanent tent/awning signs, according to the following criteria:
   
   (1) No more than one tent/awning sign per site.
   
   (2) May not exceed a maximum height of fifteen feet (15').
   
   (3) May not exceed a maximum area of twenty feet by forty feet (20' × 40').

2. Maintenance. All signs/advertising devices permitted by this Section shall be maintained in good condition at all times.

3. Review/Approval Process. Planning and Community Development Department


A. Conditional Use Permit Required: Electronic changeable copy signs may be utilized only pursuant to a Conditional Use Permit.

B. Retail and Commercial, Including Business Centers: Electronic changeable copy signs may be utilized as up to thirty-two (32) square feet of the allowable copy area of a permitted ground sign in the C-2, CC, HC, and RC zones for parcels with frontage on arterial streets or expressways as defined by the circulation element of the General Plan. The electronic changeable copy portion of such sign may not exceed the lesser of the maximum allowed sign height or sixteen feet (16') in height. Only one electronic changeable copy sign is permitted per site or business center.

C. Standards.

   1. Illumination: An automatic dimming circuit to reduce the level of illumination glare between dusk and dawn shall be incorporated into all electronic changeable copy signs. The sign's brightness shall not exceed 0.3 footcandles (over ambient levels) as measured using a footcandle meter at a distance on one hundred (100) feet from the sign face.

   2. Hours of operation: Electronic changeable copy signs may operate as changeable signs between the hours of 6:00 A.M. and 10:00 P.M., but must be programmed to remain static between the hours of 10:00 P.M. and 6:00 A.M.

   3. Frequency of change: Copy may be changed a maximum of once every twenty (20) seconds. In no case may an electronic changeable copy sign be operated in a fashion which
creates the illusion of flashing, blinking, movement, or animation.

4. Message displayed shall only direct attention to businesses located on the site or business center. No off-site advertising shall be permitted. Community emergency messages authorized by the City are also permitted with approval of the property or sign owner.

5. Audio: Use of any audio or sound-producing device in conjunction with electronic changeable copy signs is prohibited.

D. Conditional Use Permit Findings: In granting any conditional use permit for electronic changeable copy signs, the Planning Commission shall make the following findings:

1. The sign is designed and located in such a manner that it does not obstruct visibility of pedestrians or vehicular traffic.

2. The sign as designed and located conforms to all provisions of the Zoning Code and to the goals and policies of the General Plan.

3. Granting of the sign request will not be detrimental to the public health, safety, convenience, or welfare, or injurious to other property or improvements in the vicinity.

4. Sign design provides for integration with architecture and landscaping of the site to provide a unified architectural statement through use of means such as consistency of colors, materials, and architectural form.

5. Any nonconforming or illegal signs located on the site or business center shall be removed in conjunction with installation of the electronic changeable copy sign.

18.26.120 Illumination.
Direct or indirect lighting methods shall be allowed; provided, that they are not harsh, unnecessarily bright and shall be so located or shielded to prevent glare to surrounding properties or streets, at the discretion of the Director of Community Development.

18.26.130 Maintenance and Use of Nonconforming Signs; Removal Without Compensation.
A. Any sign legally established pursuant to any prior ordinances or regulations of the City which fails to conform to the requirements of this Chapter shall be allowed continued use, except that any such sign shall not be:

1. Expanded, moved, or relocated.

2. Used, if its use has ceased, or the structure upon which the sign is located has been abandoned by its owner for a period of one hundred eighty (180) days or more.
B. Any legally nonconforming sign which fails to conform to the provisions of this Chapter shall be either abated or removed, or alternatively, brought into compliance with the provisions of this Chapter, without the payment of any compensation to the owner, if any of the criteria set forth in California Business and Professions Code section 5497, as it presently exists or as it may be amended, are found to exist.

18.26.140 Removal of Illegal Signs; Procedure.

A. Illegal Signs: Any sign which was prohibited or illegal at the time of installation, and which does not conform to the provisions of this Chapter, and any legally nonconforming sign which meets the criteria set forth in California Business and Professions Code section 5497, shall be either abated and removed, or in the alternative, brought into compliance with the provisions of this Chapter, without payment of any compensation to the owner.

B. Notice of Violation: The Director of Community Development, or his or her designee after conducting an investigation, shall order the abatement and removal of any such sign, or in the alternative direct that such sign shall comply with the provisions of this Chapter, by giving notice of violation to the business owner using said sign and to the owner of the real property upon which the sign is located. The notice of violation shall contain the following information:

1. It shall describe or otherwise identify the sign and specify the violation requiring its removal or correction.

2. It shall order that the sign be either removed or that it be brought into compliance with the provisions of this Chapter within thirty (30) days from the date that the notice of violation is mailed.

3. It shall contain a notice of the right to appeal.

C. Mailing Of Notice: The notice of violation shall be sufficient if it is mailed via first-class U.S. mail to the business owner at the business address upon which the sign is located, and to the property owner at the address shown on the last equalized assessment roll of the County. If there is no known business owner conducting business upon the property, then notice pursuant to this Section to the owner of the real property shall be sufficient.

D. Appeal: If the business owner or the real property owner do not agree with the determination of the Director of Community Development or his or her designee, either or both such parties may appeal the determination by filing with the office of the Director a notice of appeal, which notice shall be served and received by the Director of Community Development not later than thirty (30) days from the date that the notice of violation was mailed.

E. Extension Of Time: The Director of Community Development shall have the authority to extend the thirty (30) day time period for the removal or correction of a sign, if he or she determines that the affected party is acting in good faith. Such extensions of time shall not exceed a total of one hundred twenty (120) days without the prior approval of the Planning Commission. Extensions granted pursuant to this subsection shall not extend the time to appeal a determination of the
Director of Community Development.

F. Hearing: Upon the timely receipt by the Director of Community Development of a notice of appeal, an administrative hearing shall be set before the Planning Commission within thirty (30) days of receipt of the said notice of appeal. Written notice of the date of the hearing on the appeal shall be given to the appellant via first-class U.S. mail at least ten (10) days prior to the hearing date.

G. Final Decision: The Planning Commission shall hear and determine the appeal, and its decision shall be final, subject to the appeal provision in Title 1.

H. Removal Of Sign: Upon a determination by the Planning Commission that the offending sign must be removed, or in the absence of an appeal and upon the expiration of the thirty (30) day compliance period, the City may cause the removal of the sign, either by use of its own personnel or by contracting for its removal with appropriate and qualified contractors. The owner of the real property and the owner of the business upon which the sign is located shall be jointly and severally responsible for all cost and expense incurred by the City for the removal of the sign, and the City may cause a lien to be placed against said real property for such costs and expense. Nothing in this Chapter shall otherwise limit the City from enforcing such other legal remedies it may have to collect the cost and expenses incurred regarding the removal of said sign from the owner of the real property or the owner of the business located upon said property.

I. Storage:

1. Signs removed by the City pursuant to this Chapter shall be stored for a period of thirty (30) days, during which time they may be recovered by the owner upon payment to the City of all costs of removal and storage. The City shall give written notice to the business owner and the owner of the real property of their right to reclaim the stored property within thirty (30) days upon the payment to the City of all costs of removal and storage. The written notice so given shall contain a statement of the amount required to redeem said property. Said notice shall be served as provided in subsection C of this Section.

2. If said property is not recovered prior to the expiration of the thirty (30) day period, the sign and supporting structures shall be deemed abandoned, title shall vest in the City, and the City may sell or otherwise dispose of the property as it may determine and apply any proceeds received therefrom to the satisfaction of its cost and expenses.

18.26.150 Inventory and Abatement.

Within six (6) months from the date of adoption of this Chapter, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within sixty (60) days after this six (6) month period, the City shall commence abatement of illegal or abandoned signs, pursuant to the same procedural rules set forth in Section 18.26.140 of this Chapter.
The Director of Community Development, or designee, shall maintain a program that inventories and identifies illegal and abandoned signs within the City. The City shall commence abatement proceedings for illegal or abandoned signs, pursuant to the same procedural rules set forth in Section 18.26.140 of this Chapter.

18.26.160 Abandoned, Dilapidated or Unsafe Signs, Frances, Structural Members and Supporting Poles.

A. Dilapidated Signs. Signs considered dilapidated, or signs determined to be unsafe and dangerous or hazardous to the public safety or welfare shall either be repaired or removed from the site by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found within ten (10) days after written notification from the Planning Division.

B. Graffiti. Graffiti on a sign shall be removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign may be found. A sign with graffiti constitutes a dilapidated sign under subsection A of Section 18.26.160 and a public nuisance under Title 19.

C. Maintenance Standards. All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure shall be maintained in a like-new, safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance. Signs not meeting these maintenance standards will be considered dilapidated under Section 18.26.160, and public nuisances under Title 19.

D. The owner of an abandoned sign shall remove said sign within thirty (30) days after receipt of written notification, if there is no further intended use of the sign and its structural portions. However, the owner of a sign, the purpose of which has been abandoned, who desires to make subsequent use of the structural portions of such sign in its present location, may, within thirty (30) days after receipt of written notification, make an application to the Director of Community Development for an extension of time. Where the owner submits reasonable evidence that he or she is endeavoring to secure a use for the sign such as a new tenant, arrival of a new product line, or similar circumstances, the Director of Community Development may grant extensions of time. The Director of Community Development may require, as a condition of granting such extension, to paint out, obscure, or remove some or all elements of the message or face portion, or structural members of the sign in such a manner as to leave the remaining structure neat and unobtrusive in appearance and in harmony with the structure to which it is attached. The Director of Community Development may also require that such work be done within a specified time period after the granting of such extension, or that the extension shall be invalidated by such failure.
Chapter 27

FENCES, HEDGES, WALLS STANDARDS

Sections:
18.27.010 Purpose and Intent.
18.27.020 Corner Cutback; Clear Vision Triangle.
18.27.030 Maximum Height.
18.27.040 Doors and Gates.

18.27.010 Purpose and Intent.
The intent of this Chapter is to regulate fences, hedges, and walls to protect the users of the streets and highways, and to avoid adverse effects on adjacent property values and living conditions.

18.27.020 Corner Cutback; Clear Vision Triangle.
Fences, hedges, and walls and other ornamental landscaping located within the clear vision triangle in any zone shall not exceed three feet (3’) in height above the top of curb or top of the nearest pavement surface where there is no curb within the triangle formed by a line drawn between points twenty-five feet (25’) from the intersecting street lines. Fences, hedges and walls and other ornamental landscaping shall not violate chapter 18.27 of this Code, relating to visibility at public intersections.

18.27.030 Maximum Height.
A. Within Front And Exterior Side-Yard Setbacks: No fence shall exceed three feet (3’) in height for solid fencing, or four (4’) feet in height for wrought iron, chain-link or picket fencing that is see-through, except as specified in the provisions set forth in the C-3, M-1, and M-2 Zoning Districts.

B. Remaining Yard Area: No fence shall exceed seven feet (7’) in height from the highest elevation from the ground as long as the overall height of the fence does not exceed eight feet (8’) measured from the lowest elevation on the neighboring property immediately adjacent to the fence, unless notification is given to the adjacent property owners and approval is granted by the Planning Commission.

C. Fences (Other): Fences may exceed the height limits as listed above where approved by the Planning Commission, and as required mitigation to address environmental issues or specifically permitted by ordinance.

D. Setbacks: All fence placement shall be measured from the property line.

E. Public Rights of Way – fences may be permitted within public rights way, in residential zones but prior to placement, an owner shall obtain the necessary Encroachment Permit from the City.
18.27.040 Doors and Gates.

A. All doors and gates in any fence, hedge or wall shall open inwardly if located within two feet (2') of a street or public walk.

B. All fences, hedges, and walls surrounding property on which a swimming pool is located shall be equipped with self-closing and self-latching gates or doors so as to prevent uncontrolled access by children from the street or adjacent properties.
Chapter 28

Special Provisions

Sections
18.28.010  Home Occupations.
18.28.020  Cottage Food Operations.
18.28.030  Automobile Service Station.
18.28.040  Antennas and Cellular Structures.
18.28.050  Aviaries.
18.28.060  Accessory Dwelling and Junior Accessory Dwelling Units.
18.28.070  Property Development Standards for Mobile Home Parks.
18.28.080  Kennels.
18.28.090  Automobile Service Stations.
18.28.100  Emergency Shelters.
18.28.110  Portable Outdoor Storage Units and Shipping Containers.

18.28.010  Home Occupations.
Home occupations permitted by this Title shall be subject to the following restrictions:

A.  A home occupation permit shall only be issued to the one property owner/tenant (conducting the business) at the single-family residence where such home occupation has been approved. Any other employees associated with the home occupation business shall not report to the residence.

B.  The home occupation shall not alter the residential character of the dwelling or neighborhood and shall be clearly incidental and secondary to the dwelling purposes of the residence.

C.  A home occupation shall not utilize more than one room in the dwelling or the equivalent of twenty percent (20%) of the floor space of the main floor, whichever is greater. If applicable, a home occupation shall not utilize the attached or detached garage of the dwelling.

D.  Home occupations shall not use any accessory building or yard space or activity outside of the main building not normally associated with residential use.

E.  Home occupations shall not display or stock in trade or commodities sold except those which are produced on the premises.

F.  Any advertising shall not identify the location of the home occupation. Signs shall be limited to a single unlighted nameplate of not more than two (2) square feet in area announcing the name and home occupation. The nameplate may be located in the front window of the dwelling.

G.  Home occupations shall not generate any vehicular or pedestrian traffic not normally
associated with a residential use.

H. Power-driven equipment using motors of more than two (2) horsepower capacity shall be prohibited.

I. A home occupation shall not generate noise, odor, dust, vibration, fumes, smoke, electrical interference, and/or other nuisances.

J. A home occupation permit request shall require the written consent of the property owner, if different than the applicant.

18.28.020 Cottage Food Operations
Cottage food operations permitted by this Title shall comply with the following regulations:

A. A cottage food operation shall not alter the residential character of the dwelling or neighborhood and must be clearly incidental and secondary to the dwelling purposes of the residence.

B. A cottage food operation shall be limited to the private home's kitchen facility used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage, and no more than one employee (not including a family member) shall be permitted for approved cottage food operations.

C. Outdoor displays or activity outside the dwelling not normally associated with a residential use shall not be permitted at the location of a cottage food operator’s residence. The location of the cottage food operation shall not be included in advertisements. Any advertisement sign shall be limited to one unlighted nameplate not more than two (2) square feet in area announcing the name and occupation that is located in the front window of the home. Signs shall be subject to review and approval by the Director of Community Development.

D. Sales shall be limited to those food products produced in connection with the cottage food operation.

E. On-site consumption of cottage food products is prohibited.

F. The operation shall not generate any vehicular or pedestrian traffic not normally associated with a residential use.

G. Power-driven equipment using motors of more than two (2) horsepower capacity shall be prohibited.

H. No more than one (1) employee (not including a family member) shall be permitted for approved cottage food operations.
I. A cottage food operations permit shall require the written consent of the property owner, if different than the applicant.

J. Cottage food operations shall not generate noise, odor, dust, vibration, fumes, smoke, electrical interference, and/or other nuisances.

K. All cottage food operations shall be subject to approval of the applicable "Class A" or "Class B" permit from the Stanislaus County Department of Environmental Resources (DER), a city business license, and a cottage food operations permit issued by the Director of Community Development, if he or she finds that the proposed cottage food operation meets the requirements of this Section.

L. Cottage food operations must comply with the requirements of State of California Assembly Bill No. 1616-Chapter 415, related to the State of California Health and Safety Code.

18.28.030 Automobile Service Station.
All outside operations occurring at an automobile service station shall be limited to the dispensing of gasoline, oil, or water; changing tires; replacement and adjustment of automotive accessories such as windshield wipers, lights, and batteries; and similar minor customer needs.

18.28.040 Antennas and Cellular Structures.
Antennas and cellular structures may be placed in the City’s commercial and industrial zone districts subject to first obtaining approval of a Conditional Use Permit (CUP). Antennas may be attached to existing facilities and structures where the development standards of that zone district are otherwise met. Such locations must be approved by the Community Development Division prior to installation and must be screened from public view.

18.28.050 Aviaries.
A. Aviaries are authorized with the approval of a Conditional Use Permit (CUP) as described in this Code, shall comply with this Section.

B. Hookbill Birds: It is unlawful for a person having the right to possession of real property within a zoning district to own, possess, maintain, or allow others to own, possess or maintain upon said property hookbill birds as defined in subsection (b)(ii) of this Section, without first obtaining a conditional use permit (CUP) from the Planning Commission. It is further unlawful for any person who has been issued a conditional use permit (CUP) to violate any of the terms and conditions applicable to such use permits, either as defined in this Chapter or imposed by the Planning Commission. In addition to any other conditions that may be imposed by the Planning Commission, the following conditions shall apply to any conditional use permit issued:

1. Consent. The applicant shall obtain written consent of his or her immediate neighbors and not less than seventy-five percent (75%) approval of property owners and/or tenants within a radius of three hundred feet (300') from the proposed aviary. For the purposes of this Section, the phrase "immediate neighbors" shall be defined as any property sharing a common property line at any point with the subject property.
2. Small Hookbill. Aviaries shall be limited to those birds of the small hookbill category, which includes budgerigars, finches, and canaries.

3. Maximum Number of Birds. The number of birds within each aviary shall be as approved by the Planning Commission depending on the type of bird involved, but in no event shall an aviary contain more than seventy-five (75) birds.

4. Stanislaus County Health Department. Aviaries shall be inspected by the Stanislaus County Health Department (aka: Stanislaus County Department of Environmental Resources) for recommendation concerning aviary location, size, orientation, and cleanliness.

C. Fancy, Racing, and Sporting Pigeons (Non-hookbill Birds). It shall be unlawful for a person having the right to possession of real property within the zoning district to own, possess, or maintain, or allow others to own, possess or maintain, upon said property "racing pigeons," "fancy pigeons," or "sporting pigeons," as defined in this Title without first obtaining a conditional use permit (CUP) from the Planning Commission. In addition to any other conditions that may be imposed by the Planning Commission, the following conditions shall apply to any conditional use permit (CUP) issued:

1. Consent. The applicant shall obtain written consent of his or her immediate neighbors of not less than seventy-five percent (75%) of property owners and/or tenants within a radius of three hundred feet (300') from the proposed loft. For the purposes of this Section, the phrase "immediate neighbors" shall be defined as any property sharing a common property line at any point with the subject property.

2. Maximum Number of Birds. The number of birds that may be kept or maintained on any single lot shall be only as approved by the Planning Commission. In no case shall a person keep or maintain more than fifty (50) birds on such lot.

3. Loft Design. The loft shall be of sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition. The construction and location of the loft shall not constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and the community.

4. Loft Compatibility. The loft shall be compatible in scale and design with adjacent structures, including those on adjoining properties. The size requirement for a loft shall be a minimum of one square foot of floor area per mature pigeon held in the loft. The loft shall comply with the provisions regulating accessory structures as set forth in Title 18 of the Ceres Municipal Code, provided that no loft shall be located closer than fifteen feet (15') from any building (on-site or adjoining properties) used for human habitation.

5. Loft Maintenance. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations. The owner shall take any and all steps necessary to prevent fly breeding, fleas and rodents.
6. Stanislaus County Health Department. Aviaries shall be inspected by the Stanislaus County Health Department (aka: Stanislaus County Department of Environmental Resources) for recommendation concerning aviary location, size, orientation, and cleanliness.

7. Waste. Waste material shall not be a source of odor and shall be disposed of in a secure bag and placed in a waste tote for disposal, per the County of Stanislaus regulations.

8. Dead Birds. Dead birds shall not be buried on the premises, and shall be bagged and placed in a waste tote for disposal, per County regulations.

9. Feed. All feed for the pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin. All pigeons shall be fed within the confines of the loft.

10. Confinement. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training, and competition; and at no time shall pigeons be allowed to perch or linger on buildings or fences, or other common or private property, including that of others.

11. Release. No one shall release pigeons to fly for exercise, training or competition except in compliance with the following provisions:

   a. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, California State Racing Pigeon Organization, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

   b. All pigeons shall be registered with one of the national pigeon associations or registries. Pigeons shall also be fitted with a leg band approved by the National Pigeon Association, the American Pigeon Club, the Rare Breeds Pigeon Club, or similar nationally recognized pigeon organization.

   c. Pigeons shall not be released for flying which have been fed within the previous four (4) hours. The permit holder shall maintain a log of the feeding and release times on the premises for the life of the use on a form approved by the Community Development Division Department, Planning Division.

D. Permits. Aviary permits shall be issued and administered in compliance with this Section

1. Permit Required. The keeping of hookbill and non-hookbill birds may be authorized at the discretion of the Planning Commission with the approval of a conditional use permit. Any such permit shall be issued to the owner and shall remain in full force and effect unless suspended or revoked, or unless the use of the aviary/loft is discontinued for a period of
six (6) months.

2. Application. Application for a permit to keep pigeons shall be made by submitting a complete application form to the Planning Division for processing. A fee shall be paid by the applicant to cover the costs of processing and administering the permit application by the City. Such fee shall be set by City Council Resolution, and may be amended from time to time.

3. Modifications. An approved conditional use permit may be modified upon approval by the Director of Community Development. Only those modifications deemed minor in nature shall be granted.

4. Inspection. All aviaries/lofts shall be inspected by the Community Development Department, Planning Division for compliance with the provisions of this Section and for compliance with the terms of the permit prior to issuance of the permit.

5. Right of Entry. The City shall have the authority, as permitted by State and Federal Law, to conduct an inspection of the premises at any reasonable time between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. upon at least twenty-four (24) hours written notice to the property occupant. Refusal to grant the City right of entry to the premises may be cause for revocation proceedings of the conditional use permit.

6. Permit Revocation. The City of Ceres Planning Commission shall have the authority, at its discretion, to review and revoke the conditional use permit for a property that was approved for the keeping of pigeons, if it determines that such use is not being conducted in accordance with the conditions of the conditional use permit, or the use otherwise has become a public nuisance. The Community Development Director may initiate revocation proceedings to the Planning Commission. Revocation proceedings shall be conducted at a public hearing noticed as required by Section 18.32.160 of this Code.

18.28.060 Accessory Dwelling and Junior Accessory Dwelling Units.

A. Purpose. The City finds that special regulations relating to the establishment and operation of accessory dwelling units are necessary to implement California Government Code 65852.2 and for consistency with the City's Housing Element to improve affordable housing opportunities in the city and to protect the health, safety, and general welfare of the residents of Ceres.

B. Applicability. An accessory dwelling unit may be permitted in the following zones subject to compliance with the provisions of this subsection and approval by the Director of Community Development or his or her designee.

1. Single-Family Residential (R-1).

2. Residential Agriculture (R-A).
3. Two-Family Residential (R-2).

4. Medium Density Multiple-Family Residential (R-3).

5. Medium-High Density Multiple-Family Residential (R-4).

6. Applicable residential "PC, Planned Community" zoning designations.

C. Review Process.

1. Requests for an accessory dwelling unit shall be reviewed by the City in conjunction with a building permit.

2. The applicant shall submit a site plan map, building elevations, and other information as may be necessary to determine compliance with the standards listed in subsection (4) of this Section.

3. Approval shall be a ministerial act if the request complies with the standards listed in subsection (4) of this Section.

D. Standards. An accessory dwelling unit on a single or multi-family residential zoned lot may be permitted subject to first securing a ministerial approval from the Director of Community Development or his or her designee in each case and when the following conditions are met:

1. The lot must contain an existing primary dwelling unit.

2. The accessory dwelling unit may either be attached to the existing main dwelling unit and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

3. The increased floor area of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the existing living area.

4. The total area of floor space for a detached second dwelling unit shall not exceed one thousand two hundred (1,200) square feet in size.

5. The accessory dwelling unit shall conform to all height, setbacks (for an accessory structure), lot coverage, allowable density, architectural and site plan review, fees and charges, and other requirements as applicable to the zone district where it is located.

6. A detached second dwelling unit shall be limited to one-story and shall not exceed fifteen feet (15’) in overall height.

7. The second dwelling unit/accessory dwelling unit shall comply with all applicable building, fire and other applicable health and safety code requirements.
8. The second dwelling unit/accessory dwelling unit shall be subject to architectural review to ensure compatibility with the main living unit and surrounding dwelling units in terms of scale, height, and exterior design. The second living unit shall incorporate compatible architectural characteristics including roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

9. The second dwelling unit/accessory dwelling unit may be occupied by a renter, but the unit shall not be independently sold.

**18.28.070 Property Development Standards for Mobile Home Parks.**
The following property development standards shall apply to all mobile home parks authorized by this Title:

A. Lot Area:
   1. For interior lots, the minimum lot area shall be three thousand two hundred (3,200) square feet.
   2. For corner lots, the minimum lot area shall be three thousand six hundred (3,600) square feet.

B. Lot Coverage: The maximum allowable lot coverage for all structures and mobile homes within mobile home parks shall be fifty percent (50%).

C. Lot Dimensions: The following minimum lot dimensions shall apply to all mobile home parks:
   1. Width:
      a. All interior lots shall have a minimum width of thirty-five feet (35’).
      b. All corner lots shall have a minimum width of forty feet (40’).
   2. Depth: All lots shall have a minimum depth of ninety feet (90’).

D. Setback Requirements: The following minimum setback requirements shall apply to all mobile home parks:
   1. Front Yard: Ten feet (10’), minimum, except detached accessory structures shall have a twenty-five foot (25’) front yard.
   2. Side Yard:
      a. Interior lot line—three feet (3’) minimum.
b. Exterior lot line—ten feet (10′) minimum.

3. Rear Yard: Minimum ten percent (10%) of lot depth, but in no event shall the rear yard be required to exceed fifteen feet (15′). The minimum rear yard requirements for mobile homes may be reduced by up to fifty percent (50%) if the total minimum overall yard area requirement is maintained.

E. Distance Between Residential Mobile Homes, Buildings:

1. Distance Between Residential Mobile Homes:
   a. There shall be a space not less than ten feet (10′) between a mobile home and any cabana or other similar permanent accessory structure related to another mobile home.
   b. There shall be a structure not less than twenty feet (20′) between a mobile home and any permitted building, except transformer or meter structures.

2. Distance Between Buildings: The following provisions shall apply for distance between main buildings and accessory buildings on the same lot. Whenever two (2) or more buildings of mixed heights are adjacent to one another, the distance provisions pertaining to the highest of the buildings shall apply. Nonresidential mobile homes shall be considered accessory structures.
   a. For buildings end to end, the minimum distance shall be ten feet (10′).
   b. For buildings rear to end or front to end with space for exit or entry purposes, the minimum distance shall be fifteen feet (15′).
   c. For buildings front to rear with space for entry or exit purposes, the minimum distance shall be twenty feet (20′).
   d. For buildings front to front arranged about an interior court, the driveway being access to parking area or buildings, the minimum distance shall be thirty feet (30′). If there is no driveway, the minimum distance shall be twenty-five feet (25′).
   e. Distance between main buildings and accessory buildings shall be as required by the Uniform Building Code adopted and incorporated into this Code.

F. Floor Area Requirements:

1. For all single-story buildings and mobile homes and the first story of all multiple story buildings and mobile homes, the maximum FAR shall be 0.50:1.0
2. For all multiple story buildings and mobile homes, the maximum FAR shall be 0.80:1.0.

G. Building, Mobile Home Height Requirements: No building or mobile home shall have a height greater than two (2) stories or thirty-five feet (35′), whichever is less. Permitted projections above the height include: ventilating fans or similar equipment required to operate and maintain the building, skylights, flagpoles, chimneys, television antennas, wireless masts or similar structures, when approved by the Planning Commission, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. Any area or zone that falls within the area designated as an Airport Overlay Zone shall comply with the height limitations prescribed by that Zone, if they are more restrictive.

H. Density: There shall be a minimum of three thousand two hundred (3,200) square feet of lot area for each dwelling unit; provided, however, that there shall be no more than one dwelling unit on any one lot.

I. Site Plan Approval:

1. For all mobile home parks in R-4 Zones: a site plan, floor plan for all buildings, elevations of all buildings, and a landscape plan shall be submitted to and approved by the Planning Commission pursuant to the provisions of this Section.

2. For all mobile home parks in P-C Zones: no application shall be required; however, approval shall be accomplished through approval of the master plan and development plan.

J. Landscaping and Open Space Requirements:

1. Landscaping: All mobile home parks within the P-C Zone shall be landscaped and maintained. All new development shall be consistent with the Ceres Water Efficient Landscape Guidelines and Standards and the State of California Model Water Efficiency Landscape Ordinance (MWELO) requirements. All landscaped areas that abut public property shall contain a four-inch (4”) raised planter box along the line of abutment.

2. Open Space Requirements: Additional open space requirements shall be specified by the Planning Commission or City Council; or as established by the General Plan.

K. Fences, Hedges and Walls:

1. All public utility substations allowed shall be concealed by a six-foot (6′) high solid masonry wall, or landscaped and maintained fence.

2. Where a mobile home park abuts any residential zone, a six-foot (6′) high solid masonry wall or landscaped and maintained fence shall be erected on the zone boundary.

3. Where a mobile home park abuts a dedicated street or alley, a six-foot (6′) high solid masonry wall or landscaped and maintained fence shall be required.
L. Off-Street Parking Requirements: For all residential mobile homes, one space per dwelling unit. Where public utility substations, mobile home park offices, and recreational buildings are allowed, the following off-street parking requirements shall apply:

1. Public utility structures and installations: one space for each two (2) employees on the maximum shift plus the number of additional spaces prescribed by the Community Development Director.

2. Mobile home park office, recreational building: one space per each five (5) seats or one space per each fifty (50) square feet of usable floor area for seating if seats are not fixed in all facilities in which simultaneous use is probable as determined by the Community Development Director.

3. Off-street parking shall comply with the standards established by Chapter 18.25 of this Code.

M. Off-Street Loading Requirements:
1. No provisions for all residential uses.

2. When any mobile home park office, recreational buildings or other permitted use requires the receipt, delivery or distribution of goods by truck with the potential frequency of once a day or greater; one berth, plus any additional berths as may be required by the Director of Community Development. Off-street loading shall comply with the standards established by Chapter 18.25 of this Code.

N. Access:
1. Vehicular Access:
   a. All mobile home parks shall be located on collector or major thoroughfares as designated by the General Plan.
   b. There shall be vehicular access from a dedicated street or alley to off-street parking facilities on the property requiring off-street parking.
   c. All ingress to and egress from collector or major thoroughfares as designated by the General Plan shall be in a forward motion.
   d. There shall be an accessway not less than twenty-five feet (25’) in width from a street or alley to each mobile home space, said way to be for both pedestrian and vehicular access. No parking shall be permitted in the required access way.
   e. All major accessways within mobile home parks shall not be less than thirty-one feet (31’) in width.
   f. There shall be a paved turning area in the mobile home park to permit motor
vehicles to head into a dedicated street or alley.
g. All mobile home parks shall be required to have a map of the park at all park entrances for directional purposes.

h. All internal vehicular access ways shall be properly signed.

2. Pedestrian Access: There shall be pedestrian access from a dedicated street to property used for residential purposes. A driveway shall be considered pedestrian access.

O. Signing: Signing standards shall be those as stated in Chapter 18.26.

P. Laundry, Clothes Drying Area, Facility: All residential mobile home parks within the P-C Zone shall contain adequate (as determined by the City Council and/or Planning Commission), laundry and clothes drying facilities, which shall not be visible from adjacent, adjoining, or public property.

Q. Solid Waste Storage, Disposal Facilities: For all uses, no open storage of solid waste allowed. All uses determined by the City Council and/or Planning Commission to need solid waste storage and/or disposal facilities shall provide such facilities, sufficiently hidden from public view by a six-foot (6′) high solid masonry wall or landscaped and maintained fence.

R. Recreational Facilities: Recreational facilities shall be installed as required by the City Council and/or Planning Commission.

S. Park-In-Lieu Fees: Park land dedication or in-lieu fees shall be required of all mobile home parks, subject to credit for open space provided.

18.28.080 Kennels.

A. Permit Application. Each application for a kennel permit or other animal establishment license shall be upon a form furnished by the Community Development Department. The application form submitted to the Community Development Department will require the applicant for a kennel permit to receive approval of all the property owners from the immediate adjoining properties of the subject site, and seventy-five percent (75%) approval of all property owners and tenants of property that are located within a three hundred foot (300′) radius of the subject site. Failure to receive approval of the property owners from the immediate adjoining properties and at least a seventy-five percent (75%) approval from property owners within a three hundred foot (300′) radius shall serve as grounds to deny issuance of the kennel permit. If the application for a kennel permit is approved, the Planning Division shall notify the licensing authority of said approval. The licensing authority may issue a kennel license subject to all rules and regulations which may be established by the Stanislaus Animal Service Agency, and/or Stanislaus County.

B. Permit Term. A kennel permit authorized by the Community Development Department is valid for a period of one year and is automatically renewed annually for a one year period provided all conditions are met, all circumstances remain as identified on the original application, and complies with all rules and regulations which may be established by the Stanislaus Animal
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Services Agency (SASA).

C. Permit Revocation. Expansion of the activity not previously listed in the original application, failure to comply with City or County conditions, creation of a nuisance to the adjoining residents, or other noncompliance shall be grounds for the City to revoke said kennel permit. The Director of Community Development is directed and authorized to perform this duty.

D. License. Upon notification by the Community Development Department of its action on the kennel permit, SASA shall be authorized to issue and monitor a kennel license subject to any conditions as may be established by the City and subject to all rules and regulations which may be established by the County.

E. Fees. The City may adopt fees for processing and reviewing public applications for kennel requests, renewals, and investigation of any associated complaints or revocation of said kennel permits.

18.28.090 Automobile Service Stations.
A. When considering a conditional use permit (CUP) application under this title to permit an automobile service station, the following criteria may be taken into consideration but shall not be mandatory:

1. A maximum of two (2) automobile service stations shall be allowed at a cross intersection; one at a "T" intersection.

2. All automobile service stations shall be limited to intersections of major thoroughfare or greater as designated by the General Plan.

3. Where practicable, automobile service stations should be part of a larger commercial or service department.

B. Each conditional use permit for an automobile service station may include one or more of the following conditions when deemed appropriate by the Director of Community Development:

1. The minimum building setback from street property lines shall be forty feet (40').

2. The minimum building setback from other property lines shall be ten feet (10').

3. The maximum standard width of driveways shall be thirty feet (30').

4. The center line of driveways shall be perpendicular to the curb line.

5. The minimum distance from any driveway to any interior lot line shall be five feet (5'). The minimum distance from any driveway to any exterior lot line shall be twenty feet (20').

6. The minimum distance between curb cuts shall be thirty feet (30').
7. Five percent (5%) of the open area shall be landscaped. The remaining open area shall be paved. Landscaped areas shall be surrounded by concrete curb six inches (6") in height. A landscaping strip five feet (5’) wide shall be provided along the full width of internal property lines separating the site from any lot or parcel zoned for residential purposes, and along all alley property lines if the property opposite it is zoned for residential purposes. A landscaping strip three feet (3’) wide shall be provided in front of pump islands at the property line. Landscaping shall be provided at street intersections between driveways. The maximum height of landscaping of the intersection shall be thirty-six inches (36”).

8. All hydraulic hoists and pits and all lubrication, greasing and repair equipment shall be enclosed entirely within buildings.

9. All pump islands shall be set back a minimum of twenty-five feet (25’) from any property line.

10. A site size of twelve thousand (12,000) square feet or less shall be limited to two (2) service bays and six (6) pumps. Two (2) pumps and one service bay may be added for every additional two thousand (2,000) square feet of site area.

11. Exterior lighting must be erected and maintained so as to not glare upon any adjacent property or public right of way.

12. No vehicles shall be parked on the premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees and two (2) trucks and other service vehicles used in the operation of the station.

13. In the event that any of the provisions of this Section conflict with the property development standards applicable to the relevant zoning Chapter, the property development standards established for the applicable zone shall apply.

18.28.100 Emergency Shelters
A. Purpose and Authority.

1. The purpose of this Section is to establish standards to ensure that the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses and the character of the City.

2. Emergency shelters shall be operated under the authority of a governing agency or private, non-profit organization that provides, or that contracts with recognized community organizations to provide emergency shelters and which, when required by law, are properly registered and licensed.

B. Standards. Emergency shelters shall comply with all property development standards of the industrial zone in which they are located in addition to the following development standards:

1. A single emergency shelter for up to thirty (30) occupants on a property, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants on a property, shall be allowed as a permitted use, consistent with Section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet all applicable development standards to the zoning districts in which they are permitted by right and the minimum standards provided by this Chapter. Any emergency shelter with a capacity greater than thirty (30) occupants shall be subject to the approval of a conditional use permit.

2. The facility shall operate on a first-come, first-serve basis with clients only permitted on site and admitted to the facility between five o'clock (5:00) p.m. and seven o'clock (7:00) a.m. during Pacific Standard Time. Clients must vacate the facility by eight o'clock (8:00) a.m. and the facility shall not guarantee a bed for the next night. A curfew of ten o'clock (10:00) p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

3. A minimum distance of three hundred feet (300') shall be maintained from any other emergency shelter, as measured from the property line.

4. Any outdoor storage, including, but not limited to, items brought on site by clients for overnight stays, shall be screened from public view by a minimum seven foot (7') tall decorative wall or fence. Service animals may accompany a disabled person, and pets may be permitted if contained within an adequately sized and sturdy pet carrier. Shopping carts shall not be permitted on site. Individual lockers shall be provided to allow shelter clients to temporarily store their private belongings while using the shelter.

5. No person shall be allowed to camp on the premises or sleep on the premises outside of the shelter building.

6. Facility improvements shall comply with this Code and the most current adopted California Building and Safety Codes, specific to the establishment of dormitories and shall additionally provide:
   a. Clean sanitary beds and sanitation facilities.
   b. A minimum of one toilet for every eight (8) beds per gender.
   c. A minimum of one shower for every eight (8) beds per gender.
   d. Private shower and toilet facility for each area designated for use by individual families.
e. If the shelter accommodates both men and women in the same building, segregated sleeping, lavatory and bathing areas shall be provided. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

f. Adequate indoor client intake areas (one hundred (100) square feet minimum) must be provided within the premises for clients and prospective clients to prevent queuing into private sidewalks, parking and access areas, or public right-of-way areas.

g. Parking for emergency shelters shall be provided at a rate of one (1) space per staff member plus one (1) space per six (6) occupants allowed at the maximum capacity.

h. Bicycle rack parking shall be provided at a minimum of ten (10) bicycles per facility.

i. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

j. The facility may provide the following services in a designated area separate from sleeping areas:

   (1) A counseling center for job placement, educational, health care, legal services, or mental health services.

   (2) Laundry facilities to serve the number of clients at the shelter.

   (3) Central cooking, kitchen facilities, and dining areas.

   (4) Recreation areas. If outdoors, such area shall be visually separated from public view by a minimum six-foot (6’) tall decorative screen wall or fence.

C. An emergency shelter management plan shall be submitted to the City that addresses all of the following:

1. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six-foot (6’) tall decorative screen wall or fence.

2. At least one facility manager shall be on site at all hours the facility is open and a minimum of one additional staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients.
3. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to the City.

4. Service providers shall ensure that clients do not exceed the maximum stay at the facility of six (6) months in a twelve-month period.

5. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.

6. Service providers shall educate on-site staff so that they possess adequate knowledge and skills to assist clients in obtaining permanent shelter and jobs, including referrals to outside assistance agencies.

7. Service providers shall maintain good communication and have procedures in place to respond to inquiries regarding the facility and operations from the neighborhood, City staff, or the general public.

8. Service providers shall establish standards for responding to emergencies and incidents resulting from the expulsion of clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

9. At least one (1) security guard shall be present during hours of operation.

10. Alcohol and illegal drug use are prohibited on site. Service providers shall expel clients from the facility if said clients are found to be using alcohol or illegal drugs.

11. The establishment shall implement other requirements as deemed necessary by the City to ensure that the facility does not create an adverse impact to surrounding properties.

12. The business operator of the shelter shall be required to remove any graffiti on the premises. The graffiti shall be removed within a time frame as deemed appropriate by the City if such incident occurs.

13. Anti-loitering signs shall be installed on the property to the satisfaction of the Community Development Director.

D. If there is a conflict between code requirements, the most restrictive one shall apply.

E. The facility shall comply with the emergency shelter management plan submitted to the City and all other laws, rules, and regulations that apply including, but not limited to, building and fire codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's management plan and other applicable laws and standards.
F. The emergency shelter operator shall maintain a valid City business license.

**18.28.110 Portable Outdoor Storage Units and Shipping Containers.**

Portable outdoor storage units and shipping containers shall comply with the following requirements:

A. Number, Size, Duration and Location.

1. A portable outdoor storage unit or shipping container shall be only placed, kept or stored on a residential property, as an accessory structure.

2. No more than one (1) portable outdoor storage unit or shipping container shall be placed, kept or stored on a residential property.

3. A portable outdoor storage unit shall not exceed eight (8) feet in width, sixteen (16) feet in length or (8) feet in height. A shipping container shall not exceed eight (8) feet in width, twenty (20) feet in length or eight (8) in height.

4. No portable storage unit shall remain at a residential property in excess of thirty (30) days, whether consecutive or non-consecutive, within a twelve (12) month period, unless authorized by the Director. In the Director’s discretion, the Director may authorize a portable outdoor storage unit to remain on residential property for up to ninety (90) days, whether consecutive or non-consecutive, within a twelve (12) month period. When a building permit has been issued for a restoration of a residential property as a result of fire, flood, or other natural disaster, the Director may authorize a portable outdoor storage unit to remain on a residential property for any period of time in the Director’s discretion, including a period longer than (90) days. A residential property owner may request that the Director authorize a portable storage unit remaining on residential property in excess of the (30) day period by submitting an application to the Director. A shipping container may be placed on a residential property for any period of time.

5. A portable outdoor storage unit shall be placed in a driveway, on a paved surface, or in a rear yard if alley access exists at the rear of the site. A shipping container may only be placed in a rear yard.

6. A portable outdoor storage unit or shipping container larger than (120) square feet shall comply with applicable zoning regulations for a detached accessory building.

7. A portable outdoor storage unit or shipping container shall not be placed, kept or stored in a public right of way.

B. Signage. A portable outdoor storage unit or shipping container shall have no signage other than the name, address and telephone number of the person or firm engaged in the business of
renting or otherwise placing the portable outdoor storage unit.


1. A portable outdoor storage unit or shipping container shall be in a good condition, free from evidence of deterioration, weathering, discoloration, rust, peeling paint, ripping, tearing, other holes or breaks or graffiti.

2. When not in use, a portable outdoor storage unit or shipping container shall be kept locked.

3. No hazardous materials shall be stored or kept in a portable outdoor storage unit or shipping container.

4. The owner of a residential property on which a portable outdoor storage unit or shipping container is placed, shall ensure that the portable outdoor storage unit complies with this Section.

D. Exception for Prior Existing Shipping Containers in Rear Yards of Residential Property. This Section shall not apply to any shipping container lawfully placed, kept or stored in the rear yard of a residential property prior to the adoption of this Section.
Chapter 29

NONCONFORMING LOTS, BUILDINGS AND USES

Sections:
18.29.010  Purpose and Intent.
18.29.020  Group A Nonconforming Lots Defined.
18.29.030  Group A Nonconforming Buildings Defined.
18.29.040  Group A Nonconforming Uses Defined.
18.29.050  Group B Nonconforming Buildings Defined.
18.29.060  Determination of Group B Nonconforming Building Time Limits.
18.29.070  Group B Nonconforming Uses Defined.
18.29.080  Group B Nonconforming Uses Time Limit.
18.29.090  Group B Nonconforming Uses in Group B Nonconforming Buildings.
18.29.100  Nonconforming Uses of Land.
18.29.110  Nonconforming Off-Street Parking and Loading Facilities.
18.29.120  Reconstruction of Nonconforming Building.
18.29.130  Nonconformance by Variance or Conditional Use Permit.

18.29.010  Purpose and Intent.
Where lots, buildings, or uses legally existing on or before the effective date of this Title are not in conformance with the provisions of this Title, it is the purpose and intent of this Chapter to declare such lots, buildings, and uses nonconforming. Maintenance shall be required for all nonconforming lots, buildings and uses.

18.29.020  Group A Nonconforming Lots Defined.
Group A nonconforming lots are those lots which do not conform to the lot area and lot dimension standards established for the zone in which they are located. The uses permitted in the zone shall be permitted on such lots, subject to all other property development standards of the zone. These provisions shall also apply to unimproved lots. Lots with structures are subject to the provisions of Section 18.29.030. Lots whose uses involve no buildings are subject to the provisions of Section 18.29.100.

18.29.030  Group A Nonconforming Buildings Defined.
Group A Nonconforming Buildings are those buildings which do not conform to the building height, yards, and distance between building standards for the zone in which they are located. Such buildings shall be permitted to continue; provided that any addition, alteration or enlargements shall comply with all the property development standards of the zone as they apply to the buildings. When any Group A Nonconforming Building is, for any reason, removed from the land, all future buildings or structures erected on such land shall conform to all property development standards of the zone.

18.29.040  Group A Nonconforming Uses Defined.
Group A Nonconforming Uses are defined as follows:
A. Residential Zones: In Residential Zones, Group A Nonconforming Uses are those residential uses which do not conform to the population density standards for the zone in which they are located. Buildings containing such uses may be altered, provided that the population density shall not be increased.

B. Professional Office, Community Facility Zones: In Professional Office and Community Facility Zones, residential uses that are determined by the Planning Commission not to be detrimental to the public health, safety, and general welfare shall be considered Group A Nonconforming.

C. Commercial Zones:
1. In C-1 Zones, those uses normally provided for in C-2, C-3 and H-1 Zones and are determined by the Planning Commission not to be detrimental to the public health, safety, and general welfare shall be considered Group A Nonconforming Uses.

2. In H-1 Zones, other commercial uses not intended to serve the traveling public and determined by the Planning Commission not to be detrimental to the public health, safety, and general welfare shall be considered Group A Nonconforming Uses.

3. In C-2 Zones, those uses normally provided for in C-3, M-1 or M-2 Zones, or other zones, and are determined by the Planning Commission not to be detrimental to the public health, safety and general welfare shall be considered Group A Nonconforming Uses.

4. In C-3 Zones, those light industrial uses normally provided for in the M-1 Zone and are determined by the Planning Commission not to be detrimental to the public health, safety, and general welfare shall be considered Group A Nonconforming Uses.

D. Industrial Zones. In the M-1 Zone, those industrial uses normally provided for in the M-2 Zone and are determined by the Planning Commission not to be detrimental to the public health, safety and general welfare shall be considered Group A Nonconforming Uses.

18.29.050 Group B Nonconforming Buildings Defined.
Group B nonconforming buildings are those buildings:

A. In residential zones, commercial, and industrial buildings shall be considered as Group B nonconforming.

B. In commercial and industrial zones, residential buildings not specifically permitted in the zone shall be considered as Group B nonconforming.

18.29.060 Determination of Group B Nonconforming Building Time Limits.
The Planning Commission shall determine the time limits to be applied to all Group B nonconforming buildings, the period to begin on the date that the building is declared Group B nonconforming. The following timetable is established to provide guidelines to assist the Planning Commission in determining time limits for affected buildings. This timetable is deemed to provide
for the amortization of the affected buildings. On or before the termination of the period, such buildings shall be removed from the land unless the date of removal shall be prolonged by the Planning Commission pursuant to the issuance of a conditional use permit. In no case shall a prolongation be granted for a period of more than five (5) years on any one application.

A. "Type one and two construction" as such types are defined by the adopted edition of the California Building Code—thirty (30) years.

B. "Type three and four construction" as such types are defined by the adopted edition of the California Building Code—twenty-five (25) years.

C. "Type five construction" as such type is defined by the adopted edition of the California Building Code—twenty (20) years.

18.29.070 Group B Nonconforming Uses Defined.
"Group B nonconforming uses" shall be those uses in any zone which are expressly prohibited in that zone and are found by the Planning Commission to be detrimental to the public health, safety, and general welfare.

18.29.080 Group B Nonconforming Uses Time Limit.
A. Group B nonconforming use within a conforming or Group A nonconforming building shall, within ten (10) years from the effective date of the Planning Commission's declaration of such use to be Group B nonconforming, be completely terminated or shall be so altered that it will be in conformance with the uses allowed in the zone. The termination of such use may be prolonged by the Planning Commission pursuant to the provisions in Chapter 18.30. Such a prolongation may be approved for any period designated by the Planning Commission not exceeding two (2) years on any one application. Nonconforming uses shall not be expanded or extended into any other portion of the building, and if such use is discontinued for a period of one hundred eighty (180) days, any future use of the building shall be in conformance with the uses allowed in the zone.

18.29.090 Group B Nonconforming Uses in Group B Nonconforming Buildings.
Group B nonconforming uses in a Group B nonconforming building may continue for the duration of the building subject to the adopted time period and may be expanded or extended throughout the building; provided, that no structural alterations except those required by law or ordinance shall be permitted; further, if no structural alterations are made, a nonconforming use in such a building may be changed to permit a similar or more restricted type of nonconforming use; provided, that the new use be approved by the Planning Commission by conditional use permit subject to Chapter 18.30 of this Title.

18.29.100 Nonconforming Uses of Land.
A nonconforming use of land, where no buildings or structures are involved, shall, when deemed by the Planning Commission to be detrimental to the public health, safety, and welfare, within ten (10) years after the effective date of the Planning Commission's finding, be completely terminated or so altered that it will be in conformance with the uses allowed in the zone. The termination of such use may be prolonged by the Planning Commission by conditional use permit subject to
Chapter 18.30 of this Title. In no case shall such a prolongation be granted for a period of more than two (2) years on any one application. Such nonconforming use of land shall not be expanded in any way, and if such nonconforming use of land is discontinued for a period of one hundred eighty (180) days, any further use of land shall be in conformance with this Title.

18.29.110 Nonconforming Off-Street Parking and Loading Facilities.
Where off-street parking or loading facilities do not conform to the provisions of this Title, or where no such facilities have been provided for buildings constructed prior to the effective date of this Title, such building shall not be expanded nor may additional floor space be provided within the building until requirements for off-street parking and loading space have been provided for the entire facility.

18.29.120 Reconstruction of Nonconforming Building.
The provisions of this Chapter shall not prevent the reconstruction or repair, with the issuance of an administrative permit by the Community Development Department, of any nonconforming building damaged by fire, explosion or any other act, subsequent to the effective date of this Title; provided, that the reconstructed or repaired building will have no greater impact on surrounding properties and is compatible with the neighborhood. In such reconstruction, the nonconforming building should conform to the development standards whenever possible and shall not be enlarged or expanded in any way, unless it will be made to conform to the property development standards of the zone in which it is located.

18.29.130 Nonconformance by Variance or Conditional Use Permit.
Those nonconforming lots, uses, and buildings which are existing under a variance or a conditional use permit granted under this Title shall be permitted to continue under the conditions and regulations imposed in the permit or variance, unless otherwise provided by this Chapter.
Chapter 30

CONDITIONAL USE PERMITS

Sections:
18.30.010 Conditional Use Permit; Existing Uses.
18.30.020 Use Subject to Conditional Use Permit.
18.30.030 Temporary Use.
18.30.040 Conditional Use Permit Procedure.
18.30.050 Filing Fee.
18.30.060 Investigation by the Planning Division.
18.30.070 Public Hearings.
18.30.080 Hearing Procedure.
18.30.090 Commission Findings and Conditions.
18.30.100 Time Limits for Developments.
18.30.110 Right to Appeal.
18.30.120 Appeal Fees.
18.30.130 Public Hearing Required for Appeals.
18.30.140 Appeal Hearing Procedure.
18.30.150 Voiding of Conditional Use Permit.
18.30.160 Revocation of Conditional Use Permits; Procedure

18.30.010 Conditional Use Permit; Existing Uses.
Uses listed in the zones or sections of this Title as permitted subject to conditional use permit may be so permitted when such uses are necessary to the development of the City and are in no way detrimental to surrounding properties or uses permitted in the zone. In granting the permit, the Planning Commission may require certain safeguards and establish certain conditions deemed necessary to protect the health, safety and general welfare. Uses existing on the effective date of this Title, which are listed as permitted in this Title subject to a conditional use permit in the zone in which they are located, may continue without securing such a permit; however, any extension or expansion or such use shall require a conditional use permit.

18.30.020 Use Subject to Conditional Use Permit.
The following uses shall be subject to conditional use permit:

A. Listed: Uses listed in zones as "conditional uses" may be permitted subject to the provisions of this Section.

B. Uses Not Listed: The following uses may be permitted pursuant to this Section in any zone except where expressly prohibited, when such uses are deemed by the Planning Commission to be essential or desirable for the public welfare and convenience and in conformity with the General Plan and its goals and objectives. In no case shall a conditional use permit be granted for a use specifically prohibited.

1. Development of natural resources, with necessary building, apparatus, or
2. Radio or television antenna or transmitters for commercial purposes.

3. Regional uses which serve persons in a regional area as well as in the City, including but not limited regional recreation centers.

4. Stadiums.

5. Golf courses and related driving ranges.

6. Riding stable or academy.

7. Governmental facilities.

8. Public utility structures.

9. Planned, integrated housing developments on sites not less than five (5) acres in area or in a block entirely surrounded by streets.

10. Methadone clinics or similar.

11. Unattended collection or donation boxes, bins or other structures upon commercial or industrial properties.

18.30.030 Temporary Use.
The following provisions shall apply to temporary uses as defined in Section 18.02.010:

A. Seasonal, Theme-Oriented Temporary Use: Location permitted subject to the issuance of a temporary use permit issued by the Director of Community Development. In no case shall such a temporary use be operated in excess of thirty (30) days during any twelve (12) month period.

B. Special Use Event: Permitted in conjunction with any permanent retail commercial use subject to the issuance of a temporary use permit issued by the Director of Community Development. Such event shall not be operated in excess of five (5) days for any single event nor shall they be permitted to occur more than fifteen (15) days per use during any twelve-month period.

C. Temporary use permits shall be on a form as provided by the Director of Community Development. Prior to issuance of a temporary use permit, all affected City departments shall be given an opportunity to comment.

D. Photography or Filming Permit: The Director of Community Development shall be authorized and directed to be the primary contact for the receipt and processing of filming permits. The permit shall be processed on the forms prepared by the Director of Community Development.
E. Administrative Permit—Uses of Land, Buildings, and/or Temporary Buildings on a Site for a Definite Period of Time: This Section shall apply to all buildings of one hundred twenty (120) square feet and less and subdivision tract sales offices. The administrative conditional use permit shall not be available for any building of greater than one hundred twenty (120) square feet except as provided for in Chapter 18.38 of the Ceres Municipal Code.

1. Buildings of fewer than one hundred twenty (120) square feet may be moved onto an existing commercially- or industrial-zoned property. Such buildings may be temporarily affixed to the site and may receive only temporary electrical service from an approved source in accordance with the approval of the Planning Manager and subject to obtaining the appropriate building permit.

2. Conditions: Administrative permits and permit renewals shall be subject to conditions applied by City departments which shall be attached to the permit and signed by the applicant. All property development standards must be observed. None of the provisions of this Section shall be construed to supersede the provisions of other sections of the Ceres Municipal Code. Appeals shall be conducted pursuant to the provisions of Chapter 18.34 of the Ceres Municipal Code.

3. Time Limits: Each administrative permit for uses other than subdivision tract sales offices shall allow the use to operate one hundred eighty (180) consecutive days in any calendar year. Each administrative permit shall be effective for no more than one time per calendar year or to the time frame specified in the permit which, at the discretion of the Director of Community Development, may be less than one year.

18.30.040 Conditional Use Permit Procedure.

A. Filing: Application for a conditional use permit shall be filed by the owner of the property for which the permit is sought, or by the authorized representative of the owner.

B. Form and Contents: Application shall be made to the Planning Commission on forms furnished by the Planning Division, and shall be full and complete, including such data as may be prescribed by the Planning Commission to assist in determining the validity of the request. The applicant shall verify the petition and the date of verification shall be noted on the petition.

C. Application for an administrative conditional use permit shall be filed by the business owner and shall require written approval of the property owner. Application shall be made to the Director of Community Development on forms furnished by the Planning Division and shall be full and complete, and include information including operating hours, business description, products offered for sale, a diagram of the site and building. The original application and annual renewals shall be circulated to all City departments for comment prior to permit issuance. Changes in the business or its operation must be approved by the Director of Community Development. Failure to comply with the conditions applied to the administrative conditional use permit may result in revocation of the permit or denial of a new administrative permit.
18.30.050   Filing Fee.
When an application for a conditional use permit, temporary use permit, or administrative conditional use permit is filed, a fee shall be paid in such amount as determined by the City Council by resolution.

18.30.060   Investigation by the Planning Division.
The Planning Division shall investigate the facts bearing on any case involving a conditional use permit to provide the Planning Commission with data essential for action consistent with the intent of this Title and the General Plan.

18.30.060   Public Hearings.
Public hearings shall be noticed and heard on applications for conditional use permits or applications for modification of conditional use permits in the manual required by law, and in accordance with the provisions of Section 18.32.160 of this Code.

18.30.060   Hearing Procedure.
A.   Time Limit: The Planning Commission shall, not less than ten (10) days nor more than thirty (30) days after the publication of the legal notice, hold a public hearing.

B.   Announcement of Decision: The Planning Commission shall announce its decision within thirty (30) days after the conclusion of the public hearing. The decision shall set forth in the findings of the Planning Commission and any recommended conditions deemed necessary to protect the health, safety, and welfare of persons in the neighborhood and in the City as a whole.

C.   Applicant's Copy: A copy of the decision shall be mailed to the applicant at the address shown on the application.

18.30.090   Commission Findings and Conditions.
The Planning Commission, in recommending approval of a conditional use permit, shall by affirmative vote of not less than a majority of its members, find as follows:

A.   That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Title to adjust the use with land and uses in the neighborhood;

B.   That the site for the proposed use related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

C.   That the proposed use will have no adverse effect on abutting property or the permitted use thereof;

D.   That the conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include:
1. Regulation of use.

2. Special yards, spaces, and buffers.

3. Fences and walls.

4. Surfacing of parking areas subject to City specifications.

5. Requiring street, service road or alley dedications and improvements or appropriate bonds.

6. Regulation of points of vehicular ingress and egress.

7. Regulation of signs.

8. Requiring landscaping and maintenance.

9. Requiring maintenance of the grounds.

10. Regulation of noise, vibration, odors, etc.

11. Regulation of time for certain activities.

12. Time period within which the proposed use shall be developed.

13. Duration of use.

14. And such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Title.

18.30.100 Time Limits for Developments.

A. Time Limit: An approved use permit shall be valid for a period of twenty-four (24) months from the effective date of approval or for the same period of time as any tentative map or parcel map approved in conjunction with the use permit unless a different time period is specified by the Planning Commission in its action approving the use permit. During this period an applicant must exercise the use permit by taking those actions needed to develop the property and obtain a building permit, or use the property by occupying the property as authorized by and in accordance with the approved use permit or apply for a time extension. The approved use permit shall be deemed expired and rendered null and void if no action is taken to exercise the use permit by the applicant at the end of the prescribed period. Once exercised by completing those actions needed to develop or use the property in accordance with the approved use permit, the development, use or activity authorized by the approved use permit shall be considered to be established and shall be permitted to continue for an indefinite period of time or for that period of time specified in the Planning
Commission's approval; provided, that the development, use or activity is consistent with the conditions of approval and all other applicable regulations. A determination regarding whether an approved use permit has been fully exercised and is considered to be established shall be determined on a case by case basis where an approved use permit authorizes more than one development, use or activity on a property, or where an approved use permit authorizes a phased development project and the actions taken by the applicant to exercise the permit are limited in scope to only a portion of the property.

B. Extension of Time Limit: Provided that an application is made prior to the expiration of the approved use permit, an approved use permit may be extended by 1) the Director Community Development for a period not to exceed ninety (90) days, or 2) the Planning Commission for a period not to exceed twelve (12) months without further hearing upon showing of good cause. The Director of Community Development shall report any such time extensions to the Planning Commission at its next regularly scheduled meeting. The Planning Commission may at its discretion, add or revise the original conditions of approval when approving a time extension of a previously approved use permit. The filing of an application to extend the time period of an approved use permit shall automatically extend the life of the approved use permit for a period of sixty (60) days or until a decision is reached by either the Director Community Development or Planning Commission to authorize an extension of time, whichever comes first. The term of the approved use permit shall automatically be extended for that period of time during which a development moratorium, defined in Government Code section 66452.6, prevents the approved use permit from being exercised.

18.30.110 Right to Appeal.
Any person aggrieved by the actions of the Director of Community Development or Planning Commission regarding a conditional use permit application, may appeal therefrom by filing a written notice of appeal within ten (10) days of the final determination of the Director of Community Development or Planning Commission on a form prescribed by the City which shall be filed with the City Clerk.

18.30.120 Appeal Fees.
All written notices of appeal shall be accompanied by a filing fee in an amount as determined by the City Council by resolution.

18.30.130 Public Hearing Required for Appeals.
A public hearing shall be required for all appeals brought before the City Council regarding conditional use permits.

18.30.140 Appeal Hearing Procedure.
A. Time Limit: The Council shall, not less than ten (10) nor more than thirty (30) days after the publication of legal notice of a public hearing on an appeal, hold a public hearing.

B. Decision: The City Council shall hear and decide on the subject of the appeal, giving full consideration to the specific findings of the officer or commission appealed from, and may affirm, reverse, or modify the action appealed as it deems just and equitable. The City Council shall
announce its decision within thirty (30) days after the conclusion of the public hearing. The action of the City Council on appeals shall be final, except that all aggrieved parties shall have the right to appeal further in a court of competent jurisdiction. Notification of the City Council action shall be mailed to the appellant on the address shown on the appeal.

**18.30.150 Voiding of Conditional Use Permit.**
Any conditional use permit hereafter approved by the Planning Commission may be revoked by the Planning Commission on any of the following grounds:

A. That the approval was obtained by fraud or through the intentional submission of incomplete or inaccurate information.

B. That the permit has been or is being exercised contrary to the terms or conditions of approval, or is in violation of any statute, ordinance, law or regulation.

C. That the use is being exercised in such a way as to be detrimental to the public health or safety or in such a manner as to constitute a nuisance.

D. That the use for which approval was granted has ceased to exist or has been suspended for a period in excess of six (6) months.

**18.30.160 Revocation of Conditional Use Permits; Procedure**
The Planning Commission shall hold a hearing prior to revoking any conditional use permit. If considered desirable and in the public interest by the Planning Commission, notice of the hearing shall be given in the same manner as notice of hearing on an application for a conditional use permit. In any event, written notice of the time and place of the hearing shall be given to the permittee, by certified mail with return receipt requested, at least ten (10) days prior to the hearing, and the permittee shall be given a reasonable opportunity to be heard and to present evidence on his behalf at such hearing.
Chapter 31

VARIANCES

Sections:
18.31.010 Purpose and Intent.
18.31.030 Filing for Application.
18.31.040 Form and Contents of Application.
18.31.050 Filing Fee.
18.31.060 Planning Division Investigation.
18.31.070 Public Hearings.
18.31.080 Hearing Procedure.
18.31.090 Additional Conditions.
18.31.100 New Application.
18.31.110 Right to Appeal
18.31.120 Appeal Fees.
18.31.130 Public Hearings Required for Appeals.
18.31.140 Appeal Hearing Procedure.
18.31.150 Revocation or Modification of Variances.
18.31.160 Variance Use Time Limit.
18.31.170 Prior Variance Zoning Grant.

18.31.010 Purpose and Intent.
When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose and intent of this Title occur by reason of the strict interpretation of any of its provisions, any property owner may initiate proceedings for consideration of a variance from the provisions of this Title. A variance shall not be granted for a land use specifically prohibited in the zone by this Title.

The Planning Commission, before it may grant a variance, shall make a finding that in the evidence presented, all of the following findings exist in reference to the property being considered:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other property in the same vicinity and zone;

B. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
C. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone, and the adjustment thereby authorized shall not constitute a granting of special privilege inconsistent with the limitations upon other properties in the same vicinity and zone;

D. The granting of the variance will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to property and improvement in the same vicinity and zone in which the property is located;

E. The granting of such a variance will not be contrary to the objectives of the General Plan.

18.31.030 Filing for Application.
Application for a variance shall be filed by the owner of the property for which the variance is sought, or by the authorized representative of the owner.

18.31.040 Form and Contents of Application.
Application for a variance shall be made to the Planning Commission on forms furnished by the Planning Division and shall set forth in detail the reasons for the requested variance, indicating how the findings set forth in Section 18.31.020 are satisfied, and provide other information as may be prescribed by the Planning Commission to assist in determining the validity of the request. The applicant shall verify the petition and the date of verification shall be noted on the petition.

18.31.050 Filing Fee.
When an application for a variance is filed, a filing fee shall be paid in an amount as determined by the City Council by resolution.

18.31.060 Planning Division Investigation.
The Planning Division shall investigate the facts bearing on each case to provide information necessary to assure action consistent with the purpose and intent of this Title.

18.31.070 Public Hearings.
Public hearings shall be noticed and held on applications for variances in the manner required by law and in accordance with the provisions of Section 18.32.160 of this Code.

18.31.080 Hearing Procedure.
A. Time Limit: The Planning Commission shall, not less than ten (10) or more than thirty (30) days after the publications of legal notice of a public hearing, hold a public hearing on the variance application.

B. Decision: The Planning Commission shall announce its decision within thirty (30) days after the conclusion or the public hearing. The decision shall approve, approve with stated conditions, or disapprove the application, and shall set forth findings in support of the decision. No decision shall become final, however, until the ten (10) day appeal period has lapsed without an appeal having been filed.
18.31.090 Additional Conditions.
The Planning Commission, in approving a variance, may set forth in its decision reasonable conditions which shall assure the purpose and intent of this Title. A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

18.31.100 New Application.
Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance.

18.31.110 Right to Appeal.
Any person aggrieved by the actions of the Director of Community Development or Planning Commission regarding a variance application, may appeal therefrom by filing a written notice of appeal, within ten (10) days of the final determination of the Director of Community Development or Planning Commission, on a form prescribed by the City which shall be filed with the City Clerk.

18.31.120 Appeal Fees.
All written notices of appeal shall be accompanied by a filing fee in the amount as determined by the City Council by resolution.

18.31.130 Public Hearings Required for Appeals.
A public hearing shall be required for all appeals brought before the City Council regarding variances.

18.31.140 Appeal Hearing Procedure.
A. Time Limit: The Council shall, not less than ten (10) nor more than thirty (30) days after the publication of legal notice of a public hearing on an appeal, hold a public hearing.

B. Decision: The City Council shall hear and decide on the subject of the appeal, giving full consideration to the specific findings of the officer or commission appealed from, and may affirm, reverse or modify the action appealed as it deems just and equitable. The Council shall announce its decision within thirty (30) days after the conclusion of the public hearing. The action of the City Council appeals shall be final, except that all aggrieved parties shall have the right to appeal further in a court of competent jurisdiction. Notification of the City Council action shall be mailed to the appellant at the address shown on the appeal.

18.31.150 Revocation or Modification of Variances.
Variances once granted may be modified or revoked as approved by Planning Commission upon the application of any affected property owner or upon the application of the Director of Community Development. A public hearing shall be noticed and held as required by law, and in accordance with the provisions of Section 18.32.160 of this Code, prior to any modification or revocation of a variance.
18.31.160  Variance Use Time Limit.
Each variance granted under the provisions of this Chapter shall become null and void unless:
A. The construction authorized by the variance has been commenced within one hundred eighty (180) days, or such other period as may be established, after the granting of the variance and continued diligently to completion.
B. The occupancy of land or buildings authorized by such variance has taken place within one hundred (180) days, or such other period as may be established, after the granting of such variance.

18.31.170  Prior Variance Zoning Grant.
Any variance granted pursuant to any zoning ordinance enacted prior to the effective date of this Title, shall be construed to be a variance under this Title, subject to all conditions imposed in such variance. Such variance may be voided provided in Section 18.31.150.
Chapter 32

AMENDMENTS

Sections:
18.32.010 Purpose and Intent.
18.32.020 Procedural Policy.
18.32.030 Initiation of Text Amendment Proceedings.
18.32.040 Filing Fee.
18.32.050 Planning Division Investigation.
18.32.060 Applications Presence Required - Text Amendment.
18.32.070 Planning Commission Hearing Date, Notice - Text Amendment.
18.32.080 Planning Commission Public Hearing - Text Amendment.
18.32.090 City Council Hearing Date, Notice - Text Amendment.
18.32.100 City Council Public Hearing - Text Amendment.
18.32.110 Initiation of Zone Change Proceedings.
18.32.120 Conformance to Adopted General Plan.
18.32.130 Filing Fee.
18.32.140 Planning Division Investigation.
18.32.150 Applications Presence Required - Zone Change.
18.32.160 Planning Commission Hearing Date, Notice - Zone Change.
18.32.170 Planning Commission Public Hearing - Zone Change.
18.32.180 City Council Hearing Date, Notice - Zone Change.
18.32.190 City Council Public Hearing - Zone Change.

18.32.010 Purpose and Intent.
As a General Plan for the City is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the General Plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. This Title may be amended whenever the City Council deems that such amendment is required for the general health, safety, and welfare of the City of Ceres. Any amendment shall be enacted pursuant to the provisions in this Chapter, and for the purposes of this Chapter, the term "amendment" includes any measure to change zone boundaries, establish or disestablish zones, to change zone regulations, and to add, repeal or amend any other provisions of this Title.

18.32.020 Procedural Policy.
A. Any amendment to the text of this Title which imposes any regulation not imposed or removed or modifies any such regulation imposed shall be made according to the procedure outlined in Sections 18.32.020 through 18.32.100.

B. For any changes in the Zoning Map, the procedure outlined in Sections 18.32.110 through 18.32.190 shall apply.

18.32.030 Initiation of Text Amendment Proceedings.
A. Application: Any person may initiate proceedings by filing an application with the
Planning Division on forms provided by the City. The application shall be full and complete and shall include such data and information as may be prescribed by the Planning Commission to assist in determining the validity of the request. The applicant shall verify the application and the date of verification shall be noted on the application. Once an application has been filed, and all fees paid, the Planning Commission must fully consider and hold a public hearing on such application.

B. City Council Motion: The City Council may initiate proceedings by motion and then submit the matter to the Planning Commission for public hearings.

C. Planning Commission Motion: The Planning Commission may initiate proceedings by motion and then hold public hearings as provided in Section 18.32.070, and make a recommendation.

18.32.040 Filing Fee. When an application for a text amendment is filed, a filing fee shall be paid in an amount as determined by the City Council by resolution.

18.32.050 Planning Division Investigation. The Planning Division shall study the proposed text amendment and shall provide information necessary to assure action consistent with the purpose and intent of this Title and the adopted General Plan.

18.32.060 Applications Presence Required- Text Amendment If the application for text amendment is initiated by anyone other than the Planning Commission or City Council, the Planning Commission and City Council shall not act on the application unless the applicant or his authorized agent is present at the meeting scheduled for consideration of the application.

18.32.070 Planning Commission Hearing Date, Notice—Text Amendment. A. Date: The hearing date shall be set by the Director of Community Development for not less than ten (10) nor more than thirty (30) days after the initiating motion.

B. Notice: Notice of the public hearing shall be published in a newspaper of general circulation in the City not less than ten (10) days before the date set for hearing. Such notice shall contain the date, time and place of the hearing, and a general description of the text amendment proposed.

18.32.080 Planning Commission Public Hearing—Text Amendment. A. Time limit: The Commission shall, not less than ten (10) nor more than thirty (30) days after the publication or the legal notice of a public hearing on an amendment, hold such public hearing.

B. Action by Commission: At the conclusion of its review of the proposed text amendment following a public hearing, the Planning Commission shall either:
1. Abandon further proceedings with the consent of the applicant(s) and refund one-half (½) of the fees paid.

2. Recommend amendment of this Title by resolution of the Planning Commission endorsed by a simple majority of its total voting members.

3. Recommend denial of the application for text amendment of this Title by a simple majority of the total voting members.

C. Filings and Report: Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall file its recommendation with the City Council, together with a report of findings, hearing and supporting data. A copy of the Planning Commission's recommendation shall be mailed to the applicant at the address shown on the application.

18.32.090 City Council Hearing Date, Notice –Text Amendment.
A. Date: The hearing date shall be set by the City Council for such date as they, in the exercise of sound discretion, may deem to be proper for such hearing, provided that the hearing occurs not less than ten (10), and not more than thirty (30) days after the publication of the legal notice of a public hearing on a text amendment.

B. Notice: Notice of the public hearing shall be published in a newspaper of general circulation in the City not less than ten (10) days before the date set for the hearing. Such notice shall contain the date, time and place of the hearing, and a general description of the text amendment proposed.

18.32.100 City Council Public Hearing –Text Amendment.
A. Time Limit: The City Council shall, not less than ten (10) nor more than thirty (30) days after the publication of the legal notice of a public hearing on a text amendment, hold such a public hearing.

B. Adoption or Modification: The City Council may adopt the text amendment recommended by the Planning Commission by ordinance after holding at least one (1) public hearing thereon.

C. Review by Planning Commission: The Planning Commission shall review the changes proposed and referred to it by the City Council and shall report its recommendations back to the City Council. The report is to be filed with the City Council not more than thirty (30) days after the referral by the City Council.

D. Adverse Report, City Council Enactment: In the event the report back from the Planning Commission is in opposition to the proposed change, or in the event the City Council desires to enact any text change or amendment contrary to the recommendations of the Planning Commission, then any ordinance affecting such change or amendment shall be adopted by an affirmative vote of not less than a simple majority of the City Council.

E. Notification: Notification of the City Council action shall be mailed to the applicant(s) at
the address shown on the application.

18.32.110  Initiation of Zone Change Proceedings.
An initiation of zone change proceedings may be done by one or more of the following means:

A. Application by one or more property owners of a specific property for which an amendment is proposed.

B. Application of a simple majority of the property owners of an area within which an amendment is proposed.

C. Commission Motion: The Planning Commission may initiate proceedings by motion, and then hold public hearings.

D. Council Motion: The City Council may initiate proceedings by motion and then submit the matter to the Planning Commission for public hearings.

E. All applications for zone change shall be made by filing an application with the Planning Division on forms provided by the City. The application shall be full and complete and shall include such data and information as may be prescribed by the Planning Commission to assist in determining the validity of the request. The applicant shall verify the petition and the date of verification shall be noted on the petition. Once an application has been filed, and all fees paid, the Planning Commission shall be obligated to fully consider and hold a public hearing on such application.

18.32.120  Conformance to Adopted General Plan.
Zone change amendments to this Title shall conform to the adopted General Plan, pursuant to Government Code section 65860.

18.32.130  Filing Fee.
When an application for a zone change is filed, a filing fee shall be paid in an amount as determined by the City Council by resolution.

18.32.140  Planning Division Investigation.
The Planning Division shall investigate the facts bearing on the proposed zone change to provide information necessary to assure action consistent with the intent of this Title and the adopted General Plan.

18.32.150  Applications Presence Required – Zone Change.
It the application for zone change is initiated by the means described in Section 18.32.110, subsection A, or Section 18.32.110, subsection B, the Planning Commission and City Council shall not act on the application unless the applicant or his authorized agent is present at the meeting(s) scheduled for consideration of the application.
18.32.160 Planning Commission Hearing Date, Notice – Zone Change.
A. The hearing date shall be set by the Director of Community Development for not less than ten (10) nor more than thirty (30) days after the initiation of zone change proceedings.

B. Notice of public hearing shall be given in the following ways and shall contain the time and place of the hearing and a general description of the area proposed for zone change:

1. Notice shall be published in a newspaper of general circulation in the City not less than ten (10) days before the date set for the hearing.

2. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of property involved in the application.

3. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide services to the project.

4. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to property owners within a three hundred foot (300’) radius; or expand the radius from the project site if the three hundred foot (300’) radius is less than three (30) parcels. The radius should be expanded until 30 parcels are included but in no case shall the radius be expanded beyond 1,000’ from the project site.

5. The notice shall be posted on the project site at least ten (10) days prior to the hearing.

18.32.170 Planning Commission Public Hearing –Zone Change.
A. Time Limit: The Planning Commission shall, not less than ten (10) nor more than thirty (30) days after the publication of the legal notice of a public hearing on a zone change, hold such hearing.

B. Action by Planning Commission: At the conclusion of its review of the proposed zone change following a public hearing, the Planning Commission shall either:

1. Abandon further proceedings with the consent of the applicant(s) and refund one-half (½) of the fees paid.

2. Recommend the zone change by resolution of the Planning Commission endorsed by at least a simple majority of the total voting members.

3. Recommend denial of the application for zone change by a simple majority of the total voting members.

C. Filing and Report: Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall file its recommendation with the City Council, together with a report of findings, hearings and supporting data. A copy of the Planning Commission's recommendation
shall be mailed to the applicant at the address shown on the application.

18.32.180 City Council Hearing Date, Notice –Zone Change.
A. Date: The hearing date shall be set by the City Council for such date as they, in the exercise of sound discretion, may deem to be proper for such hearing, provided that the hearing occurs not less than ten (10), and not more than thirty (30) days after the publication of the legal notice of a public hearing on a text amendment.

B. Notice: Notice of public hearing shall be given in the following ways and shall contain the time and place of the hearing and other pertinent data presented in the application, and shall include a map showing the location of the property:

1. Notice shall be published in a newspaper of general circulation in the City not less than ten (10) days before the date set for the hearing.

2. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of property involved in the application.

3. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide services to the project.

4. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to property owners within a three hundred foot (300′) radius; or expand the radius from the project site if the three hundred foot (300′) radius is less than three (30) parcels. The radius should be expanded until 30 parcels are included but in no case shall the radius be expanded beyond 1,000’ front the project site.

5. The notice shall be posted on the project site at least ten (10) days prior to the hearing.

18.32.190 City Council Public Hearing –Zone Change.
A. Time Limit: The City Council shall, not less than ten (10) nor more than thirty (30) days after the publication of the legal notice of a public hearing, hold such a hearing.

B. Adoption or Modification: The City Council may adopt by ordinance the zone change recommended by the Planning Commission after holding at least one public hearing thereon. Government Code section 65354.5.

C. Review by Planning Commission: The Planning Commission shall review the changes proposed and referred to it by the City Council and shall report its recommendations back to the City Council. The report is to be filed with the City Council not more than forty (40) days after the referral by the City Council.

D. Adverse Report, City Council Enactment: In the event that the report back from the Planning Commission is adverse or opposed to the proposed change, or in the event that the City
Council desires to enact any zone change or amendment contrary to this recommendation of the Planning Commission, then a resolution affecting such change or amendment shall be adopted by an affirmative vote of not less than a simple majority of the total voting members of the City Council.

E. Notification: Notification of the City Council action shall be mailed to the applicant(s) at the address shown on the application.
Chapter 33

RELOCATION OF BUILDINGS

Sections:
18.33.010 Permit Application Required.
18.33.020 Application Form.
18.33.030 Determination of Effect.
18.33.040 Basis for Planning Commission Determination.
18.33.050 Improvement Standards.
18.33.060 Approval by Development Director Required.

18.33.010 Permit Application Required.
No permit shall be issued for the relocation of any residential, commercial, or industrial building from one site to another site within the City, or from a site outside the City to one within the City without the filing of a conditional use permit application with the Planning Commission for review and approval subject to the provisions of this Chapter.

18.33.020 Application Form.
The following information shall be filed with the Planning Commission at the time the application is made:

A. Location and address of the old and new site;

B. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on the lots;

C. Plans and specifications for the proposed improvements at the new location, including plans for landscape treatment when required by this Title;

D. Definition of the route of travel for the house to be moved;

E. Photographs to be furnished by the applicant showing:
   1. All elevations of the structure proposed to be moved;
   2. The site onto which the building is proposed to be moved;
   3. The buildings adjacent to the proposed site.

18.33.030 Determination of Effect.
Before the Planning Commission may approve the conditional use permit application for the relocation of a building, there shall be a finding that the relocation shall have no appreciable detrimental effect on the living environment and property values in the area into which the
structure is to be moved.

18.33.040 Basis for Planning Commission Determination.
In approving an application for a permit to relocate a building into an area, the Planning Commission shall find:
A. That the building is in conformity with the type and quality of buildings existing in the area into which it is proposed to be moved.

B. That its location on the lot does not in any substantial way adversely affect buildings or uses on abutting properties.

C. That the percentage of lot coverage by all buildings and structures be not greater than that permitted by the district into which the structure is proposed to be moved.

D. That all yard and setback provisions are observed and that improvements required for streets and alleys necessary for access to the property upon which the house is to be located shall be provided in conformity with the standards of the City.

18.33.050 Improvement Standards.
Prior to occupancy, the relocated building shall not become or continue to be a substandard building as defined in section 17920.3 of the California Health and Safety Code.

18.33.060 Approval by Development Director Required.
The approval of the Director of Community Development shall be obtained prior to the issuance of a relocation permit.
Chapter 34

APPEALS

Sections:
18.34.010 Right to Appeal.
18.34.020 Appeal Fees.
18.34.030 Public Hearing Required for Appeals.
18.34.040 Appeal Hearing Procedure.
18.34.050 Penalties and Procedures.
18.34.060 Each Day a Separate Offense.
18.34.070 Fees.

18.34.010 Right to Appeal.
Any person aggrieved by the action of the Director of Community Development or Planning Commission, where an appeal is provided by any provision of this Title, may appeal therefrom by filing a written notice of appeal, within ten (10) days of the final determination of the Director of Community Development or Planning Commission, on a form prescribed by the City which shall be filed with the City Clerk. However, appeals of decisions regarding the City’s General Plan must be received within five (5) days of the decision, pursuant to Government Code section 65354.5.

18.34.020 Appeal Fees.
All written notices of appeal shall be accompanied by a filing fee in an amount as determined by the City Council by resolution.

18.34.030 Public Hearing Required for Appeals.
A public hearing shall be required for all appeals brought before the City Council. A notice of public hearing shall be given in the following ways and shall contain the time and place of the hearing and other pertinent data:

A. Newspaper: Notice shall be published in a newspaper of general circulation in the City not less than ten (10) days before the date set for the hearing.

B. Letters: If applicable, letter notices shall be mailed not less than ten (10) days before the date set for the hearing to owners of property within a radius of three hundred feet (300’) from the external boundaries of the property described on the original application, using for this purpose the last known name and address of such owners as shown on the latest adopted tax roll of the County. The notice shall be mailed or delivered at least ten (10) days prior to the hearing to property owners within a three hundred foot (300’) radius; or expand the radius from the project site if the three hundred foot (300’) radius is less than three (30) parcels. The radius should be expanded until 30 parcels are included but in no case shall the radius be expanded beyond 1,000’ from the project site.
18.34.040 Appeal Hearing Procedure.
A. Time Limit: The City Council shall, not less than ten (10) nor more than thirty (30) days after the publication of legal notice of a public hearing on an appeal, hold a public hearing.

B. Decision: The City Council shall hear and decide on the subject of the appeal, giving full consideration to the specific findings of the officer or Planning Commission appealed from, and may affirm, reverse, or modify the action appealed as it deems just and equitable. The City Council shall announce its decision within thirty (30) days after the conclusion of the public hearing. The action of the City Council on appeals shall be final, except that all aggrieved parties shall have the right to appeal further in a court of competent jurisdiction.

18.34.050 Penalties and Procedures.
Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Title shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the County jail for a term of not exceeding six (6) months, or both. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided by this Section. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Title or any use of any land, or contrary to a use permit or variance, or the terms and conditions imposed therewith, shall be and the same is hereby declared to be an unlawful and a public nuisance. Remedies shall be cumulative and not exclusive.

18.34.060 Each Day a Separate Offense.
Each day during any portion of which any violation of this Title is committed or continued by such person, firm, or corporation, shall constitute a separate offense and shall be punishable as provided by Section 18.34.050.

18.34.070 Fees.
The City Council shall annually, by resolution, establish the amounts of filing fees for applications and permits required or authorized by this Title. Before accepting any application, the Director of Community Development or other designated officers shall collect the appropriate filing fees so established. Any fees required under this Title may be waived for any public body, district or agency or Federal, State, County or municipal governments.
Chapter 35

HISTORIC PRESERVATION

Sections:
18.35.010 Title.
18.35.020 Purpose.
18.35.030 Definitions.
18.35.040 Planning Commission and Historic Preservation Subcommittee.
18.35.050 Powers and Duties.
18.35.060 Historic Designation Criteria.
18.35.070 Historic Designation Procedures.
18.35.080 Permits.
18.35.090 Permit Approval Procedure.
18.35.100 Permit Approval Criteria.
18.35.110 Appeals.
18.35.120 Exceptions.
18.35.130 Unsafe or Dangerous Conditions.
18.35.140 Duty to Keep in Good Repair.
18.35.150 Showing of Hardship.
18.35.160 Retroactive Application.

18.35.010 Title.
This Chapter shall be known as the HISTORIC PRESERVATION ORDINANCE OF THE CITY OF CERES.

18.35.020 Purpose.
The purpose of this Chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, and places within the City that reflect special elements of the City's historic, architectural, aesthetic, and other heritage for the following reasons:

A. To safeguard the City's heritage by providing for the protection of landmarks representing significant elements of its history;

B. To encourage public knowledge, understanding, and appreciation of the City's history;

C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic and cultural resources;

D. To promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the City;

E. To preserve diverse and harmonious architectural styles and design preferences reflecting
phases of the City's history and to encourage complimentary contemporary design and construction;

F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;

G. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, visitors, and tourists;

H. To identify, as early as possible, and resolve conflicts between the preservation of historic and cultural resources and alternative land uses;

I. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

18.35.030 Definitions.
For the purposes of this Chapter any exterior change or modification of any historic or cultural resource including, but not limited to, exterior changes to or modifications of architectural details, visual characteristics, grading, surface paving, erection of new structures, removal of trees or other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, walls, fences, steps, paintings, and landscape accessories affecting the exterior visual qualities of the property shall be deemed an alteration.

18.35.040 Planning Commission and Historic Preservation Subcommittee.
The Planning Commission is hereby designated to be the official authority for the administration of this Historic Preservation Ordinance, in accordance with the powers and duties, and subject to such exceptions as provided in this Chapter. The Planning Commission may appoint a subcommittee as may be expedient, composed of members of the community who have expressed an interest in historic preservation, for the purpose of identifying and inventorying potential historic sites or landmarks within the City. The Planning Commission shall obtain professional technical expertise in the area of historic preservation from established organizations, institutions, public agencies, or other commissions when deemed prudent.

18.35.050 Powers and Duties.
The Planning Commission shall have the following powers and duties:
A. Establish criteria for, conduct, and keep current a comprehensive survey and register of historic and cultural resources within the boundaries of the City.

B. Adopt specific guidelines for the designation of landmarks, and landmark sites, subject to the provisions of Section 18.35.060 of this Chapter.

C. Review and comment upon the conduct of land use, housing and redevelopment, improvements, and other types of planning and programs undertaken by any other agency of the City, the County, or State, as they relate to the historic and cultural resources of the community.
D. Adopt prescriptive standards which may be used by the Planning Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any historic or cultural resource.

E. Recommend to the City Council the purchase, with public-private funds as such may become available, of property interests for purposes of historic preservation.

F. Investigate and report to the City Council on the use of various Federal, State, local, or private funding sources and mechanisms available to promote historic preservation in the City.

G. Approve or disapprove, in whole or in part, applications for permits pursuant to this Chapter.

H. Cooperate with local, County, State, and Federal governments in the pursuit of the objectives of historic preservation.

I. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any historic or cultural resource including landmark, landmark site, historic district, or neighboring property within public view.

J. Participate in, promote, and conduct public information, education, and interpretive programs pertaining to historic and cultural resources.

18.35.060 Historic Designation Criteria.
For the purposes of this Chapter, an improvement may be designated a historic landmark or historic site by the City Council pursuant to Section 18.35.070 of this Chapter if it meets the following criteria and other criteria established by the Planning Commission pursuant to Section 18.35.050 of this Chapter:

A. It exemplifies or reflects special elements of the City's cultural, aesthetic, or architectural history; or

B. It is identified with persons or events significant in local, State, or National history; or

C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer, or architect.

18.35.070 Historic Designation Procedures.
Historic landmarks and historic sites shall be established by the City Council in the following manner:
A. Application: Any person may request the designation of an improvement as a historic landmark or the designation of a historic site by submitting an application for such designation to the Planning Commission. The Commission or City Council may also initiate such proceedings
on their own motion.

B. Preliminary Determination: The Commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require, as to its appropriateness for consideration. If the Planning Commission determines that the application merits consideration, it shall schedule a public hearing.

C. Written Decision: The Commission shall file its decision in writing with the City Clerk and the Director of Community Development. If the Planning Commission decides not to hold a hearing, the City Clerk shall mail notice of such decision to the applicant.

D. Public Hearings: Public hearings shall be noticed and held on applications in the manner required by law and in accordance with provisions of Section 18.32.160 of this Title.

E. Notice Of Recommendation: The Planning Commission shall conduct a public hearing and shall provide a reasonable opportunity for all interested parties to provide input regarding each historic designation. At the conclusion of the public hearing, but in no event more than thirty (30) days from the date set for the initial public hearing or any continuance thereof for the designation of a proposed historic landmark or historic site, the Planning Commission shall recommend, in writing, approval in whole or in part, or disapproval in whole or in part of the application. Such written determination shall contain a description of the actual property or properties to be designated and shall be filed with the City Clerk and the Director of Community Development. Such decision shall also be mailed to any other interested parties as may request a copy thereof.

F. Council Approval: The City Council, within thirty (30) days of receipt of the recommendations from the Planning Commission, shall by ordinance approve the application in whole or in part, or shall by motion disapprove it in its entirety. The City Council shall hold a public hearing on the proposed ordinance.

G. Notice Of Council Decision: The City Clerk shall notify the Director of Community Development of any official designation adopted by ordinance by the City Council. The Clerk may also file with the County Recorder of Stanislaus County a certified copy of the ordinance together with a notice briefly stating the fact of said designation and a summary of the effects said designation will have. The City Clerk shall mail a copy of the ordinance approving said designation or a copy of the minute order showing disapproval of said designation, to all applicants and the owners and occupants of the proposed designated historic site or historic landmark and to any other person who requests a copy.

H. Failure To Send Notice: Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Planning Commission and City Council may also give such other notice as they may deem desirable and practicable.
I. Work Permits: No building, alteration, demolition or removal permits for any improvement, building, or structure relative to a proposed historic site or historic landmark shall be issued while the application therefor is pending. Exceptions may be considered in case of hardship as provided by Section 18.35.150 of this Chapter.

18.35.080 Permits.
It shall be unlawful for any person to tear down, demolish, construct, alter, remove or relocate any improvement, or any portion thereof, which has been designated a historic landmark pursuant to the provisions of this Chapter, or to alter in any manner any exterior architectural feature of such a historic landmark or on a historic landmark or historic site, without first obtaining written approval to do so in the manner provided in this Chapter, nor shall the Director of Community Development, or any other office of the City grant any permit to carry out such work on a designated historic landmark or historic site without the prior written approval of the Planning Commission.

18.35.090 Permit Approval Procedure.
The following procedures shall be followed in processing applications for approval of work covered by this Chapter:
A. Applications for approval to pursue work on a designated historic site or historic landmark shall be made to the Director of Community Development who will then present such applications to the Planning Commission.

B. All such applications shall be accompanied by plans and specifications describing the proposed work as well as any other materials considered by the Planning Commission to be reasonably necessary for the proper review of the proposed project.

C. The Planning Commission shall complete its review and make a decision within fifty (50) days of the date of receipt of the application. Whenever the application is to tear down, demolish, construct, alter, remove, or relocate any improvement, or any portion thereof, which has been designated a historic landmark pursuant to the provisions of this Chapter, the Planning Commission shall hold a public hearing thereon. The Planning Commission may hold public hearings on other applications as it deems necessary. All decisions, interim and final, shall be made at regular meetings of the Planning Commission. The Planning Commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision.

18.35.100 Permit Approval Criteria.
The Planning Commission, or the City Council upon appeal, shall issue an approval for any proposed work as described in Section 18.35.080 of this Chapter based upon the following criteria and any other criteria as determined by the Planning Commission pursuant to Section 18.35.050 of this Chapter:
A. In the case of any property located within a historic landmark, the proposed work would not detrimentally alter, destroy, or adversely affect any exterior architectural feature; or

B. In the case of construction of a new improvement, building, or structure upon a historic site, the exterior of such improvements will not adversely affect and will be compatible with the
external appearance of existing designated improvements, buildings, and structures on said site.

18.35.110 Appeals.
Any interested party may appeal any decision by the Planning Commission pursuant to Section 18.35.100 of this Chapter by filing a notice of appeal with the City Council not later than ten (10) days after the Planning Commission's decision. Such notice shall be accompanied by a fee as may be established by the City Council. The appeal shall be administered as set forth in Chapter 18.34 of this Title.

18.35.120 Exceptions.
A. Nothing in this Chapter shall be construed to prevent any and all reasonable uses of any property or properties covered by this Chapter as are not in conflict with the purposes of this Chapter, including the ordinary maintenance or repair of said property that does not involve a change in design, material or external appearance thereof.

B. Due to the peculiar conditions of design and construction in historic resources where structures were sometimes built close to lot lines, and where ownership patterns have changed over the years, it is sometimes in the public interest to retain the historic appearance of a neighborhood by making an exception to normal setback, parking, landscaping, fencing, and screening requirements of this title, where such an exception does not interfere with the public health or safety. Where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the Planning Commission may authorize such exception to this Title.

18.35.130 Unsafe or Dangerous Conditions.
Nothing in this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or feature or part thereof, covered by this Chapter, where such condition has been declared unsafe or dangerous by the Director of Community Development or the Fire Chief, and where the proposed measures have been declared necessary by such officials to correct such condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed. In making a determination as to whether such work is reasonably necessary as aforesaid, the above-mentioned officials shall refer to the State Historical Building Code, Health and Safety Code section 18950 et seq.

18.35.140 Duty to Keep in Good Repair.
The owner, occupant, or other person in actual charge of a historic or cultural resource shall keep in good repair all of the exterior portions of such improvement, building, or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the Director of Community Development to enforce this Section.

18.35.150 Showing of Hardship.
The Planning Commission need not disapprove an application for permit to carry out any proposed work on a historic landmark or a historic site, if the applicant presents clear and convincing
evidence of facts demonstrating to the satisfaction of the Planning Commission that such disapproval will cause immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be property owner, tenant, or resident, or because of conditions peculiar to the particular improvement, building, or structure or other feature involved, and that failure to disapprove the application will be consistent with the purposes of this Chapter. In determining whether extreme hardship exists, the Planning Commission shall consider, among others, the following criteria:

A. Whether denial of the application will diminish value of the subject property so as to leave substantially no value.

B. Whether reasonable utilization of the property is prohibited or impractical.

If a hardship is found to exist under this Section, the Planning Commission shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding. Such finding may be appealed to the City Council pursuant to the provisions of Section 18.35.150 of this Chapter.

18.35.160 Retroactive Application.

The provisions of this Chapter shall be inapplicable to the construction, alteration, demolition or removal of any structure or other feature on a designated historic landmark or historic site where a permit for the performance of such work was issued prior to initiation of proceedings for such designation, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the City’s Building Code.
Chapter 36

DOWNTOWN SPECIFIC PLAN OVERLAY ZONE

Sections:
18.36.010 Adoption by Reference.

18.36.010 Adoption by Reference.
That certain document dated January 10, 2010, entitled "Downtown Specific Plan for the City of Ceres", including Appendix A, is adopted by this reference as the land use and zoning policies, regulations, and guidelines applicable to all parties located within the boundaries of the Downtown Specific Plan area. A copy of the Downtown Specific Plan document shall be maintained in the Office of the City Clerk of the City of Ceres. The Downtown Specific Plan is adopted as an overlay zone applicable to all properties within the Downtown Specific Plan boundaries. Provisions of the City's zoning ordinances remain applicable to the properties within the area affected by the Specific Plan, except to the extent they are in conflict with the provisions of the Specific Plan, in which case the provisions of the Specific Plan shall control and be applied.
Chapter 37

DEVELOPMENT AGREEMENTS

Sections:
18.37.010 Authority and Purpose.
18.37.020 Limitation.
18.37.030 Initiation.
18.37.040 Application.
18.37.050 Qualification of Applicant.
18.37.060 Fees.
18.37.070 Withdrawal of Application.
18.37.080 Form of Agreement.
18.37.090 Review of Application.
18.37.100 Environmental Review.
18.37.110 Transmittal to the Planning Commission.
18.37.120 Planning Commission Action.
18.37.130 Action by the City Council.
18.37.140 Approval of Development Agreement.
18.37.150 Notice Required for Public Hearings.
18.37.160 Amendment, Cancellation or Assignment.
18.37.170 Recordation.
18.37.180 Periodic Review.
18.37.190 Rules, Regulations and Official Policies

18.37.010 Authority and Purpose.
This Chapter is adopted pursuant to the authority of Government Code section 65864 through 65869.5.

The purpose of this Chapter is to provide assurance to an applicant for a development project that upon approval of the project, the applicant may proceed in accordance with existing policies, rules and regulations; and subject to conditions of approval, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development.

18.37.020 Limitation.
Unless otherwise expressed in this Code, the provisions in this Chapter are the exclusive procedures and rules relating to development agreements and, in the event of conflict, these provisions shall prevail over any other provisions throughout this Code.

18.37.030 Initiation.
A development agreement may be initiated by an application of one or more qualified applicants
as that term is defined by Section 18.37.050.

18.37.040 Application.
A. Application for a development agreement shall be made in writing to the Planning Division on a form prescribed by the Director of Community Development. The application shall include the following data:

1. A map drawn to scale showing the property for which the development agreement is requested and the property lines for the properties within three hundred feet (300’) of the exterior boundary lines of the subject property;

2. A clear indication of the names of all the streets and of the Assessor's parcel numbers of each parcel shown on the map that is the subject of the agreement;

3. The names and mailing addresses as listed on the latest assessment roll of the owners of the property shown on the map;

4. The legal description or other description acceptable to the Director of Community Development of the subject property which must be provided prior to approval from the City Council.

5. The proposed use or uses, density or intensity of use of the property, the maximum height and size of any proposed buildings, the proposed duration of the agreement, and any proposed reservations or dedications of land for public purposes;

6. The proposed term of the development agreement.

7. The developer shall provide a statement justifying the five (5) findings to be made by the City Council as specified in Section 18.37.130.

B. In addition to the above information, the Director may require a qualified applicant to submit any additional information and supporting data considered necessary to process the application.

18.37.050 Qualification of Applicant.
Only a qualified applicant may file an application pursuant to this Chapter. A qualified applicant is a person or entity who (which) has legal or equitable interest in the real property which is the subject of the development agreement. The Director of Community Development may require an applicant to submit proof of the applicant’s interest in the real property and of the authority of the agent to act on behalf of the applicant.

18.37.060 Fees.
For the purpose of defraying the expense involved in connection with an application, the City Council may establish by resolution a schedule of fees. The schedule of fees shall be available at the Planning Division and any fee imposed shall be paid by the applicant at the time of filing the
application.

18.37.070 Withdrawal of Application.
An applicant may withdraw an application filed pursuant to this Chapter. Any fee required for processing the application shall not be returnable to the applicant.

18.37.080 Form of Agreement.
The development agreement shall be in a form approved by the City Attorney; it shall specify the duration of the agreement; the permitted uses of the property; the density or intensity of use; the maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

18.37.090 Review of Application.
A. The Director of Community Development shall review the application and shall accept it for filing if it is complete and accurate.

B. The Director of Community Development shall prepare a staff report and recommendation for the Planning Commission with regard to the proposed agreement.

18.37.100 Environmental Review.
A development agreement shall be subject to environmental review as required by the California Environmental Quality Act and its implementing regulations.

18.37.110 Transmittal to the Planning Commission.
The Director of Community Development shall transmit the application to the Planning Commission for a public hearing when all of the necessary reports and recommendations are complete. Notice of the public hearing shall be given as provided in this Chapter at Section 18.37.150. The application for a development agreement may be considered concurrently with other discretionary permits or approvals for the project.

18.37.120 Planning Commission Action.
After one or more public hearings have been held by the Planning Commission, it shall render its decision in the form of a written recommendation and report. Such recommendation and report shall be forwarded to the City Council.

18.37.130 Action by the City Council.
A. Upon receipt of the Planning Commission's recommendation and report, the City Council shall promptly set the matter for public hearing. Notice of the public hearing shall be given as
provided in this Chapter.

B. After the City Council completes the public hearing, it may approve, modify or disapprove the development agreement. Matters not previously considered by the Planning Commission during its hearing may, at the discretion of the City Council, be referred back to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on such referrals.

C. The City Council may approve the development agreement only if it finds in writing that the agreement:

1. That the proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, any applicable specific plan, and any proposed amendment to the General Plan or applicable specific plan submitted simultaneously and in conjunction with the proposed development agreement;

2. That the proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

3. That the proposed development agreement is in conformity with public convenience, general welfare, and good land use practice;

4. That the proposed development agreement will not be detrimental to the public health, safety, and general welfare;

5. That the proposed development agreement will not adversely affect the orderly development of property or the preservation of property values.

6. Is consistent with the provisions of Government Code section 65864 through 65869.5.

D. Unless the development agreement provides otherwise, the rules, regulations and official policies governing the permitted uses of land, density, design, improvement, construction standards, or any one of these shall be those rules, regulations and official policies in force at the date of the agreement as adopted by the City Council.

18.37.140 Approval of Development Agreement.

Any approval of the development agreement shall be by ordinance.

18.37.150 Notice Required for Public Hearings.

A. Notice of public hearings required by this Chapter shall be given as provided in section 65854 and 65856 of the Government Code, in addition to such other notice as may be required for other actions to be considered concurrently with the development agreement.
B. The failure of any person to receive notice required by law of any hearing as required by this Chapter shall not affect the authority of the City to enter into a development agreement.

18.37.160 Amendment, Cancellation or Assignment.
A. A development agreement may be amended or canceled, in whole or in part, by the mutual consent of the parties to the agreement, but only after a notice of intention to amend or cancel has been given and public hearings have been held pursuant to this Chapter for the approval of the original development agreement.

B. The procedures for assignment of a development agreement, in whole or in part, shall be set forth in the development agreement.

18.37.170 Recordation.
Within ten (10) days after the effective date of a development agreement or any modification or the cancellation thereof, the City Clerk shall have the agreement, the modification or cancellation recorded with the County Recorder.

18.37.180 Periodic Review.
A. The Planning Commission shall, not less than once every twelve (12) months from the effective date of the development agreement, review the same for compliance with its terms and conditions.

B. The Planning Commission shall begin the review proceedings by causing notice of the periodic review of the development agreement to be given to each party to the agreement other than the City and to each party entitled to notice under Section 18.37.150. Such mailed notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission. Said notice shall likewise be given at least ten (10) days prior to any hearing by the City Council.

C. The Planning Commission shall conduct an investigation as to whether or not there has been good faith compliance, and if it is found that there has not been such compliance. The Planning Commission shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue shall be on the property owner. The Planning Commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement. If the Planning Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Commission may recommend to the City Council that the agreement be modified or terminated.

D. Upon receipt of a recommendation from the Planning Commission, the City Council shall
schedule the matter for public hearing.

E. If the City Council finds and determines at a public hearing, and on the basis of substantial evidence, that the applicant has complied in good faith with the terms and conditions of the agreement during the period under review, no further action is required. The burden of proof on this issue shall be on the applicant.

F. If the City Council determines at a public hearing and on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council may modify or terminate the agreement.

Unless otherwise provided by the development agreement, the rules, regulations and official policies of the City which govern permitted uses of land, density, design, improvement and construction standards and specifications, applicable to the development of the property subject to the development agreement, shall be those rules, regulations and official policies in force at the time of the execution of the agreement. A development agreement shall not prevent the City, in subsequent actions applicable to the property which is the subject of the development agreement, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the subject property at the time the agreement was executed; nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.
Chapter 38

SUBDIVISION TRACT SALES OFFICES, SIGNS, FLAGS AND TEMPORARY CONSTRUCTION/JOB SITE TRAILERS

Sections:
18.38.010 Purpose and Intent.
18.38.020 Filing Fee.
18.38.030 Establishment of Subdivision Tract Sales Office.
18.38.040 General Provisions.

18.38.010 Purpose and Intent.
The intent of this Chapter is to regulate the establishment and operation of subdivision tract sales offices, signs, flags and temporary construction site trailers to assure the compatibility with residential uses, and to avoid adverse effects or adjacent properties.

18.38.020 Filing Fee.
A. Sales Office; Administrative Permit: When an application for a subdivision tract sales office, signs and flags is filed, a fee shall be paid in such amount as determined by resolution of the City Council.
B. Temporary Construction Site Trailers: A commercial trailer may be utilized in accordance with this Title upon payment of the required building permit and inspection fees to the Building Division.

18.38.030 Establishment of Subdivision Tract Sales Office.
A. Subdivision tract sales offices may be established temporarily in conjunction with the construction of new subdivisions for the purpose of sale to and for the attraction of potential customers.
B. Such activities shall be limited to new subdivisions containing twenty (20) or more parcels as approved by the City and shall be limited to the sale and promotion of those units within the subdivision.

18.38.040 General Provisions.
The following general provisions shall apply to all subdivision tract sales offices:
A. The following offices may be permitted:

1. A sales office shall be located within the garage of the model home or other portions of the model home and may be permitted for a period of two (2) years; or,

2. One temporary office trailer with a minimum of twelve feet by forty feet (12′ x 40′); provided, that this structure shall be used only during the construction phase of the model home. Upon completion of the model home, the use of the temporary office trailer shall be discontinued and removed or used as a temporary construction job site trailer as provided in subsection F of this Section.
3. Garage conversion shall be required from sales office to garage prior to the close of escrow of the model home.

B. Signs: The following signs may be permitted for a subdivision tract sales office on a temporary basis

1. A maximum of two (2) on-site, nonilluminated double-faced signs advertising a residential subdivision are permitted, limited to thirty-two (32) square feet per side, two (2) side maximum, and eight feet (8’) in height, located a minimum of ten feet (10’) from the street right of way. These signs shall be removed not later than three (3) years from the recording date of the subdivision, except that the Director of Community Development may grant one-year time extensions until ninety percent (90%) occupancy is reached.

2. One nonilluminated off-site subdivision sales sign identifying the location of the subdivision shall be permitted per development, limited to thirty-two (32) square feet per side, two (2) side maximum, and eight feet (8’) in height. The sign shall be located on private property, a minimum of ten feet (10’) from the street right of way, where it shall not constitute a traffic hazard. These signs shall be removed not later than three (3) years from the recording date of the subdivision, except that the Director of Community Development may grant one-year extensions until ninety percent (90%) occupancy is reached.

3. Additional on-site signs containing information about the model name or number, floor plan, area or price are permitted in residential subdivisions provided there is not more than one such sign for each model. Signs concerning models shall not have an area exceeding three (3) square feet nor a height of more than three feet (3’), and shall be located immediately adjacent to the model to which they refer. Signs authorized under this Section shall not be erected until the subdivision map is recorded and building permits are issued for the construction of the project.

4. One subdivision banner for grand openings not to exceed seventy-two (72) square feet in area or twenty feet (20’) in height may be permitted within the boundaries of the recorded subdivision. In addition, a maximum of four (4) flags not to exceed twenty feet (20’) in height and eight (8) square feet in area may be permitted within the subdivision. The banner and flags shall be permitted for no more than ninety (90) days from the date specified on the sign approval.

5. One nonilluminated sales office sign which shall not exceed twelve (12) square feet in area, may be permitted to be attached to the model home or temporary trailer, and shall not be higher than the plane surface to which it is attached.

C. Minimum area of landscaping shall be as follows:
1. Sales Office with Model Home: Front yards shall be fully landscaped and irrigation system installed as soon as improvements and streets are completed.

2. Temporary Office Trailer: No landscape requirements during the construction phase.

D. Off-Street Parking: No requirements.

E. Extension or Sales Offices: Extensions and sales offices for less than twenty (20) lots shall be considered by the City under the conditional use permit process.

F. Temporary Construction Site Trailer:
   1. When Permitted: Construction site trailers may be permitted in a subdivision tract of five (5) or more parcels for the purpose of overseeing and coordinating construction activity. Construction Trailers are also permitted on large commercial and industrial development projects subject to the requirements of this chapter.
   2. Location: Location of said trailer is as approved by the Director of Community Development.
   3. Fees: Fees shall be paid as required by the Building Division.
   4. Type of Trailer: Trailer shall be a type approved by the Building Division.
   5. Time Limit for Use: The trailer may be used for a time period as specified by the Director of Community Development.
Chapter 39

DENSITY BONUS PROGRAM

Sections:
18.39.010 Purpose and Intent.
18.39.020 Applicability.
18.39.030 Concessions and Incentives.
18.39.040 General Requirements.
18.39.050 Requirements for Rental Housing Projects.
18.39.060 Requirements for Owner-Occupied Housing.
18.39.070 Conflict of Interest.
18.39.80 Requirements for Housing Projects that Include Child Care Facilities

18.39.010 Purpose and Intent.
The intent of the density bonus program is to contribute significantly to the economic feasibility of affordable housing in proposed developments by offering incentives to developers consisting of density bonuses or other concessions of equal financial value, in compliance with Government Code sections 65915 and 65917.

18.39.020 Applicability.
Density bonuses may be granted and agreements entered into between the City and developer in conjunction with a zone change, planned community development, architectural site plan application approval, subdivisions or other permit approvals granted by the City. The following provisions shall apply to density bonuses:

A. Housing developments must have a minimum of five (5) units, excluding any bonus units, to qualify for the density bonus program provided by this Chapter, and meet one or more of the following criteria:

1. Ten percent (10%) of the total units are designated for lower-income households, as defined in Section 50079.5 of the Health and Safety Code.

2. Five percent (5%) of the total units are designated for very low-income households, as defined in Section 50105 of the Health and Safety Code.

3. Ten percent (10%) of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

3. Fifty percent (50%) of the total units are designated for senior citizens, as defined in Sections 51.3 and 51.12 of the Civil Code.
4. Ten percent (10%) of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) shall qualify for a density bonus of up to thirty-five percent (35%) increase in the number of dwelling units authorized for a particular parcel of land beyond the otherwise maximum allowable residential density under this Title or General Plan, whichever is greater, as of the date of application for a project. In addition, a developer shall be entitled to at least one other concession or incentive unless the City adopts a written finding that the additional concession or incentive is not required in order to provide affordable housing costs as defined in Section 50052.5 of the California Health and Safety Code, or the concession or incentive would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, or the concession or incentive would be contrary to State or Federal law, or the City shall provide other incentives of equivalent financial value based on the land cost per dwelling unit.

B. Projects which meet the requirements of this Chapter shall qualify for a density bonus of up to thirty-five percent (35%) increase in the number of dwelling units authorized for a particular parcel of land beyond the otherwise maximum allowable residential density under this Title or General Plan, whichever is greater, as of the date of application for a project. In addition, a developer shall be entitled to at least one other concession or incentive unless the City adopts a written finding that the additional concession or incentive is not required in order to provide affordable housing costs as defined in Section 50052.5 of the California Health and Safety Code, or the concession or incentive would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, or the concession or incentive would be contrary to State or Federal law, or the City shall provide other incentives of equivalent financial value based on the land cost per dwelling unit.

C. If the developer agrees to construct both ten percent (10%) of the total units for lower-income households and five percent (5%) of the total units for very low-income households, the developer is entitled to one additional incentive as identified in Section 18.39.030 of this Chapter, and may, at the discretion of the City, receive more than one density bonus.

D. The City shall, within ninety (90) days of receipt of a written proposal, notify the developer, in writing, of the procedures governing these provisions.

E. The City Council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings are made:

1. The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible.

2. Additional adjustment of standards is not required in order for rents for the targeted units to be set, pursuant to California Government Code Section 65915, subdivision (c).

3. The proposed project is compatible with the purpose and intent of the Ceres General Plan and applicable zoning and development policies.

4. The concession or incentive would not have a specific adverse impact on public health, public safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigated or avoid the specific adverse impact, or adverse impact, without rendering the development unaffordable to low- and moderate-income households. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or
safety standards, policies, or conditions as they existed on the date the application was deemed complete

18.39.030 Concessions and Incentives.  
For the purposes of this Chapter, concession or incentive means any of the following:
A. A consideration of alternative site development standards or a modification of Zoning Code requirements or architectural design requirements that exceed minimum building standards approved by the State of California Building Standards Commission as provided in part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

B. One incentive or concession for projects that include at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

C. Two incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

D. Three incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

E. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

F. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable actual cost reductions may include, but are not limited to:

1. Certain applicable City fees in a project may be waived, reduced or deferred.

2. A project which provides affordable housing under the terms of this Chapter may be entitled to priority processing.

3. Contributions of redevelopment tax increment housing set-aside funds.

4. Technical assistance with the preparation of an application for State or Federal funds.
5. Financing with tax-exempt bonds or mortgage credit certificates, if they are issued by the City.

18.39.040 General Requirements.

A. The developer shall enter into a written agreement with the City to guarantee the continued use and availability of the affordable units to very low- and low-income households for a period as determined by the City. If financing or subsidy programs for the project designate a preservation period, the affordability of restricted units shall be maintained for at least the designated preservation period.

B. Requirements for the affordable units shall be established in conjunction with project approval. Evidence of compliance with the provisions of this Chapter shall be in the form of an agreement between the applicant, City, and monitoring agency completed prior to issuance of any project building permits. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the office of the Stanislaus County Recorder. The agreement shall include the following provisions:

1. The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value.

2. The deeds to the designated units shall contain a covenant stating that the developer or his or her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interest for same without the written approval of the City confirming that the sales price of the unit is consistent with the limits established for eligible households.

3. The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.

4. Nondiscrimination language shall be incorporated into each agreement to assure that equal housing opportunities are made available to all without regard to race, color, religion, sex, national origin, ancestry, marital status or physical handicap in accordance with State or Federal Law.

5. The agreement shall be recorded as a deed restriction prior to issuance of any project building permits and shall run with the land encompassed by the project as provided in subsection A of this Section.

C. Affordable units in a project and phases of a project shall be constructed concurrently with or prior to the construction of nonrestricted units.

D. Affordable units shall have an external appearance, bedroom mix and amenities
representative of the entire housing development, and such units shall be dispersed throughout the project.

E. The City may contract with the Stanislaus County Housing Authority or other similar entity to administer and monitor the rental and sales provisions of this Chapter. The monitoring costs shall be paid by the project owner(s) in one lump sum for the term of the agreement. Said fee shall be paid prior to issuance of the final occupancy clearance. It will be the owner's responsibility to contact the monitoring agency regarding subsequent vacancies once a unit is available for rent or sale.

F. The City Council, by resolution, may establish the amount of fees to be charged to applicants and/or project owners for administration of this Chapter.

**18.39.050 Requirements for Rental Housing Projects.**

A. Those units targeted for very low-income households shall be affordable at a rent that does not exceed thirty percent (30%) of fifty percent (50%) of the Stanislaus County area median income, as published annually by the California Department of Housing and Community Development, and adjusted for household size. If the units are rented to section 8 certificate holders, then the maximum rents for those units shall be as determined by the Stanislaus County Housing Authority.

B. Those units targeted for lower-income households shall be affordable at a rent that does not exceed thirty percent (30%) of sixty percent (60%) of the Stanislaus County area median income, as published annually by the California Department of Housing and Community Development, and adjusted for household size. If the units are rented to section 8 certificate holders, then the maximum rents for those units shall be as determined by the Stanislaus County Housing Authority.

C. Those units targeted for moderate-income households shall be affordable at a rent that does not exceed thirty percent (30%) of one hundred percent (100%) of the Stanislaus County area median income, as published annually by the California Department of Housing and Community Development, and adjusted for household size. If the units are rented to section 8 certificate holders, then the maximum rents for those units shall be as determined by the Stanislaus County Housing Authority.

D. Total move-in costs for affordable units shall be limited to the last month's rent plus a cleaning deposit not to exceed one month's rent.

E. In calculating rents for senior citizen housing units, any services, such as meals or individual medical care, offered above those normally provided for independent living units, shall not be included in calculating maximum rents.

F. If the affordable unit is rented at any time to persons not in the income category originally agreed upon, the property owner or applicant shall pay to the City the difference between the maximum rental fee allowed and that collected for each unit, for the term of noncompliance. Any
forfeited monies shall be used for targeted-income housing programs within the City.

**18.39.060 Requirements for Owner-Occupied Housing.**

A. All purchasers of affordable units shall be first time homebuyers or senior citizens.

B. The total mortgage payments of those units designated for very low- and low-income households shall not exceed the criteria specified for maximum rents in Section 18.39.050 of this Chapter. Total mortgage payments include principal, interest, taxes, and insurance.

C. The total down payment, excluding closing costs, for the affordable units, shall not exceed ten percent (10%) of the purchase price.

D. Purchasers shall be required to occupy the unit unless evidence is presented to the City that the owner is unable to continuously occupy the unit due to illness or incapacity. In such cases, the City may approve rental of the unit to the same household type as the owner.

E. The owner of an affordable unit, on its sale or resale, shall sell the unit to a household in the same category (very low, low, or senior citizen).

F. The sale and selling price of the affordable unit shall be controlled by the monitoring agency.

**18.39.070 Conflict of Interest.**

Following are those persons who, by virtue of their position or relationship, are found to be ineligible to purchase or rent an affordable unit as their residence:

A. All employees and officials of the City who have, by the authority of their position, policymaking authority or influence affecting City housing programs.

B. The developer or project owner, or the relatives or employees of the developer, project owner or of any subcontractor or business associated with the developer's or project owner's operations.

**18.39.080 Requirements for Housing Projects that Include Child Care Facilities.**

When an applicant proposes to construct a housing development that conforms to the requirements of California Government Code section 65915, subdivision (b), and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

A. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

B. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

C. The City shall require, as a condition of approving the housing development that the following occur:
1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to California Government Code section 65915, subdivision (c).

2. Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income pursuant to California Government Code section 65915, subdivision (b).

3. Notwithstanding any requirement of California Government Code section 65915, the City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

4. "Child care facility," as used in this Section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
Chapter 40

FLOODPLAIN MANAGEMENT AND FLOOD HAZARD IDENTIFICATION REGULATIONS

Sections:
18.40.010 Statutory Authorizing and Purpose.
18.40.030 Administration.
18.40.050 Variance Procedure.

18.40.010 Statutory Authorizing and Purpose.
A. Statutory Authorization: The legislature of the State has in Government Code sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the City Council adopts the following floodplain management regulations.

B. Findings Of Fact:

1. The flood hazard areas of Ceres are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

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

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

7. Ensure that potential buyers are notified that property is in a special flood hazard area; and

8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this Chapter includes methods and provisions to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Control filling, grading, dredging, and other development which may increase flood damage; and

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

6. This Chapter shall take precedence over any less restrictive conflicting local laws and ordinances.


A. Lands To Which This Chapter Applies: This Chapter shall apply to all areas identified as flood-prone within the jurisdiction of Ceres.

B. Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the current "Flood Insurance Study (FIS) for Stanislaus County, California and Incorporated Areas", with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), and all subsequent amendments and revisions, are hereby adopted by reference and
declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRM s, and FB FMs are on file at Engineering Services Department located at 2220 Magnolia Street, Ceres, CA 93507.

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

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

E. Interpretation: In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under California statutes.

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

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

18.40.030 Administration.
A. Establishment Of Development Permit: A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Section 18.40.020, subsection B, of this Chapter. The term development shall include any
manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Site plan, including but not limited to:
   a. For all proposed structures, spot ground elevations at building corners and twenty-foot (20') or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and
   b. Proposed locations of water supply, sanitary sewer, and utilities; and
   c. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
   d. If applicable, the location of the regulator floodway; and

2. Foundation design detail, including but not limited to:
   a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
   b. For a crawl-space foundation, location and total net area of foundation openings as required in Section 18.40.040, subsection A(3)(c), and FEMA Technical Bulletins 1-93 and 7-93; and
   c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five (95%) percent using the Standard Proctor Test method); and

3. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, as required in Section 18.40.040, subsection A(3), of this Chapter and FEMA Technical Bulletin TB 3-93; and

4. All appropriate certifications listed in Section 18.04.030, subsection C(4); and

5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Floodplain Administrator: The City Engineer, or his or her designee, is hereby appointed to administer, implement, and enforce this Chapter by granting or denying
development permits in accord with its provisions.

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

1. Permit Review: Review all development permit applications to determine that:
   a. Permit requirements of this Chapter have been satisfied;
   b. All other required State and Federal permits have been obtained;
   c. The site is reasonably safe from flooding; and
   d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated.
   e. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot (1′) at any point.

2. Review And Use Of Any Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 18.40.020, subsection B of this Chapter, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Section 18.40.040 of this Chapter. Any such information shall be submitted to the City Council for adoption.

   a. Simplified method 100-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
3. Notification of Other Agencies:
   a. In alteration or relocation of a watercourse:
      (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
      (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
      (3) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
   b. Base flood elevation changes due to physical alterations:
      (1) Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
      (2) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
   Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

4. Documentation of Floodplain Development: Obtain and maintain for public inspection and make available as needed the following:
   a. Certification required by Section 18.40.040, subsection A(3)(a), of this Chapter (floor elevations);
   b. Certification required by Section 18.40.040, subsection A(3)(b), of this Chapter (elevation of floodproofing of nonresidential structures);
   c. Certification required by Section 18.40.040, subsection A(3)(c), of this Chapter (wet floodproofing standard);
   d. Certification of elevation required by Section 18.40.040, subsection C, of this Chapter (subdivision standards); and/or
e. Certification required by Section 18.40.040, subsection F, of this Chapter (floodway encroachments).

5. Map Determinations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 18.040.030, subsection D.

6. Remedial Action: Take action to remedy violations of this Chapter as specified in Section 18.40.020, subsection C.

D. Appeals: The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter. Decisions of the Planning Commission may be appealed to the City Council.

A. Standards Of Construction: In all areas of special flood hazards, the following standards are required:

1. Anchoring:
   a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   
   b. All manufactured homes shall meet the anchoring standards of subsection D of this Section.

2. Construction Materials And Methods: All new construction and substantial improvement shall be constructed:
   a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation.
   
   b. Using methods and practices that minimize flood damage;
   
   c. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components...
during conditions of flooding; and if

d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation And Floodproofing:

a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

(1) In an AO zone elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet (2’), or elevated at least four feet (4’) above the highest adjacent grade if no depth number is specified.

(2) In an A Zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in Section 18.040.030, subsection C(2). The state of California recommends the lowest floor be elevated at least two feet (2’) above the base flood elevation, as determined by the community.

(3) In all other zones, elevated at least one foot (1’) above the base flood elevation.

Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

b. Nonresidential construction shall either be elevated to conform with Section 18.40.040, subsection A(3)(a), or together with attendant utility and sanitary facilities:

(1) Be floodproofed below the elevation recommended under Section 18.40.040, subsection A(3)(a), of this Chapter so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this Section 18.40.040, subsection A(3)(b), of this Chapter are satisfied. Such certification shall be provided to the Floodplain Administrator.
c. Flood openings. All new construction and substantial improvements of structures with fully-enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or be certified by a registered civil engineer or architect.

d. Manufactured homes shall also meet the standards in subsection D of this Section.

B. Standards For Utilities:

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

   a. Infiltration of flood waters into the systems; and

   b. Discharge from the systems into flood waters.

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

C. Standards For Subdivisions:

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50)
lots or five (5) acres, whichever is the lesser, shall:

a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).

b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:

(1) Lowest floor elevation.

(2) Pad elevation.

(3) Lowest adjacent grade.

2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes:

1. All manufactured homes that are placed or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood shall:

a. Within Zones Al 30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of subsection D1 of this Section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

a. Lowest floor of the manufactured home is at or above the base flood elevation; or

b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

E. Standards For Recreational Vehicles:

1. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days;

b. Be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the permit requirements of Section 18.100.030 of this Chapter and the elevation and anchoring requirements for manufactured homes in subsection D1 of this Section.

F. Floodways: Located within areas of special flood hazard established in Section 18.04.020, subsection B of this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
2. If subsection F1 of this Section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Section.

18.40.050 Variance Procedure.
A. Nature Of Variances: The variance criteria set forth in this Section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, nor the property owners.

Hardship for purposes of this Section means, the exceptional hardship that would result from a failure to grant the requested variance. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of ensuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board:

1. In passing upon requests for variances, the City Council serves as the appeal board and shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the following:

   a. Danger that materials may be swept onto other lands to the injury of others;

   b. Danger of life and property due to flooding or erosion damage;

   c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

   d. Importance of the services provided by the proposed facility to the
community;

e. Necessity to the facility of a waterfront location, where applicable;

f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. Compatibility of the proposed use with existing and anticipated development;

h. Relationship of the proposed use to the Comprehensive Plan and a floodplain management program for that area;

i. Safety of access to the property in time of flood for ordinary and emergency vehicles;

j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

2. Any applicant to whom a variance is granted shall be given written notice by the City Manager that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

b. Such construction below the base flood level increases risks to life and property. It is recommended a copy of the notice shall be recorded by the Floodplain Administrator in the office of the Stanislaus County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

3. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

C. Conditions For Variances:

1. Generally, variances may be issued for new construction, substantial improvement,
and other proposed new development to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 18.40.020 and 18.40.030 of this Chapter have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 18.02.010) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of this Chapter.

5. Variances shall only be issued upon:
   a. Showing of good and sufficient cause; and
   b. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 18.40.050 of this Chapter) to the applicant; and
   c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, defraud the public, or conflict with existing local laws or ordinances.

6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsection C1 through 5 of this Section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
7. Upon consideration of the factors of subsection B of this Section and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
Chapter 41

REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

Sections:
18.41.010 Title, Purpose and Applicability.
18.41.020 Review and Authority.
18.41.030 Application for a Reasonable Accommodation.
18.41.040 Finding Necessary for a Reasonable Accommodation.
18.41.050 Amendments, Expiration, Violation and Discontinuance.

18.41.010 Title, Purpose and Applicability.
A. Title and Intent. The provisions of this Chapter shall be known as the Reasonable Accommodations Policy and Procedure Regulations. The intent of the Reasonable Accommodations Policy and Procedure Regulations is to provide flexibility in the application of the Zoning Ordinance for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities. This Chapter will facilitate compliance with Federal and State fair housing laws, and promote housing opportunities for residents of Ceres.

B. Purpose. The purpose of this Chapter is to establish a procedure for persons with disabilities seeking fair access to housing to make requests for reasonable accommodations in the application of Ceres' zoning laws, rules, policies, practices and procedures pursuant to Section 3604(f)(3)(b) of Title 42 of the United States Code ("the Fair Housing Act") and Section 12955 et seq. of the California Government Code (the "California Fair Employment and Housing Act"), which prohibit local governments from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

C. Applicability. A request for a reasonable accommodation may include modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

D. For purposes of this Chapter, a “person with a disability” shall include any person who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. Federal and State fair housing laws do not protect an individual's current unlawful use of controlled substances or other drugs, unless that individual has a separate disability.

E. For purposes of this Chapter, a “reasonable request for accommodation” shall mean a request to modify land use, zoning or building regulations, policies, practices, or procedures in order to give people with disabilities an equal opportunity to use and enjoy a dwelling.

18.41.020 Review and Authority.
A. The Director of Community Development or his or her designee is designated to approve, conditionally approve, or deny all applications for reasonable accommodations.

B. If the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval that is subject to Planning Commission action (as per Section 18.03.040, subsection B.), then the Planning Commission shall act as the decision maker for both the request for reasonable accommodation and the discretionary permit or approval at the same time.

C. If an applicant making a request for a reasonable accommodation does not agree with the decision rendered by the Director of Community Development and/or Planning Commission, the applicant may appeal the decision per the applicable requirements listed under Chapter 18.34.

18.41.030 Application for a Reasonable Accommodation.

A. Applicant. A request for a reasonable accommodation may be submitted to the Director of Community Development by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.

B. Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form provided by the Community Development Division. No fee shall be required for a request for a reasonable accommodation, unless the project requires approval of another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.

C. Other Discretionary Permits. If the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval (i.e., conditional use permit, subdivision, variance, or planned development plan review, etc.), then the applicant shall file the request for a reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.

D. Required Information. In addition to materials required under applicable provisions of this Code, an application for a reasonable accommodation shall include the following:

1. Documentation that the applicant is:
   a. An individual with a disability;
   b. Applying on behalf of one or more individuals with a disability; or
   c. A developer or provider of housing for one or more individuals with a disability.

2. The specific exception or modification to the zoning ordinance provision, policy,
or practices requested by the applicant;

3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the dwelling; and

4. Any other information that the Director of Community Development reasonably concludes is necessary to determine whether the findings required by Section 18.41.040, hereof, can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected.

5. Any information submitted as part of a reasonable accommodations request shall be kept confidential and shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

18.41.040  Finding Necessary for a Reasonable Accommodation.
A. The written decision to approve, conditionally approve, or deny a request for a reasonable accommodation shall be based on the following findings, all of which are required for approval:

1. That the housing, which is the subject of the request for reasonable accommodation, will be used by one or more individuals with a disability protected under the fair housing laws;

2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;

3. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning laws, rules, policies, practices, and procedures;

4. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

5. The requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in fair housing laws and interpretive case law.

6. In making these findings, the decision maker may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

B. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants; and/or

4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

C. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning laws, rules, policies, practices, and procedures:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;

3. Whether granting the requested accommodation would substantially undermine any purpose of either the City's General Plan or applicable specific plan; and/or

4. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

D. Rules while decision is pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

E. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made by the Planning Commission or City Council, as applicable on such appeal.

18.41.050 Amendments, Expiration, Violation and Discontinuance.
A. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Director of Community Development may waive the requirement for a new
application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

B. Expiration of Approval. Any reasonable accommodation approved in accordance with the terms of this Chapter shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;

2. A certificate of occupancy has been issued;

3. The use is established.

C. Violation of Terms. Any reasonable accommodation approved in accordance with the terms of this Code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

D. Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. If the persons initially occupying a dwelling vacate, the reasonable accommodation shall remain in effect only if the Director of Community Development determines that:

1. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the code; and

2. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling.

E. The Director of Community Development may request the applicant or his or her successor in interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.
Chapter 42

DANCING

Sections:
18.42.010 Definitions.
18.42.020 Permit Required.
18.42.030 Application for Dance Hall Permit.
18.42.040 Application for Permit to Conduct Dance.
18.42.050 Investigation; Permit Procedure.
18.42.060 Revocation of Permit.
18.42.070 Compliance with Chapter Required.
18.42.080 Denial of Permit; Appeal Hearing.
18.42.090 Permit Time Limit; Renewal After Revocation.
18.42.100 Vulgar Conduct, Prostitute Prohibited; Police Authority.
18.42.110 Closing Time.
18.42.120 Attendant Requirements.
18.42.130 Permit Revocation; Limit Before Renewal.

18.42.010 Definitions.
For the purpose of this Chapter, the following words and phrases shall have the meanings as set forth herein:

“Known”: When used in connection with the words "prostitute" or "male or female procurer" or "vagrant" means and includes known to the manager, owner, or lessee of the dance hall, or to the person conducting a dance, or to the police or other authorities having to do with the regulation or supervision of public dance halls, or public dances, to be one of the persons named, or who has such reputation or character, or one who has pleaded guilty to or has been convicted of being a prostitute, male or female procurer, or vagrant;

“Person”: Includes natural persons, copartnerships, corporations, and associations and shall include both sexes.

“Public Dance”: Includes any dance to which the general public may gain admission with or without the payment of a fee;

“Public Dance Hall”: Includes any room, place or space in which a public dance as defined under the definition of "public dance" herein is conducted.

18.42.020 Permit Required.
It is unlawful to maintain, operate or conduct a public dance hall as defined herein within the limits of the City until the person owning or conducting the dance hall, or other place in which it may be held, shall first have obtained a written permit therefor as hereinafter provided. It is further unlawful to hold or conduct a public dance in a place other than a public dance hall for which a permit has been obtained, unless the person holding or conducting such dance shall apply for a written permit as hereinafter provided.
18.42.030  **Application for Dance Hall Permit.**
Applications for a permit to keep and conduct a public dance hall shall be on forms supplied by the City Clerk and shall be substantially as follows:

APPLICATION FOR PERMIT TO CONDUCT A PUBLIC DANCE HALL

___________, 19___

"The undersigned hereby makes application for a permit to keep and conduct a public dance hall at ____________, in the City of Ceres, County of Stanislaus, State of California, from date of issuance of permit to and including ____________, 19__."

"It is hereby expressly agreed that in the event that this permit shall be issued, that said dance hall shall be conducted in strict accord with the provisions of law regulating public dance halls, and the undersigned agrees that the permit is given and accepted subject to the provisions of this application, and that he or she shall be held responsible for violation of any provision of law or ordinance regulating public dance halls.

"There are ______ square feet of dancing space in said hall.

"The undersigned is the proprietor of the hall located at the above address in which hall an application for keeping and conducting a public dance hall is hereby made.

___________

Signature of Applicant

___________

Post Office Address of Applicant

"The foregoing application is approved and the number of attendants required to be present when said dance hall is open to the public is ____________.

___________

Chief of Police of the City of Ceres

"The foregoing application is approved and permit issued this ______ day of ____________, 19__.

___________

City Clerk of the City of Ceres"

18.42.040  **Application for Permit to Conduct Dance.**
Application for a permit to conduct a public dance as defined herein shall be upon forms supplied by the City Clerk and shall be substantially as follows:

APPLICATION FOR PERMIT TO CONDUCT A PUBLIC DANCE
The undersigned hereby makes application for a permit to give a public dance at City of Ceres, in the County of Stanislaus, State of California, from date of issuance of this permit, to be held on the ______ day of ___________, 19___. It is hereby expressly agreed that said dance shall be conducted in strict accord with the provisions of law regulating public dances and the undersigned agrees that the permit is given and accepted subject to the provisions of this application and that he shall be held responsible for any violation of any provisions of law or ordinance regulating any public dance.

"The owner or lessee of the premises in which such dances are to be held is

___________

(Name)

___________

(Occupation)

___________

Signature of the Applicant

___________

Post Office Address of Applicant

"The foregoing application is approved and the number of attendants required to be present when said dance hall is open to the public is ___________.

___________

Chief of Police of the City of Ceres

"The foregoing application is approved and permit issued this ______ day of ___________ 19___.

___________

City Clerk of the City of Ceres"

18.42.050 Investigation; Permit Procedure.
Upon receiving such application, the City Clerk shall refer the same to the Chief of Police for investigation, who may refer the application to the building official, fire marshal, or such other agents as may be appropriate, as to whether or not the place for which permit is asked complies
with and conforms to all laws, ordinances, health and fire regulations applicable thereto, and is properly ventilated and supplied with separate and sufficient toilet conveniences for each sex within the building in which the dance is to be conducted and is a safe and proper place for the purpose for which it shall be used, and as to the moral character of the applicant. The Chief of Police shall report thereon immediately to the City Clerk. The City Clerk shall thereupon grant or refuse the permit.

18.42.060 Revocation of Permit.
All permits provided for in this Chapter shall be granted and accepted with the express understanding and agreement that the City Council may revoke them at any time if any of their terms or conditions were obtained by fraudulent representations or it is shown to the satisfaction of the Council that the dance or place is conducted in an unlawful manner, or that it is detrimental to the social peace or public morale of the community; provided, however, that the holder of the permit may appear before the Council in his own behalf, but the Council shall be the judge of the sufficiency of the charges or of what is detrimental to the social peace and public morals, and the decision of the Council thereon shall be final and conclusive.

18.42.070 Compliance with Chapter Required.
All permits as provided herein shall be granted and accepted upon the further understanding and agreement that all the terms, provisions, and regulations contained in this Chapter, as it now is or may hereafter be amended, shall be fully complied with.

18.42.080 Denial of Permit; Appeal Hearing.
In the event that the City Clerk shall refuse to issue any such permit for a public dance hall or the holding of a public dance, the applicant may appeal to the City Council, who shall after hearing grant or deny the issuance of the permit applied for.

18.42.090 Permit Time Limit; Renewal After Revocation.
All permits granted hereunder shall be good for the date or until the time specified in the permit, not exceeding one year. It shall not be assignable. If the permits as provided for in this Chapter shall be revoked by the City Council, no new permit shall be granted to such person or to any person who was an agent or employee of such person at the time of any violation of this Chapter, or at the time of the application for a new permit.

It is unlawful for any person to whom a public dance hall permit is issued or for any person conducting a public dance hall under permit from the City Clerk or any person who is conducting any dance or dance hall within the City, to allow or permit in any dance hall any indecent act to be committed, or any vulgar dancing to be indulged in, or any disorder, or conduct of a gross, vulgar or violent character, or to permit in any such dance hall any known prostitute, pimp or procurer.

18.42.100 Vulgar Conduct, Prostitute Prohibited; Police Authority.
Any member of the Police Department, or other properly constituted authority, shall be admitted free of charge to any public dance hall in the City and they shall have the power and it shall be the duty of each of them, to cause any dance hall to be vacated whenever any provisions of this Chapter, or of any ordinance, regulation or law concerning dance halls has been or is being violated; or whenever any indecent act shall be committed, or any vulgar dance indulged in or
when any disorder or conduct of a gross, violent or vulgar character shall take place therein, or any known prostitute, pimp or procurer shall be found to be present in such place.

18.42.110 Closing Time.
All dances shall be stopped and discontinued and all public dance halls shall be closed at two o'clock (2:00) A.M.

18.42.120 Attendant Requirements.
Every person who conducts a public dance hall or place where dancing is permitted, shall at all times maintain and keep one or more attendants who shall be present at all times when the dance hall or place is opened to the public and when a public dance is being conducted therein. It shall be such attendant's duty to see that the provisions of this Chapter relating to the conduct of the persons attending the dance hall are enforced. The attendants shall be approved from time to time by the Chief of Police, and no public dance shall be conducted without the presence of the attendant. The compensation of the attendant shall be paid by the person conducting, owning or managing the dance hall.

18.42.130 Permit Revocation; Limit Before Renewal.
If at any time the permit for a public dance hall shall be revoked for a violation of the provisions of this Chapter, then in that event at least three (3) months shall elapse before another permit shall be granted to the manager, owner or lessee of such premises.
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Tom Westbrook, Director of Community Development
tom.westbrook@ci.ceres.ca.us; (209) 538-5774

SUBJECT: Set public hearing date of April 27, 2020, for the City Council to consider a proposal for a Rezoning of the property located at the northeast corner of East Hatch Road and Golf Links Drive to modify the existing “MX-2, Mixed Use – 2” zoning designation to a “CC, Community Commercial” zoning designation within the Mitchell Road Corridor Specific Plan, and to consider an appeal of the Planning Commission’s decision of approving a Vesting Tentative Parcel Map and a Specific Plan Site Plan entitlement involving the subdivision of a 2.16-acre commercial-zoned site into three parcels with a new commercial building proposed for each parcel.

RECOMMENDED COUNCIL ACTION:

Staff recommends that the Council set public hearing date of April 27, 2020, for the City Council to consider a proposal for a Rezoning of the property located at the northeast corner of East Hatch Road and Golf Links Drive to modify the existing “MX-2, Mixed Use – 2” zoning designation to a “CC, Community Commercial” zoning designation within the Mitchell Road Corridor Specific Plan (MRCSP), and to consider an appeal of the Planning Commission’s decision of approving a Vesting Tentative Parcel Map and a Specific Plan Site Plan entitlement involving the subdivision of a 2.16-acre commercial-zoned site into three parcels with a new commercial building proposed for each parcel.

I. BACKGROUND:

On March 2, 2020, the Planning Commission recommended to the City Council, approval of an amendment to the MRCSP by a 4/1 (Commissioner Johnson - No) vote, to amend the existing MRCSP designation of the property located at the northeast corner of East Hatch Road and Golf Links Drive. A Specific Plan Site Plan and a
Vesting Tentative Parcel Map (associated with the MRCSP Amendment) were approved by the Planning Commission for the construction of three retail commercial shop buildings totaling 22,495 square feet.

Because the Planning Commission acts as an advisory body and makes a recommendation to the City Council, the City Council must hear the request, take public testimony presented and evaluate the Planning Commission recommendation before taking final action.

Additionally, on March 6, 2020 Ken Thornberry, owner of River Oaks Golf Course and Event Center filed an appeal of the Planning Commission action. Therefore, the City Council will consider all aspects of this potential development project when the item is before them at the public hearing on April 27, 2020.

II. REASONS FOR RECOMMENDATION:

Section 18.54.360 of the Ceres Municipal Code Hearing Date Notice. The hearing date shall be set by the City Council for such date as they, in the exercise of sound discretion, may deem to be proper for such hearing.

III. STEPS FOLLOWING APPROVAL:

If the recommended action is approved, the public hearing for this matter will take place at the April 27, 2020 City Council meeting.

Approved by: ________________________________

Toby Wells, P.E., City Manager
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Leticia Dias, Acting Finance Director, leticia.dias@ci.ceres.ca.us (209) 538-5764

SUBJECT: Resolution No. 2020-22, approving the Mid-Year Budget Amendment for Fiscal Year 2019-2020

RECOMMENDED COUNCIL ACTION:

Staff recommends Council approve a resolution approving the Mid-Year budget amendment for fiscal year 2019-2020.

I. BACKGROUND:

Revenues for Fiscal Year 2019-2020 are tracking slightly lower than last fiscal year. As of February 29, 2020 we have received 60.88% of the budgeted revenues, as compared to 61.33% as of February 28, 2019. General Fund revenue received as of February 29, 2020 equals 53.71% of the budgeted revenues as compared to 52.07% as of February 28, 2019. The Revenue attachment shows the percentage of General Fund revenues received as of February 29, 2020.

Total expenditures, including encumbrances, as of February 29, 2020 equal 46.73% of the budgeted expenditures as compared to 47.58 as of February 28, 2019. General Fund expenditures, including encumbrances, as of February 29, 2020 equal 62.26% as compared to 64.2% as of February 28, 2019. The Expenditure attachment shows the percentage of total expenditures for the General Fund.

The City is on a Modified Accrual basis of accounting. This means revenues are recorded when they become measurable and available. Expenditures are recorded when the work is done or the item is purchased. At the fiscal year end, revenue and expenditures that are related to the current fiscal year are recorded in the current fiscal year, even if the revenue
is received or the bills are paid in the next fiscal year. Revenue received through August will be recorded in June.

February is 67% of the way through the fiscal year. Revenue that is received monthly would have at the most six months of revenue recorded. Revenue that is received on a semi-annual basis such as property taxes have one payment recorded. A large semi-annual payment is received from the State of California for Motor Vehicle in Lieu in January and May. Annual payments such as franchise fees are received in April and June and therefore show no revenue received as of February 29, 2020.

The attached budget amendment details the required changes to the 2019-2020 budget allocations. There are very few changes to the budget for this mid-year adjustment. For revenue, we are adjusting Patient Care First (PCF) Dispensary by $720,000. This will recognize the additional revenue we have received from July 1, 2019 through February 29, 2020 plus the minimum expected from March 1, 2020 through June 30, 2020. Should PCF Dispensary continue to report sales that require the maximum payment as prescribed in the development agreement, the City will recognize an additional $300,000 at the end of the fiscal year. In addition, SB1 funds are projected to be higher than originally anticipated, therefore we are adjusting the SB1 Road Maintenance and Rehab account by $112,300.

For expenditures, an additional $83,000 is needed from the General Fund to purchase MDC’s for all Fire apparatus. Once discussed and approved by the Measure H committee, this purchase can then be transferred to the Measure H fund.

We are appropriating an additional $18,500 for table replacements and carts for the Community Center.

The Community Center janitorial contract expenditures were budgeted at $60,200, however, this amount was not sufficient to cover the additional cleaning needed this year. The budget is being increased by $12,500 to cover expenditures through the end of the year.

The $100,000 increase to the ATP SRTS-Whitmore Corridor Project in SB1 Road Maintenance & Rehab fund is being funded by the increase in projected revenues in that fund.

General Information:

Secured Property Taxes – The City of Ceres participates in the Stanislaus County Teeter Plan. Under the Teeter Plan, Stanislaus County makes the property tax distributions to the City in December 55%, April 40% and June 5%. Assessed values remained at 5.09% for fiscal year 2019-2020 compared to assessed value of 5.09% for fiscal year 2018-2019.

Sales Tax – Under an agreement with Stanislaus County, Ceres received 0.95% of its local 1% share and the County gets the remaining 0.05%. Sales Tax growth has slowly increased with an anticipated growth of 12% for fiscal year 2020.
Motor Vehicle In-Lieu (VLF) – VLF revenue is based on registered automobiles in the City. The rate has been lowered by the State from 2% to 0.65%. The State agreed to backfill the 1.35% difference with County property taxes. The County is required to distribute the backfill to the City in two payments – January 2019 and May 2019. The backfill received in future years will increase at rates corresponding to the rate of increase in local property taxes, not registered automobiles.

Utility Users Tax (UUT) – Utility Users Tax is 3% of the utility bill, collected by the utility company, and remitted to the City by the end of the month following collection. Receipts are coming in as expected. Receipts for electrical service are highest from July through September when the weather is warmer. Receipts for natural gas are highest from December through March when the weather is colder. Receipts for cable TV continue to decline as people switch to satellite service and discontinue cable altogether. The City collects UUT on all phones and beginning January 2016 we began collecting UUT on the prepaid phone cards sold in stores.

Business License – Business License tax is based on gross receipts or a flat rate depending on the type of business. Licenses are issued annually and billed quarterly. Licensing revenue is tracking slightly lower than expected.

Franchises – Franchise fees are imposed on companies for the privilege of using the City right-of-ways for profit. The City has Franchise agreements with Charter Cable (5%), Pacific Gas and Electric (5%) and Bertolotti Disposal (10.5%). Charter and Pacific Gas and Electric remit their fees to the City in April of each year. The City collects revenue for garbage services and remits a check monthly to Bertolotti for 89.5% of the services billed.

Interest Earnings – Funds not needed for immediate use are invested in the Local Agency Investment Fund (LAIF), Treasury Notes, Agency Notes or Corporate Notes. The City uses a 'pooled cash' investment strategy. Interest earnings on pooled cash are allocated back to the contributing funds. The allocation is based on the respective cash balances at the end of the month. Interest is received monthly and quarterly. The LAIF interest rate was 1.91% for February 2020. We began investing outside of LAIF in July of 2016. The average rate of return for investments held outside of LAIF is 1.9%.

II. REASONS FOR RECOMMENDATION:

In order to adhere to Generally Accepted Account Principles we are required to adjust the budget to more accurately reflect our fiscal year revenues and expenditures.
III. **FISCAL IMPACTS:**

The adjustment to the General Fund expenditures results in a net positive amount of $606,000. This is achieved by adding the additional revenue of $720,000 and subtracting the adjustment to expenditures of $114,000. The additional revenue added to the SB1 fund will cover the additional expenditure.

IV. **STEPS FOLLOWING APPROVAL:**

The Finance Department will process the attached budget amendment and make the necessary accounting entries.

Approved by: ________________________
Toby Wells, P.E., City Manager

Attachments:
1. Resolution
2. Budget Amendment
3. Supporting Documents
RESOLUTION NO. 2020-22

RESOLUTION APPROVING THE MID-YEAR BUDGET AMENDMENT FOR FISCAL YEAR 2019-2020

THE CITY COUNCIL
City of Ceres, California

WHEREAS, the City Council approved the Fiscal Year 2019-2020 budget on June 10, 2019; and

WHEREAS, it is necessary and prudent to review all revenues and expenditures midway through the fiscal year and make any necessary adjustments; and,

WHEREAS, staff has identified necessary adjustments in various funds which are detailed in the attached budget amendment.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Ceres does hereby approve a budget amendment with the line items being adjusted listed on the attached budget amendment. The Finance Director is authorized to make all necessary accounting entries for this budget amendment.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 23rd day of March, 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

_____________________________
Chris Vierra, Mayor

ATTEST:

_____________________________
Diane Nayares-Perez, CMC, City Clerk
Exhibit "A"
Budget Amendment No.
Fiscal Year 2019 - 2020

Reference Resolution No.  2020-22, dated March 23, 2020 authorizing appropriations for Mid-Year Budget Adjustments as follows:

Appropriations:

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<th>Fund No.</th>
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Requested Appropriation $ 214,000.00
2019 - 2020 Current Appropriation + See Below
Total Appropriation $ See Below

Estimated Revenues:

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Total Estimated Revenue $ 832,300.00
2019 - 2020 Current Estimated Revenue 25,216,646.00
Total Estimated Revenue 26,048,946.00

Fiscal Impact:
General Fund: Total Expenditures $25,125,561; net increase to fund balance $606,000
SB1 Road Maint Fund: Total Expenditures $926,320; net increase to fund balance $12,300
## Expenditure Status Report

**Periods:** 0 through 8
**From:** 03/11/2020
**To:** 02/29/2020

**City of Ceres**

**General Fund**

### POLICE-NON SWORN

| Account Number | Used | Expense Year-to-date | Encumbrances Year-to-date | Encumbrances Adjusted | Expenditures Year-to-date | Expenditures Adjusted | Appropriation Balance | Fiscal Period
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**TOTAL POLICE-NON SWORN**

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**Expenditure Status Report**

7/1/2019 through 2/28/2020
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**Total Public Safety - Police**

- Periods: 0 through 8
- City of Ceres
- Expenditure Status Report
- 7/1/2019 through 2/29/2020
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- **Periods**: 0 through 8
- **City**: City of Ceres
- **Expenditure Status Report**
- **Expenditure/Year-to-date Encumbrances**
- **Year-to-date Expenditures**
- **Year-to-date Adjusted Appropriation**
- **Balance**
- **Used**

**ANIMAL CONTROL**

- **Account Number**: 11
- **Periods**: 0 through 8
- **City**: City of Ceres
- **Expenditure Status Report**
- **Expenditure/Year-to-date Encumbrances**
- **Year-to-date Expenditures**
- **Year-to-date Adjusted Appropriation**
- **Balance**
- **Used**
expstat.rpt
03/17/2020
2:15PM
Periods: 0 through 8

Expenditure Status Report

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Year-to-date
Expenditures

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0.00

Year-to-date
Encumbrances

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4,654.51

1,416.81

57,894.51

Balance

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61.84

62.79

61.01

29.16

62.42

Prct
Used

6

Expenditures

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16,804.55

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Page:

96,149.49

7,282.49

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2,131.00

City of Ceres
through 2/29/2020

Adjusted
Appropriation

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0.00

106,073.46

7/1/2019

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GENERAL FUND

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100

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27,235.45

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Account Number

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Total PERSONNEL SERVICES

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PERSONNEL SERVICES

100.13.0123.0 RETIREMENT PLAN CHARGES

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100.13.0124.0 WORKER'S COMPENSATION

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CONTRACTUAL SERVICES

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100.13.0236.0 WATER

100.13.0258.0 TRAVEL, LODGING & MEALS

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100.13.0287.0 R & M - COMMUNICATIONS EQUIP

100.13.0282.0 R & M - AUTOMOTIVE EQUIPMENT

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MATERIALS & SUPPLIES

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100.13.0294.0 ISF - BLDG MAINT ALLOCATION

100.13.0305.0 MEDICAL SUPPLIES

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6

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100.13.0314.0 GAS, OIL, AND LUBRICANTS
100.13.0318.0 WEARING AND SAFETY APPAREL

Page:

Item 12


### Expenditure Status Report

**Periods:** 0 through 8

**City of Ceres**

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## Expenditure Status Report

### Period: 0 through 8

**City of Ceres**

7/1/2019 through 2/29/2020

**Page:** 8

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Expenditure Status Report
7/1/2019 through 2/29/2020
City of Ceres
### GENERAL FUND

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### Expenditure Status Report

7/1/2019 through 2/29/2020

City of Ceres
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**Total Public Safety - Fire**

- Total Adjustments to Fixed Assets: 299,294.89
- Total Special Payments: 152,000.00

**Total Expenditures:**

- 6,362,254.44
- 4,118,600.37
- 2,234,832.24

**General Fund**

- 100.15.06.00
- 100.15.07.00
- 100.15.08.00

**Page:**

- Item 12

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City of Ceres

Expenditure Status Report

7/1/2019 through 2/29/2020

Periods: 0 through 8

03/14/2020

2:15PM
## Expenditure Status Report

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**Note:** The table above is a continuation of the Expenditure Status Report. The data includes the periods from 7/1/2019 to 2/29/2020, showing the expenditures and balances for various accounts under the City of Ceres General Fund.
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**City of Ceres**
**7/1/2019 through 2/29/2020**

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**TOTAL**

- **PUBLIC WORKS - ADMIN**
  - ADDITIONS TO FIXED ASSETS: 330.00
  - **TOTAL** ADDITIONS TO FIXED ASSETS: 330.00

**GENERAL FUND**

- **TOTAL** ADDITIONS TO FIXED ASSETS: 330.00
  - **TOTAL** ADDITIONS TO FIXED ASSETS: 330.00

**City of Ceres**

Expenditure Status Report

7/1/2019 through 2/29/2020
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**Total: **

|          | General Fund               | 100.00       | 0.00         | 0.00         | 0.00         |

**Expenditure Status Report**

7/1/2019 through 2/29/2020

City of Ceres
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Total Engineering: 129,568.56
Total Additions to Fixed Assets: 16,423.78
Total Materials & Supplies: 6,425.78
### Expenditure Status Report

**City of Ceres**

Period: 8 periods 03/17/2020 through 02/19/2020

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Expenditure Status Report

City of Ceres

Periods: 0 through 8
03/01/2020 through 2/29/2020

Expenditure Status Report
**Expenditure Status Report**

7/1/2019 through 2/29/2020

City of Ceres

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**TOTAL WATER**

| WATER | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**GENERAL FUND**

| WATER | 35   | 0.00 |

Page: 19
## Expenditure Status Report

### Periods: 7/1/2019 through 2/29/2020

**City of Ceres**

### General Fund

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**Total**

| **PERSONNEL SERVICES** | 274,597.86 |
| **CONTRACTUAL SERVICES** | 343,521.26 |
| **MATERIAL & SUPPLIES** | 624,638.26 |
## Expenditure Status Report

**7/1/2019 through 2/29/2020**

### GENERAL FUND

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<th>Year-to-date Encumbrances</th>
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**Total:**

- **Materials & Supplies**: $48,700.00
- **Fixed Charges & Debt Services**: $61,799.00
- **Additions to Fixed Assets**: $2,000.00

**Total Expenditure:** $1,613,539.00

City of Ceres

**City of Ceres Expenditure Status Report**

**Periods:** 0 through 8

**Experiment:** 03/11/2020 2:15 PM
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<th>Year-to-date Expenditures Adjusted</th>
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Expenditure Status Report

7/1/2019 through 2/29/2020
City of Ceres

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Expenditure Status Report

7/1/2019 through 2/29/2020
City of Ceres

Page: 22

Expenditure Status Report

7/1/2019 through 2/29/2020
City of Ceres
### Expenditure Status Report

**Periods:** 0 through 8

**Years:** 7/1/2019 through 2/29/2020

**City of Ceres**

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</table>

**Total**

**Personnel Services** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Recruitment Services** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Recreation** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Materials & Supplies** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**General Services** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Capital Outlay** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Other** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**Total** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00
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**Note:** The table continues with additional rows showing expenditures and appropriations for different budget items. The table is comprehensive and includes data for the City of Ceres General Fund, covering periods from 1/1/2019 through 2/29/2020.
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**Total HOUSING REHABILITATION**

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**Total PERSONNEL SERVICES**

**Total PERSONNEL SERVICES**

**Total HOUSING REHABILITATION**

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**Total CONTRACTUAL SERVICES**

**Total ADJUSTMENTS TO FIXED ASSETS**

**Total ACCOUNT NUMBER**

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Note: The table represents the Expenditure Status Report for the City of Ceres, covering the periods from 7/1/2019 through 2/29/2020.
## Expenditure Status Report

July 1, 2019 to February 29, 2020

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**Total: General Fund**

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**City of Ceres**

2:15 PM, 3/17/2020

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Page: 27
Periods: 0 through 8
07/1/2019 through 02/29/2020
City of Ceres
Expenditure Status Report

<table>
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Note: All amounts are in dollars.
### Expenditure Status Report

**City of Ceres**

**Periods:** 0 through 8

**Date:** 03/17/2020 2:15PM

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*Note: The table above shows the expenditure status for the General Fund and City Council for the period from 7/1/2019 through 2/29/2020.*
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### Expenditure Status Report

**Periods:** 0 through 8

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**General Fund**

- **Personnel Services**
  - Fixed Charges & Debt Services
  - Public Liability Insurance
- **Contractual Services**
  - Subscriptions & Memberships
  - Training
- **Materials & Supplies**
  - Office Supplies
  - Duplicating Supplies
- **Fixed Charges & Debt Services**
  - Public Liability Insurance

**Personnel Services**

- **Personnel Services**
  - Fixed Charges & Debt Services
  - Public Liability Insurance
- **Contractual Services**
  - Subscriptions & Memberships
  - Training
- **Materials & Supplies**
  - Office Supplies
  - Duplicating Supplies
- **Fixed Charges & Debt Services**
  - Public Liability Insurance
### Expenditure Status Report

7/1/2019 through 2/29/2020

City of Ceres

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**Total General Fund**

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**General Fund: 07/1/2019 through 02/29/2020**

**City of Ceres**

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## Expenditure Status Report

**Period:** 7/1/2019 through 2/29/2020

**City:** Ceres

### GENERAL FUND

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**Total:** PERSONNEL SERVICES 176,776.00 | 112,973.28 | 112,973.28 | 0.00 | 63,802.72 |

**Total:** CONTRACTUAL SERVICES 19,522.00 | 8,543.35 | 8,543.35 | 0.00 | 10,978.65 |

**Total:** MATERIALS & SUPPLIES 300.00 | 160.00 | 160.00 | 0.00 | 140.00 |

**Total:** FIXED CHARGES & DEBT SERVICES 1,002.00 | 502.00 | 502.00 | 0.00 | 500.00 | 50.10
**Expenditure Status Report**

7/1/2019 through 2/29/2020

City of Ceres

**GENERAL FUND**

**Per Period Expenditure Details**

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**Total**

**PERSONNEL SERVICES**: 95,547.00 62.37

**CONTRACTUAL SERVICES**: 413,095.00 92.10

**MATERIALS & SUPPLIES**: 1,930.00 46.47

**FIXED CHARGES & DEBT SERVICES**: 1,885.00 49.97

**TOTAL**: 531,477.00 93.42

**Available Amount**: 254,412.42
### GENERAL FUND

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Periods: 0 through 8

City of Ceres

Expenditure Status Report

7/1/2019 through 2/29/2020

Page: 36
### Expenditure Status Report

**City of Ceres**

**Periods:** 0 through 8

**Expenditure:** Status Report

**7/1/2019 through 2/29/2020**

| Account Number | Description | Adjusted Appropriation | Pre-06/30/96 | 06/30/96 | 07/01/96 | 07/31/96 | 08/01/96 | 08/31/96 | 09/02/96 | 09/30/96 | 10/01/96 | 10/31/96 | 11/01/96 | 11/30/96 | 12/01/96 | 12/31/96 | 01/01/97 | 01/31/97 | 02/01/97 | 02/28/97 |
|----------------|-------------|------------------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 100.73.0100   | PERSONNEL SERVICES | 273,365.00 | 166,591.46 | 166,591.46 | 60.94 | | | | | | | | | | | | | | | | | | |
| 100.73.0110   | SALARIES AND WAGES | 0.00 | 106,773.54 | 4,000.00 | 2,834.91 | 2,834.91 | 70.87 | | | | | | | | | | | | | | | |
| 100.73.0120   | UNEMPLOYMENT INSURANCE | 0.00 | 42.30 | 21,294.00 | 11,921.23 | 11,921.23 | 55.98 | | | | | | | | | | | | | | | |
| 100.73.0121   | SOCIAL SECURITY (FICA) | 0.00 | 9,372.77 | 98,026.00 | 51,253.13 | 51,253.13 | 52.29 | | | | | | | | | | | | | | | |
| 100.73.0122   | EMPLOYEE GROUP INSURANCE | 0.00 | 46,772.87 | 94,799.00 | 53,696.93 | 53,696.93 | 56.64 | | | | | | | | | | | | | | | |
| 100.73.0123   | RETIREMENT PLAN CHARGES | 0.00 | 41,102.07 | 2,023.00 | 1,012.00 | 1,012.00 | 50.02 | | | | | | | | | | | | | | | |
| 100.73.0124   | WORKER'S COMPENSATION | 0.00 | 1,011.00 | 984.00 | 302.88 | 302.88 | 30.78 | | | | | | | | | | | | | | | |
| 100.73.0199   | AUTOMOBILE ALLOWANCE | 0.00 | 681.12 | 0.00 | 0.00 | 0.00 | 0.00 | | | | | | | | | | | | | | | |
| 100.73.0200   | CONTRACTUAL SERVICES | 52,640.00 | 31,139.40 | 31,139.40 | 62.23 | | | | | | | | | | | | | | | | |
| 100.73.0201   | ACCOUNTING AND AUDITING SVC'S | 1,619.43 | 19,881.17 | 410.00 | 179.65 | 179.65 | 43.82 | | | | | | | | | | | | | | | |
| 100.73.0222   | SUBSCRIPTIONS & MEMBERSHIPS | 0.00 | 230.35 | 3,750.00 | 2,468.06 | 2,468.06 | 65.81 | | | | | | | | | | | | | | | |
| 100.73.0230   | PRINTING AND BINDING | 0.00 | 3,377.38 | 1,430.00 | 831.13 | 831.13 | 58.12 | | | | | | | | | | | | | | | |
| 100.73.0234   | ELECTRICITY AND GAS | 0.00 | 598.87 | 108.00 | 148.65 | 148.65 | 137.64 | | | | | | | | | | | | | | | |
| 100.73.0236   | WATER | 0.00 | -40.65 | 1,480.00 | 548.67 | 548.67 | 37.07 | | | | | | | | | | | | | | | |
| 100.73.0248   | TELECOMMUNICATIONS | 0.00 | 931.33 | 20,850.00 | 11,630.86 | 11,630.86 | 55.78 | | | | | | | | | | | | | | | |
| 100.73.0250   | POSTAGE | 0.00 | 9,219.14 | 6,214.69 | 1,725.44 | 1,725.44 | 27.76 | | | | | | | | | | | | | | | |
| 100.73.0258   | TRAVEL, LODGING & MEALS | 0.00 | 4,489.25 | 480.33 | 0.00 | 0.00 | 0.00 | | | | | | | | | | | | | | | |
| 100.73.0259   | PROF DEVELOPMENT-DEAN | 0.00 | 480.33 | 500.00 | 498.75 | 498.75 | 99.75 | | | | | | | | | | | | | | | |
| 100.73.0259.1 | PROF DEVELOPMENT- DIAS | 0.00 | 1.25 | 430.00 | 214.00 | 214.00 | 49.77 | | | | | | | | | | | | | | | |
| 100.73.0268   | ISF - FLEET ALLOCATION | 0.00 | 216.00 | 19,595.00 | 9,796.00 | 9,796.00 | 49.99 | | | | | | | | | | | | | | | |
| 100.73.0271   | ISF - IT ALLOCATION | 0.00 | 9,799.00 | 7,810.00 | 3,902.00 | 3,902.00 | 49.96 | | | | | | | | | | | | | | | |
| 100.73.0294   | ISF - BLDG MAINT ALLOCATION | 0.00 | 3,908.00 | 58,937.00 | 25,988.61 | 25,988.61 | 44.10 | | | | | | | | | | | | | | | |
| 100.73.0299   | CONTRACT SERVICES | 0.00 | 32,948.39 | 100.00 | 0.00 | 0.00 | 0.00 | | | | | | | | | | | | | | | |

**Total PERSONNEL SERVICES:** 494,491.00 | 287,570.24 | 287,570.24 | 206,920.76 | 58.15

**Total CONTRACTUAL SERVICES:** 179,880.02 | 90,938.84 | 90,938.84 | 1,619.43 | 51.46

**Total MATERIALS & SUPPLIES:** 2,250.00 | 1,067.04 | 1,067.04 | 47.42
### Expenditure Status Report

7/1/2019 through 2/29/2020  
City of Ceres

**Periods:** 0 through 8  
**03/07/2020**  
**2:15PM**

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**TOTAL GENERAL FUND**

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### Expenditure Status Report

**Period:** 7/1/2019 through 2/29/2020

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**General Fund Totals:**

- **Adjusted Appropriation:** 27,105,000
- **Encumbrances Year-to-date:** 27,105,000
- **Expenditures Year-to-date:** 27,105,000
- **Used Balance:** 27,105,000
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**Total Fixed Charges & Debt Services:**
- Year-to-date Encumbrances: 2,480.00
- Year-to-date Expenditures: 1,240.00
- Expenditures Adjusted Appropriation: 50.00

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**Total Additions to Fixed Assets:**
- Year-to-date Encumbrances: 0.00
- Year-to-date Expenditures: 0.00
- Expenditures Adjusted Appropriation: 0.00

---

**Expenditure Status Report:**

7/1/2019 through 2/28/2020

City of Ceres

Periods: 0 through 8

Page: 40
### Expenditure Status Report

**Periods: 7/1/2019 through 2/29/2020**

**City of Ceres**

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**Expenditure Status Report**  
7/1/2019 through 2/29/2020  
City of Ceres

### GENERAL FUND

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Expenditure Status Report

City of Ceres

7/1/2019 through 2/29/2020

Periods: 0 through 8
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Grand Total: General Fund

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Expending Status Report

City of Ceres

Period: 03/17/2020 through 02/29/2020

Page: 44
## Revenue Status Report

### General Fund

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### Summary

- **Total Revenues:** $17,490,263.00
- **Year-to-date:** $9,334,130.31
- **Balance:** $8,156,132.69

## License and Permits

### City of Ceres

- **Revenue Status Report:** 7/1/2019 through 2/29/2020
- **Periods:** 0 through 8

---

*Page 1*
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Revenue Status Report
7/1/2019 through 2/29/2020
City of Ceres

Page: 2

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### Revenue Status Report

**City of Ceres**

**Revenue Status Report**

**7/1/2019 through 2/29/2020**

**Periods:** 0 through 8

**Page:** 4

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**Total Revenue**

- **Police:** 248,233.87
- **Building:** 80,500.00
- **Revenues From Other Agencies:** 1,178,429.64

**Total Period:** 5,304,133.51
### GENERAL FUND

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**Revenues Status Report**

7/1/2019 through 2/29/2020

City of Ceres

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### Revenue Status Report

**City of Ceres**

**Periods: 0 through 8**

**City of Ceres**

**Revenue Status Report**

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**TOTAL EQUITY TRANSFER**

7/1/2019 through 2/29/2020
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<th>Period</th>
<th>Description</th>
<th>Opening Balance</th>
<th>Revenues</th>
<th>Estimated Receipts</th>
<th>Authorized Expenditure</th>
<th>Expenditure</th>
<th>Ending Balance</th>
</tr>
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<tbody>
<tr>
<td>277.5</td>
<td>REVENUES FROM OTHER AGENCIES</td>
<td>7/1/2019 through 2/29/2020</td>
<td>BUILDING</td>
<td>54,977.00</td>
<td>0.00</td>
<td>0.00</td>
<td>54,977.00</td>
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<td>54,977.00</td>
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<td>277.4</td>
<td>REVENUES FROM USE MONEY/PROPERTY</td>
<td>7/1/2019 through 2/29/2020</td>
<td>INTEREST ON BANK DEPOSITS</td>
<td>1,800.00</td>
<td>0.00</td>
<td>0.00</td>
<td>1,800.00</td>
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<td>1,800.00</td>
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<td>277</td>
<td>SB1 ROAD MAINT &amp; REHAB ACCOUNT</td>
<td>7/1/2019 through 2/29/2020</td>
<td>SB1 ROAD MAINT &amp; REHAB ACCOUNT</td>
<td>545,033.28</td>
<td>0.00</td>
<td>0.00</td>
<td>545,033.28</td>
<td>0.00</td>
<td>545,033.28</td>
</tr>
</tbody>
</table>

**Grand Total**: 25,216,646.64 through 2/29/2020
MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Toby Wells, City Manager, Toby.Wells@ci.ceres.ca.us, (209) 538-5751

SUBJECT: Resolution 2020-23, ratifying the Director of Emergency Services Proclamation of Existence of a Local Emergency

RECOMMENDED COUNCIL ACTION:

Staff recommends Council approve a resolution ratifying the Director of Emergency Services Proclamation of Existence of a Local Emergency.

I. BACKGROUND:

A novel coronavirus (“COVID-19”) was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19, an infectious disease caused by the novel coronavirus, include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and in some cases, death. On March 11, 2020, the World Health Organization (“WHO”) officially classified COVID-19 as a pandemic.

On January 31, 2020, the United States Health and Human Services Secretary Alex Azar declared a public emergency for COVID-19 beginning on January 27, 2020. On March 4, 2020, the Governor of the State of California, declared a state of emergency in the State of California (the “State”) due to the number of confirmed cases of COVID-19 in the State.

On March 13, 2020, the President of the United States, declared a national emergency in response to the rapid spread of COVID-19 across the Country.
II. REASONS FOR RECOMMENDATION:

The transmission of COVID-19 has occurred at an accelerated pace since its introduction into the United States just weeks ago. With the rate of transmission only increasing, it is imperative that local jurisdictions do everything in their power to prepare for, respond to, mitigate, and recover from COVID-19.

Section 2.16.130 of the Ceres Municipal Code empowers the Director of Emergency Services (the “Director”) to proclaim the existence or threatened existence of a local emergency in the City of Ceres (the “City”) if the City Council is not in session, subject to ratification by the City Council within seven (7) days.

On March 16, 2020, the Director issued a Proclamation of Existence of a Local Emergency. Proclaiming a local emergency is a prerequisite for requesting and receiving any available federal or state funding. By declaring a local emergency, the City can obtain additional resources, establish an immediate plan, and respond quickly to urgent situations. This will minimize disruptions and allow the City to focus on day-to-day operations while addressing the spread of COVID-19 as effectively and efficiently as possible.

On March 18, 2020, the Stanislaus County Public Health Department advised all residents to stay at home if possible. If residents need to be out in the community, maintain social distancing of six feet. Seniors or those with serious underlying medical conditions should remain at home based on public health recommendations. Ceres residents are urged to stay home.

The local emergency declaration will enable the City to request any available funding from the California Disaster Assistance Act, the Small Business Administration, or any other funding available as a result of this proclamation of local emergency.

III. FISCAL IMPACTS:

Adoption of the Resolution ratifying the Proclamation of the Existence of a Local Emergency will allow the City to be eligible for State and federal funds. Both the State and federal government set aside money specifically for local emergencies. Under section 8685 of the Government Code, a local emergency must be declared in order to obtain monetary relief from both State and federal agencies.

IV. EXISTING POLICY / RELATIONSHIP TO THE STRATEGIC PLAN:

Government operations: Provide quality services to meet community needs, assuring that the City has helpful, well trained, properly equipped and sufficient staff who partners with other public agencies to provide efficient services.
V. POLICY ALTERNATIVES:

The City Council may select any of the following actions:

(1) Adopt the Resolution without any changes;

(2) Adopt the Resolution with changes and revisions; or

(3) Reject the Resolution entirely.

VI. STEPS FOLLOWING APPROVAL:

After Council approval, certified copies of the resolution and proclamation will be sent to the appropriate State and Federal agencies.

Approved by:_______________________________________________

Toby Wells, P.E., City Manager

Attachments:

1. Resolution
2. Proclamation
RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES
RATIFYING THE DIRECTOR OF EMERGENCY SERVICES PROCLAMATION OF
EXISTENCE OF A LOCAL EMERGENCY

THE CITY COUNCIL
City of Ceres

WHEREAS, the Section 2.16.130 of the Ceres Municipal Code empowers the City of Ceres (the “City”) Director of Emergency Services to proclaim a local emergency if the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, conditions or threatened conditions caused by the novel coronavirus (“COVID-19”) including, but not limited to, potential isolation and quarantines of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, on March 16, 2020 the Director of Emergency Services proclaimed the existence of a local emergency in the City based on conditions or threatened conditions caused by COVID-19; and

WHEREAS, Government Code section 8630 generally requires the City Council to review the need for continuing the local emergency at least once every sixty (60) days, but as part of Governor Gavin Newsom’s March 4, 2020 Declaration of a State of Emergency in California due to COVID-19, this provision has been waived for the duration of the statewide emergency, allowing the City to maintain the local health emergency until terminated by the City Council; and

WHEREAS, on March 18, 2020, the Stanislaus County Public Health Department advised all residents to stay at home if possible. If you need to be out in the community, maintain social distancing of six feet. Seniors or those with serious underlying medical conditions should remain at home based on public health recommendations; and

WHEREAS, the City Council does hereby find that conditions or threatened conditions caused by COVID-19 did warrant and necessitate the proclamation of the existence of a local emergency in the City, and that COVID-19 continues to present conditions of extreme peril to the safety of persons and property within the City.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of Ceres as follows:

1. Pursuant to Government Code section 8630, the Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services on March 16, 2020 is hereby ratified.

2. The City may request any available funding from the California Disaster Assistance Act, the Small Business Administration, or any other funding available as a result of this proclamation of local emergency.

3. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

4. All residents are urged to stay home.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 23rd day of March 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

______________________________
Chris Vierra, Mayor

ATTEST:

______________________________
Diane Nayares-Perez, CMC, City Clerk
City of Ceres

Proclamation of the Existence of a Local Emergency
By the Director of Emergency Services

WHEREAS, Section 2.16.130 of the Ceres Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the City of Ceres (the “City”) if the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) considers the novel coronavirus (“COVID-19”) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to approximately one hundred eighteen (118) countries infected more than one hundred twenty-five thousand (125,000) people, and killed more than four thousand (4,000) people as of March 12, 2020, according to the World Health Organization (the “WHO”); and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services Secretary declared a public emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on March 4, 2020, the Governor of the State of California (the “Governor”), declared a state of emergency in the State of California (the “State”) due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, the WHO characterized COVID-19 as a pandemic; and

WHEREAS, on March 11, 2020, the Governor announced that State public health officials have determined that gatherings of more than two hundred fifty (250) people should be postponed or canceled across the State until at least the end of March; and

WHEREAS, on March 11, 2020, the Stanislaus County Public Health Officer declared a local health emergency; and

WHEREAS, as of March 12, 2020, there are two (2) cases of COVID-19 in the County of Stanislaus (the “County”), including an assumed case of community transmission; and

WHEREAS, on March 12, 2020, the County Health Officer issued a Countywide moratorium on mass gatherings of one thousand (1,000) or more persons until March 31, 2020 to mitigate the spread of COVID-19; and

WHEREAS, on March 13, 2020, the County of Stanislaus Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County; and
WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to COVID-19; and

WHEREAS, the health, safety, and welfare of City residents, businesses, visitors, and staff are of utmost importance to the City, and additional future measures may be needed to protect the community; and

WHEREAS, declaring a local emergency allows additional resources to flow into the City in a timely fashion; and

WHEREAS, existing conditions related to COVID-19 constitute an emergency as defined in the Ceres Municipal Code Section 2.16.130; and

WHEREAS, The Director of Emergency Services of the City of Ceres hereby finds that:

• The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion from day-to-day operations;

• In addition to the above facts, conditions or threatened conditions caused by COVID-19 including, but not limited to, potential isolation and quarantines of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City;

• These conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

• At the time of this proclamation, the City Council is not in session, and cannot be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City due to COVID-19.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency, the powers functions and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by State law, the ordinances and resolutions of the City, and the City of Ceres Emergency Plan.

IT IS FURTHER PROCLAIMED AND ORDERED that the local emergency shall expire unless ratified by the City Council within 7 days of this proclamation.

__________________________
Toby Wells, P.E.,
Director of Emergency Services
City Manager

Dated: March 16, 2020
COUNCIL AGENDA REPORT

MEETING DATE: March 23, 2020

TO: Mayor and City Council

FROM: Toby Wells, P.E., City Manager

CONTACT: Toby Wells, P.E., City Manager, Toby.Wells@ci.ceres.ca.us (209) 538-5751

SUBJECT: Resolution No. 2020-24, approving the City of Ceres Strategic Plan for 2020-21

RECOMMENDED COUNCIL ACTION:

Staff recommends Council approve the resolution for the City of Ceres Strategic Plan for 2019 and 2020.

I. BACKGROUND:

In 2007, the City Council conducted an intensive retreat that created a detailed Strategic Plan. The plan was updated in April of 2008 to make minor adjustments to the Strategic Plan Summary. This plan has been the guiding document for the City Council over the past several years.

The economic downtown and subsequent staffing reductions limited the ability to accomplish many of the goals delineated in the Strategic Plan. Several of the priorities identified in the document have been completed; however, numerous items still remain. The core elements of the Plan are still relevant and valid.

The last amendment was adopted by Council on February 25, 2019.
II. REASONS FOR RECOMMENDATION:

During the Goal Setting meeting on February 14, 2020, Council directed staff to complete a minor update to the Strategic Plan for consideration this year and to focus on a comprehensive update to the Strategic Plan in early 2021. A redline version of the proposed changes from the 2019/2020 Strategic Plan and clean version of the updated Strategic Plan is attached.

III. STEPS FOLLOWING APPROVAL:

Following approval, staff will post the final document on the City’s website and begin utilizing the updated document.

Approved by:_______________________________________________
Toby Wells, P.E., City Manager

Attachments:
1. Redline of Strategic Plan
2. Resolution
3. Final Strategic Plan for 2020-21
CERES CITY COUNCIL
STRATEGIC PLAN SUMMARY

2020-2021
Revised (2020)

The intent of this update is to continue the existing Strategic Plan Summary for the next two years. A new or updated Strategic Plan will be considered in early 2021.

The future is not someplace we are going to, but one we are creating. The paths are not to be found but made, and the activity of making them changes both the maker and the destination.

John Sharr, *Loyalty in America*

**Council’s Values/Guiding Principles**

The *values* of an organization drive both the goals and strategies created and the process of implementing the strategic plan. The previous version of the Strategic Plan Summary established the following guiding values and principles that are still applicable:

The City seal’s motto, “Together we achieve,” states the underlying value of the City of Ceres.

The City Council’s guiding principles are:

- Be an approachable Council, with members who are involved in the community
- Treat people fairly
- Be proactive, not reactive
- Make long-lasting decisions
- Foster strong communications with the community
- Expect quality development as part of being a quality community
- Foster openness and public engagement
- Be friendly in all encounters
- Be proud of our small town atmosphere
- Respect the roles of the mayor, council members, city manager, and staff
Vision

A vision states where the organization wants to be in the future. It should be broad and ambitious enough to serve as a guide and specific enough to be understood by people reading it. The Mayor and Council members proposed phrases that they think could be part of a vision statement for the City. The following vision statement was created as a result:

_in collaboration with the community, together we achieve a Ceres that is an attractive, livable, safe community with beautiful neighborhoods, landscaped streets, parks, trails, facilities and vibrant commercial and entertainment amenities._

Goals

Goals set the framework for policies that guide the direction and focus of the organization, budget decisions and allocation of other resources, such as staff time. Goals are “up on the balcony” wide views of opportunities for change and improvement. They are statements of how you want the future to be. Goals provide the “why” (larger meaning and context) of the specific actions the agency takes. They help the management team, and Council, when they are involved, to decide which of the many worthy projects should be done and when, within available resources.

The Council has a broad range of goals and projects they wish to accomplish over the next two years. The goals fall into the following areas:

1. **Infrastructure:** Ensure that the community has adequate, well maintained infrastructure (including water, sewer, streets, traffic signals, parks, sidewalks, facilities) that fosters a quality community and supports a strong economy.

2. **Livable community:** Create a vibrant, safe, attractive and walkable community that maintains a small-town feel, with parks, trails, shopping, entertainment and other desirable amenities.

3. **Economic development:** Proactively recruit and attract businesses to Ceres in order to add to the quality of life and enhance the fiscal base of the community.

4. **Planning for the Future:** Ensure the City has plans and policies in place to attract and create desirable development, maintain and improve neighborhoods and annex land to achieve a livable community and support a strong economy.

5. **Government operations:** Provide quality services to meet community needs, assuring that the City has helpful, well trained, properly equipped and sufficient staff who partners with other public agencies to provide efficient services.

6. **Community engagement:** Establish strong relationships with all sectors of the community, recognizing its cultural diversity and increase their involvement in creating the future of the City.

Strategies

Strategies are the means to achieve the goals. They are the individual projects that must be assigned, with resources identified, which will contribute to achievement of a goal. Projects should be
achievable within the available resources, with clear direction and attainable timeframes, with periodic checking in about progress, changes or challenges.

**Infrastructure:**
1. As part of the General Plan implementation, create a plan to accommodate all infrastructure needs for the next 50 years, (including sewer, water, parks, streets, traffic signals, storm drains, sidewalks and public facilities).
2. Complete the plans and advocate for funding for the Service/Mitchell/SR 99 interchange.
3. Update the Five Year Capital Improvement Program to reflect Council's vision, goals and priorities.
4. Complete the design for Eastgate Park, Lions Park, and Lower River Bluff Park and complete construction in 2021 or earlier.
5. Aggressively pursue the design, and implementation of the Stanislaus Regional Water Authority surface water treatment and delivery facilities.
6. Leverage Measure L and SB-1 revenues to maintain local streets and roads.

**Livable Community:**
1. Establish the vision of a livable community as a key component of the General Plan.
2. Establish mechanisms and policies which ensure that impacts of development are paid for by the developer (e.g., off-site infrastructure installed at the time of development).
3. Pursue programs that ensure the community has adequate police and fire protection.
4. Actively pursue improving the appearance of the community by expanding the Ceres Neighborhood Enhancement Team (CNET) Code Enforcement efforts and implement the recommendations of the Beautification Action Committee.
5. Establish development guidelines that will promote an image of careful planning that includes amenities such as requiring landscaped medians.
6. Encourage development of housing for all economic levels of the community, including affordable, senior and executive housing.

**Economic Development:**
1. Proactively implement the City Council's Economic Development Strategic Plan 2013-2020 consistent with the Council’s long term vision and priorities, including actively attracting new businesses, with a focus on retail enterprises to capture more sales tax and desirable restaurants. Secure funding, hire a consultant and complete an update to the Economic Development Strategic Plan.
2. Proactively implement the Downtown Specific Plan that establishes the downtown as a destination point.
3. Examine commercial corridors to identify possible locations for new retail.
4. Attract entertainment venues for youth and adults.
Planning for the Future:
1. Implement the General Plan to create a well-planned community for the long term.
2. Update code provisions for subdivision map act, zoning ordinance, and related procedures and documents following the completion of the General Plan update. Implement the new policies and procedures delineated in the updated Ceres Municipal Code.
3. Create development procedures that are clear to developers.

Government Operations:
1. Review and adopt the comprehensive update to the City Municipal Code.
   1. Review the organization and make changes to increase efficiency and effectiveness.
   2. Create and implement a staff development program.
   3. Strengthen the Council/staff team in order to effectively achieve Council priorities.
   4. Update the City’s administrative codes, policies and procedures to ensure proper administration of the organization and effective achievement of Council priorities.
   5. Increase the City’s partnership with the schools and identify specific ways in which to collaborate.

Community Engagement:
1. Create better connections and communications with all segments of the community.
2. Encourage citizens to be more involved in city government. (e.g. have boards/commissions that are meaningful and with clear roles).
3. Conduct town hall meetings to engage citizenry.
4. Collaborate with community groups to achieve mutual goals.
RESOLUTION NO. 2020-24

RESOLUTION APPROVING THE CITY OF CERES STRATEGIC PLAN FOR 2020-21

THE CITY COUNCIL
City of Ceres

WHEREAS, the last update to the City of Ceres Strategic Plan was completed in 2019; and,

WHEREAS, several items in the previous Strategic Plan have been completed, many are still priorities and goals that are applicable; and,

WHEREAS, the attached City of Ceres Strategic Plan for 2020-21 will guide and direct staff and Council in the implementation of the goals and priorities for the next two calendar years.

NOW THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of Ceres approves the City of Ceres Strategic Plan for 2020-21.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 23rd day of March 2020, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:

_____________________________
Chris Vierra, Mayor

ATTEST:

Diane Nayares-Perez, CMC, City Clerk
CERES CITY COUNCIL
STRATEGIC PLAN SUMMARY

2020-2021
Revised (2020)

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- The City Council’s guiding principles are:
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  - Make long-lasting decisions
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The Council has a broad range of goals and projects they wish to accomplish over the next two years. The goals fall into the following areas:

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3. Economic development: Proactively recruit and attract businesses to Ceres in order to add to the quality of life and enhance the fiscal base of the community.

4. Planning for the Future: Ensure the City has plans and policies in place to attract and create desirable development, maintain and improve neighborhoods and annex land to achieve a livable community and support a strong economy.

5. Government operations: Provide quality services to meet community needs, assuring that the City has helpful, well trained, properly equipped and sufficient staff who partners with other public agencies to provide efficient services.

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Strategies are the means to achieve the goals. They are the individual projects that must be assigned, with resources identified, which will contribute to achievement of a goal. Projects should be
achievable within the available resources, with clear direction and attainable timeframes, with periodic checking in about progress, changes or challenges.

**Infrastructure:**

1. As part of the General Plan implementation, create a plan to accommodate all infrastructure needs for the next 50 years, (including sewer, water, parks, streets, traffic signals, storm drains, sidewalks and public facilities).
2. Complete the plans and advocate for funding for the Service/Mitchell/SR 99 interchange.
3. Update the Five Year Capital Improvement Program to reflect Council's vision, goals and priorities.
4. Complete the design for Eastgate Park, Lions Park, and Lower River Bluff Park and complete construction in 2021 or earlier.
5. Aggressively pursue the design, and implementation of the Stanislaus Regional Water Authority surface water treatment and delivery facilities.
6. Leverage Measure L and SB-1 revenues to maintain local streets and roads.

**Livable Community:**

1. Establish the vision of a livable community as a key component of the General Plan.
2. Establish mechanisms and policies which ensure that impacts of development are paid for by the developer (e.g., off-site infrastructure installed at the time of development).
3. Pursue programs that ensure the community has adequate police and fire protection.
4. Actively pursue improving the appearance of the community by expanding the Code Enforcement efforts and implement the recommendations of the Beautification Action Committee.
5. Establish development guidelines that will promote an image of careful planning that includes amenities such as requiring landscaped medians.
6. Encourage development of housing for all economic levels of the community, including affordable, senior and executive housing.

**Economic Development:**

1. Proactively implement the City Council's Economic Development Strategic Plan 2013-2020 consistent with the Council's long term vision and priorities, including actively attracting new businesses, with a focus on retail enterprises to capture more sales tax and desirable restaurants. Secure funding, hire a consultant and complete an update to the Economic Development Strategic Plan.
2. Proactively implement the Downtown Specific Plan that establishes the downtown as a destination point.
3. Examine commercial corridors to identify possible locations for new retail.
4. Attract entertainment venues for youth and adults.
Planning for the Future:
1. Implement the General Plan to create a well-planned community for the long term.
2. Implement the new policies and procedures delineated in the updated Ceres Municipal Code.
3. Create development procedures that are clear to developers.

Government Operations:
1. Review the organization and make changes to increase efficiency and effectiveness.
2. Create and implement a staff development program.
3. Strengthen the Council/staff team in order to effectively achieve Council priorities.
4. Update the City’s administrative codes, policies and procedures to ensure proper administration of the organization and effective achievement of Council priorities.
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1. Create better connections and communications with all segments of the community.
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3. Conduct town hall meetings to engage citizenry.
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Revised March 23, 2020 – Resolution No. 2020-