

**City of Santee  
Adjourned Regular Meeting Agenda**

**Santee City Council  
CDC Successor Agency  
Santee Public Financing Authority**

**Council Chamber – Building 2  
10601 Magnolia Avenue  
Santee, CA 92071**

**September 6, 2017**

**7:00 PM**

**ROLL CALL:** Mayor John W. Minto  
Vice Mayor Ronn Hall  
Council Members Stephen Houlahan, Brian W. Jones and Rob McNelis

**LEGISLATIVE INVOCATION \ PLEDGE OF ALLEGIANCE:**

**PRESENTATION:** Jack E. Dale Cup Presentation: Varsity Football Game between Santana and West Hills High Schools

**PRESENTATION:** Certificate of Appreciation: Santee Mobilehome Owners Action Committee (SMOAC)

**ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:**

**1. CONSENT CALENDAR:**

Consent Calendar items are considered routine and will be approved by one motion, with no separate discussion prior to voting. Council Members, staff or public may request specific items be removed from the Consent Calendar for separate discussion or action. Speaker slips for this category must be presented to the City Clerk at the start of the meeting. Speakers are limited to 3 minutes.

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.**
- (B) Approval of Meeting Minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the Regular Meetings of August 23, 2017.**
- (C) Approval of Payment of Demands as presented.**

- (D) Approval of the expenditure of \$60,961.21 for July 2017 and \$1,598.86 for FY 2016-17 legal services and related costs.
- (E) Adoption of a Resolution amending the employment agreement of the City Manager and the salary schedule to reflect the City Manager's new salary.
- (F) Adoption of a Resolution accepting the public improvements associated with the Cameron Commercial Retail Center (P2014-14) located at 8866 Magnolia Avenue as complete and directing the City Clerk to release ninety percent of the Faithful Performance Bond and retain ten percent for twelve months as a Warranty Bond, and retain the Labor and Material Bond for six months.

2. PUBLIC HEARINGS: None

3. ORDINANCES: None

4. CITY COUNCIL REPORTS:

5. CONTINUED BUSINESS: None

6. NEW BUSINESS:

(A) Public workshop on beekeeping requirements in residential zones.

Recommendation:

Provide guidance to staff on potential changes to Santee Municipal Code Section 17.10.030, specific to beekeeping.

(B) Informational Discussion regarding Community Choice Aggregation.

Recommendation:

Receive information and testimony, and provide comments to staff.

7. COMMUNICATION FROM THE PUBLIC:

*Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the Agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

8. CITY MANAGER REPORTS:

9. CDC SUCCESSOR AGENCY:

*(Note: Minutes appear as Item 1(B))*

10. SANTEE PUBLIC FINANCING AUTHORITY:

*(Note: Minutes appear as Item 1(B))*

11. CITY ATTORNEY REPORTS:

**(A) Report on comprehensive Municipal Code update process and draft revisions to Titles 3, 4 and 5.**

Recommendation:

Receive report and provide direction as needed, including direction on the policy questions identified in the staff report as "Policy Point."

12. CLOSED SESSION:       None

13. ADJOURNMENT:



Sept 06	City Council Meeting	Council Chamber
Sept 07	SPARC	Civic Center - Building 7
Sept 11	Community Oriented Policing Committee	Council Chamber
<del>Sept 13</del>	<del>City Council Meeting – CANCELLED</del>	<del>Council Chamber</del>
Sept 21	Manufactured Home Fair Practices Commission	Council Chamber
Sept 27	City Council Meeting	Council Chamber
Oct 05	SPARC	Civic Center - Building 7
Oct 09	Community Oriented Policing Committee	Council Chamber
Oct 11	City Council Meeting	Council Chamber
Oct 25	City Council Meeting	Council Chamber

The Santee City Council welcomes you and encourages your continued interest and involvement in the City’s decision-making process.

**For your convenience, a complete Agenda Packet is available for public review at City Hall and on the City’s website at [www.CityofSanteeCA.gov](http://www.CityofSanteeCA.gov).**

***The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 12132 of the American with Disabilities Act of 1990 (42 USC § 12132). Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s Office at (619) 258-4100, ext. 112 at least 48 hours before the meeting, if possible.***

State of California	}	<b>AFFIDAVIT OF POSTING AGENDA</b>
County of San Diego	} ss.	
City of Santee	}	
<p>I, <u>Patsy Bell, CMC, City Clerk</u> of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with the Brown Act and Santee Resolution 61-2003 on <u>September 1, 2017</u>, at <u>4:00 p.m.</u></p>		
<p>_____</p> Signature	<p>09/01/17</p> Date	

City of Santee  
**COUNCIL AGENDA STATEMENT**

PRES

**MEETING DATE**            September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE**            JACK E. DALE CUP PRESENTATION: VARSITY FOOTBALL GAME  
BETWEEN SANTANA AND WEST HILLS HIGH SCHOOLS

**DIRECTOR/DEPARTMENT**            John W. Minto, Mayor

**SUMMARY**

Begun in 1990, the Jack E. Dale Cup reflects Council's acknowledgement of our outstanding high schools and promotes the friendly competition between their varsity football teams.

The Jack E. Dale Cup has been designed as a perpetual trophy.

This year's game was held at West Hills High School on Friday, September 1, 2017. Members of the winning team are scheduled to attend.

In addition to signifying the City's support of both schools and their student bodies, it is hoped that this presentation will reinforce positive values such as teamwork, community spirit, and striving for excellence.

**FINANCIAL STATEMENT**

N/A

**CITY ATTORNEY REVIEW**             N/A     Completed

**RECOMMENDATION** *MSB*

N/A

**ATTACHMENTS (Listed Below)**

N/A

City of Santee  
**COUNCIL AGENDA STATEMENT**

PRES

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** CERTIFICATE OF APPRECIATION: SANTEE MOBILEHOME OWNERS ACTION COMMITTEE (SMOAC)

**DIRECTOR/DEPARTMENT** Rob McNelis, Council Member

**SUMMARY**

The Santee Mobilehome Owners Action Committee (SMOAC), led by President Buddy Rabaya, conducted its 3<sup>rd</sup> annual Backpack and School Supplies give-away on August 20, 2017.

SMOAC is a nonprofit group that advocates for senior mobilehome renters. For months before the event, SMOAC President Rabaya and volunteers fund-raised, solicited donations, organized, coordinated, shopped, stored, and stuffed more than 800 backpacks with school supplies. Then they held an event at the Santee Library to give the backpacks to school-aged members of the community who needed them. Backpacks were specifically filled and sorted for elementary children up to high school aged teens and college students. Volunteers included many senior Mobilehome Park residents, civic leaders, local businesses, and members of the community.

A Certificate of Appreciation has been prepared and will be accepted at the meeting by President Rabaya and members of SMOAC.

**FINANCIAL STATEMENT** N/A

**CITY ATTORNEY REVIEW**  N/A  Completed

**RECOMMENDATION**  Present proclamation.

**ATTACHMENTS**

Certificate of Appreciation.

City of Santee

# Certificate of Recognition

Presented to

**SMOAC**

in appreciation of extraordinary volunteer efforts providing more than 800 backpacks stuffed with school supplies to students. This annual event fills an important need in the community and we are very proud that so many residents and businesses donated their time and resources, working hard to give much needed help to others.



Council Member Rob McFelix

September 6, 2017

City of Santee  
**COUNCIL AGENDA STATEMENT**

1B

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** APPROVAL OF MEETING MINUTES OF THE SANTEE CITY COUNCIL,  
THE CDC SUCCESSOR AGENCY AND THE SANTEE PUBLIC  
FINANCING AUTHORITY FOR THE REGULAR MEETINGS OF  
AUGUST 23, 2017

**DIRECTOR/DEPARTMENT** Patsy Bell, CMC, City Clerk

PB

**SUMMARY**

Submitted for your consideration and approval are the minutes of the above meetings.

**FINANCIAL STATEMENT** N/A

**CITY ATTORNEY REVIEW**  N/A  Completed

**RECOMMENDATION**

Approve Minutes as presented.

**ATTACHMENTS**

August 23, 2017 Regular Minutes

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**Minutes**

**Draft**

**Santee City Council  
CDC Successor Agency  
Santee Public Financing Authority**

**Council Chamber – Building 2  
10601 Magnolia Avenue  
Santee, California  
August 23, 2017  
7:00 PM**

This Regular Meeting of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority was called to order by Mayor/Agency Chair/Authority Chair John W. Minto at 7:04 p.m.

Council Members present were: Mayor/Agency Chair/Authority Chair John W. Minto, Vice Mayor/Agency Vice Chair/Authority Vice Chair Ronn Hall and Council/Agency/Authority Members Stephen Houlahan, Brian W. Jones and Rob McNelis.

Officers present were: City Manager/Agency Executive Director/Authority Secretary Marlene Best, City/Agency/Authority Attorney Shawn Hagerty and City Clerk/Agency Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney and City Clerk shall be used to indicate Mayor/Agency Chair/Authority Chair, Vice Mayor/ Agency Vice Chair/Authority Vice Chair, Council/Agency/Authority Member, City Manager/ Agency Executive Director/Authority Secretary, City/Agency/Authority Attorney and City Clerk/Agency Secretary.)

The **INVOCATION** was given by Zan Just of the Local Spiritual Assembly of the Baha'i Faith and the **PLEDGE OF ALLEGIANCE** was led by Larry Wood.

**PROCLAMATION: National Payroll Week**

Mayor Minto presented the Proclamation to Elena Ruiz, San Diego Chapter Coordinator of the American Payroll Association and Santee resident.

**RECOGNITION: Fire Chief Richard Smith**

Mayor Minto introduced San Miguel Fire Chief Chris Brainard, who presented a plaque to Director of Fire and Life Safety Smith in appreciation for his assistance during San Miguel's transition back to a stand-alone fire protection district.

**ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:**

**1. CONSENT CALENDAR:**

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.**
- (B) Approval of Meeting Minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the Regular and Special Meetings of August 9, 2017.**
- (C) Approval of Payment of Demands as presented.**
- (D) Approval of a merit pay increase for the City Clerk from \$111,391.79 to \$118,075.30 annually effective August 24, 2017.**

**ACTION:** On motion of Council Member Houlahan, seconded by Vice Mayor Hall, the Agenda and Consent Calendar were approved as presented with all voting aye.

**2. PUBLIC HEARINGS:** None

**3. ORDINANCES:** None

**4. CITY COUNCIL REPORTS:**

Council Member McNelis recognized Santee Mobile Owners Association Coalition for helping a Santee family after hearing they needed assistance.

**5. CONTINUED BUSINESS:**

- (A) Adoption of Resolutions of Intention and related actions initiating the formation of two Community Facilities Districts in connection with the financing of infrastructure and public services for the Weston (formerly Castlerock) development. (Continued from May 10, 2017) (Resos 088-2017, 089-2017, 090-2017, 091-2017, 092-2017 & 093-2017)**

Director of Finance McDermott presented the staff report utilizing a PowerPoint presentation and answered Council's questions. Matt Chensey with Albert A. Webb & Associates and Allen Kashani with Pardee Homes also answered Council's questions.

During discussion, it was noted that since the development was approved by the City of San Diego, some of the standards for the development were not up to the same level of standards that Santee would require and that is why Special Tax B is in place.

**ACTION:** After further discussion, on motion of Council Member McNelis, seconded by Council Member Jones, the following six Resolutions were adopted with all voting aye, except Council Member Houlahan who voted no.

1. An Amended & Restated Statement of Local Goals & Policies Concerning the Use of the Mello-Roos Community Facilities Act of 1982
2. The Boundary Map for CFD No. 2017-1 (Weston Infrastructure)
3. Declaration of Intention to Establish CFD No. 2017-1 and to Authorize a Levy of Special Tax
4. Declaration of Intention Necessity to Incur a Bonded Indebtedness for CFD No. 2017-1
5. The Boundary Map for CFD No. 2017-2 (Weston Municipal Services)
6. Declaration of Intention to Establish CFD No. 2017-2 and to Authorize a Levy of Special Tax

**6. NEW BUSINESS:**

- (A) Resolution approving a Park Development Agreement with Pardee Homes, Incorporated for the development of a public park within the "Weston" Subdivision (formerly "Castlerock") and authorizing the City Manager to execute the agreement. (Reso 094-2017)**

Principal Planner O'Donnell presented the staff report utilizing a PowerPoint presentation and answered Council's questions. During discussion, Director of Community Services Maertz and City Attorney Hagerty answered Council questions regarding the need for the proposed equestrian staging area and whether that could be changed in the future as the public's needs change.

**ACTION:** On motion of Council Member McNelis, seconded by Vice Mayor Hall, the Resolution approving the Park Development Agreement in substantial conformance with the proposed Agreement and authorizing the City Manager to execute the Agreement with Pardee Homes LLC, with any additional conforming changes as approved by the City Attorney, was approved with all voting aye.

- (B) Request for authorization to consider an application for an amendment to the general plan to change the land use designation from "Low-Density Alternative Residential (R1-A)" and "Hillside/Limited Residential (HL)" to "Medium-High Density Residential (R-14)" and to change the Zone Classification from "Low-Density Alternative Residential (R1-A)" and "Hillside/Limited Residential (HL)" to "Medium-High Density Residential (R-14)" of an undeveloped 2.8-acre parcel on Sunset Trail, APN: 384-142-04. Applicant: M. Grant Real Estate, Incorporated**

**ENTERED INTO THE RECORD:**

Staff provided correspondence received after the issuance of the Agenda.

Principal Planner O'Donnell presented the staff report utilizing a PowerPoint presentation and answered Council's questions.

**PUBLIC SPEAKERS:**

- Michael Grant, applicant, answered Council's questions.
- Van Collinsworth, Preserve Wild Santee, spoke in opposition.

Council Members commented on issues regarding environmental impacts, planned development for the site and the need for senior care facilities and their rising costs. Council Member Houlahan stated that he does not support looking at amendments to individual properties as developers bring forward proposals, and would prefer to have staff perform an overall General Plan update. Council Member Hall also supports having a comprehensive General Plan update. Mayor Minto noted that General Plan amendments were sometimes needed for development purposes during the time frame between the General Plan updates.

**(C) Informational report on compliance with the trash order issued by the State Water Resources Control Board.**

Principal Planner O'Donnell introduced the item and Storm Water Program Manager Tipton presented the staff report utilizing a PowerPoint presentation and answered Council's questions. After further discussion relating to unfunded state mandates and what the City can do to be more effective with those items, the report was noted and filed.

**7. COMMUNICATION FROM THE PUBLIC:**

- (A) Larry Wood thanked the Sheriff's department for their quick response during a recent burglary at his home.
- (B) Robert Maudsley asked about adding more off-leash hours at Wooglen Vista Dog Park. He also asked Council to consider putting in a sporting complex for dogs, which would be a potential source for tourism.
- (C) Van Collinsworth commented on campaign contributions.

**8. CITY MANAGER REPORTS:**

City Manager Best reported on upcoming community events and noted staff has been attending Emergency Operation Center trainings.

**9. CDC SUCCESSOR AGENCY:**

*(Note: Minutes appear as Item 1(B))*

**10. SANTEE PUBLIC FINANCING AUTHORITY:**

*(Note: Minutes appear as Item 1(B))*

**11. CITY ATTORNEY REPORTS: None**

Council Members recessed at 9:20 p.m. and convened in Closed Session at 9:27 p.m. with all Members present.

**12. CLOSED SESSION:**

**(A) Conference with Legal Counsel—Anticipated Litigation**

(Government Code section 54956.9(d)(2))

Significant Exposure to Litigation: Six cases

**(B) Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: City Manager

Council Members reconvened in Open Session at 10:05 p.m. with all Members present. Mayor Minto reported that by unanimous vote, direction was provided to legal counsel to resolve the claims for Item 12(A). For Item 12(B), the evaluation was completed and direction was provided regarding the compensation, which will be considered on a future agenda.

**13. ADJOURNMENT:**

There being no further business, the meeting was adjourned at 10:06 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Patsy Bell, CMC, City Clerk/Agency Secretary  
and for Authority Secretary Marlene Best

City of Santee  
**COUNCIL AGENDA STATEMENT**

1C

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** PAYMENT OF DEMANDS

**DIRECTOR/DEPARTMENT** Tim K. McDermott, Director of Finance *tm*

**SUMMARY**

A listing of checks that have been disbursed since the last Council meeting is submitted herewith for approval by the City Council.

**FINANCIAL STATEMENT** *tm*

Adequate budgeted funds are available for the payment of demands per the attached listing.

**CITY ATTORNEY REVIEW**  N/A  Completed

**RECOMMENDATION** *MDB*

Approval of the payment of demands as presented.

**ATTACHMENTS (Listed Below)**

- 1) Payment of Demands-Summary of Checks Issued
- 2) Disbursement Journal

Payment of Demands  
Summary of Payments Issued

<u>Date</u>	<u>Description</u>	<u>Amount</u>
08/14/17	Accounts Payable	\$ 15,710.13
08/17/17	Accounts Payable	148,632.41
08/17/17	Accounts Payable	1,189,691.68
08/17/17	Accounts Payable	43,461.12
08/21/17	Accounts Payable	202,561.41
08/23/17	Accounts Payable	20,575.39
08/23/17	Accounts Payable	247,230.59
08/28/17	Accounts Payable	425,000.00
08/31/17	Payroll	<u>328,983.11</u>
	TOTAL	<u>\$ 2,621,845.84</u>

I hereby certify to the best of my knowledge and belief that the foregoing demands listing is correct, just, conforms to the approved budget, and funds are available to pay said demands.

  
\_\_\_\_\_  
Tim K. McDermott, Director of Finance

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
272	8/14/2017	10482 TRISTAR RISK MANAGEMENT	101803		WORKERS' COMPENSATION	15,710.13

Total :  
Bank total :  
Total vouchers :

1 Vouchers for bank code : ubgen  
1 Vouchers in this report

Prepared by:   
Date: 8-18-17

Approved by:   
Date: 8-18-17

Voucher List  
CITY OF SANTEE

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
116143	8/17/2017	12777 ASSOCIATION OF CANNABIS	08012017		REFUND - INITIATIVE	200.00
116144	8/17/2017	10412 AT&T	000009997322		TELEPHONE	779.82
116145	8/17/2017	10021 BOUND TREE MEDICAL LLC	82549231	51860	EMS SUPPLIES	60.85
			82550728	51860	EMS SUPPLIES	158.95
			82550729	51860	EMS SUPPLIES	627.69
			82550730	51860	EMS SUPPLIES	434.33
			82550731	51860	EMS SUPPLIES	522.36
			82552375	51860	EMS SUPPLIES	166.88
			82552376	51860	EMS SUPPLIES	70.50
			82552377	51860	EMS SUPPLIES	83.45
			82553874	51860	EMS SUPPLIES	32.90
			82553875	51860	EMS SUPPLIES	47.00
			82553876	51860	EMS SUPPLIES	11.34
			82555351	51860	EMS SUPPLIES	89.89
			82555352	51860	EMS SUPPLIES	84.60
			82555353	51860	EMS SUPPLIES	727.53
			82556979	51860	EMS SUPPLIES	19.23
			82556980	51860	EMS SUPPLIES	253.87
			82559892	51860	EMS SUPPLIES	173.68
			82562736	51860	EMS SUPPLIES	127.02
			82562737	51860	EMS SUPPLIES	319.26
			82562738	51860	EMS SUPPLIES	46.60
			82562739	51860	EMS SUPPLIES	488.78
			82562740	51860	EMS SUPPLIES	38.92
			82562741	51860	EMS SUPPLIES	457.89
			82562742	51860	EMS SUPPLIES	114.02
			82567578	51860	EMS SUPPLIES	20.67
					<b>Total :</b>	<b>5,178.21</b>
116146	8/17/2017	10260 CALIFORNIA PARKS & RECREATION	8450		DAY CAMP FIELD TRIP	350.00
					<b>Total :</b>	<b>350.00</b>

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
116147	8/17/2017	11330 CLEANSTREET	87023	51847	STREET SWEEPING	267.00
					<b>Total :</b>	<b>267.00</b>
116148	8/17/2017	12422 COURTESY CHEVROLET CENTER	1316274	51769	VEHICLE REPAIR PART	44.52
					<b>Total :</b>	<b>44.52</b>
116149	8/17/2017	10333 COX COMMUNICATIONS	094486701 105080401		CITY HALL GROUP BILL 9310 FANITA PKWY	3,108.02
					<b>Total :</b>	<b>3,140.30</b>
116150	8/17/2017	10368 FIREWORKS & STAGE FX AMERICA	170183		SANTEE SALUTES	11,250.00
					<b>Total :</b>	<b>11,250.00</b>
116151	8/17/2017	12782 GROSSMONT ADULT SCHOOL	2003511.001		REFUND FOR OVERPAYMENT	320.00
					<b>Total :</b>	<b>320.00</b>
116152	8/17/2017	12435 HANSON, RANDALL T	05-08-2017		SANTEE BLUEGRASS FESTIVAL	500.00
					<b>Total :</b>	<b>500.00</b>
116153	8/17/2017	10256 HOME DEPOT CREDIT SERVICES	7151733 7160106	51780 51780	STATION SUPPLIES SMALL TOOLS	59.24
					<b>Total :</b>	<b>112.95</b>
116154	8/17/2017	10558 MAERTZ, BILL	07/25/17		CELL PHONE REIMBURSEMENT	108.96
					<b>Total :</b>	<b>108.96</b>
116155	8/17/2017	10507 MITEL LEASING	1171632 1433198 1433625 1433646		MONTHLY RENTAL 122670 MONTHLY RENTAL 124690 MONTHLY RENTAL 130737 MONTHLY RENTAL 131413	876.86
					<b>Total :</b>	<b>1,150.02</b>
116156	8/17/2017	10308 O'REILLY AUTO PARTS	2968-154984 2968-155719 2968-155931	51791 51791 51791	VEHICLE REPAIR PARTS VEHICLE SUPPLIES VEHICLE SUPPLIES	94.51
					<b>Total :</b>	<b>125.49</b>
116157	8/17/2017	10344 PADRE DAM MUNICIPAL WATER DIST	90000366		GROUP BILL	43,002.76

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
116157	8/17/2017	10344	10344	PADRE DAM MUNICIPAL WATER DIST (Continued)			<b>Total :</b> 43,002.76
116158	8/17/2017	10521	6027174	PNC EQUIPMENT FINANCE LLC		FIRE ENGINE LEASE PYMNT #14	40,882.46
116159	8/17/2017	11225	52108	POPPE, MIKE		SAFETY GLASSES	<b>Total :</b> 40,882.46
116160	8/17/2017	11522	812017	POSTMASTER EL CAJON		POSTAGE - FALL REC BROCHURE	<b>Total :</b> 267.00
116161	8/17/2017	12062	1571445	PURETEC INDUSTRIAL WATER	51867	DEIONIZED WATER SERVICE	47.25
			1571446		51867	DEIONIZED WATER SERVICE	45.00
			1571447		51868	DEIONIZED WATER SERVICE	31.50
			1573022		51867	DEIONIZED WATER SERVICE	45.00
116162	8/17/2017	10097	12-039661	ROMAINE ELECTRIC CORPORATION	51822	VEHICLE REPAIR PART	<b>Total :</b> 168.75
			12-039661-1		51822	VEHICLE REPAIR PARTS	131.72
116163	8/17/2017	10108	AR171493	SAN DIEGO ASSOC OF GOVERNMENTS		ARJIS MEMBER ASSESSMENT	35,506.00
116164	8/17/2017	10752	14486	SAN DIEGO REGIONAL TRAINING		SAN DIEGO ERC	<b>Total :</b> 35,506.00
116165	8/17/2017	10158	0411125-IN	THE SOCO GROUP INC	51802	DELIVERED FUEL	1,779.00
			0411464-IN		51802	DELIVERED FUEL	<b>Total :</b> 1,779.00
			CL05295		51803	FLEET CARD FUELING	489.77
116166	8/17/2017	10325	C58961	VALLEY POWER SYSTEM INC	51816	VEHICLE REPAIR PART	137.63
			C59098		51816	VEHICLE REPAIR PARTS	1,426.68
116167	8/17/2017	10799	235942	VOSBURGH, TODD		STEEL TOE WORK BOOTS	<b>Total :</b> 2,054.08

Bank code :	ubgen	Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor			
116167	8/17/2017	10799 VOSBURGH, TODD		(Continued)	
25 Vouchers for bank code : ubgen					Total :
25 Vouchers in this report					Bank total : 148,632.41
					Total vouchers : 148,632.41

Prepared by: Nicole S  
 Date: 8-17-17  
 Approved by: [Signature]  
 Date: 8-17-17

Voucher List  
CITY OF SANTEE

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code :	ubgen					
116168	8/17/2017	12507 BISHOP, JESSIE	06072017		LAWCX - DIRECTORS MTG	24.45
					Total :	24.45
116169	8/17/2017	10845 CONTROLLED ENTRY SPECIALISTS	830017	51568	APPARATUS DOORS MAINT/REPAIR	1,448.00
					Total :	1,448.00
116170	8/17/2017	12762 COUNTY OF SAN DIEGO	CSA69FY16/17		CSA69FY16/17 REIMBURSEMENT	14,584.00
					Total :	14,584.00
116171	8/17/2017	10040 COUNTYWIDE MECHANICAL SYSTEMS	P17065848	51626	PLUMBING REPAIRS & MAINT	180.00
			P17065860	51626	PLUMBING REPAIRS & MAINT	1,818.91
					Total :	1,998.91
116172	8/17/2017	11295 DOKKEN ENGINEERING	31831	50583	MAST PARK IMPROVEMENTS	23,784.79
					Total :	23,784.79
116173	8/17/2017	12590 DWM HOLDINGS, INC.	128105	51712	PARTS FOR STREETLIGHTS	3,812.90
					Total :	3,812.90
116174	8/17/2017	10065 GLOBAL POWER GROUP INC	49507	51567	ELECTRICAL REPAIRS & MAINT	360.00
			49778	51567	ELECTRICAL REPAIRS/MAINT	180.00
			49779	51567	ELECTRICAL REPAIRS/MAINT	585.00
			49780	51567	ELECTRICAL REPAIRS & MAINT	1,619.73
			49910	51437	GENERATOR MAINT/REPAIRS	536.23
			49911	51437	GENERATOR MAINT/REPAIRS	148.00
			50143	51567	ELECTRICAL REPAIRS/MAINT	1,016.46
					Total :	4,445.42
116175	8/17/2017	12591 IMS INFRASTRUCTURE	10317-6 FINAL	51714	PAVEMENT MANAGEMENT REPOR	4,500.00
					Total :	4,500.00
116176	8/17/2017	12785 JB GLASS AND MIRROR	Ref000043455		LI Refund Cst #18294	38.00
					Total :	38.00
116177	8/17/2017	12718 LSAASSOCIATES INC	154139	51879	SUSTAINABILITY PROJECT	4,294.01
			154221	51879	SUSTAINABILITY PROJECT	5,349.77

Bank code :	ubgen	Invoice		PO #	Description/Account	Amount
Voucher	Date	Vendor				
116177	8/17/2017	12718 LSA ASSOCIATES INC				9,643.78
116178	8/17/2017	10558 MAERTZ, BILL	06/25/17		CELL PHONE REIMBURSEMENT	109.04
116179	8/17/2017	11285 MGT OF AMERICA	30193	51608	ST MANDATED CLAIMS	109.04
116180	8/17/2017	11783 MINTO, JOHN	62717		LEAGUE OF CA CITIES	5,500.00
116181	8/17/2017	10606 S.D. COUNTY SHERIFF'S DEPT.	SHERIFF JUN 2017		LAW ENFORCEMENT JUN 2017	5,500.00
116182	8/17/2017	10768 SANTEE SCHOOL DISTRICT	7785	51450	LIGHTS- CHET HARRITT FIELDS	475.08
116183	8/17/2017	10119 STEVEN SMITH LANDSCAPE INC	35760	51596	A-1 LANDSCAPE SERVICES	475.08
			35776	51596	A 1 LANDSCAPE SERVICES	110.00
			35777	51596	A1 LANDSCAPE SERVICES	1,050.00
			35904	51596	A1 LANDSCAPE SERVICES	1,512.00
			35905	51596	A1 LANDSCAPE SERVICES	3,180.00
			35913	51596	A1 LANDSCAPE SERVICES	1,872.00
			36365	51596	A1 LANDSCAPE SERVICES	448.00
			51596	51596	A-1 LANDSCAPE SERVICES	110.00
116184	8/17/2017	10211 VISION INTERNET PROVIDERS	35174	51506	WEBSITE REDESIGN	110.00
116185	8/17/2017	10136 WEST COAST ARBORISTS INC	127313	51579	URBAN FORESTRY MGMT SVCS	8,392.00
			127314	51579	URBAN FORESTRY MGMT SVCS	11,656.00
			127315	51579	URBAN FORESTRY MGMT SVCS	11,656.00
			127603	51579	URBAN FORESTRY MGMT SVCS	9,308.00
			127604	51579	URBAN FORESTRY MGMT SVCS	2,426.00
					URBAN FORESTRY MGMT SVCS	5,520.00
					URBAN FORESTRY MGMT SVCS	6,212.00
					URBAN FORESTRY MGMT SVCS	7,680.00
					<b>Total :</b>	<b>31,146.00</b>
<b>18 Vouchers for bank code : ubgen</b>					<b>Bank total :</b>	<b>1,189,691.68</b>

Bank code : ubgen  
Voucher \_\_\_\_\_ Date \_\_\_\_\_ Vendor \_\_\_\_\_ Invoice \_\_\_\_\_ PO # \_\_\_\_\_ Description/Account \_\_\_\_\_ Amount \_\_\_\_\_

18 Vouchers in this report

Total vouchers : 1,189,691.68

Prepared by: Michael J  
Date: 8-17-17  
Approved by: [Signature]  
Date: 8-17-17

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
116186	8/17/2017	12722 FIDELITY SECURITY LIFE		163230319		EYEMED - VOLUNTARY VISION	698.87
						<b>Total :</b>	<b>698.87</b>
116187	8/17/2017	10844 FRANCHISE TAX BOARD		PPE 08/09/17		WITHHOLDING ORDER	25.00
						<b>Total :</b>	<b>25.00</b>
116188	8/17/2017	10508 LIFE INSURANCE COMPANY OF		August 2017		LIFE INSURANCE	2,781.14
						<b>Total :</b>	<b>2,781.14</b>
116189	8/17/2017	10779 NATIONAL BENEFIT SERVICES LLC		PPE 08/09/17		FLEXIBLE SPENDING ACCOUNT	2,196.56
						<b>Total :</b>	<b>2,196.56</b>
116190	8/17/2017	10784 NATIONAL UNION FIRE INSURANCE		August 2017		VOLUNTARY AD&D	98.48
						<b>Total :</b>	<b>98.48</b>
116191	8/17/2017	10335 SAN DIEGO FIREFIGHTERS FEDERAL		August 2017		LONG TERM DISABILITY-SAFETY	1,102.50
						<b>Total :</b>	<b>1,102.50</b>
116192	8/17/2017	10424 SANTEE FIREFIGHTERS		PPE 08/09/17		DUES/PEC/BENEVOLENT/BC EXP	2,499.09
						<b>Total :</b>	<b>2,499.09</b>
116193	8/17/2017	10776 STATE OF CALIFORNIA		PPE 08/09/17		WITHHOLDING ORDER	267.69
						<b>Total :</b>	<b>267.69</b>
116194	8/17/2017	10001 US BANK		PPE 08/09/17		PARS RETIREMENT	1,184.18
						<b>Total :</b>	<b>1,184.18</b>
116195	8/17/2017	10959 VANTAGE TRANSFER AGENT/457		PPE 08/09/17		ICMA - 457	28,991.03
						<b>Total :</b>	<b>28,991.03</b>
116196	8/17/2017	10782 VANTAGEPOINT TRNSFR AGT/801801		PPE 08/09/17		RETIREE HEALTH SAVINGS ACCOL	3,616.58
						<b>Total :</b>	<b>3,616.58</b>
						<b>Bank total :</b>	<b>43,461.12</b>
						<b>Total vouchers :</b>	<b>43,461.12</b>

11 Vouchers for bank code : ubgen

11 Vouchers in this report

Bank code : ubgen

Voucher Date Vendor

Invoice

PO #

Description/Account

Amount

Prepared by: M. Cole  
 Date: 8-17-17

Approved by: [Signature]  
 Date: 8-17-17





Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
116199	8/23/2017	12724 AMERICAN FIDELITY ASSURANCE	B644022		VOL LIFE/CANCER/ACCIDENT INS- Total :	3,021.88 3,021.88
116200	8/23/2017	11445 AMERICAN MESSAGING	L1072898RH		FD PAGER SERVICE Total :	144.93 144.93
116201	8/23/2017	10006 AMERICAN PLANNING ASSOCIATION	087214-1772		MEMBERSHIP RENEWAL Total :	759.00 759.00
116202	8/23/2017	10006 AMERICAN PLANNING ASSOCIATION	000096		APA RECRUITMENT AD Total :	50.00 50.00
116203	8/23/2017	10194 AMERICAN PUBLIC WORKS ASSOC	616554		MEMBERSHIP RENEWAL Total :	215.00 215.00
116204	8/23/2017	12083 ANIMAL PEST MANAGEMENT	565573	51760	PEST CONTROL SERVICES	120.00
			565574	51760	PEST CONTROL SERVICES Total :	120.00 240.00
116205	8/23/2017	12790 ASHMORE DENTAL (FOUR), LLC	GRD1254A/GRD1254S		REFUNDABLE DEPOSITS Total :	37,128.09 37,128.09
116206	8/23/2017	11513 BOND, ELLEN	09012017-263		MEADOWBROOK HARDSHIP PGRM Total :	33.28 33.28
116207	8/23/2017	10098 BURNER, RONALD	073117-1	51862	ATHLETIC FIELD COORDINATION Total :	2,083.34 2,083.34
116208	8/23/2017	10544 CALIFORNIA CITY MANAGEMENT	2017-18		CMF MEMBERSHIP Total :	400.00 400.00
116209	8/23/2017	11768 CALIFORNIA PARKS & RECREATION	002926		CSD MEMBERSHIP RENEWAL Total :	1,380.00 1,380.00
116210	8/23/2017	10299 CARQUEST AUTO PARTS	11102-440847 11102-441026	51766 51766	VEHICLE SUPPLIES VEHICLE REPAIR PARTS	64.26 71.76

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
116210	8/23/2017	10299 CARQUEST AUTO PARTS	(Continued)			
116211	8/23/2017	11402 CARROLL, JUDI	09012017-96		MEADOWBROOK HARDSHIP PGRM	136.02
116212	8/23/2017	10050 CITY OF EL CAJON	0000014285		Total :	33.38
116213	8/23/2017	11409 CLAYTON, SYLVIA	09012017-340		1ST QUARTER HFTA FEES	33.38
116214	8/23/2017	11330 CLEANSTREET	87203	51847	Total :	22,197.00
116215	8/23/2017	10358 COUNTY OF SAN DIEGO	18CTOFSAN01 18CTOFSASN01	51826	MEADOWBROOK HARDSHIP PGRM	22,197.00
116216	8/23/2017	12789 COUNTY OF SAN DIEGO	IP03002A		Total :	34.91
116217	8/23/2017	10333 COX COMMUNICATIONS	052335901		STREET SWEEPING SVCS	34.91
116218	8/23/2017	10449 DAY WIRELESS SYSTEMS	203841-02 206078-02		Total :	14,876.64
116219	8/23/2017	10195 DION INTERNATIONAL TRUCKS LLC	01SDI20384	51771	SHERIFF RADIOS 800 MHZ ACCESS (FIRE/PS)	14,876.64
116220	8/23/2017	12593 ELLISON WILSON ADVOCACY, LLC	817		Total :	4,503.00
116221	8/23/2017	12773 EMPIRE ECONOMICS	7-24-17	51905	REFUNDABLE DEPOSIT	1,567.50
116222	8/23/2017	10057 ESGIL CORPORATION	07/31/17-08/04/17		Total :	6,070.50
					8950 COTTONWOOD AVE	44.69
					Total :	44.69
					SANTEE SALUTES SUMMER CONCERTS	238.91
					Total :	238.91
					VEHICLE REPAIR PART	282.84
					Total :	136.30
					LEGISLATIVE ADVOCACY	419.14
					Total :	69.08
					WESTON-PRICE POINT STUDY	1,500.00
					Total :	1,500.00
					SHARE OF FEES	6,500.00
					Total :	6,500.00
						57,643.99

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : ubgen						
116222	8/23/2017	10057 ESGIL CORPORATION	(Continued) 08/07/17-08/11/17		SHARE OF FEES	19,976.03
					<b>Total :</b>	<b>77,620.02</b>
116223	8/23/2017	10058 ETS PRODUCTIONS INC	12089	51814	SANTEE BLUEGRASS FESTIVAL	2,100.00
					<b>Total :</b>	<b>2,100.00</b>
116224	8/23/2017	10251 FEDERAL EXPRESS	5-895-13903		SHIPPING CHARGES	61.04
					<b>Total :</b>	<b>61.04</b>
116225	8/23/2017	10144 HDL COREN & CONE	0024173-IN	51906	PROP TAX SVCS JUL-SEP 2017	4,625.00
					<b>Total :</b>	<b>4,625.00</b>
116226	8/23/2017	10556 HECKMAN, HEATHER	SUMMER2017	51852	TUITION REIMBURSEMENT	475.25
					<b>Total :</b>	<b>475.25</b>
116227	8/23/2017	12791 HERITAGE POOLS INC.	16-1547		REFUND OF PERMIT FEES	410.06
					<b>Total :</b>	<b>410.06</b>
116228	8/23/2017	11391 HUMPHREY, BREANNE	8182017		SANTEE BLUEGRASS FESTIVAL	500.00
					<b>Total :</b>	<b>500.00</b>
116229	8/23/2017	10075 IRON MOUNTAIN INFO MGMT INC	201378551		DATA STORAGE	198.36
					<b>Total :</b>	<b>198.36</b>
116230	8/23/2017	10204 LIFE ASSIST INC	810026	51785	EMS SUPPLIES	940.00
					<b>Total :</b>	<b>940.00</b>
116231	8/23/2017	10207 LOCKHART TRAINING	1546		INSTRUCTOR PAYMENT	227.50
					<b>Total :</b>	<b>227.50</b>
116232	8/23/2017	10397 MAD SCIENCE OF SAN DIEGO	67720		INSTRUCTOR PAYMENT	1,089.00
					<b>Total :</b>	<b>1,089.00</b>
116233	8/23/2017	11986 MARION B BORG ENVIRONMENTAL	SANTEE01-53	51024	FANITA RGH CONSULTING SVCS	1,356.60
			SANTEE05-02	51024	PROF SVCS - TYLER STREET	4,498.20
			SECT 6 GRANT-14	51024	PROF SVCS - SUBAREA PLAN COC	1,178.10

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
116233	8/23/2017	11986	11986 MARION B BORG ENVIRONMENTAL (Continued)				<b>Total :</b> 7,032.90
116234	8/23/2017	12451	MOBILE GRAPHICS & DESIGN	201728	51854	BANNER INSTALL & REMOVAL	1,395.00
116235	8/23/2017	10085	NATIONAL SAFETY COMPLIANCE INC	70080		RANDOM DRUG TESTING	<b>Total :</b> 1,395.00
116236	8/23/2017	10344	PADRE DAM MUNICIPAL WATER DIST	21105559 24206565 24206698 24218157 24218344 90000367		9170 VIA DE CRISTINA 10580 PROSPECT AVE 10541 PROSPECT AVE 10054 PROSPECT AVE 10027 PROSPECT AVE GROUP BILL	124.75 <b>Total :</b> 384.37 127.22 268.55 64.80 152.63 30,442.79 31,440.36
116237	8/23/2017	12788	PARKER, KEVIN	DR2017-3		PERMIT FEE REFUND	3,348.00
116238	8/23/2017	11442	PATTERSON, LUANNE	09012017-225		MEADOWBROOK HARDSHIP PGRV	<b>Total :</b> 3,348.00
116239	8/23/2017	10241	JAN SHERAR	08/08/17		PETTY CASH REIMB - CSD	32.30
116240	8/23/2017	10095	RASA	5106	51842	MAP CHECK	<b>Total :</b> 32.30
116241	8/23/2017	12256	ROE, DARLENE	09012017-318		MEADOWBROOK HARDSHIP PGRV	197.65
116242	8/23/2017	10097	ROMAINE ELECTRIC CORPORATION	12-039775	51822	VEHICLE SUPPLIES	<b>Total :</b> 197.65
116243	8/23/2017	10606	S.D. COUNTY SHERIFF'S DEPT.	08012017		CAL-ID PROGRAM	230.00
116244	8/23/2017	10407	SAN DIEGO GAS & ELECTRIC	0760 908 530 4		10609 PROSPECT AVE	<b>Total :</b> 230.00
							33.84
							<b>Total :</b> 33.84
							114.14
							<b>Total :</b> 114.14
							5,736.00
							<b>Total :</b> 5,736.00
							9.92

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
116244	8/23/2017	10407 SAN DIEGO GAS & ELECTRIC	14509		CCMA ANNUAL FEES	9.92
116245	8/23/2017	10752 SAN DIEGO REGIONAL TRAINING	2017-1		DAY CAMP TRANSPORTATION	1,500.00
116246	8/23/2017	10212 SANTEE SCHOOL DISTRICT	09012017-78	51855	MEADOWBROOK HARDSHIP PGRM	1,500.00
116247	8/23/2017	11403 ST. JOHN, LYNNE	3347614067		OFFICE SUPPLIES - CSD	1,335.00
116248	8/23/2017	10217 STAPLES BUSINESS ADVANTAGE	3347614093	51815	OFFICE SUPPLIES - CSD	1,335.00
116249	8/23/2017	12786 SUNRUN INSTALLATION SERVICES	3347891513	51823	OFFICE SUPPLIES - PSD	33.44
116250	8/23/2017	10250 THE EAST COUNTY	17-326		REFUND OF PERMIT FEES	33.44
116251	8/23/2017	10515 THE SAN DIEGO UNION - TRIBUNE	00053444		PUBLIC NOTICE	144.50
116252	8/23/2017	10158 THE SOCO GROUP INC	00053561	51833	INVITATION TO BID	12.89
116253	8/23/2017	10479 TIRE CENTERS LLC	00053595	51833	PUBLIC HEARING NOTICE	63.44
116254	8/23/2017	11132 TREBAR SHORING RENTALS	00053858		PUBLIC HEARING NOTICE	220.83
116255	8/23/2017	10317 WM HEALTHCARE SOLUTIONS INC	3072864		SUBSCRIPTION	150.77
			CL05737	51803	FLEET CARD FUELING	150.77
			8720180669	51804	TIRES	276.50
			145423C-3		EAST HARTLAND STORM DRAIN	1,001.00
			0375433-2793-8	51809	BIOMEDICAL WASTE DISPOSAL	154.00
						259.00
						1,690.50
						346.84
						346.84
						1,436.28
						1,436.28
						1,919.76
						1,919.76
						1,334.00
						1,334.00
						90.65

Bank code :	ubgen										
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
116255	8/23/2017	10317 WM HEALTHCARE SOLUTIONS INC	(Continued) 0375434-2793-6	51809	BIOMEDICAL WASTE DISPOSAL	90.57					
					<b>Total :</b>	<b>181.22</b>					
116256	8/23/2017	10232 XEROX CORPORATION	090110709	51813	COPY CHARGES	121.70					
			090110710	51812	COPY CHARGES - STATION 5	82.39					
			090110712	51856	COPY CHARGES & LEASE	309.56					
			090110713	51857	COPY CHARGES & LEASE	362.95					
			090110715	51912	COPY CHARGES & LEASE	318.10					
			090110716	51836	COPY CHARGES & LEASE	132.76					
			090172983	51835	COPY CHARGES	237.61					
					<b>Total :</b>	<b>1,565.07</b>					

58 Vouchers for bank code : ubgen

58 Vouchers in this report

Bank total : 247,230.59  
Total vouchers : 247,230.59

Prepared by: [Signature]  
Date: 8-23-17  
Approved by: [Signature]  
Date: 8-23-17



**City of Santee**  
**COUNCIL AGENDA STATEMENT**

1D

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** APPROVAL OF THE EXPENDITURE OF \$60,961.21 FOR JULY 2017 AND \$1,598.86 FOR FY 2016-17 LEGAL SERVICES AND RELATED COSTS

**DIRECTOR/DEPARTMENT** Tim K. McDermott, Director of Finance *tm*

**SUMMARY**

Legal service billings proposed for payment for the month of July 2017 total \$60,961.21 as follows:

1) General Retainer Services	\$ 13,493.14
2) Labor & Employment	1,974.00
3) Litigation & Claims	8,113.83
4) Special Projects (General Fund)	4,496.60
5) Special Projects (Other Funds)	10,026.19
6) Applicant Initiated Projects	<u>22,857.45</u>
Total	<u>\$ 60,961.21</u>

Also proposed for payment are FY 2016-17 invoices totaling \$1,598.86 related to the Mast Park Improvements project.

**FINANCIAL STATEMENT** *tm*

	<u>AMOUNT</u>	<u>BALANCE</u>
<b>General Fund:</b>		
Adopted Budget	\$ 535,000.00	
Revised Budget	\$ 535,000.00	
Prior Expenditures	-	
Current Request	(28,077.57)	\$ 506,922.43
<b>Other Funds (excluding applicant initiated items):</b>		
Adopted Budget	\$ 40,000.00	
Revised Budget	\$ 40,000.00	
Prior Expenditures	-	
Current Request	(10,026.19)	\$ 29,973.81

**CITY ATTORNEY REVIEW**     N/A     Completed

**RECOMMENDATION** *MD*

Approve the expenditure of \$60,961.21 for July 2017 and \$1,598.86 for FY 2016-17 legal services and related costs.

**ATTACHMENT (Listed Below)**

Legal Services Billing Summary (2)

**LEGAL SERVICES BILLING SUMMARY**  
**FY 2017-18**

Category	Adopted Budget	Revised Budget	Spent Year to Date	Available Balance	Mo/Yr	Current Request Amount
<b>General Fund:</b>						
General / Retainer	\$ 174,000.00	\$ 174,000.00	-	\$ 174,000.00	Jul-17	\$ 13,493.14
Labor & Employment	50,000.00	50,000.00	-	50,000.00	Jul-17	1,974.00
Litigation & Claims	70,000.00	70,000.00	-	70,000.00	Jul-17	8,113.83
Special Projects	241,000.00	241,000.00	-	241,000.00	Jul-17	4,496.60
<b>Total</b>	<b>\$ 535,000.00</b>	<b>\$ 535,000.00</b>	<b>-</b>	<b>\$ 535,000.00</b>		<b>\$ 28,077.57</b>
<b>Other City Funds:</b>						
Special Projects	\$ 35,000.00	\$ 35,000.00	-	\$ 35,000.00	Jul-17	\$ 10,026.19
MHFP Commission	5,000.00	5,000.00	-	5,000.00		-
<b>Total</b>	<b>\$ 40,000.00</b>	<b>\$ 40,000.00</b>	<b>-</b>	<b>\$ 40,000.00</b>		<b>\$ 10,026.19</b>
<b>Applicant-initiated (paid from developer/applicant deposits)</b>						
Sky Ranch	n/a	n/a	-			\$ 990.60
Castlerock	n/a	n/a	-			2,089.51
Castlerock CFDs	n/a	n/a	-			12,228.39
Home Fed/Subarea Plan	n/a	n/a	-			1,393.80
Village Run Homes	n/a	n/a	-			1,242.30
Walker Trails	n/a	n/a	-			2,074.50
Prospect Fields	n/a	n/a	-			490.45
Hillside Meadows Reorg	n/a	n/a	-			136.00
Costco Fuel Facility Relocation	n/a	n/a	-			2,211.90
<b>Total</b>			<b>-</b>			<b>\$ 22,857.45</b>

**LEGAL SERVICES BILLING SUMMARY**  
**FY 2017-18**

Category	Adopted Budget	Revised Budget	Spent Year to Date	Available Balance	Mo/Yr	Current Request Amount
<b>Total Previously Spent to Date</b>						
<b>FY 2016-17</b>						
General Fund	\$ -					\$ 28,077.57
Other City Funds	-					10,026.19
Applicant Deposits	-					22,857.45
<b>Total</b>	<b>\$ -</b>					<b>\$ 60,961.21</b>
<b>Total Proposed for Payment</b>						
General Fund						\$ 28,077.57
Other City Funds						10,026.19
Applicant Deposits						22,857.45
<b>Total</b>						<b>\$ 60,961.21</b>

**LEGAL SERVICES BILLING SUMMARY**  
**FY 2016-17**

Category	Adopted Budget	Revised Budget	Spent Year to Date	Available Balance	Mo/Yr	Current Request Amount
<b>General Fund:</b>						
General / Retainer	\$ 162,000.00	\$ 162,000.00	\$ 163,497.45	\$ (1,497.45)		\$ -
Labor & Employment	50,000.00	50,000.00	17,210.95	32,789.05		-
Litigation & Claims	50,000.00	67,053.00	128,898.96	(61,845.96)		-
Special Projects	136,000.00	179,262.00	108,685.93	70,576.07		-
<b>Total</b>	<b>\$ 398,000.00</b>	<b>\$ 458,315.00</b>	<b>\$ 418,293.29</b>	<b>\$ 40,021.71</b>		<b>\$ -</b>
<b>Other City Funds:</b>						
Litigation & Claims	\$ -	\$ 132.90	\$ 132.90	\$ -		\$ -
Special Projects	30,000.00	31,598.86	23,390.70	8,208.16	2/17 4/17	1,598.86
MHFP Commission	10,000.00	10,000.00	883.96	9,116.04		-
<b>Total</b>	<b>\$ 40,000.00</b>	<b>\$ 41,731.76</b>	<b>\$ 24,407.56</b>	<b>\$ 17,324.20</b>		<b>\$ 1,598.86</b>
<b>CDC Successor Agency Bond Proceeds:</b>						
Prospect Avenue Project	\$ -	\$ 522.50	\$ 522.50	\$ -		\$ -

**LEGAL SERVICES BILLING SUMMARY**  
**FY 2016-17**

Category	Adopted Budget	Revised Budget	Spent Year to Date	Available Balance	Mo/Yr	Current Request Amount
<b>Applicant-initiated (paid from developer/applicant deposits)</b>						
Sky Ranch	n/a	n/a	\$ 9,971.84	n/a		\$ -
Riverwalk (County)	n/a	n/a	641.50	n/a		-
Lantern Crest	n/a	n/a	1,583.50	n/a		-
Castlerock	n/a	n/a	32,688.48	n/a		-
Castlerock CFD	n/a	n/a	7,626.80	n/a		-
Walmart	n/a	n/a	40,085.60	n/a		-
Home Fed/Subarea Plan	n/a	n/a	61,575.50	n/a		-
Village Run Homes	n/a	n/a	1,999.80	n/a		-
East County Estates	n/a	n/a	298.40	n/a		-
Karl Strauss	n/a	n/a	4,301.02	n/a		-
Santee Walker	n/a	n/a	8,729.30	n/a		-
Prospect Fields	n/a	n/a	3,512.50	n/a		-
Prospect Estates	n/a	n/a	4,232.79	n/a		-
Heaney Properties	n/a	n/a	8,437.41	n/a		-
Calvary Chapel CUP Revision	n/a	n/a	13,594.68	n/a		-
Hillside Meadows Reorg	n/a	n/a	4,619.90	n/a		-
Robinson Lane	n/a	n/a	2,575.80	n/a		-
Woodside Terrace	n/a	n/a	4,629.07	n/a		-
Raising Cane	n/a	n/a	2,444.30	n/a		-
Graves Ave. Verizon Wireless Fac.	n/a	n/a	3,538.80	n/a		-
Various Other Projects	n/a	n/a	3,016.80	n/a		-
<b>Total</b>			<b>\$ 220,103.79</b>			<b>\$ -</b>
<b>Total Previously Spent to Date</b>						
	<b>FY 2016-17</b>					
<b>General Fund</b>	<b>\$ 418,293.29</b>					<b>\$ -</b>
<b>Other City Funds</b>	<b>24,407.56</b>					<b>1,598.86</b>
<b>CDCSA Bond Proceeds</b>	<b>522.50</b>					<b>-</b>
<b>Applicant Deposits</b>	<b>220,103.79</b>					<b>-</b>
<b>Total</b>	<b>\$ 663,327.14</b>					<b>\$ 1,598.86</b>
<b>Total Proposed for Payment</b>						
<b>General Fund</b>						<b>\$ -</b>
<b>Other City Funds</b>						<b>1,598.86</b>
<b>CDCSA Bond Proceeds</b>						<b>-</b>
<b>Applicant Deposits</b>						<b>-</b>
<b>Total</b>						<b>\$ 1,598.86</b>

**City of Santee**  
**COUNCIL AGENDA STATEMENT**

1E

**MEETING DATE**    September 6, 2107

**AGENDA ITEM NO.**

**ITEM TITLE**        **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, AMENDING THE EMPLOYMENT AGREEMENT OF THE CITY MANAGER AND THE SALARY SCHEDULE TO REFLECT THE CITY MANAGER'S NEW SALARY**

**DIRECTOR/DEPARTMENT**    Jessie Bishop, Director of Human Resources & Risk Management

**SUMMARY**

On February 18, 2016, the City of Santee entered into an employment agreement with Marlene Best to serve as the City Manager effective March 28, 2016. On August 23, 2017, a public employee performance evaluation for Ms. Best was conducted by the City Council in accordance with California Government Code Section 54957. As a result of this evaluation, the City Council provided direction to staff to amend Ms. Best's employment agreement to include a 4% merit pay increase which will adjust the base annual salary from the current \$201,566.25 to \$209,629.00. Additionally, direction was provided to increase the auto allowance for Ms. Best from \$500 per month to \$584 per month. The amendments to the salary and auto allowance will be effective September 7, 2017.

California Code of Regulations, Title 2, Section 570.5 requires that, for purposes of determining a retiring employee's pension allowance, the pay rate be limited to the amount listed on a pay schedule that meets certain requirements and be approved by the governing body in accordance with the requirements of the applicable public meeting laws. Approval of this resolution will update the FY 17/18 salary schedule effective September 7, 2017 to reflect the City Manager's salary in accordance with Ms. Best's amended employment agreement.

**FINANCIAL STATEMENT** *mm*

Funding for the salary and benefits as a result of the amended employment agreement is included in the adopted FY 2017-18 operating budget.

**CITY ATTORNEY REVIEW**     N/A     Completed

**RECOMMENDATION** *MDSB*

Adopt the attached Resolution, approving the First Amendment and Salary Schedule

**ATTACHMENTS**

1. Resolution
2. Amendment to Employment Agreement
3. Salary Schedule

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA,  
AMENDING THE EMPLOYMENT AGREEMENT OF THE CITY MANAGER AND THE  
SALARY SCHEDULE TO REFLECT THE CITY MANAGER'S NEW SALARY**

**WHEREAS**, on February 18, 2016 the City of Santee entered into an employment agreement with Marlene Best to serve as the new City Manager effective March 28, 2016; and

**WHEREAS**, as the result of a performance evaluation on August 23, 2017, the City Council desires to amend the employment agreement of Ms. Best, to increase the annual salary to \$209,629.00, and to increase the monthly auto allowance to \$584.00, effective September 7, 2017, as reflected in Exhibit "A"; and

**WHEREAS**, California Code of Regulations, Title 2, Section 570.5 requires that, for purposes of determining a retiring employee's pension allowance, the pay rate be limited to the amount listed on a pay schedule that meets certain requirements and be approved by the governing body in accordance with the requirements of the applicable public meeting laws; and

**WHEREAS**, the FY 17-18 salary schedule has been amended to reflect Ms. Best's employment agreement and is included as Exhibit "B";

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Santee, California, does hereby find, determine and declare that the first amendment to the employment agreement of the City Manager provided in Exhibit "A" and the salary schedule provided in Exhibit "B" are approved effective September 7, 2017;

**ADOPTED** by the City Council of the City of Santee, California, at a regular meeting thereof held this 6<sup>th</sup> day of September 2017, by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**JOHN MINTO, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**PATSY BELL, CITY CLERK**

Attachment: Exhibit A – First Amendment to Employment Agreement  
Exhibit B - Salary Schedule effective September 7, 2017



# CITY OF SANTEE

MAYOR  
John W. Minto

CITY COUNCIL  
Ronn Hall  
Stephen Houlahan  
Brian W. Jones  
Rob McNelis

## FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

This First Amendment to Employment Agreement ("First Amendment") is made and entered into as of the \_\_\_\_ day of September 2017, by and between the City of Santee, a municipal corporation ("City") and Marlene D. Best ("Employee").

### RECITALS

1. On or about February 18, 2016, City and Employee entered into an Employment Agreement whereby the City employed Employee as its City Manager.
2. The City Council held Employee's performance evaluation on August 23, 2017 and in accordance with the terms of her Employment Agreement, considered her salary and benefits.
3. City desires to continue to employ the services of Employee as its City Manager.
4. It is the desire of the City Council to provide inducement for employee to remain in such employment.

**NOW, THEREFORE, IN CONSIDERATION OF PERFORMANCE BY THE PARTIES OF THE COVENANTS AND CONDITIONS HEREIN CONTAINED, THE PARTIES AGREE TO AMEND THE EMPLOYMENT AGREEMENT AS FOLLOWS:**

5. The Parties hereby amend Paragraphs 3 and 5 of the Employment Agreement as follows:

#### **Paragraph 3. Salary and Benefits**

City agrees to increase Employee's annual base salary of \$201,566.25 to \$209,629.00 effective September 7, 2017.

#### **Paragraph 5. Car Allowance**

City agrees to increase Employee's car allowance from \$500 to \$584 per month, effective September 7, 2017.

6. Except as amended in this First Amendment, the terms and conditions of the Employment Agreement remain the same.

**IN WITNESS WHEREOF**, City and Employee have signed and executed this Second Amendment as of the \_\_\_\_ day of September 2017.

**CITY OF SANTEE**

By: \_\_\_\_\_  
John W. Minto, Mayor

**EMPLOYEE**

By: \_\_\_\_\_  
Marlene D. Best, City Manager

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Shawn Hagerty, City Attorney

FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
EFFECTIVE JUNE 29, 2017

Classification	A	B	C	D	E
<b>Fire Captain / PM</b>					
Base salary	30.27	31.79	33.38	35.05	36.80
Hourly	88,160.22	92,569.22	97,197.40	102,056.56	107,159.98
Annual					
<b>Educational Incentive</b>					
Fire Captain / PM					
31-45 units = 1.5% over base	30.73	32.27	33.88	35.57	37.35
Hourly	89,482.43	93,957.77	98,655.44	103,587.55	108,767.40
Annual					
Fire Captain / PM					
46 units and over = 3.0% over base	31.18	32.74	34.38	36.10	37.90
Hourly	90,804.93	95,346.30	100,113.48	105,117.98	110,374.53
Annual					
Fire Captain / PM					
A.A. Degree = 4.5% over base	31.64	33.22	34.88	36.62	38.46
Hourly	92,127.43	96,734.56	101,571.22	106,648.98	111,981.94
Annual					
Fire Captain / PM					
Bachelor Degree = 6% over base	32.09	33.70	35.38	37.15	39.01
Hourly	93,449.64	98,123.09	103,029.26	108,179.98	113,589.66
Annual					

CITY OF SANTEE  
 FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
 EFFECTIVE JUNE 29, 2017

Exhibit B

<u>Classification</u>	A	B	C	D	E
<b>Fire Captain</b>					
Base salary	Hourly 28.97	30.42	31.94	33.54	35.21
	Annual 84,363.73	88,582.69	93,011.59	97,661.69	102,544.79
<b>Educational Incentive</b>					
Fire Captain	Hourly 29.41	30.88	32.42	34.04	35.74
31-45 units = 1.5% over base	Annual 85,629.12	89,911.25	94,407.06	99,126.64	104,082.99
Fire Captain	Hourly 29.84	31.33	32.90	34.54	36.27
46 units and over = 3.0% over base	Annual 86,894.82	91,240.09	95,801.95	100,591.32	105,621.20
Fire Captain	Hourly 30.27	31.79	33.38	35.05	36.80
A.A. Degree = 4.5% over base	Annual 88,160.22	92,568.94	97,197.11	102,056.56	107,159.41
Fire Captain	Hourly 30.71	32.25	33.86	35.55	37.33
Bachelor Degree = 6% over base	Annual 89,425.62	93,897.50	98,592.57	103,521.24	108,697.60

CITY OF SANTEE  
 FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
 EFFECTIVE JUNE 29, 2017

Exhibit B

Classification	A	B	C	D	E
<b>Fire Engineer/PM</b>					
Base salary					
Hourly	25.97	27.25	28.58	30.04	31.47
Annual	75,629.28	79,341.01	83,237.62	87,484.06	91,627.61
<b>Educational Incentive</b>					
Fire Engineer / PM					
31-45 units = 1.5% over base					
Hourly	26.36	27.65	29.01	30.49	31.94
Annual	76,763.92	80,530.99	84,485.88	88,796.37	93,001.92
Fire Engineer / PM					
46 units and over = 3.0% over base					
Hourly	26.75	28.06	29.44	30.94	32.41
Annual	77,898.28	81,721.29	85,734.72	90,108.37	94,376.26
Fire Engineer / PM					
A.A. Degree = 4.5% over base					
Hourly	27.14	28.47	29.87	31.39	32.88
Annual	79,032.63	82,911.28	86,983.25	91,420.67	95,750.87
Fire Engineer / PM					
Bachelor Degree = 6% over base					
Hourly	27.53	28.88	30.30	31.85	33.35
Annual	80,167.27	84,101.57	88,231.79	92,732.99	97,125.21

CITY OF SANTEE  
 FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
 EFFECTIVE JUNE 29, 2017

Exhibit B

Classification	A	B	C	D	E
<b>Fire Engineer</b>					
<b>Base salary</b>					
Hourly	24.73	25.94	27.22	28.61	29.96
Annual	72,012.51	75,546.01	79,256.84	83,300.19	87,246.07
<b>Educational Incentive</b>					
Fire Engineer					
31-45 units = 1.5% over base					
Hourly	25.10	26.33	27.63	29.04	30.41
Annual	73,092.78	76,679.32	80,445.83	84,549.74	88,554.71
Fire Engineer					
46 units and over = 3.0% over base					
Hourly	25.47	26.72	28.03	29.46	30.86
Annual	74,173.04	77,812.37	81,634.52	85,799.27	89,863.68
Fire Engineer					
A.A. Degree = 4.5% over base					
Hourly	25.84	27.11	28.44	29.89	31.31
Annual	75,253.02	78,945.69	82,823.49	87,048.81	91,172.32
Fire Engineer					
Bachelor Degree = 6% over base					
Hourly	26.21	27.50	28.85	30.32	31.76
Annual	76,333.56	80,078.73	84,012.20	88,298.35	92,480.98

FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
EFFECTIVE JUNE 29, 2017

Classification	A	B	C	D	E	F	G	H
Firefighter Paramedic	22.26	23.17	24.12	25.12	26.60	27.68	28.79	29.96
Base salary	64,813.75	67,476.33	70,249.66	73,136.61	77,465.16	80,594.63	83,850.71	87,246.07
<b>Educational Incentive (after completing 3 1/2 years of employment)</b>								
Firefighter Paramedic								
31-45 units = 1.5% over base								
Firefighter Paramedic								
46 units and over = 3.0% over base								
Firefighter Paramedic								
A.A. Degree = 4.5% over base								
Firefighter Paramedic								
Bachelor Degree = 6% over base								

CITY OF SANTEE  
 FIREFIGHTERS' ASSOCIATION SALARY SCHEDULE  
 EFFECTIVE JUNE 29, 2017

Exhibit B

Classification	A	B	C	D	E	F	G	H
<b>Firefighter</b>	18.89	19.83	20.73	21.86	22.96	24.10	25.31	26.57
Hourly								
Annual	54,995.06	57,743.58	60,374.75	63,663.11	66,846.51	70,189.11	73,697.80	77,383.54
<b>Educational Incentive (after completing 3 1/2 years of employment)</b>								
Firefighter								
31-45 units = 1.5% over base								
							G	H
							25.69	26.97
							74,803.42	78,544.27
Firefighter								
46 units and over = 3.0% over base								
							26.07	27.37
							75,908.79	79,704.99
Firefighter								
A.A. Degree = 4.5% over base								
							26.45	27.77
							77,014.42	80,866.00
Firefighter								
Bachelor Degree = 6% over base								
							26.83	28.17
							78,119.77	82,026.43

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

Range	Classification	A	B	C	D	E
29	Account Clerk	20.33 42,288.60	21.35 44,403.09	22.42 46,623.31	23.54 48,954.65	24.71 51,402.19
35	Administrative Secretary	Hourly 23.58 49,042.02	24.76 51,494.07	25.99 54,068.81	27.29 56,772.51	28.66 59,611.05
	Assistant to the City Manager	Hourly 49.32 102,586.74	to 102,586.74 to	to to to	66.58 138,492.26	
50	Assistant Engineer	Hourly 34.15 71,027.41	35.86 74,578.98	37.65 78,308.11	39.53 82,223.26	41.51 86,334.61
58	Associate Civil Engineer / Associate Traffic Engineer	Hourly 41.61 86,539.87	43.69 90,867.24	45.87 95,410.87	48.16 100,181.27	50.57 105,190.55
49	Associate Planner	Hourly 33.31 69,295.16	34.98 72,759.94	36.73 76,398.02	38.57 80,218.18	40.49 84,228.89
	City Clerk	Hourly 41.51 86,342.77	to 86,342.77 to	to to to	58.13 120,901.17	
	City Manager (Single Rate)	Hourly 100.78 209,629.00	to 209,629.00 to	to to to	100.78 209,629.00	
	City Planner	Hourly 49.32 102,587.19	to 102,587.19 to	to to to	66.58 138,491.96	

**CITY OF SANTEE**  
**HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE**  
**EFFECTIVE SEPTEMBER 7, 2017**

<b>Range</b>	<b>Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	
26	Code Compliance Assistant	Hourly	18.88	19.82	20.81	21.86	22.95
		Annual	39,269.12	41,232.64	43,294.26	45,459.06	47,731.87
44	Code Compliance Officer	Hourly	29.45	30.92	32.46	34.09	35.79
		Annual	61,246.89	64,309.06	67,524.76	70,900.76	74,445.82
46	Confidential Accountant	Hourly	30.94	32.48	34.11	35.81	37.60
		Annual	64,347.51	67,564.90	70,943.16	74,490.21	78,214.81
38	Confidential Human Resources & Risk Management Technician	Hourly	25.39	26.66	27.99	29.39	30.86
		Annual	52,812.98	55,453.61	58,226.27	61,137.76	64,194.56
46	Confidential Payroll Specialist	Hourly	30.94	32.48	34.11	35.81	37.60
		Annual	64,347.51	67,564.90	70,943.16	74,490.21	78,214.81
46	Confidential Secretary to City Manager/Council	Hourly	30.94	32.48	34.11	35.81	37.60
		Annual	64,347.51	67,564.90	70,943.16	74,490.21	78,214.81
	Confidential Senior Human Resources Analyst	Hourly	37.44	to	to	50.55	
		Annual	77,882.57	to	to	105,142.16	
	Crossing Guards ^ (Single Rate)	Hourly		12.52			
43	Deputy City Clerk	Hourly	28.73	30.16	31.67	33.26	34.92
		Annual	59,752.98	62,740.52	65,877.62	69,171.62	72,629.89
	Deputy Fire Chief	Hourly	54.09	to	to	72.92	
		Annual	112,514.46	to	to	151,671.93	

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

Range	Classification	A	B	C	D	E
	Development Services Aide ^		10.50	to	16.76	
35	Development Services Technician	23.58 49,042.02	24.76 51,494.07	25.99 54,068.81	27.29 56,772.51	28.56 59,611.05
	Director of Community Services		59.45 123,657.73	to to	79.27 164,883.55	
	Director of Development Services		58.83 122,356.03	to to	79.30 164,952.29	
	Director of Finance / City Treasurer		62.15 129,275.21	to to	83.63 173,941.67	
	Director of Fire & Life Safety (Fire Chief)		64.70 134,580.26	to to	84.45 175,666.35	
	Director of Human Resources & Risk Management		52.86 109,956.42	to to	71.37 148,441.34	
	Economic Development Manager		36.55 76,028.23	to to	49.35 102,638.77	
44	Engineering Inspector	29.45 61,246.89	30.92 64,309.06	32.46 67,524.76	34.09 70,900.76	35.79 74,445.82

**CITY OF SANTEE**  
**HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE**  
**EFFECTIVE SEPTEMBER 7, 2017**

<b>Range</b>	<b>Classification</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	
39	Equipment Mechanic	Hourly Annual	26.03 54,133.29	27.33 56,840.08	28.69 59,682.01	30.13 62,666.17	31.63 65,799.30
35	Equipment Operator	Hourly Annual	23.58 49,042.02	24.76 51,494.07	25.99 54,068.81	27.29 56,772.51	28.66 59,611.05
25	Facilities Maintenance Technician	Hourly Annual	18.42 38,311.25	19.34 40,226.70	20.31 42,238.28	21.32 44,349.95	22.39 46,567.34
	Finance Manager	Hourly Annual		45.89 95,453.60	to to	61.95 128,862.44	
	Fire Battalion Chief (2920 hours)	Hourly Annual		34.47 100,655.15	to to	46.73 136,452.51	
	Fire Division Chief	Hourly Annual		50.80 105,666.65	to to	68.57 142,630.87	
	Fire Marshal	Hourly Annual		45.89 95,453.60	to to	61.95 128,862.44	
	Graphic Artist ^	Hourly		19.16	to	24.70	
53	Information Technology Analyst	Hourly Annual	36.77 76,488.78	38.61 80,313.18	40.54 84,329.26	42.57 88,545.51	44.70 92,972.95
	Information Technology Manager	Hourly Annual		41.72 86,776.00	to to	56.32 117,147.74	
	IT Systems Technician^	Hourly		27.76	to	33.74	

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

<u>Range</u>	<u>Classification</u>	A	B	C	D	E
29	Landscape and Irrigation Maintenance Worker	20.33 42,288.60	21.35 44,403.09	22.42 46,623.31	23.54 48,954.65	24.71 51,402.19
		Hourly				
		Annual				

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

Range	Classification	A	B	C	D	E	
48	Lead Equipment Mechanic	Hourly Annual	32.50 67,605.05	34.13 70,985.29	35.83 74,534.32	37.63 78,261.17	39.51 82,174.35
38	Lead Maintenance Worker	Hourly Annual	25.39 52,812.98	26.66 55,453.61	27.99 58,226.27	29.39 61,137.76	30.86 64,194.56
29	Maintenance Worker	Hourly Annual	20.33 42,288.60	21.35 44,403.09	22.42 46,623.31	23.54 48,954.65	24.71 51,402.19
43	Management Assistant	Hourly Annual	28.73 59,752.98	30.16 62,740.52	31.67 65,877.62	33.26 69,171.62	34.92 72,629.89
	Office Aide ^	Hourly		10.50	to	16.76	
48	Parks & Landscape Supervisor	Hourly Annual	32.50 67,605.05	34.13 70,985.29	35.83 74,534.32	37.63 78,261.17	39.51 82,174.35
	Planning Director	Hourly Annual		54.25 112,845.39	to to	73.24 152,341.48	
	Principal Civil Engineer	Hourly Annual		51.56 107,249.87	to to	69.84 145,262.48	
	Principal Planner	Hourly Annual		40.86 84,992.72	to to	55.16 114,741.98	
	Principal Traffic Engineer	Hourly Annual		51.56 107,249.87	to to	69.84 145,262.48	

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

Range	Classification	A	B	C	D	E	
38	Procurement Specialist	Hourly	25.39	26.66	27.99	29.39	30.86
		Annual	52,812.98	55,453.61	58,226.27	61,137.76	64,194.56
43	Public Services Manager	Hourly	39.68	to	53.58		
		Annual	82,531.03	to	111,442.99		
43	Public Works Supervisor	Hourly	28.73	30.16	31.67	33.26	34.92
		Annual	59,752.98	62,740.52	65,877.62	69,171.62	72,629.89
	Recreation Aide ^	Hourly	10.50	to	16.76		
28	Recreation Coordinator	Hourly	19.84	20.83	21.87	22.96	24.11
		Annual	41,257.23	43,320.26	45,486.20	47,760.44	50,148.59
	Recreation Coordinator ^	Hourly	15.19	to	21.09		
	Recreation Leader ^	Hourly	11.90	to	17.50		
	Recreation Services Manager	Hourly	39.68	to	53.58		
		Annual	82,531.03	to	111,442.99		
	Recreation Supervisor	Hourly	28.35	to	40.49		
		Annual	58,960.23	to	84,228.89		
23	Secretary	Hourly	17.53	18.41	19.33	20.29	21.31
		Annual	36,465.08	38,288.36	40,202.67	42,212.84	44,323.65
36	Senior Account Clerk	Hourly	24.17	25.38	26.64	27.98	29.38
		Annual	50,268.18	52,781.59	55,420.81	58,191.79	61,101.58

CITY OF SANTEE  
 HOURLY, GENERAL AND MANAGEMENT SALARY SCHEDULE  
 EFFECTIVE SEPTEMBER 7, 2017

Range	Classification	A	B	C	D	E
	Senior Civil Engineer / Senior Traffic Engineer		45.20 94,013.33	to to	61.46 127,840.03	
	Senior Management Analyst		35.66 74,173.89	to to	48.14 100,135.38	
	Senior Planner		35.53 73,906.17	to to	47.97 99,775.77	
48	Senior Procurement Specialist	32.50 67,605.05	34.13 70,985.29	35.83 74,534.32	37.63 78,261.17	39.51 82,174.35
48	Special Events Supervisor	32.50 67,605.05	34.13 70,985.29	35.83 74,534.32	37.63 78,261.17	39.51 82,174.35
	Special Projects Coordinator ^		31.52	to	42.55	
	Storm Water Program Assistant^		27.76	to	33.74	
50	Storm Water Program Manager	34.15 71,027.41	35.86 74,578.98	37.65 78,308.11	39.53 82,223.26	41.51 86,334.61
	Student Intern ^		10.50	to	16.00	
	Student Intern ^ (Graduate)		11.00	to	17.60	

^Part-time, temporary status

CITY OF SANTEE  
 MAYOR AND CITY COUNCIL MEMBERS SALARY SCHEDULE  
 EFFECTIVE JANUARY 1, 2017

<u>Range</u>	<u>Classification</u>		
	City Council Member	Monthly	1,686.24
		Annual	20,234.88
	Mayor	Monthly	2,841.84
		Annual	34,102.08

**City of Santee**  
**COUNCIL AGENDA STATEMENT**

1F

**MEETING DATE**      September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE**      RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA ACCEPTING THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE CAMERON COMMERCIAL RETAIL CENTER (P2014-1) LOCATION: 8866 MAGNOLIA AVENUE

**DIRECTOR/DEPARTMENT**      Melanie Kush, Development Services *JK*

**SUMMARY**

This item requests City Council acceptance of the public improvements constructed by Cameron Brothers Construction Co., LP associated with the commercial development project on Magnolia Avenue as required by the project conditions of approval for Conditional Use Permit P2014-1. The public improvements include curb and gutter, paving, street lights, two drive-ways, pedestrian ramps and a traffic signal at Rockvill Street and Magnolia Avenue. The improvements are complete and ready for acceptance and incorporation into the City maintained street system.

All improvements have been constructed in accordance with the Resolution of Approval, the accepted plans, and to the satisfaction of the Director of Development Services.

**ENVIRONMENTAL REVIEW**

Environmental review was conducted with the Conditional Use Permit (P2014-1).

**FINANCIAL STATEMENT** *m*

Acceptance of these public improvements will result in a minor increase in City street maintenance costs.

**CITY ATTORNEY REVIEW**       N/A       Completed

**RECOMMENDATION** *MRB*

Adopt the attached Resolution accepting the public improvements as complete and direct the City Clerk to release ninety percent of the faithful performance bond and retain ten percent for twelve months as a warranty bond, and retain the labor and material bond for six months.

**ATTACHMENTS**

Resolution  
Vicinity Map

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA  
ACCEPTING THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE CAMERON  
COMMERCIAL RETAIL CENTER (P2014-1) LOCATION: 8866 MAGNOLIA AVENUE**

**WHEREAS**, on May 27, 2015, Cameron Brothers Construction Co., LP obtained approval of a Conditional Use Permit for the construction of 16,942 square foot mixed commercial and retail shopping center located at 8866 Magnolia Avenue per City Council Resolution NO. 044-2015; and

**WHEREAS**, as a condition of approval, Cameron Brothers Construction Co., LP is required to install public improvements along Magnolia Avenue adjacent to their site; and

**WHEREAS**, on January 27, 2016 the City Council Authorized the City Manager to Execute a Right-of-Way Improvement Agreement to construct certain public improvements per City Council Resolution No. 007-2016; and

**WHEREAS**, the public improvements along Magnolia Avenue, have been constructed according to the improvement agreement, accepted plans, and to the satisfaction of the Director of Development Services.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Santee, California, as follows:

**SECTION 1.** Environmental review was conducted with the Conditional Use Permit (P 2014-1).

**SECTION 2.** The public improvements constructed by Cameron Brothers Construction Company are hereby accepted and incorporated into the City's maintained street system.

**SECTION 3.** The City Clerk is hereby directed to release ninety percent of the faithful performance bond and retain ten percent for twelve months as a warranty bond, and retain the labor and material bond for six months. The retained bonds shall be released upon approval of the Director of Development Services.

**ADOPTED** by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 6<sup>th</sup> day of September, 2017, by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

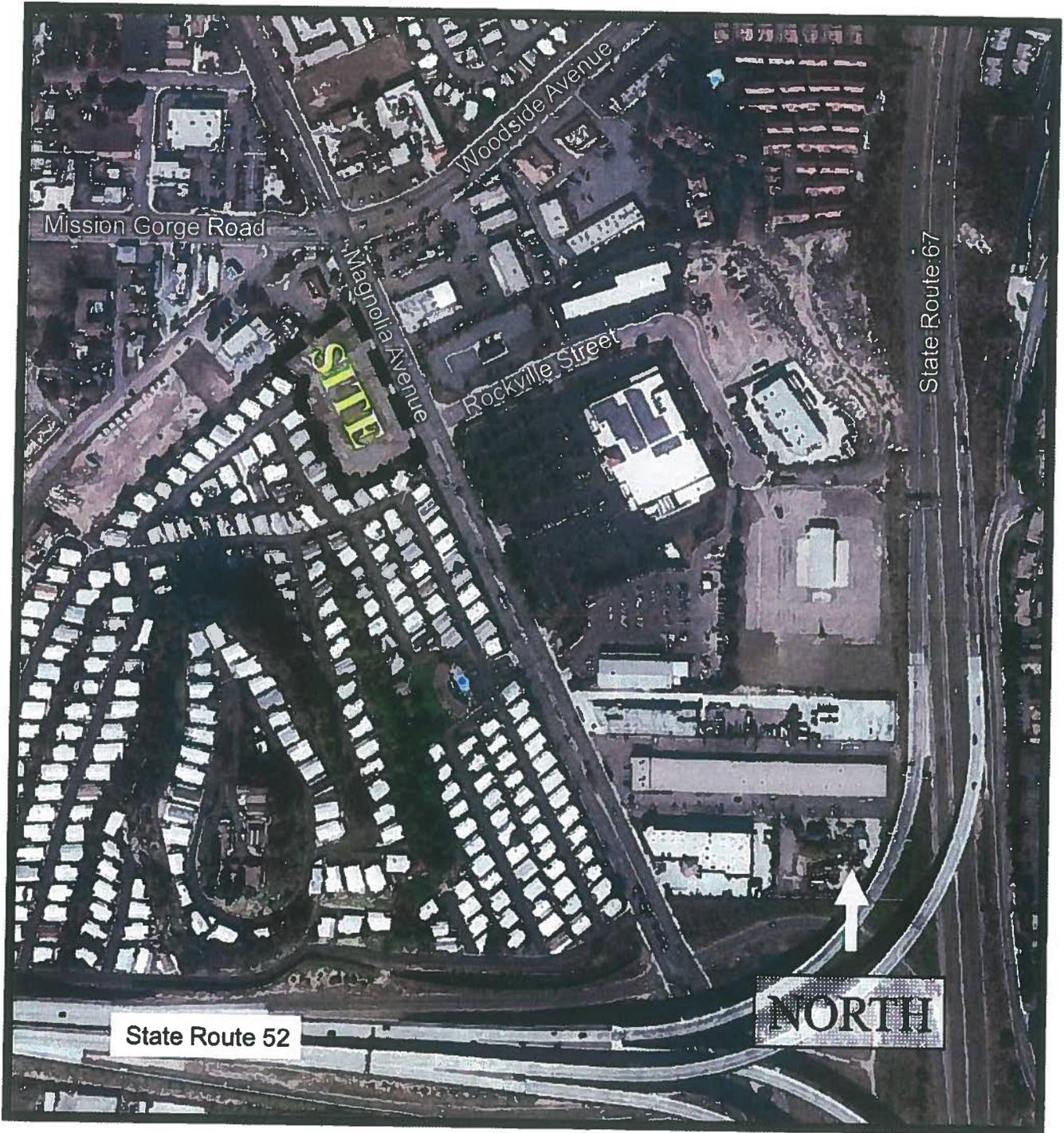
**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**JOHN W. MINTO, MAYOR**

\_\_\_\_\_  
**PATSY BELL, CMC, CITY CLERK**

VICINITY MAP



PUBLIC RIGHT OF WAY IMPROVEMENT AGREEMENT (P-2014-01)

**"Cameron Commercial" center  
8866 Magnolia Avenue**

City of Santee  
COUNCIL AGENDA STATEMENT

6A

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** PUBLIC WORKSHOP ON BEEKEEPING REQUIREMENTS IN RESIDENTIAL ZONES

**DIRECTOR/DEPARTMENT** Melanie Kush, Development Services *JK*

**SUMMARY**

Recent public comments have requested that the City revise its regulations regarding beekeeping. This workshop item seeks public comment and Council guidance on potential modifications to the City's beekeeping regulations.

Currently, the keeping of bees is allowed in all residential zones, except Urban Residential (R-30), on lots at least 2.5 acres in size. The Santee Municipal Code also requires that hives or boxes housing bees be located at least four-hundred feet from any street, school, park, property boundary, or from any dwelling other than that occupied by the owner or caretaker of the apiary. Additionally, a water source shall be provided on-site (SMC § 17.10.30(F)(1)(a)(i)).

Other jurisdictions within the region either have specified beekeeping regulations or have adopted other animal regulations to the keeping of bees. The jurisdictions that have specified beekeeping standards regulate the maximum number of hives, the placement of bee barriers, the rules for fire prevention, the types of allowable bee species, the removal of bee hives, required signage, and the transportation of bees. Some jurisdictions require a bee keeping permit. In addition, the County Department of Agriculture, Weights and Measures regulates and licenses apiaries.

**ENVIRONMENTAL REVIEW**

This item seeks input for potential changes to the Santee Municipal Code and does not take action to enact such a change and therefore is not a project under the California Environmental Quality Act ("CEQA") as defined in Section 15378 of the CEQA Guidelines.

**FINANCIAL STATEMENT** *m*

Staff time expended on this project would be paid for by the General Fund.

**CITY ATTORNEY REVIEW**  N/A  Completed

**RECOMMENDATION** *MSB*

Provide guidance to staff on potential changes to SMC Section 17.10.030, specific to beekeeping.

**ATTACHMENTS**

Staff Report  
Summary of Agency Beekeeping

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## STAFF REPORT

### PUBLIC WORKSHOP ON BEEKEEPING REQUIREMENTS IN RESIDENTIAL ZONES

CITY COUNCIL MEETING  
SEPTEMBER 6, 2017

A. **OBJECTIVE**

This workshop item seeks City Council public input and City Council guidance on potential changes to Title 17 (“Zoning Ordinance”) of the Santee Municipal Code, related to beekeeping regulations. This workshop is the result of inquiries staff has received on the subject and no action is proposed tonight. Rather, this item seeks community and Council input of the efficacy of existing regulations and the need or desire for change. The Building Industry Association of San Diego County, the San Diego Beekeeping Society, surrounding jurisdictions, and interested parties were notified of this workshop on August 14, 15, and 22, 2017.

B. **OVERVIEW OF EXISTING SANTEE REGULATIONS**

In the Zoning Ordinance, beekeeping is not listed as a use permitted or conditionally permitted in any commercial or industrial zone. It is an allowed use in all residential zones, except the Urban Residential (R-30) zone, subject to the following criteria:

- Permitted on lots 2.5 acres and larger; and
- Bee holding structures must be at least 400 feet from any street, school, park, property boundary or any dwelling other than that occupied by the owner or caretaker of the apiary; and
- A water source shall be provided on-site; and
- Retail sales of the product is permitted on site.

The potential change could include regulations on the maximum lot size, hive placement, bee barriers, fire prevention, a beekeeping permit, maximum number of hives, bee species, identification signs, the removal of bee hives, the transportation of bees, and bee smokers to protect the public health, safety, and welfare.

C. **OVERVIEW OF EXISTING COUNTY OF SAN DIEGO REGULATIONS**

All beekeepers must register the location of apiaries and number of bee hives with the San Diego County Department of Agriculture, Weights, and Measures. In addition, producing and selling honey at a residence is considered a Cottage Food Operation and requires a permit from the County of San Diego Department of Environmental Health to ensure that public health requirements are being met.

D. **OVERVIEW OF EXISTING JURISDICTION REGULATIONS**

Most jurisdictions in the County of San Diego allow beekeeping in rural-residential, low-density, and low-medium density residential zones only. Four

jurisdictions do not allow beekeeping in any zone and five jurisdictions do not specifically address beekeeping regulations. Attachment 1 to this report provides a comparison of beekeeping requirements within the region. Some of the most common issues addressed in local bee regulations are summarized below:

#### Allowable zones and lot sizes

Most jurisdictions allow beekeeping in rural and residential zones only. The smallest lot size that supports beekeeping is 3,950 square feet in the City of Encinitas. Most jurisdictions allow beekeeping by right however, the City of Carlsbad requires a Minor Conditional Use Permit.

Some jurisdictions allow beekeeping in commercial and industrial zones however, there are also limitations on allowing beekeeping for institutional, museum, observations, or scientific research purposes only.

Santee allows beekeeping on a minimum lot size of 2.5 acres in residential zones (except the R-30 zone) only.

#### Hive Placement

To protect pedestrians and neighbors, separation distances from the hive to residences, roads, and property lines have been established. In some jurisdictions, the separation distance increases based on the number of bee hives and for sensitive sites such as hospitals, parks, schools, and senior citizen homes.

The greatest separation distance to a residence is 600 feet and the least is 35 feet. Santee requires a 400-foot separation distance.

Santee has the greatest separation distance to a street which is 400 feet. The least separation distance to a street is 20 feet.

Separation distances to sensitive sites, such as schools and parks, ranges from 100 feet to 450 feet. Santee employs a 400-foot separation distance. Additionally, cities use setbacks as a minimum 15-foot setback from property lines. Again, Santee employs a 400-foot setback from property lines.

#### Bee Barriers

Some ordinances require a minimum 6 foot high flyover barrier placed on all sides of the hives to avoid dispersal at lower elevations. Santee does not require bee barriers.



### Fire Prevention

To prevent fires from bee smokers, some ordinances require fire breaks or bee hives to be located within brush management zones. In addition, firefighting equipment, such as a fire extinguisher or a garden hose, is required to be readily accessible near the hives and in working condition. Santee does not currently have regulations on fire prevention.

### Water

Most cities, including Santee, require open fresh water near the bee hives to avoid bees visiting adjacent properties with open water.



### Beekeeping Permit

The City of Lemon Grove and the City of National City require an application for beekeeping. The application, along with a site plan, and fee, must be submitted to the Development Services Department to ensure compliance with the beekeeping regulations. The County of San Diego and the City of Encinitas require an Agriculture Permit for three or more hives.

### Maximum Number of Bee Hives

The City of Lemon Grove and the City of National City allow no more than 4 bee hives on a parcel. The other jurisdictions either do not limit the maximum number of bee hives or do not address the number of bee hives allowed.

### Bee Species

Most jurisdictions do not specifically address the type of bee species permitted. However, docile bees, also known as honey bees, are preferred and are sometimes listed as the only species permitted. Africanized honey bee behavior is unpredictable and aggressive therefore not permissible.

### Identification Signs

Some jurisdictions require an identification sign (including the owner name, address, and phone number) affixed to the bee hive in case of an emergency.



### Removal

If bees become a public nuisance or pose a threat to the public, some jurisdictions require that the bee hive be abated and removed.

### Transportation

Bees shall not be transported between sunrise and sunset unless bees are confined to the vehicle by screens or other effective means.

### Bee Smokers

Regulations include that a bee smoker and top shall be metal, bee smokers that contain burning or smoldering substances shall be placed in a container when being transported, and bee smokers shall be plugged while being transported.



## E. STAFF RECOMMENDATION

Provide guidance to staff on potential changes to Santee Municipal Code on beekeeping regulations.

### Attachment:

1. Comparison of Agency Beekeeping Standards

## SUMMARY OF AGENCY BEEKEEPING STANDARDS

Agency	Zones Allowed	Maximum # of Hives	Separation Standards	Bee Barriers	Fire Prevention Measures
County of San Diego	No specified zones	<p>Tier A: 1-2 colonies per apiary location with up to 5 colonies on a temp basis (up to 30 days)</p> <p>Tier B: 3-20 Bee colonies per apiary location</p> <p>Tier C: More than 20 colonies per apiary location</p>	<p>Distance from roads:                      Tier A: 25 ft.                      Tier B: 50 ft.                      Tier C: 100 ft.</p> <p>Distance neighboring dwellings:                      Tier A: 35 ft.                      Tier B: 100 ft.                      Tier C: 300 ft.</p> <p>Distance from property lines:                      Tier A: 25 ft.                      Tier B: 50 ft.</p> <p>Distance from sensitive sites:                      Tier A: 150 ft.                      Tier B: 150 ft. if between 3-10 colonies                      Tier B: 300 ft. if between 11-20 colonies                      Tier C: 450 ft.</p>	<p>Apiaries in Tier A or B with 20 or fewer colonies in a residential area within 300 ft. of a neighboring dwelling shall maintain a 6 feet flyover barrier</p>	<ul style="list-style-type: none"> <li>• Beekeepers must maintain a fire break ;</li> <li>• Beekeepers shall keep and maintain the following fire-fighting equipment, in good working condition, located at the apiary or in any motor vehicle used for apiary maintenance, so as to be immediately available in case of fire:                             <ul style="list-style-type: none"> <li>• A shovel;</li> <li>• A fire extinguisher or backpack type firefighting pump;</li> <li>• An operable water supply such as a charged garden hose with a nozzle that is extended to the apiary site</li> </ul> </li> </ul>

<b>Carlsbad</b>	Rural Residential Estate (R-E ) zone and Exclusive Agriculture (E-A) zone with Minor Conditional Use Permit	N/A	At least four hundred feet from any place of human habitation other than that occupied by the owner or caretaker of the apiary.  Apiaries are prohibited within 150 feet of dwellings except with written permission.	N/A	N/A
<b>Chula Vista</b>	No specified zones, but only allowed in a hive or box located: in a schoolhouse or museum for the purpose of study or observation, within a physician's office or laboratory for medical research, medical treatment or scientific purposes, or on residential property for scientific research or study purposes, when maintained in such a manner as to prevent a nuisance or annoyance to adjacent lots.	N/A	Prohibited within 600 feet of any building used for residential purposes in the City.	N/A	N/A

<b>Coronado</b>	Not allowed	N/A	N/A	N/A	N/A	N/A
<b>Del Mar</b>	Code does not address beekeeping	N/A	N/A	N/A	N/A	N/A
<b>El Cajon</b>	Not allowed	N/A	N/A	N/A	N/A	N/A
<b>Encinitas</b>	Permitted in Rural Residential (RR), Rural Residential -1 (RR-1), Rural Residential -2 (RR-2), Single-Family Residential -3 (R-3), Single Family Residential -5 (R-5), Single-Family Residential -8 (R-8), Single Family Residential-11 (RS-11) –	Tier A: 1-2 colonies per apiary location with up to 5 colonies on a temp basis (up to 30 days)  Tier B: 3-20 Bee colonies per apiary location  Tier C: More than 20 colonies per apiary location	Distance from roads: Tier A: 25 ft. Tier B: 50 ft. Tier C: 100 ft.  Distance neighboring dwellings: Tier A: 35 ft. Tier B: 100 ft. Tier C: 300 ft.  Distance from property lines: Tier A: 25 ft. Tier B: 50 ft.  Distance from sensitive sites: Tier A: 150 ft. Tier B: 150 ft. if between 3-10 colonies Tier B: 300 ft. if between 11-20 colonies Tier C: 450 ft.	Apiaries in Tier A or B with 20 or fewer colonies in a residential area within 300 ft. of a neighboring dwelling shall maintain a 6 feet flyover barrier	<ul style="list-style-type: none"> <li>• Beekeepers must maintain a fire break ;</li> <li>• Beekeepers shall keep and maintain the following fire-fighting equipment, in good working condition, located at the apiary or in any motor vehicle used for apiary maintenance, so as to be immediately available in case of fire: <ul style="list-style-type: none"> <li>• A shovel;</li> <li>• A fire extinguisher or backpack type firefighting pump;</li> <li>• An operable water supply such as a charged garden hose with a nozzle that is extended to the apiary site</li> </ul> </li> </ul>	

<b>Escondido</b>	Not allowed	N/A	N/A	N/A	N/A	N/A
<b>Imperial Beach</b>	Code does not address beekeeping	N/A	N/A	N/A	N/A	N/A
<b>La Mesa</b>	Semi- Rural Residential (R1R) and Semi -Rural Estate (R1E) zones only. In conformance with the regulations of San Diego County Department of Agriculture	N/A	Prohibited within 600 feet of any building used for residential purposes in the City.	N/A	N/A	N/A
<b>Lemon Grove</b>	Residential low and low/medium zoning districts. Registration with the County of San Diego Department of Agriculture, Weights, and Measures is required prior to any beekeeping activities and prior to applying for a beekeeping permit.	Up to four beehives may be permitted. A beehive shall be no larger than fifteen cubic feet in volume.	Beehives must be at least 25 feet from the exterior line of the traveled way of any public streets, at least 25 feet from the exterior line of any private access easement, at least 15 feet from any side or rear lot line, and at least 25 feet from neighboring dwellings. For three to four hives, a 100 foot separation from neighboring dwellings is required. Beehives shall be placed at least one hundred feet from the	N/A	The following firefighting materials shall be maintained, in good working condition, when the beehive is attended by the keeper, near the beehive to be available in case of fire: <ul style="list-style-type: none"> <li>• Shovel; and</li> <li>• Either a fire extinguisher of the two and one-half-gallon water-under-pressure type or the five-gallon back-pump type or its equivalent;</li> </ul>	

<b>National City</b>	Residential, open space, and institutional zones (minimum area of five thousand square feet). Registration with the County of San Diego Department of Agriculture, Weights, and Measures is required prior to any beekeeping activities and prior to applying for a beekeeping permit.	Up to four beehives may be permitted on a parcel.	Beehives must be at least 25 feet from the exterior line of the traveled way of any public streets, at least 25 feet from the exterior line of any private access easement, at least 15 feet from any side or rear lot line, and at least 25 feet from neighboring dwellings. For three to four hives, a 100 foot separation from neighboring dwellings is required. Beehives shall be placed at least one hundred feet from the border of sensitive areas.	N/A	N/A	or a garden hose connected to a source of water  The following firefighting materials shall be maintained, in good working condition, at all times when the beehive is attended by the keeper, near the beehive in case of fire:  <ul style="list-style-type: none"> <li>• Shovel; and</li> <li>• Either a fire extinguisher of the two and one-half-gallon water-under-pressure type or the five-gallon back-pump type or its equivalent; or a garden hose connected to a source of water.</li> </ul>
<b>Oceanside</b>	Code does not address beekeeping	N/A	N/A	N/A	N/A	
<b>Poway</b>	Code does not address beekeeping	N/A	N/A	N/A	N/A	

<b>City of San Diego</b>	Permitted in all zones	No maximum number	Two or fewer hives shall be located outside of all required setbacks, or fifteen feet from the property line and 20 feet from all public rights-of-way, whichever is greater; three or more hives shall be no closer than 600 feet to residential buildings and 100 feet from the public right-of-way.	A minimum 6-foot tall barrier shall surround the beehive leaving sufficient space to properly maintain the beehive except that the barrier shall not be required when the beehive is elevated at least eight feet above grade	<ul style="list-style-type: none"> <li>• Apiary comprising two or fewer hives shall be located within Brush Management Zone</li> <li>• One.</li> <li>• Three or more hives must include a firebreak not less than 30 feet wide around the apiary</li> </ul>
<b>San Marcos</b>	Code does not address beekeeping	N/A	N/A	N/A	N/A
<b>Santee</b>	Beekeeping is allowed in all residential zones except for the Urban Residential (R-30) zone. The lot(s) in these zones must be two and one-half acres or more.	N/A	All hives or boxes housing bees shall be placed at least four hundred feet away from any street, road or highway, any public school, park, property boundary or from any dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary.	N/A	N/A
<b>Solana Beach</b>	Not allowed	N/A	N/A	N/A	N/A

<p><b>Vista</b></p>	<p>Permitted in all zones. Property owner approval required.</p>	<p>N/A</p>	<p>Prohibited within 600 feet of any building used for residential purposes in the City. Must have a 100 foot separation from exterior line of the traveled portion of a public road.</p>	<p>N/A</p>	<p>A 30-foot firebreak is required to be maintained following specification outlined in the code. Also, the following firefighting materials shall be maintained, in good working condition, at all times when the beehive is attended by the keeper, near the beehive in case of fire:</p> <ul style="list-style-type: none"> <li>• A shovel; and</li> <li>• Either a fire extinguisher of the two and one-half-gallon water-under-pressure type or the five-gallon back-pump type or its equivalent; or a garden hose connected to a source of water.</li> </ul>
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**City of Santee**  
**COUNCIL AGENDA STATEMENT**

6B

**MEETING DATE**     September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE**            **INFORMATIONAL DISCUSSION REGARDING COMMUNITY CHOICE  
AGGREGATION**

**DIRECTOR/DEPARTMENT**     Marlene Best, City Manager

**SUMMARY**

In 2002 the California Legislature passed AB 117 which created the initial regulations to allow formation of Community Choice Aggregation (CCA) entities for provision of electrical power. CCA entities allow customers to aggregate their electrical loads as members of their local community with community choice aggregators. Since 2002 several CCA entities have been formed in the state, and many more are in various stages of review and formation. Investor owned utilities (IOUs), such as SDG&E have historically provided electrical power to millions of residential and commercial customers throughout California. CCAs are touted as a way to increase local control for levels of renewable energy, local rate setting and ultimately funding to go towards locally determined power programs, energy projects and jobs. The risks include financial exposure, regulatory compliance, and the cost of energy. CCAs can be formed in a stand-alone Enterprise model, a group Joint Powers Authority Model or a Hybrid JPA Model. Some communities are reviewing the CCA option as a way to meet greenhouse gas regulations and compliance standards; others desire to increase the use of renewable power, others simply desire more local control over their utility service. Locally several cities in San Diego County have either taken steps to evaluate a CCA, or are reviewing the potential through a Feasibility Study. The County of San Diego has chosen not to pursue a CCA. As a prominent topic for local governments, it is appropriate to bring the concept forward for Council discussion.

*tm*

**FINANCIAL STATEMENT**

There is no cost to the City to review the options for a CCA. However, if Council chooses in the future to pursue a CCA, there would be costs starting with those for a feasibility study. The source of funding would likely be the City's General Fund.

**CITY ATTORNEY REVIEW**      N/A      Completed

**RECOMMENDATION** *MSB*

It is recommended that the City Council consider the information and testimony provided, and provide comments to staff.

**ATTACHMENTS**

Report (PowerPoint slides)

# COMMUNITY CHOICE AGGREGATION & CALIFORNIA CHOICE ENERGY AUTHORITY

City of Santee  
September 6, 2017



## How Local Energy Aggregation Works



**source**



**CCA**

buying and building  
electricity supply

**delivery**



**UTILITY**

delivering energy,  
maintaining lines,  
billing customers

**customer**



**YOU**

benefitting from  
affordable rates,  
local control,  
cleaner energy

City of Santee  
September 6, 2017



# HISTORY OF CCA

- 2002 - AB 117
- 2010 – 1<sup>st</sup> CCA Launch
  - MCE Clean Energy
  - 8 CCAs currently in operation
- Many more in various stages of implementation

City of San Jose  
September 2, 2017



# CCA ACTIVITY IN CALIFORNIA



Source: [WWW.CleanPowerExchange.org](http://WWW.CleanPowerExchange.org)



## BENEFITS OF CCA

- Customer Choice
- Increase in Renewable Energy
- Local Control
  - Rate Setting
  - Energy Products
  - Programs
- New Revenue Stream
- Revenue Stays Local

City of San Jose  
September 6, 2017

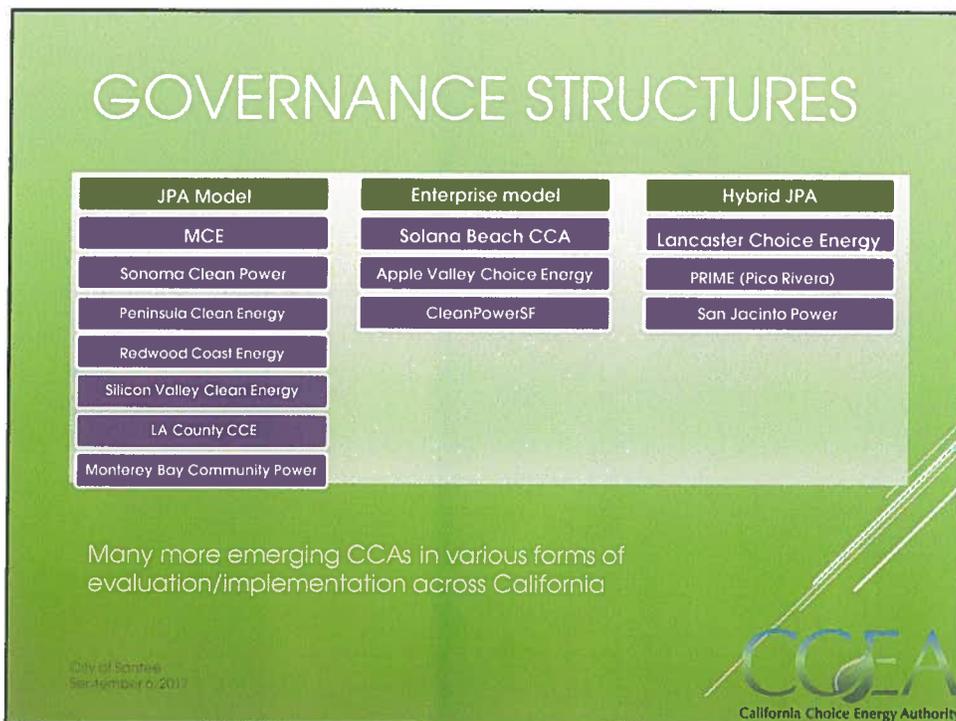


## RISKS

- ▶ **Customer Participation**
- ▶ **Cost of Energy**
- ▶ **Regulatory Compliance**
- ▶ **Financial Exposure**
- ▶ **Competition/Rate**
- ▶ **PCIA/Exit Fee**

City of San Jose  
September 6, 2017





## COMPARISON OF STRUCTURES

	JPA	Enterprise	Hybrid JPA
Rate Setting	1 Vote	Full Control	Full Control
Revenue Control	1 Vote	Full Control	Full Control
RPS Decisions	1 Vote	Full Control	Full Control
Operating Risk	None	Full Risk	Shared Risk
Program Control	1 Vote	Full Control	Full Control
Administrative Costs	None	Full Cost	Shared Cost
Long-Term Personnel Liab.	Incurred	Incurred	None

City of San Jose  
September 6, 2017



## RENEWABLE ENERGY COMPARISON

CCA	Default Product	IOU	Default Product
MCE	52%	PG&E	30%
Lancaster Choice Energy	35%	SCE	25%
Sonoma Clean Power	36%	SDG&E	35%

Source: 2015 California Energy Commission Power Content Labels

City of San Jose  
September 6, 2017



## RESIDENTIAL RATE COMPARISONS

	SCE 25% Renewable	LCE Clear Choice (35% Renewable)	LCE Smart Choice (100% Renewable)
Lancaster Choice Energy	\$136.19	\$135.18	\$145.18
		AVCE Core Choice (35% Renewable)	AVCE More Choice (50% Renewable)
Apple Valley Choice Energy	\$146.09	\$144.48	\$146.48

	PG&E 30% Renewable	MCE Light Green 50% Renewable	MCE Deep Green 100% Renewable
MCE (Marin Clean Energy)	\$105.52	\$107.03	\$111.48
		Clean Start 36% Renewable	EverGreen 100% Renewable
Sonoma Clean Power	\$120.39	\$119.43	\$137.29

Source: CCA Websites

City of San Jose  
September 2017



## CALIFORNIA CHOICE ENERGY AUTHORITY

- ▶ Benefits
  - ▶ Formed by cities for cities
  - ▶ Experience
- ▶ Phasing of Services
  - ▶ Phase 1 - Technical Study & Implementation Plan Development
  - ▶ Phase 2 - CCA Implementation Support
  - ▶ Phase 3 - Ongoing CCA Administration & Support
- ▶ Associate Members
  - ▶ San Jacinto Power
  - ▶ PRIME (Pico Rivera)
  - ▶ Lancaster Choice Energy

City of San Jose  
September 2017



**City of Santee**  
**COUNCIL AGENDA STATEMENT**

11A

**MEETING DATE** September 6, 2017

**AGENDA ITEM NO.**

**ITEM TITLE** REPORT ON COMPREHENSIVE MUNICIPAL CODE UPDATE  
PROCESS AND DRAFT REVISIONS TO TITLES 3, 4 AND 5

**DIRECTOR/DEPARTMENT** Shawn Hagerty, City Attorney

**DISCUSSION**

This item presents proposed updates to Titles 3 and 5 of the municipal code as part of the code's comprehensive update. Title 3 contains general provisions relating to revenue and finance. Title 5 contains provisions relating to business licenses, taxes, and regulations. Title 4 is currently unused and designated as "reserved." The proposed revisions renumber Title 5 as Title 4 but retain the same general topics.

The proposed revisions are described in more detail in the attached staff report, which also draws your attention to several points where you are asked to provide direction. These include recommendations regarding the dollar thresholds associated with the procurement methods, awarding authorities, and surplus property.

Due to scheduling conflicts, a revised schedule for presenting proposed revisions to the remaining titles is presented below:

<b>Dates</b>	<b>Municipal Code Titles</b>
November	Health and sanitation, public safety
January	Public services and public works
February	Vehicles and traffic and technical amendments to building, subdivisions, and zoning

*jm*

**FINANCIAL STATEMENT:** The adopted FY 2017-18 operating budget includes \$30,000 for the comprehensive update to the Municipal Code.

**CITY ATTORNEY REVIEW**  N/A  Completed

**RECOMMENDATION:** *MAB*

Receive report and provide direction as needed, including direction on the policy questions identified in the staff report as "Policy Point."

**ATTACHMENTS:** Staff Report and Draft Revisions to Titles 3, 4 and 5.

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**Staff Report on Comprehensive Municipal Code Update Process and  
Draft Revisions to Titles 3, 4 and 5  
September 6, 2017**

**Overview**

This staff report provides a summary of the proposed revisions to Titles 3 and 5 of the Municipal Code as part of the comprehensive update to the Municipal Code.

**Title 3**

Title 3 contains general provisions relating to city revenue and finance. The proposed substantive revisions to Title 3 are generally as follows (section references are to revised section numbers):

**Chapter 3.02      Fee Schedule**

General comment    Sections 3.02.020 through 3.02.040 have been relocated from later sections.

**Chapter 3.04      Tax Assessment and Collection**

Section 3.04.010    This section transferred assessment and tax collection duties to the County of San Diego. It has been removed from the municipal code. Government Code section 51501 prohibits the establishment of the office of assessor and tax collector by the city. Removal of this provision from the municipal code will not reestablish these offices.

**Chapter 3.08      Sales and Use Tax**

General comment    No substantive revisions, except deletion of Section 3.08.040, which addressed events occurring prior to January 1, 1981.

**Chapter 3.12      Uniform Real Property Transfer Tax**

General comment    Deleted former sections 3.12.040 through 3.12.090 and replaced them with a reference to the statutory provisions establishing the exemptions from the Uniform Real Property Transfer Tax.

**Chapter 3.16      Transient Occupancy Tax**

General comment    No substantive revisions

**Chapter 3.20      Special Gas Tax Street Improvement Fund**

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General comment No substantive revisions

## **Chapter 3.22 Design-Build Contracts**

Section 3.22.030 Added a provision that performance specifications in a design build contract must be prepared by a properly licensed professional. Added subdivision B noting that the City can still award a contract for emergency repairs without competition and can award multiple contracts under a single procurement.

## **Chapter 3.24 Purchasing**

- Policy point*** Consider revising the dollar thresholds associated with the procurement methods and awarding authority, which have not been updated since 2002. A chart of the recommended dollar values and associated purchasing authority and procurement methods is described and provided below.
- Section 3.24.020 Definitions. Added definitions for terms used in the chapter.
- Section 3.24.090 Selection of procurement method. Added a section specifying the procedure that must be used for purchases of supplies, equipment, materials and nonprofessional services based on the dollar value of the contract or type of purchase. Maintains the city's ability to use other procurement methods.
- Section 3.24.100 Formal bidding procedures. Formal bidding procedures are required for purchases estimated to exceed \$25,000 (currently \$20,000). Modifications added a provision clarifying how to issue an addendum after a notice inviting bids has been released.
- Section 3.24.110 Informal bidding procedures. Informal bidding procedures are required for purchases estimated to exceed \$2,500 but not to exceed \$25,000 (currently \$20,000). Modifications removed reference to open market purchasing procedures that were included in the informal bidding section.
- Section 3.24.120 Open market purchases. Open market purchases are authorized for contract amounts that do not exceed \$2,500 and for sole source purchases that do not exceed \$25,000 (currently \$10,000) unless approved by city council.
- Section 3.24.140 Emergency purchases by purchasing agent. The department head can make emergency purchases for the department, not to exceed \$10,000. The city manager can

make emergency purchases for multiple departments, not to exceed \$50,000 (currently \$20,000), subject to subsequent ratification by the City Council. City council approval is needed for emergency purchases exceeding \$25,000 (currently \$20,000).

<b>Procurement Method</b>	<b>Dollar Amount</b>
Formal bidding	> \$25,000
Informal bidding	> \$2,500 to \$25,000
Open market	\$2,500 or less  \$25,000 or less if sole source
Emergency purchasing	City Manager authority to \$50,000 with subsequent City Council ratification if >\$25,000

Section 3.24.160 Professional services. Revised the section regarding professional services to clarify that professional services contracts are not required to be awarded to the lowest bidder, but are to be awarded on the basis of demonstrated competence. Increases the City Manager’s awarding authority from \$10,000 to \$25,000.

Section 3.24.180 Awarding authority – contracts and amendments. The awarding authority for contracts and amendments is based on the cumulative value of the contract and amendments in a fiscal year. A department director is authorized to sign contracts and amendments that do not exceed \$10,000 (currently \$5,000). The purchasing agent is authorized to sign contracts and amendments that do not exceed \$10,000. The city manager is authorized to sign contracts and amendments that do not exceed \$25,000 (currently \$20,000 or \$10,000 for professional services). City council approval is required for any contract and amendment that exceeds \$25,000 (currently \$20,000).

<b>Awarding Authority</b>	<b>Dollar Amount (per fiscal year)</b>
Department director	\$10,000 and for own department

	Emergency purchases up to \$10,000
Purchasing agent	\$10,000 and for multiple departments Emergency purchases up to \$10,000
City manager	\$25,000 Emergency purchases up to \$50,000 (with subsequent City Council ratification of over \$25,000)
City council	More than \$25,000 Emergency purchases \$25,000 or more

### **Chapter 3.28 Claims Against the City**

General comments There are three substantive changes prompted by revisions to Chapter 3.28. First, Chapter 3.28 will be moved to Title 1, as Chapter 1.16. Title 1 contains general provisions relating to enforcement of the code, liability for violations, appeals to the city council and similar items. The claims process fits with these processes and will be relocated to Title 1. The text of Chapter 1.16 is included under the heading for Chapter 3.28 for reference and discussion.

Second, within the proposed Chapter 1.16 clarification has been added that the city manager and risk manager may compromise and settle claims against the city in amounts corresponding to their contracting authority.

Third, the city manager's settlement authority has been added to the list of the city manager's powers and duties in Section 2.04.060. The text of Section 2.04.060.L is included under the heading for Chapter 3.28 for reference and discussion.

### **Chapter 3.30 Forfeited Property and Asset Seizure Program**

No substantive changes.

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## Chapter 3.32 Disposal of Surplus Property

Section 3.32.010 Definitions. Revised the definition of “charitable organization” to be consistent with California Constitution article XVI, § 5, which prohibits a city from granting or donating personal or real property for any religious creed, church, or sectarian purpose.

**Policy point** Consider revising the dollar value thresholds for those authorized to declare property as surplus in Section 3.32.020. Proposed changes include increasing the department director and purchasing agent authority to items with an estimated market value of \$5,000 (currently \$2,500) and leaves the city manager authority at \$10,000.

Consider revising the dollar value threshold for disposal of property at a sale without notice or bids. The proposed change would increase the dollar value threshold from \$2,500 or less to \$5,000 or less in Section 3.32.040.A.

Section 3.32.040 B. Added a provision authorizing notice of surplus sales to be made on the city’s website.

## Chapter 3.34 Other Fees and Revenues

Consolidated chapter with chapter 3.02.

## Chapter 3.36 Dedications of Land and Fees for School Districts

General comment This chapter has been moved to Title 16, Subdivisions.

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## **Title 5 (Revised Title 4)**

Title 5, which has been renumbered as Title 4 in the proposed revisions, contains general provisions relating to business licensing. Pursuant to State constitutional and statutory law, the City is authorized to license businesses in the City for regulatory and revenue generation purposes. To date, the City has established its business licensing and regulatory permitting fees to offset the City's costs to process, track, and in some cases, inspect a business.

Among other changes, the proposed substantive revisions to Title 4 clarify the city's two-tiered or two-step process. First, all businesses located in or conducting business in the City are required to obtain a business license. Second, certain business that present special regulatory challenges for health and/or safety reasons, require a regulatory permit. The regulations included in Title 4 are primarily related to the second step, regulatory requirements for specific types of businesses. The fees for business licenses and regulatory permits have been removed from the Municipal Code, as they are adopted by resolution of the city council. The proposed substantive revisions are generally as follows (section references are to revised section numbers):

### **Chapter 4.01 General Provisions**

- Section 4.01.020     Definitions. Definitions located throughout Title 4 have been collected into a single location.
  
- Section 4.01.030     Business license and regulatory permits – Required. This section describes the city's two-tiered licensing structure. For cost recovery purposes, the section requires a business license for all businesses located or conducting in the city. For regulatory purposes, the section requires certain businesses that pose health or safety risks to obtain a regulatory permit and comply with additional requirements. This section also clarifies that a business license does not authorize any unlawful business.
  
- Section 4.01.040     Business License – General administration. Relocated the general administrative provisions into a single section. This section authorizes the issuing officer to administer and enforce the Title.
  
- Section 4.01.050     Business license – Entry and inspection. This section authorizes the issuing officer to enter and inspect premises

### **Chapter 4.02 Business Licenses Generally**

- Section 4.02.010     Business license required. This section requires a business license for every business.

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Section 4.02.020	Business license – Application – Denial. This section sets out the grounds for denying a business license and relocates reasons from later chapters into a single location.
Section 4.02.030	Business License – Application – Issuance. This section establishes the basic business license application procedure and specifies that the issuing officer reviews applications to determine whether a regulatory permit is required. Subdivision H includes a provision that home occupations may provide a P. O. Box for purposes of public disclosure of business addresses. Subdivision I has been revised to conform to case law regarding revocation of permits issued in error based on misrepresentations in an application. ( <i>Stokes v. Board of Permit Appeals</i> (1997) 52 Cal.App.4th 1348.)
Section 4.02.080	Business License fees – Amount. Removed references to specific fees and created a single fee provision. The business license fee will be established in the city’s fee schedule.
Section 4.02.090	Business License fees – Payment and delinquency. Revised the section to reflect current city practices of collecting business license fees prior to issuance or reissuance and of not prorating fees.
Deleted sections	(former) Sections 5.02.190 through 5.02.350 Deleted sections relating to business fees for specific businesses because fees are consolidated into the fee schedule.
Section 4.02.100	Business License fee – Delinquency – Penalty. Revised the provision regarding payment of a penalty to reflect the city’s current practice.
Section 4.02.110	Business License fee – Exceptions. This section incorporates exceptions provided by state law.
Section 4.02.120	Business license – appeal of denial. This section creates the process to appeal the issuance or denial of a license or permit. The first appeal is to the city manager. The city manager’s decision may be appealed to the city council following the general procedures established in Title 1.
Section 5.02.360	(former) Relocated provision regarding waiver of fees to Section 4.02.110 regarding businesses exempt from paying the license fee.

**Chapter 4.03 Regulatory Permits Generally**

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- General comment Chapter 4.03 establishes the procedures for regulatory permits.
- Section 4.03.010 Permit required. This new section establishes the requirement for police and health regulated businesses to obtain regulatory permit
- Section 4.03.030 Application and investigation. This section sets out the city's authority to require information from applicants for regulatory permits.
- Section 4.03.040 Application issuance. This section specifies that a regulatory permit is an element of a business license that contains conditions of operation. Regulatory permits are issued for the purpose of business regulation..
- Section 4.03.050 Permit revocation, condition, denial. This section includes the general revocation, condition and denial provisions applicable to all regulatory permits.

#### **Chapter 5.04 Aircraft Ticket Brokers**

Deleted.

#### **Chapter 4.04 Amusement Devices and Establishments, Music Machines and Vending Machines**

General comment. Streamlined the requirements without substantive changes.

#### **Chapter 5.08 Apartments and Hotels**

General comment This chapter deleted because this use is regulated only under the business license provisions with no separate regulatory requirements imposed by the City.

#### **Chapter 4.05 Auctions and Auctioneers**

Section 4.05.030 Bonding requirement established by state law after this section was adopted. Proposed modification replaces independent bonding requirement with a requirement to provide the City with evidence of the bond submitted to the Secretary of State.

#### **Chapter 4.06 Bingo and Similar Games**

General comment Modifications are intended to comply with 2008 revisions to Penal Code section 326.5. Deleted provisions will be relocated to the chapter regarding gambling prohibitions.

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Section 4.12.080 through 4.12.060 (former) Deleted provision will be relocated to current Section 9.16 regarding gambling.

### **Chapter 4.07 Telecommunications**

General comment Deleted references to cable television franchise in Sections 4.07.010.B, 4.07.040.B., 4.07.060, because the chapter on cable television franchises is being deleted. See next section.

### **Chapter 5.14 Cable Television Systems**

General comment Deleted. Chapter 5.14 addresses local cable franchising and was last updated in 2001. In 2006, the state enacted the *Digital Infrastructure and Video Competition Act* (Pub. Util. Code, § 5800 et seq.) which preempted most local authority over cable franchising and replaced it with a state video franchising regime in which the California Public Utilities Commission (“CPUC”) is the sole franchising authority and issues state video franchises. Incumbent cable operators operating under local franchises had to continue until expiration unless a competitive entrant started serving the same territory in which case they could switch to a state video franchise early. In Santee, AT&T obtained a state video franchise which included Santee on March 30, 2007. Cox (the incumbent) has been operating under a state video franchise since April 11, 2007, and added Santee on October 11, 2010, presumably when its local franchise expired. That means Chapter 5.14 is no longer relevant and can be repealed.

### **Chapter 4.08 Regulation of State Video Franchise Holders**

General comment In 2007, the City adopted Chapter 5.15 to implement its more limited authority over state video franchise holders. Amendments to this chapter (now chapter 4.08) are intended to more fully reflect the City’s authority and other requirements of the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”). Highlighted references to other departments and titles may be updated when those titles are updated in the future.

Section 4.08.020 State video franchise and PEG fees. Under DIVCA, a locality can establish a PEG fee between 1% and 3%, but a fee greater than 1% is only allowed based on what the City was collecting under local franchises prior to the enactment of DIVCA. As currently written, this section establishes a PEG

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fee in the amount of 1% of gross revenues. This amount has not been changed as it is governed by DIVCA. Additional provisions specify how state video franchise holders will pay the PEG fee to the City, including any late charges for missed payments in the event the City begins collecting this fee. We have also proposed an amendment to address reauthorization of the PEG fee upon renewal of state video franchises. DIVCA franchises are for a term of ten years. AT&T's state video franchise expired on March 30, 2017, and Cox's on April 27, 2017. These state video franchises have already been renewed under a highly streamlined procedure adopted by the CPUC. Collection of franchise fees is not affected by franchise expiration and renewal. However, there is language in DIVCA that suggests certain PEG fee ordinances may expire and must be reauthorized as state video franchises expire. This section is intended to preserve the City's existing authority without modification.

Section 4.08.060 Construction in the public rights of way. This new section applies the requirements of Title 12, such as encroachment requirements, to all work performed by or on behalf of state video franchise holders in any public right-of-way.

#### **Chapter 4.10 Camps and Picnic Grounds**

General comment Deleted Chapter because there are no private campgrounds in the City now and the code does not provide for future private campgrounds.

#### **Chapter 5.18 Charitable Solicitations**

Consolidated with Chapter 4.23 on solicitors.

#### **Chapter 4.11 Circuses and Carnivals**

General comment Streamlined applicable regulations without substantive revisions, except to require approval of development services of the location and type of equipment proposed for operation on private property. This is also required for operation on public property.

#### **Chapter 4.12 Dances and Dancehalls**

General comments The current structure of regulating teen dances treats minors (under 21) and teenagers (14-19) in a manner that is inconsistent with state law. The revised structure is intended to regulate dances that permit minors (under 21, called "all

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- ages dances”) differently from dances that exclude minors and to conform the regulations with state law.
- Section 4.12.030 Deleted “class C” licenses for a single night or day. City’s practice is to use Class B licenses, which is for an event not to exceed 3 days or nights, including a single day or night.
- Section 5.22.110 and Section 5.22.330 (former) Deleted section on obscenity. This is already prohibited by state law, Pen. C 311-312.7 and, as written, was likely too broad to be enforceable. (See Burton v. Mun. Ct. of Los Angeles 68 Cal.2d 684, 692-693 (1983).)
- Section 4.12.210 Definitions. Added definitions relevant to the new structure regulation all-ages dances.
- Section 4.12.240 License-Denial of application. Deleted reference to vague standard of morals and replaced with reference to specific violations of the law that constitute grounds for denial of an application for a regulatory license.
- Section 4.12.260 Supervision and lighting of hall. Added requirement that every all ages dance provide a supervisor and relocated the requirement of one police officer for every 100 participants with a minimum of one officer for every exit and entrance.
- Section 5.22.320 (former) To the extent permitted by law, this section intends to prohibit loitering around all-ages dances. Inclusion here does nothing more than restate loitering law.
- Section 5.22.330 (former) Deleted section on obscenity. This is already prohibited by state law, Pen. C 311-312.7 and, as written, was likely too broad to be enforceable. See Burton v. Mun. Ct. of Los Angeles 68 Cal.2d 684, 692-693 (1983).
- Section 5.22.340 (former) All ages dances permit all ages. Outdated provision relating to the exclusion of adults, and especially excluding adult women but allowing 19-year-old males to attend, have been deleted.
- Section 5.22.370 Inspection. Included in general inspection provision.

#### **Chapter 5.24 Distribution of Coupon Books**

General comments Deleted chapter. Coupon book distributors are considered “solicitors” and are regulated as such.

#### **Chapter 4.14 Farmers’ Markets**

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- General comment Added a chapter regulating farmers' markets.
- Section 4.14.010 Farmers' markets are defined as an outdoor establishment where farms and other vendors sell directly to consumers and vendors selling farm produce comprise at least 50% of the vend.
- Section 4.14.020 A business license and regulatory permit are required for farmers' markets.
- Section 4.14.030 The regulatory requirements of state law and San Diego County apply to the markets. In addition, the City can require permission of the land owner, impose parking, time, sanitary, trash control, and insurance requirements.

### **Chapter 5.25 Gasoline Sales During Emergency Shortages**

- General comment Chapter moved to title on Health & Safety and will reflect provisions of Government Code section 8588 and Penal Code section 396.

### **Chapter 5.26 Health Regulated Businesses and Activities**

- General comment Relocated regulations relating to health regulated businesses to chapter 4.03

### **Chapter 5.28 Junkyards, Automobile Wrecking Yards and Nonoperating Vehicle Storage Yards**

- General comments Deleted because not a permissible use.

### **Chapter 4.17 Massage Establishments**

- General comment Amendments to the Massage Therapy Act (Bus. and Prof. Code, § 4600 et seq.) authorizes the city to adopt or enforce local ordinances that govern zoning, business licensing, and reasonable health and safety requirements for massage establishments. The amendments also prohibit the city from regulating the licensing requirements for massage providers and from regulating massage establishments as adult oriented businesses.
- Section 4.17.010 Added a term "disqualifying conduct" which is the conduct that provides grounds for denying, suspending, and revoking a license. The conduct is generally criminal activity and includes a list of specific actions and statues that constitute disqualifying conduct. Added term "operator" who is the applicant.

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- Section 4.17.020 Preemption. Added clarification that this chapter is intended to supplement and not conflict with state law.
- Section 4.17.030 Massage establishment license – Required. Specifies the requirement to obtain a business license and regulatory permit for each massage establishment.
- Section 4.17.040 Off Premises massage. Added a section clarifying that massage activities must occur at the location specified in the business license unless exempted by the ordinance. Subdivision B authorizes off-premises massage between 7 a.m. and midnight, subject to the licensing regulations for massage establishments. Pursuant to Section 4.17.070.H, a person may only provide massage as a home occupation after complying with the home occupation regulations under the zoning code. These regulations allow the director to impose reasonable restrictions based on traffic, character of area, etc.
- Section 4.17.050 Application contents. Updated the information required relating to criminal convictions, employees of the massage establishment, consent of the property owner, consent to an investigation, and acknowledgment by the applicant that the applicant is responsible for all acts and conduct of any manager of a massage establishment.
- Section 4.17.070 Massage establishment facilities and operations requirements. Added a section specifying certain operational requirements, including prohibited attire, requirements related to draping and exposure of the body, hours of operation, sale of alcoholic beverages, presence of a manager, and location within residential structures.
- Section 4.17.080 Massage establishment license – Denial. Added provision requiring denial of a business license if the applicant engaged in disqualifying conduct during the previous 10 years. Added a prohibition against denying a license based on information required to be kept confidential under Welfare and Institutions Code section 600-900 for actions by minors. Updated the manner in which the city will treat an application by a person with pending criminal charges.
- Section 4.17.090 License suspension or revocation. Added section specifying grounds for revocation or suspension of a business license, including that the licensee engaged in disqualifying conduct after issuance of the license, the licensee made a material misstatement on the license application, the licensee failed

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to comply with requirements of the Municipal Code, and the licensee permitted unlicensed persons to work at the establishment.

Section 4.17.100 Management of massage establishments. Added a section clarifying that the operator (who is the applicant) and designated manager are responsible for the conduct of all employees.

Section 4.17.110 Change of location or transfer of interest in massage establishment. Added a provision requiring a new permit anytime an interest in a massage establishment is sold or transferred.

Section 4.17.130 Record of treatments. Deleted the provision making disclosure of certain information by city employees a misdemeanor. Such disclosures, to the extent they are unlawful, are governed by state law.

Section 4.17.160 Exemptions. Updated the list of exemptions to contemplate the provision of massage at road races and similar events if such services are disclosed to the event sponsor, provided before, during or immediately after the event, made equally available to participants, the event is open to everyone, and the massage establishment is not the primary sponsor of the event.

Section 4.17.170 Violations. Streamlined the language without substantive modification.

### **Chapter 5.32 Outdoor Assemblages**

General comment Chapter deleted. Outdoor assemblies are regulated by special use permits.

### **Chapter 5.34 Parades**

General comment Chapter deleted. Parades are regulated by special use permits

### **Chapter 4.18 Public Entertainment**

Section 4.18.010 Definitions. Updated the definition of Class II entertainment to apply to all entertainers and not just female entertainers.

Section 4.18.020 Regulatory permit – Required. Simplified the requirement to obtain a license and regulatory permit.

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Section 4.18.250	Registration. Imposed registration requirements on male and female entertainers.
Section 5.36.100	(former) Existing businesses. Deleted section as obsolete
Section 5.36.150	(former) Indecent performance. Deleted as vague.
Section 5.36.170	(former) Minors. Deleted because topless entertainment is not permitted in the city.
Section 5.36.240	(former) Deleted reference to private clubs. This was an unclear and unused term.
Section 5.36.320	(former) Registration of female entertainers.
Section 5.36.330	(former) Signs. Deleted because topless entertainment is not permitted in the city.

#### **Chapter 5.38 Reduction Plants**

General comments Deleted because reduction plants are not permissible in the city.

#### **Chapter 5.40 Refrigeration Plants**

General comments Deleted because refrigeration plants are not permissible in the city.

#### **Chapter 4.19 Refuse Containers on Public Property**

General comment Deleted. This activity is regulated through a temporary use permit.

#### **Chapter 4.20 Sale of Firearms**

General comment	Penal Code 29800 et seq. regulates firearms and authorizes limited local control.
Section 4.20.010	Definitions. Added definition of firearm and firearm dealer to reflect the definitions in the Penal Code.
Section 4.20.030	Issuance or denial permit. Local control over issuance or denial of a permit incorporates state law based regulations that otherwise prohibit the sale or possession of firearms.
Section 4.20.040	Permit not transferrable. This section incorporates the limitations on permit transfers in the penal Code.

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Section 4.20.050 Revocation of permit. Specified additional grounds for revocation as grounds for initial denial of a license or violation of permit conditions.

Section 4.20.070 Business and security regulations. This section requires compliance with state and federal regulations regarding protection of firearms.

#### **Chapter 4.21 Secondhand Dealers**

General comment Chapter revised to comply with laws regulating secondhand dealers in Division 8, Chapter 9, Article 4 of the Business and Professions Code.

Section 4.21.020 Definitions. Revised definitions to reflect terms used in the chapter and in state law.

Section 4.21.030 License required. This section requires a secondhand dealer to obtain a dealer's license as required by the Business and Professions Code prior to obtaining a business license.

Section 4.21.040 Records of dealer. Replaced previous regulations regarding information reported to the sheriff with state-required information.

Section 5.46.030 (former) deleted as redundant.

Sections 5.46.100 and 5.46.120 (former) These sections have been incorporated into Section 4.21.050.

#### **Chapter 5.48 Security Alarm Systems**

General comment Moved to Title 9

#### **Chapter 5.50 Slaughterhouses**

General comment Deleted. Slaughterhouses are not permitted in the city.

#### **Chapter 4.23 Solicitors**

General comment This chapter has been consolidated with the content from Charitable Solicitations.

Section 4.23.040 Exemption from fees. Incorporated a requirement that a charitable organization provide proof of registration on the Attorney General's Registry of Charitable Trusts in order to qualify for an exemption from fees. Deleted general

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exemption for participation in interstate commerce as redundant to Section 4.01.040.

Section 4.23.060 Denial, suspension or revocation of license. Deleted vague grounds of “unfitness to act as a solicitor” as a reason to revoke, deny or suspend a license. Also authorized City to disapprove of certain individuals proposed under a license rather than denying an entire license altogether.

Section 4.23.130 Permission to solicit for another person. Deleted this section. Solicitors are already required to list individuals soliciting under a license under Section 4.23.050.B.

#### **Chapter 4.24 Swap Meets and Swap Lots**

General comment This chapter has been revised to comply with Division 8, Chapter 9, Article 6 of the Business and Professions Code.

Section 4.24.100 Trading area. Added requirement to implement best management practices to prevent trash and other pollutants from entering storm water.

Section 4.24.120 Exemptions. Incorporated provisions of Section 21662(a) into the applicable exemptions.

#### **Chapter 4.26 Special Event Show**

No substantive revisions.

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## TITLE 3 REVENUE, FINANCE AND BUSINESS REGULATIONS

### CHAPTER 3.02 FEE SCHEDULE

#### 3.02.010 Consolidated fee schedule authorized.

A. A consolidated fee schedule is hereby established and may be amended as necessary by a resolution of the city council (see fee schedule).

B. All user fee amounts set forth in the consolidated fees schedule are the applicable user fee, notwithstanding any contrary amount in the Santee Municipal Code. For purposes of this section, "user fee" means no more than the estimated reasonable cost of providing the service for which a fee is charged. (Ord. 514 § 1, 2012)

#### 3.02.020 Use of fees.

The fees adopted in this chapter are to cover the expenses of the city, its officers, employees, agents and contractors which are incurred for all administrative, operational, consultation, labor and materials incurred by the city in providing a service, including but not limited to all those necessary to process, check, examine, test, maintain, inspect and approve such fire department inspections, permits and services, and to ascertain or determine their compliance with all applicable local, county, state or federal codes, ordinances, standards, statutes, policies or regulations. (Ord. 235 § 4, 1989)

#### 3.02.030 Payment of fees.

All fees are payable by the party or agent requesting the permit or services to the city finance department prior to completion of the requested inspection, review, or permit being requested. (Ord. 235 § 5, 1989)

#### 3.02.040 Limitation of authority and use of fees.

The authority to recover costs under this chapter <sup>↑ does not</sup> include ~~or inspection~~ certain actual fire suppression services ~~or inspection~~ costs which are ~~not~~ normally or usually provided by the fire department. (Ord. 235 § 6, 1989)

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## CHAPTER 3.08 SALES AND USE TAX

### 3.08.010 Short title.

The ordinance codified in this chapter is known as the uniform local sales and use tax ordinance. (Ord. 2 § 1, 1980)

### 3.08.020 Purpose.

The city council declares that 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 adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as these provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a 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 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 sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 2 § 4, 1980)

### 3.08.030 Rate.

The rate of sales tax and use tax imposed by this chapter is one percent. (Ord. 2 § 2, 1980)

### 3.08.050 Sales tax.

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city at the rate stated in Section 3.08.030 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after January 1, 1981. (Ord. 2 § 6, 1980)

### 3.08.060 Place of sale.

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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 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 are determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 2 § 7, 1980)

### **3.08.070 Use tax.**

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after January 1, 1981, for storage, use or other consumption in this city at the rate stated in Section 3.08.030 of the sales price of the property. The sales price includes delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made. (Ord. 2 § 8, 1980)

### **3.08.080 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 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Ord. 2 § 9, 1980)

### **3.08.090 Limitations on adoption of state law.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the state of California is named or referred to as the taxing agency, the name of this city is substituted therefor. The substitution, however, is not made when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of

Equalization, the State Treasury, or the Constitution of the state of California; the substitution is not made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution is not 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 substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that Code; the substitution is not made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution is not made for the word "State" in

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the phrase “retailer engaged in business in this state” in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 2 § 10, 1980)

**3.08.100 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 seller’s permit is not required by this chapter. (Ord. 2 § 11, 1980)

**3.08.110 Exclusions and exemptions.**

A. The amount subject to tax does not include any sales or use tax imposed by the state of California upon a retailer or consumer.

B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state are exempt from the tax due under this chapter.

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

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 111 § 1, 1983; Ord. 2 § 12, 1980)

**3.08.120 Exclusions and exemptions.**

A. The amount subject to tax does not include any sales or use tax imposed by the state of California upon a retailer or consumer.

B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state are exempt from the tax due under this chapter.

C. There are exempted from the computation of the amount of sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

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D. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax.

E. Exempted from the computation of the amount of the sales tax are 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.

F. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 111 § 2, 1983)

### **3.08.130 Operative provisions of Sections 3.08.110 and 3.08.115.**

A. Section 3.08.110 is operative January 1, 1984.

B. Section 3.08.120 will be operative on the operative date of any act of the Legislature of the state of California which amends Section 7202 of the Revenue and Taxation Code or which repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in subdivisions (i)(7) and (i)(8) of Section 7202 of the Revenue and Taxation Code as those subdivisions read on October 1, 1983. (Ord. 111 § 3, 1983)

### **3.08.140 Amendments.**

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code will automatically become a part of this chapter. (Ord. 2 § 13, 1980)

### **3.08.150 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process may 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 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 2 § 14, 1980)

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## **CHAPTER 3.12 UNIFORM REAL PROPERTY TRANSFER TAX**

### **3.12.010 Title.**

This chapter is known as the uniform real property transfer tax ordinance of the city of Santee. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state of California. (Ord. 3 § 1, 1980)

### **3.12.020 Imposition of tax.**

There is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city is granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by that person's direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars, a tax at the rate of fifty-five cents for each one thousand dollars or fractional part thereof. (Ord. 3 § 2, 1980)

### **3.12.030 Payment.**

Any tax imposed pursuant to this chapter must be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Ord. 3 § 3, 1980)

### **3.12.040 Exemptions**

The uniform real property transfer tax does not apply to those exemptions set forth in California Revenue and Taxation Code Division 2, Part 6.7, Chapter 3, commencing with Section 11921.

### **3.12.050 Claims for refund.**

Claims for refund of taxes imposed pursuant to this chapter are governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the state of California. (Ord. 3 § 10, 1980)

### **3.12.060 Administration by county recorder.**

The county recorder must administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Ord. 3 § 9, 1980)

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## CHAPTER 3.16 TRANSIENT OCCUPANCY TAX

### 3.16.010 Title.

The ordinance codified in this chapter is known as the uniform transient occupancy tax ordinance of the city. (Ord. 8 § 10, 1981)

### 3.16.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this section:

A. "Hotel" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, campsite, public or private club, mobile home or house trailer at a fixed location other than in a mobile home park, 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.

C. "Online Travel Company" means any person, whether operating for profit or not for profit, which enables transients to purchase occupancy of space in a hotel via the internet, or by similar electronic means.

D. "Operator" means the person who is the proprietor of the hotel whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs functions through a managing or booking agent of any type or character, other than an employee (including, but not limited to, an online travel company), the managing/booking agent is also be deemed an operator for the purposes of this chapter and has the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing or booking agent, however, is considered to be compliance by both.

E. "Rent" means the total consideration charged to the transient, (including but not limited to, room rates, service charges, parking fees, purchase price, advance registration, assessment, retail markup, commissions, processing fees, cancellation charges, attrition fees, or online booking fees), 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, property, and services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax administrator" means the city treasurer.

G. "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

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period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Every such person so occupying space in a hotel may be deemed by a rule, regulation, determination or interpretation of the Tax Administrator to be a transient during the first thirty days of any occupancy lasting longer than thirty days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. (Ord. 516 § 1, 2012; Ord. 8 § 20, 1981)

### **3.16.030. Imposed - Rate - Payment.**

A. For the privilege of occupancy in any hotel, each transient is subject to and must pay a tax in the amount of ten percent (10%) of the rent charged or customarily charged by the operator for the rooms and/or facilities occupied by the transient.

B. The tax constitutes a debt owed by the transient to the City, which debt is extinguished only by payment to the operator or to the City. The transient must 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 must be paid with each installment. The unpaid tax is due upon the transient's ceasing occupancy. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax be paid directly to the Tax Administrator. (Ord. 516 § 2, 2012; Ord. 8 § 30, 1981)

### **3.16.040 Exemptions.**

A. Except as may be otherwise provided by law, there is no exemption from the imposition of this tax for federal, state or local officers and employees traveling on official business; provided, further, that this tax is not imposed for any accommodations where the rental thereof is at the rate of five dollars a day or less.

B. No exemption may 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. (Amended during 1989 supplement; Ord. 8 § 40, 1981)

### **3.16.050 Operator's collection duties—Restrictions.**

A. Each operator must 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 must be separately stated from the amount of the rent charged, and each transient must receive a receipt for payment from the operator.

B. No operator of a hotel may 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 this section. (Ord. 8 § 50, 1981)

### **3.16.060 Registration certificate.**

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A. Within thirty days after commencing business, each operator of any hotel renting occupancy to transients must register the hotel with the tax administrator and obtain a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises.

B. The certificate must, among other things, state the following:

1. The name of the operator;
2. The address of the hotel;
3. The date upon which the certificate was issued; and
4. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said 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 board, commission, department or office of this city. This certificate does not constitute a permit." (Ord. 8 § 60, 1981)

### **3.16.070 Recordkeeping.**

It is 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 years, all records as may be necessary to determine the amount of such tax required to be collected and paid to the city, which records the tax administrator has the right to inspect at all reasonable times. (Ord. 8 § 70, 1981)

### **3.16.080 Reporting and remitting.**

A. Each operator must, 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 must be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if the tax administrator deems it necessary in order to insure collection of the tax and 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 section must be held in trust for the account of the city until payment thereof is made to the tax administrator.

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B. All returns and payments submitted by each operator will be treated as confidential by the city treasurer and not be released by the city treasurer except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the state of California, the county of San Diego, or the city, for official use only. (Amended during 1989 supplement; Ord. 8 § 80, 1981)

**3.16.090 Failure to collect and report tax—Action by administrator.**

A. If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator will proceed in such a manner deemed best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator procures such facts and information that enable identification of information on which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, the tax administrator must 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 must 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 the last known place of address. Such operator may within ten days after the service or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. 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 becomes final and conclusive and immediately due and payable. If such application is made, the tax administrator must give not less than five days' written notice in the manner prescribed in this section 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.

C. 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 will determine the proper tax to be remitted and thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due is payable after fifteen days unless an appeal is taken as provided in Section 3.16.100. (Ord. 8 § 90, 1981)

**3.16.100 Appeals.**

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 council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The council will fix a time and place for hearing such appeal, and the city clerk will give notice in writing to such operator at the last known place of address. The findings of the council are final and conclusive and will be served upon the appellant in the manner prescribed in Section 3.16.090 for service of notice of hearing. Any amount found to be due is immediately due and payable upon the service of notice. (Ord. 8 § 100, 1981)

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### **3.16.110 Refunds.**

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 of this section 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 years of the date of payment. The claim must 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 will 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 of this section, but only when the 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 will be paid under the provisions of this section unless the claimant establishes a right thereto by written records showing entitlement thereto.

E. An operator who has remitted an amount in excess of the amount required to be paid by this chapter may receive a credit to the extent of the excess. If the excess is discovered as the result of an audit by the city, no claim need be filed by the operator. Such credit, if approved by the city treasurer, will be applied to any deficiency found or any further tax payments due. (Amended during 1989 supplement; Ord. 8 § 110, 1981)

### **3.16.120 Action for collection.**

Any tax required to be paid by any transient under the provisions of this chapter is 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 is deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter is liable to an action brought in the name of the city for the recovery of such amount. (Ord. 8 § 120, 1981)

### **3.16.130 Penalties and interest.**

A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this chapter within the time required must pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

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B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date in which the remittance first became delinquent must pay a second delinquency penalty of ten percent of the amount of the tax and the ten percent penalty first imposed.

C. Fraud. 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 of the amount of the tax will be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter must 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. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this chapter becomes a part of the tax required to be paid under this chapter.

F. Audit Deficiency. If, upon audit by the city, an operator is found to be deficient in his/her return or his/her remittance or both, the city treasurer must immediately notify the operator of the net deficiency and the original ten percent delinquency penalty. If the operator fails or refuses to pay the deficient amount and applicable penalties within fourteen days after the date of the city treasurer's notice, the penalties prescribed in subsection B above apply, using the fifteenth day after the date of this city treasurer's notice as the date when the continued delinquency penalty first applies. (Amended during 1989 supplement; Ord. 8 § 140, 1981)

### **3.16.140 Violations—Penalty.**

A. In addition to any other penalty provided under this code, any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as set forth in chapter 1 of this code. Any person required to make, render, sign, or verify any report or claim or who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount required by this chapter to be made is guilty of a misdemeanor and is punishable as set forth in subsection A of this section. (Ord. 8 § 130, 1981)

### **3.16.150 Disposition of revenues—Utilization.**

All revenues collected by the city under this chapter must be deposited in the general fund. (Amended during 1989 supplement)

### **3.16.160. Tax Administrator - Authority**

The Tax Administrator may promulgate rules, regulations, determinations and interpretations as may be necessary or appropriate for the purpose of carrying out and enforcing the payment,

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collection and remittance of the transient occupancy tax in accordance with this transient occupancy tax ordinance. (Ord. 516 § 3, 2012)

**3.16.170. Judicial Review**

A.                Pay First. No suit for the purpose of restraining the assessment or collection of any transient occupancy tax may be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed, unless such person has first paid the tax.

B.                Due Process. No suit or proceeding may be maintained in any court for the recovery of any transient occupancy tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed pursuant to Section 3.16.110.

C.                Protest or Duress. Such suit or proceeding may be maintained whether or not such tax, penalty, or sum has been paid under protest or duress. (Ord. 516 § 4, 2012)

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## **CHAPTER 3.20 SPECIAL GAS TAX STREET IMPROVEMENT FUND**

### **3.20.010 Created.**

To comply with the provisions of Section 2113 of the Streets and Highways Code and to avail itself of its benefits of Sections 2103, 2105, 2106 and 2107 of the Streets and Highways Code, there is created in the city treasury a special fund to be known as the special gas tax street improvement fund. (Ord. 5 § 1, 1980)

### **3.20.020 Source of moneys.**

All money received by the city from the state of California under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for or for engineering or for the construction, maintenance or improvement of streets or highways by the city must be paid into the special gas tax street improvement fund. (Ord. 5 § 2, 1980)

### **3.20.030 Expenditures.**

All money in the special gas tax street improvement fund must be expended exclusively for the purposes authorized by and subject to the provisions of the Streets and Highways Code. (Ord. 5 § 3, 1980)

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## CHAPTER 3.22 DESIGN-BUILD CONTRACTS

### 3.22.010 Purpose and intent.

The purpose of this chapter is to provide definitions and guidelines for the award, use, and evaluation of design-build contracts. (Ord. 509 § 1, 2011)

### 3.22.020 Definitions.

For the purposes of this chapter, the following definitions apply:

“Design-build” means a public works contract procurement method in which both the design and construction of a project are procured from a single entity.

“Design-build contract” means a contract between the city and a design-build entity to furnish the architecture, engineering, and related services as required for a given public works project, and to furnish the labor, materials and other construction services for the same project. A design-build contract may be awarded conditioned upon subsequent refinements in scope and price during the development of the design, and may permit the city to make changes in the scope of the public works project without invalidating the design-build contract.

“Design-build entity” means the entity (whether natural person, partnership, joint venture, corporation, business association, or other legal entity) that proposes to enter into a contract with the city to design and construct any public works project under the procedures of this chapter.

“Design-build entity member” means any person who provides licensed contracting, architectural or engineering services.

“Performance criteria” means the requirements for the public works project, including as appropriate, capacity, durability, production standards, ingress and egress requirements, or other criteria for the intended use of the public works project, expressed in conceptual documents, performance-oriented preliminary drawings, outline specifications and other documents provided to design-build entity by the request for proposals establishing the project’s basic elements and scale, and their relationship to the work site suitable to allow the design-build entity to make a proposal.

“Proposal” means an offer to enter into a design-build contract, as further defined in this chapter.

“Request for proposals” means the document or publication whereby the city manager, with assistance from staff as necessary, solicits proposals for a design-build contract. (Ord. 509 § 1, 2011)

### 3.22.030 Design-build procurement.

A. For purposes of this chapter only, prior to procuring a design-build public works contract, the city manager, with the assistance of staff, as necessary, will prepare a request

for proposals setting forth the scope of the project that may include, but is not limited to, the size, type, and desired design character of the project, and performance specifications. The performance specifications must be prepared by a properly licensed professional and must describe the quality of construction materials, assemblies, and other information deemed necessary to adequately describe the city's needs. (Ord. 509 § 1, 2011)

B. Nothing in this chapter precludes a design build contract from being awarded without competition pursuant to chapter \_\_\_\_\_ [on public works and emergency CIP contracts] or multiple design build contracts under a single procurement.

### **3.22.040 Establishing prequalification and selection process.**

The city manager may establish a competitive prequalification and selection process for design-build entities that specifies the prequalification criteria, as well as recommends the manner in which the winning entity will be selected. Nothing in this chapter precludes a design-build contract from being awarded to a sole source, if, in advance of the contract, the city manager certifies in writing the sole source status of the provider. (Ord. 509 § 1, 2011)

### **3.22.050 Prequalification criteria.**

Prequalification may be limited to consideration of all or any of the following criteria supplied by a design-build entity:

- A. Possession of all required licenses, certificates, registration, and credentials in good standing that are required to design and construct the project;
- B. Submission of documentation establishing that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, building type, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project;
- C. Submission of a proposed project management plan establishing that the design-build entity has the experience, competence, and capacity needed to effectively complete the project;
- D. Submission of evidence establishing that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement assuring the city that the design-build entity has the capacity to complete the project;
- E. Provision of a declaration that the applying members of the design-build entity have not had a surety company finish work on any project within the past five years;
- F. Provision of a declaration providing detail for the past five years concerning all of the following:

1. Civil or criminal violations of the Occupational Safety and Health Act against any member of the design-build entity,
  2. Civil or criminal violations of the Contractors' State License Law against any member of the design-build entity,
  3. Any conviction of any member of the design-build entity of submitting a false or fraudulent claim to a public agency,
  4. Civil or criminal violations of federal or state law governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements against any member of the design-build entity. For purposes of this subdivision, only violations by a design-build entity member, as an employer are deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of a subcontractor's violations or failed to comply with the conditions set forth in Section 1775(b) of the State Labor Code,
  5. Civil or criminal violations of federal or state law against any design-build entity member governing equal opportunity employment, contracting or subcontracting;

G. Provision of a declaration that the design-build entity will comply with all other provisions of law applicable to the project. The declaration must state that reasonable diligence has been used in its preparation and that it is true and complete to the best of the signer's knowledge. (Ord. 509 § 1, 2011)

#### **3.22.060 False declaration unlawful.**

The information concerning the design-build entity's qualifications and experience must be verified under oath by the design-build entity and its members. It is unlawful to submit any declaration under this chapter containing any material matter that is false. (Ord. 509 § 1, 2011)

#### **3.22.070 Proposal security.**

All proposals must be accompanied by a cashier's check or certified check made payable to the city of Santee, or a bidder's bond executed by a surety admitted to engage in such business in the state of California, for an amount equal to ten percent of the amount of the proposal and no proposal may be considered unless such proposal guarantee is properly enclosed therewith. The proposal guarantee must be forfeited if the proposal is withdrawn beyond the deadline set forth in the request for proposals, or if the proposal is accepted but the design-build entity fails to execute the design-build contract. (Ord. 509 § 1, 2011)

#### **3.22.080 Review and evaluation of proposals and award of contract.**

A. The city manager may appoint a selection committee to review and rank the proposals of the design-build entities. The selection committee will use the evaluation criteria set forth in this chapter and the applicable request for proposals in its review of the proposals. The composition of the committee is within the discretion of the city manager and may include, but not be limited to: a minority of members of the city council, members of department administration or staff, the performance criteria developer, any person having special expertise relevant to selection of a design-build entity (design or construction experience) and residents of the city.

B. The city council will award the final contract after considering the selection committee's evaluation of proposals, if any. (Ord. 509 § 1, 2011)

### **3.22.090 Subcontractor listing.**

The city recognizes that the design-build entity is charged with performing both design and construction. Because a design-build contract may be awarded prior to the completion of the design, it is often impracticable for the design-build entity to list all subcontractors at the time of the award.

A. It is the intent of the city to establish a clear process for the selection and award of subcontracts entered into pursuant to this chapter in a manner that retains protection for subcontractors while enabling the design-build project to be administered in an efficient fashion.

B. All of the following requirements apply to subcontractors, licensed by the state, that are employed on design-build projects undertaken pursuant to this chapter.

1. The request for proposals will specify the essential design disciplines, construction trades or types of subcontractors that must be listed by the design-build entity in the proposal.
2. Subcontractors not listed in the proposal may be awarded subcontracts by the design-build entity in accordance with a bidding process set forth in the request for proposals. The design-build entity must furnish to the city documentation verifying that all subcontractors not listed at the time of award were subsequently awarded subcontracts in accordance with the process set forth in the request for proposals. All subcontractors that are listed in the proposal or subsequently awarded subcontracts must comply with all applicable laws, be afforded the protection of all applicable laws, and register with the California Department of Industrial Relations. (Ord. 509 § 1, 2011)

### **3.22.100 Change orders.**

Change orders to design-build contracts are subject to the limits and requirements set forth in the city's purchasing ordinance, as amended from time to time, or as previously approved by the city council. (Ord. 509 § 1, 2011)

### **3.22.110 Indemnification.**

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The design-build contract must include a provision that requires the design-build entity to defend, indemnify and hold harmless the city and its officers, employees, volunteers and agents from liability arising from the acts of the design-build entity members in connection with the performance of the design-build contract. (Ord. 509 § 1, 2011)

## CHAPTER 3.24 PURCHASING

### 3.24.010 Adoption of purchasing system.

In order to establish efficient procedures for the purchase of supplies, equipment, materials and certain services; to secure the same for the city at the lowest possible cost commensurate with the quality needed; to exercise positive financial control over purchases; to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 1, 1983)

### 3.24.020 Definitions

- A. “Awarding authority” means the entity authorized to approve and sign contracts subject to the requirements of this chapter, pursuant to **Section 3.24. \_\_\_\_**
- B. “Bid” means an offer, submitted in response to a Notice Inviting Sealed Bids, usually in competition with other bidders.
- C. “Vendors’ list” means a list maintained by the purchasing agent which sets out the names and addresses of suppliers of various goods and services from whom bids, proposals, and quotations may be solicited.
- D. “Cooperative purchasing” means combining the requirements of two or more political entities to obtain the benefits of volume purchases and/or reduced administrative expenses.
- E. “Emergency” means a breakdown in machinery or equipment or the interruption of an essential service or any threat to public health, safety or welfare.
- F. “Environmentally preferable products and services” means those products and services which are more energy efficient, less toxic, less polluting and which generate less waste overall.
- G. “Professional services” means all services performed by persons in a professional occupation, which are generally advisory in nature, provide a recommended course of action or personal expertise, or provide an end product which is basically a transmittal of information. Professional services include, but are not limited to, consulting and performing services for accounting, auditing, computer hardware and software support, architectural, engineering, planning, environmental, land surveying, construction project management, redevelopment, financial, economic, personnel, social services, animal control, legal, management, , communication, urban forestry, and other similar professional functions which may be necessary for the operation of the city.
- H. “Public project” has the meaning provided in Section 22022(c) of the Public Contract Code, as that Section may be amended from time to time. A public project does not include maintenance or professional service work.

I. "Purchasing agent" means the person designated by the city manager to purchase supplies, equipment and services pursuant to this chapter.

J. "Responsible bidder" means a bidder who, by reference to bid documents or public records, has the capability in all respects to perform fully the contract or bid requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

K. "Responsive bidder" means a bidder whose bid conforms in all material respects to the requirements set forth in the notice or the invitation for bids.

L. "Sole source" means either a commodity: (a) can be obtained from only one supplier; or (b) (i) is not for a public work as defined in Public Contract Code Section 20161; (ii) must match or be compatible with other supplies, equipment or material presently used and the awarding authority has made a finding to this extent; and (iii) will be purchased from an authorized manufacturer or authorized retailer.

### **3.24.030 Purchasing agent.**

A. The city manager may designate a person to act in his or her behalf for the purchase of supplies, equipment and services pursuant to this chapter. The person so designated is authorized to act on behalf of the city in carrying out the provisions of this chapter and is identified herein as the purchasing agent. The purchasing agent may designate an employee to perform functions and duties as provided herein with concurrence of the city manager. (Ord. 428 § 1, Exh. A, 2002: Amended during 1989 supplement; Ord. 87 § 3, 1983)

B. The purchasing agent has the following authority:

1. To negotiate, purchase and obtain supplies, contractual services and equipment used by the city in accordance with city and state law and such rules and regulations as are prescribed by the city manager and/or city council;
2. To procure for the city the needed quality in supplies, services and equipment at the least expense to the city. The technique of energy lifetime costing may be used in setting performance standards and evaluating bids on energy consuming items;
3. To obtain full and open competition on all purchases in accordance with this chapter;
4. To prepare and recommend to the city manager rules and regulations governing purchase of supplies, services and equipment for the city and amendments thereto as necessary;
5. To keep informed of current developments in the field of purchasing, pricing, market conditions and new products, and secure for the city the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations;

6. To prescribe and maintain such forms as are reasonably necessary for the operation of the purchasing system;
7. To prepare and maintain a vendors list, including deletion of records of vendors failing to update information;
8. To make recommendations to the city manager as appropriate;
9. Pursuant to **Chapter 3.32**, recommend the transfer of surplus supplies, materials, and equipment between departments as needed, and the sale of all such items which have become unusable by the city and which cannot be used by any department.
10. The purchasing agent may, when authorized by the city manager authorize a department or office to purchase supplies, equipment and material when such purchases may be made more advantageously or expeditiously by the respective department or departments. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 5, 1983)
11. The purchasing agent, in cooperation with the using departments, may provide for the standardization of supplies, equipment and material in accordance with their use. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 9, 1983)

#### **3.24.040 Estimates of requirements.**

The purchasing agent may request all using agencies, city departments or offices to file detailed estimates of their anticipated requirements in order to take advantage of volume or selective buying. Departments may not split their requirements into smaller estimates or requirements for the purpose of evading the city's requirements for competitive bidding or proposals as outlined in this chapter. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 6, 1983)

#### **3.24.050 Requisitions.**

Using agencies, city departments or offices must submit requests for supplies, equipment and services to the purchasing agent using a standard requisitioning process, as prescribed by the purchasing agent. The purchasing agent must examine each requisition and have the authority to revise it as to quantity, quality or estimated cost; provided, however, that a change in quality will not vary substantially from the standards of the using department or office. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 7, 1983)

#### **3.24.060 Purchase order—Encumbrance of funds.**

Except in the cases of emergency, or if excepted by the purchasing agent, all purchases must be made by purchase order issued by the purchasing agent after authorization of the finance department, certifying:

- A. That there is to the credit of each using department concerned a sufficient unencumbered appropriate balance in excess of all unpaid obligations to defray the amount of such order;

B. That such order is provided for in the budget of the using department or has been approved by the city council;

C. That in the case of the purchase of capital equipment and assets or services, if not provided for in the budget, that the same have been first approved by the city council. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 8, 1983)

### **3.24.080 Unauthorized purchases.**

No city officer or employee may order the purchase of any supplies, equipment, materials or contractual services or make any contract within the purview of this chapter other than in accordance with the provisions of this chapter, the regulations and procedures established thereunder and with the approval of the purchasing agent. Any purchase or contract made contrary to this chapter is null and void and any claim or demand made against the city based thereon is invalid. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 10, 1983)

### **3.24.090 Selection of procurement method.**

A. All contracts for the purchase of supplies, equipment, materials and non-professional services must be procured in accordance with the following, except as otherwise provided in this chapter:

1. Purchases estimated to exceed twenty-five thousand dollars (\$25,000) must be made by the formal bidding procedures in Section 3.24. \_\_\_\_.
2. Purchases estimated to exceed two thousand five hundred dollars (\$2,500) but not to exceed twenty-five thousand dollars (\$25,000) must be made by the informal bidding procedures in Section 3.24. \_\_\_\_.
3. Purchases estimated at two thousand five hundred dollars (\$2,500) or less may be made on the open market without following formal or informal bidding procedures.
4. Cooperative purchases must be made in accordance with the cooperative purchasing procedures in Section 3.24. \_\_\_\_.
5. Emergency purchases must be made by the emergency purchases procedures in Section 3.24. \_\_\_\_.

B. Notwithstanding Subdivision A of this Section, the city council may authorize the use of an alternative procurement method due to special circumstances, when a proscribed procurement method is impractical or impossible, or when it is in the city's best interests to do so.

### **3.24.100 Formal bidding procedures.**

All city purchases subject to formal bidding procedures pursuant to Section 3.24.090 must comply with the requirements of this section and be purchased by formal written contract with the bidder submitting the lowest responsive responsible bid, after due notice inviting bids.

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A. Notice Inviting Sealed Bids. Notice inviting sealed bids will include a general description of the supplies, equipment, material or service and details on bond requirements and be published by the purchasing agent at least once in a newspaper of general circulation and on the City's website at least ten days before the last day set for the receipt of bids as designated in the notice. In the event a newspaper of general circulation is unable to publish such notice for any reason, the purchasing agent will post such notice in at least three public places in the city designated as places for posting public notices. In the event the item(s) or service(s) to be purchased is not identified to be purchased in the budget, the city council must authorize the notice inviting sealed bids. In the event substantive changes to the notice inviting sealed bids are necessary after the notice has been published, the purchasing agent may issue an addendum and, if issued, publish the addendum on the City's website, or by other means that constitutes the official venue for communications between the city and potential bidders, for at least three (3) days prior to the deadline for submitting sealed bids. If the deadline for submitting sealed bids falls fewer than three days after publishing the addendum, the purchasing agent may extend the deadline as part of issuing and publishing the addendum.

B. Bidders' List. The purchasing agent must also solicit sealed bids from all responsible prospective suppliers who have requested that their names be added to a "bidders' list" which the purchasing agent maintains, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase.

C. Bidders' Security. The purchasing agent may require bidders' security in an amount deemed appropriate or applicable either by cash, certified or cashier's check, or surety bond approved by the city attorney. In the event a bidders' security is required, no bid will be considered unless the required security is submitted therewith. Bidders are entitled to the return of such security after the City enters into a contract for the purchase at issue or declines to enter into a contract; provided, however, that a successful bidder forfeits his or her bid security upon refusal or failure to execute a contract within fifteen days after notice of award of a contract has been mailed, unless the city is responsible for the delay. Upon refusal or failure of the successful bidder to execute the contract, the contract may be awarded to the next lowest bidder, the amount of the lowest bidder security may be applied by the city to the difference between the low bid and the second lowest bid.

D. Bid Opening. Sealed bids must be submitted to the city clerk, who will open them in public, at the time and place stated in the notice inviting bids. The city clerk may delegate his or her responsibilities of this subsection to responsible assistants and deputies.

E. Compilation of Bids and Recommendations. Following the opening of bids, the purchasing agent will compile all bids and submit a summary of the bids to the city manager together with a recommendation of award, taking into consideration any recommendation of the department head involved, the amount of bid, as well as whether the bidder's bid is responsive and responsible. The city manager will submit his or her recommendation with respect to an award to the city council; provided, however that the purchasing agent may recommend rejection of any or all bids for any one or more commodities or contractual services included in the proposed contract if he or she determines that the public interest will be served thereby and may recommend waiver of minor irregularities in a bid.

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F. Council Action Following Recommendation.

1. The city council may make an award of contract to the lowest responsible bidder submitting the best bid in all respects.
2. In its discretion, the city council may waive minor irregularities in a bid, reject any or all bids, and may authorize the readvertising of bids, or in the alternative, may authorize the purchase or service, pursuant to any other procurement procedure set forth in this chapter.

G. Tie Bids. In the event two or more bids are received for the same total amount or unit price and in all other respect are equal, the city council may award the contract to the local bidder, if any, the bidder using environmentally preferable products, if any, or by lot.

H. Bond. The purchasing agent has the authority to require a performance bond and materials and labor bond in such amount as he or she finds reasonably necessary to protect the best interests of the city. If a bond is required, the form and amount of the bond will be described in the notice inviting bids. (Ord. 428 § 1, Exh. A, 2002; Ord. 230 § 1, 1989; Ord. 87 § 11, 1983)

**3.24.110 Informal bidding procedures.**

A. Informal Bidding Procedures. All city purchases subject to informal bidding procedures pursuant to Section 3.24.090 must comply with the requirements of this section. When using informal bidding procedures, the purchasing agent solicits bids by direct request to prospective vendors, by mail or electronic mail, telephone, facsimile or bulletin board. When practicable, a purchase made using informal bidding procedures must be based on at least three bids and be awarded to the lowest, responsive responsible bidder.

B. Records. The purchasing agent will keep a record of all purchases made pursuant to the informal bidding procedures contained herein and bids submitted in competition thereon. Such records are open to public inspection.

**3.24.120 Open market purchases.**

In any of the following instances, the purchasing agent may dispense with the requirements of formal or informal bidding and procure supplies, material and equipment on the open market:

- A. When the estimated amount involved does not exceed \$2,500;
- B. When a commodity qualifies as a sole source purchase pursuant to Section 3.24.\_\_\_\_ and does not exceed \$25,000, or if the cost exceeds \$25,000, the sole source procurement method is approved by the city council;
- C. When the city council determines that due to special circumstances, it is in the city's best interest to purchase a commodity or enter into a contract without compliance with the formal or informal bidding procedure. (Ord. 428 § 1, Exh. A, 2002)

**3.24.130 Cooperative purchasing.**

A. The purchasing agent may join with other public jurisdictions in cooperative purchasing plans or programs, including, but not limited to the California Communities Purchasing Program (CCPP), the California Department of General Services (CADGS), the California Multiple Award Schedule (CMAS), the National Association of Counties (NACo) or similar arrangements or plans as determined by the purchasing agent to be in the city's best interest.

B. The purchasing agent may also buy directly from a vendor at a price established by a competitive or competitively negotiated bid by another public jurisdiction in substantial compliance with Section 3.24.110 even if the city had not joined with that public agency in a cooperative purchase.

C. The purchasing agent also may purchase from the United States of America or any state, municipality or other public corporation or agency without following formal or informal purchasing procedures as provided in Section 3.24.110. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 16, 1983)

#### **3.24.140 Emergency purchases by purchasing agent.**

A. In the case of an emergency as defined in Section 3.24.\_\_\_\_, the purchasing agent may authorize the head of a department to purchase supplies, material, equipment or services on the open market when all of the following conditions are present:

1. Immediate procurement of the supplies, material, equipment, and/or services is essential to prevent delays in the work of the department which may affect the life, health, safety or convenience of the public;
2. the estimated cost of the purchase does not exceed \$10,000; and
3. the head of the department procuring the supplies, material, equipment, and/or services sends to the purchasing agent a copy of the delivery record, together with a full written explanation of the circumstances justifying the emergency purchase.

B. In the case of an emergency as defined in Section 3.24.\_\_\_\_, the city manager may authorize the purchasing agent to secure in the open market, any supplies, material, equipment, and/or services when all of the following conditions are present:

1. Immediate procurement of the supplies, material, equipment, and/or services is essential to prevent delays in the work of the department which may affect the life, health, safety or convenience of the public; and
2. The estimated cost thereof does not exceed \$50,000.; provided, however, that when the estimated cost thereof exceeds \$25,000, the procurement must be subsequently ratified by the city council.

C. In the case of an emergency as defined in Section 3.24.\_\_\_\_, the city council must authorize purchases of supplies, materials, equipment or services essential to prevent delays in

the work of the department which may affect the life, health, safety or convenience of the public when the estimated cost thereof exceeds \$25,000.

### **3.24.150 Emergency purchases—Civil defense and disaster.**

Nothing herein contained limits the authority of the director of emergency services to make emergency purchases and take such other emergency steps as are or may be authorized by the city council. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 14, 1983)

### **3.24.160 Professional services.**

A. This section applies to the city's selection of specialized professional services as defined in Section 3.24.\_\_\_\_.

B. Selection must assure that these services are engaged on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and at fair and reasonable prices to the city.

C. Professional services contracts must be approved in accordance with Section 3.24.\_\_\_\_ [awarding authority].

### **3.24.170 Other supplies, materials, equipment or services not subject to the provisions of this chapter.**

The following types of contracts are not subject to the provisions of this chapter:

A. Public projects as defined in Section 20161 of the California Public Contract Code, except for the issuing of a purchase order, by the purchasing agent for encumbrance of funds;

B. Contracts to be paid directly from deposits posted by development project applicants. The city manager has the authority to approve contracts to be paid directly from deposits posted by development project applicants for professional services required in conjunction with the processing or review of development applications;

C. Utility services and related charges;

D. Real property purchases and related title and escrow fees;

E. Insurance and bond premiums;

F. Real property leases;

G. Professional services, except as otherwise provided. (Ord. 428 § 1, Exh. A, 2002; Ord. 87 § 15, 1983)

### **3.24.180 Awarding authority – contracts and amendments.**

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A. The awarding authority for contracts and amendments to contracts subject to this chapter is as follows:

1. A department director is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is \$10,000 or less in any single fiscal year and is on behalf of his or her department only.
2. The purchasing agent is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is \$10,000 or less in any single fiscal year and is on behalf of more than one department.
3. The city manager is authorized to execute contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) is \$25,000 or less in any single fiscal year.
4. City council approval is required on contracts and amendments to contracts subject to this chapter if the cumulative amount of the contract plus any amendment(s) exceeds \$25,000 in any single fiscal year. (Ord. 428 § 1, Exh. A, 2002)

B. No change in an agreement, contract or purchase order may be made without issuance of a written change order, amendment or purchase order, and no payment for any such change may be made unless a written change order, amendment or purchase order has first been approved and executed in accordance with this section designating in advance the work to be done and the amount of additional compensation to be paid.

### **3.24.190 Prohibited procedures.**

In all purchases for the city outlined in this chapter, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks or other unlawful considerations. City employees are specifically prohibited from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract pursuant to this chapter. (Ord. 428 § 1, Exh. A, 2002)

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## CHAPTER 3.28 CLAIMS AGAINST THE CITY

*MOVED TO TITLE 1 AS FOLLOWS:*

### CHAPTER 1.16 CLAIMS AGAINST THE CITY

#### DIVISION I. TORT CLAIMS ACT CLAIMS

##### **1.16.010 Generally.**

No action for money or damages may be brought against any board member, commissioner, officer, agent or employee of the city on any claim or demand founded on a tort occurring during the course of service or employment of such board member, commissioner, officer, agent or employee until filed as provided in this chapter. (Ord. 450 § 2, 2005)

##### **1.16.020 Filing.**

All claims must be filed in accordance with the provisions of the Government Code. (Ord. 450 § 2, 2005)

##### **1.16.030 Compromise.**

Pursuant to Government Code Section 935, the city manager is authorized to allow, compromise, or settle liability claims against the city pursuant to Section 2.04. and the city's risk manager is authorized to allow, compromise or settle liability claims against the city in amounts not to exceed, per claim, the contract authorization amounts established for the purchasing agent in Section 3.24. The city council has sole authority to allow, compromise, or settle liability claims against the city exceeding the city manager's authorized amount and to reject any liability claim.

#### DIVISION II. OTHER CLAIMS

##### **1.16.030 State provisions—Applicability of division.**

The provisions of this division recognize that the general claims procedures applicable to the city are governed by the provisions of the Government Code, Chapters 1 and 2 of Division 3.6, commencing with Section 900 and following. The provisions of this division are enacted pursuant to Government Code Section 935 and apply to all claims against the city for money or damages, provided that such claims are not governed by any other statutes or regulations. (Ord. 450 § 2, 2005)

##### **1.16.040 Presentation of claims—Prerequisite for bringing suit.**

No suit subject to this division may be brought against the city until a claim has been presented to and acted upon by the city, pursuant to the provisions of Government Code Section 945.4. Any action brought against the city on a claim after it has been presented to and acted upon by the city is subject to the provisions of Government Code Sections 945.6 and 946. (Ord. 450 § 2, 2005)

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**1.16.050 Contents of claim—Review of sufficiency.**

A claim must be presented to the city clerk by the claimant or by a person acting on the claimant's behalf and must show all information as required by Government Code Section 910. The city manager, or designee, will review all claims for sufficiency of information. The city manager, or designee, may, within twenty days of receipt of a claim, either personally deliver or mail to the claimant a notice stating the deficiencies in the claim presented. If such notice is delivered or sent to the claimant, the city will not act upon the claim until at least fifteen days after such notice is sent. (Ord. 450 § 2, 2005)

**1.16.060 Time limitation for presentation of claims.**

Any claim specified in Section 1.16.030 of this division must be presented within the following time limitations pursuant to Government Code Section 911.2:

C. Claims relating to a cause of action for death, injury to person or to personal property, or growing crops must be presented within six months after the accrual of the cause of action.

D. Claims relating to any other cause of action must be presented within one year after the accrual of the cause of action. (Ord. 450 § 2, 2005)

**1.16.070 Time for action by city.**

Pursuant to Government Code Section 912.4, the city must act on a claim within forty-five days after the claim has been presented. By mutual agreement of the claimant and the city, such forty-five day period may be extended by written agreement. If the claim is not acted on within forty-five days, it is deemed to have been rejected on the forty-fifth day unless such time period has been extended, in which case it will be denied on the last day of the period specified in the extension agreement. (Ord. 450 § 2, 2005)

**1.16.080 Application to file a late claim.**

Any applicant who fails to file a claim within the time period required by Section 1.16.060 of this division may submit a written application to the city for leave to present a late claim, pursuant to the provisions of Government Code Section 911.4. The city will grant or deny the application to present a late claim within forty-five days after it is presented to the city, in accordance with the provisions of Government Code Sections 911.6 through 912.2, inclusive. (Ord. 450 § 2, 2005)

**1.16.090 Time barred claim.**

Nothing in this division revives or reinstates any cause of action that, on the effective date of this division, is barred by failure to comply with any previously applicable statute, ordinance, or regulation requiring the presentation of a claim prior to a suit, or by failure to commence any

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action thereon within the period prescribed by an applicable statute of limitations. (Ord. 450 § 2, 2005)

**1.16.100 Effective date of division.**

Subject to Section 1.16.090, the provisions of this division apply retroactively to any causes of action occurring prior to the effective date of this division. (Ord. 450 § 2, 2005)

***SECTION 2.04.060.L IS ADDED AS FOLLOWS***

**2.04.060 Powers and duties generally.**

The city manager is the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. The city manager is responsible for the efficient administration of all the affairs of the city under the control of the city manager. To the extent allowed by law, the city manager may contract with any qualified person or public or private agency for the performance of all or any of the responsibilities and duties imposed by this chapter. In addition to general powers as administrative head, and not as a limitation thereon, the city manager has the duties and powers set forth below:

L. Pursuant to Government Code Section 935, allow, compromise, or settle liability claims against the city in amounts not to exceed, per claim, the city manager's contract authorization in Chapter 3.24. The city council has sole authority to allow, compromise, or settle liability claims against the city exceeding the city manager's authorized amount and to reject any liability claim.

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## **CHAPTER 3.30 FORFEITED PROPERTY AND ASSET SEIZURE PROGRAM**

### **3.30.010 Purpose.**

This chapter establishes a law enforcement forfeited property and asset seizure program whereby the city may receive forfeited property and assets transferred from the San Diego County sheriff's department in accordance with the city's agreement for general and special law and traffic enforcement services and other pertinent authority such as the Comprehensive Crime Control Act of 1984 (21 U.S. Code Section 873 et seq.), the United States Attorney General's Guidelines on Seized and Forfeited Property, and the California Health and Safety Code Sections 11470—11493. (Ord. 257 § 1, 1991)

### **3.30.020 Property and assets.**

Such property and assets are those which have been seized or collected by contracted law enforcement personnel during the investigation of criminal activities, and subsequently forfeited by judicial or administrative decision, and transferred to the city as a result of participation by contracted law enforcement personnel. The program's purpose provides an added incentive to the city to assist contracted law enforcement personnel in the fight against crime, especially illegal drug trafficking. (Ord. 257 § 2, 1991)

### **3.30.030 Cash assets.**

The money received by the forfeited property and assets program established by this chapter, or the money received from the sale of any forfeited tangible property or other asset covered by this chapter, and any interests thereon will be deposited into a law enforcement forfeited property and asset fund set up by the city. (Ord. 257 § 3, 1991)

### **3.30.040 Forfeited noncash property/assets.**

A. Title to all property and assets received pursuant to this program will be taken in the name of the city and vest in the city.

B. The city treasurer will make the necessary entries in the city's inventory and accounting records, using the property's and/or asset's fair market value on the date of acquisition as determined by the support services manager or other qualified representative from the city. Whenever the city deems necessary to sell forfeited noncash property or assets received, the proceeds will be deposited in the city's law enforcement forfeited property and asset fund. (Ord. 257 § 4, 1991)

### **3.30.050 Use of funds.**

All funds in the city's law enforcement forfeited property and asset fund must be used by the city exclusively for law enforcement purposes and require city council approval for appropriation. (Ord. 257 § 5, 1991)

### **3.30.060 Program accountability.**

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The city treasurer must establish accounting and reporting procedures to account for the receipt and disbursement of all forfeited cash and noncash property in connection with the law enforcement forfeited property and assets program. The city treasurer must provide a report to the city manager, on an annual basis, detailing all money and tangible assets received, all deposits and disbursements, and such other information the city manager may require. (Ord. 257 § 6, 1991)

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## CHAPTER 3.32 DISPOSAL OF SURPLUS CITY PROPERTY

### 3.32.010 Definitions.

Unless otherwise stated, the following definitions apply to all provisions of this chapter:

“Charitable organization” means a nonprofit organization exempt from taxation under the provisions of the Internal Revenue Service Code, 26. U.S.C. 501(C)(3), whose primary purpose is public service, and pursuant to California Constitution article XVI, § 5, whose purpose is not religious creed, church or sectarian.

“Immediate family” means the husband, wife, mother and father of both husband and wife, son, daughter, brother and sister of the employee, or any relative by blood or marriage residing in the same household.

“Surplus city property” means those supplies or equipment belonging to the city which are no longer used, have become obsolete, worn out, are of minimal value, or are otherwise of no further use. (Ord. 508 § 1, 2011; Ord. 144 § 1, 1985)

### 3.32.020 Declaration of surplus.

A. All using departments must submit to the purchasing agent, at such times and in such forms as prescribed, reports listing all available surplus city property and requesting the property be declared surplus.

B. Property listed as available surplus city property must be declared surplus as follows:

1. The department director and purchasing agent must approve the surplus request for any item with an estimated current market value of five thousand dollars (\$5,000) or less.
2. The city manager, department director and purchasing agent must approve a surplus request for any item with an estimated current market value of more than Five thousand dollars and up to and including ten thousand dollars.
3. The city council must approve a surplus request for any item with an estimated current market value of more than ten thousand dollars. The city council may also require the purchasing agent to dispose of surplus property with an estimated current market value of more than ten thousand dollars by any manner listed in Section 3.32.040. (Ord. 508 § 1, 2011; Ord. 144 § 2, 1985)

### 3.32.030 Disposal required.

After an item is declared surplus, the purchasing agent must determine if any surplus city property can be used by any department of the city. If such supplies or equipment cannot be or are unsuitable for city use, the purchasing agent must, in any manner provided in Section **3.32.040** or in a manner otherwise directed by city council, dispose of such supplies and

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equipment. The city manager is authorized to sign bills of sale and any other papers or documents evidencing such sales for and on behalf of the city. (Ord. 508 § 1, 2011; Ord. 144 § 3, 1985)

### **3.32.040 Manner of disposal.**

A. The purchasing agent may dispose of surplus property in any of the following manners:

1. At a public or private sale, with or without notice or bids, for the highest price obtainable, as determined by reference to the item's estimated current market value, but only when the estimated current market value is five thousand dollars or less per unit, item, or common lot;
  2. An auction conducted by the city or other governmental agency;
  3. An Internet based auction or selling tool;
  4. Sale to the general public via advertised, sealed bidding;
  5. Trade-in on new supplies or equipment;
  6. Sale, trade, transfer, or donation to an outside, publicly funded or charitable organization;
  7. Recycling and/or sale as scrap;
  8. Discarding as trash;
  9. Any other manner, approved in advance by the city council.

B. Any sale to the general public via advertised, sealed bidding, must be obtained in a manner determined by the purchasing agent which will encourage the highest bid. The purchasing agent will provide notice of the solicitation of bids through advertisement in a newspaper of general circulation in the city, printed and published in the county and on the City's website or other electronic means of posting notices. Such notice must be given at least seven days before the last established date for the receipt of bids as designated in the notice.

C. In addition to the manners of disposal listed above, disposal of scrap materials (i.e., metal, wood, tires, engine oil, etc.) may be accomplished by the purchasing agent through term contract or other means utilizing the competitive bid process. Commodity indices, industry practice, and other economic indicators should be used as guidelines in developing the sale method. (Ord. 508 § 1, 2011; Ord. 144 § 4, 1985)

### **3.32.050 Funds.**

The amount received for any property sold pursuant to this chapter must be deposited in the city general fund. (Ord. 508 § 1, 2011; Ord. 144 § 5, 1985)

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**3.32.060 City personnel prohibited.**

No city officer or employee or any member of the immediate family of a city officer or employee may purchase surplus property at any sale in which that officer or employee participated in his or her official capacity. (Ord. 508 § 1, 2011; Ord. 144 § 6, 1985)

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**CHAPTER 3.34 OTHER FEES AND REVENUES**

Consolidated into 3.02

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**CHAPTER 3.36 DEDICATIONS OF LAND AND FEES FOR SCHOOL DISTRICTS**

Deleted. Moved to Title 16.

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## TITLE 4 BUSINESS LICENSES, FEES AND REGULATIONS CHAPTER CAPTION

### CHAPTER 4.01 GENERAL PROVISIONS

#### 4.01.010 Purpose

Pursuant to Section 7, of Article XI of the California Constitution and Section 37101 of the Government Code, the City adopts this Title for the purposes of generating revenue to cover the cost of administering the business licensing program and regulating certain business types.

#### 4.01.020 Definitions.

The following words and phrases, when used in this Title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Business” includes all activities engaged in or caused to be engaged in within this city including any commercial or industrial enterprise, pursuit, trade, occupation, employment, calling, show or exhibition, profession, vocation, or livelihood, including rental or lease of residential or nonresidential real estate and mobile home parks, independent contractors, and home occupations, as that term is defined in Title \_\_\_, whether or not carried on for gain or profit, but must not include the services rendered by an employee to an employer.

B. “Business license” or “license” means the certificate issued by the city to an applicant upon payment of a fee due for engaging in business within the city as prescribed by this chapter. A business license is issued for the purpose of generating revenue to cover the cost of administering the business licensing program.

C. “Employee” is defined as any person acting within the scope of the employer’s business within the limits of the city.

D. “Health officer” means an officer of the County of San Diego Department of Environmental Health.

E. “Issuing officer” means the city treasurer or a deputy or authorized representative of the city treasurer and may include law enforcement personnel.

F. “Minor” is any person under the age of eighteen years. (Prior code § 37.306)

G. “Person” includes an includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, any other business organization, and any other type of legal entity.

H. “Public place” means any place to which anyone may have access without trespassing

I. “Regulatory permit” or “permit” means conditions of operation incorporated into a business license, which are required of businesses that, because of the nature of activities,

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volumes of people, or traffic control demands, requires regulation to protect the public health, safety and welfare.

**4.01.030 Business license and regulatory permits—Required.**

A. It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the city to transact, engage in, or carry on any business without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_. (Ord. 40 § 1, 1981)

B. The payment of a business license or permit fee required by this title, its acceptance by the city, and issuance of a license or permit under the provisions of this title does not authorize to conduct or continuance of any illegal or unlawful business, or any business in violation of any ordinance of the city.

**4.01.040 Business License—General administration.**

A. It is the duty of the issuing officer to administer and enforce the provisions of this Title.

B. The license requirements provided for by this chapter will be applied so as not to occasion an undue burden upon interstate commerce. (Ord. 40 § 39, 1981)

C. All specific provisions of this title control over general provisions. (Ord. 40 § 4(j), 1981)

**4.01.050 Business License – Entry and Inspection.**

The issuing officer and law enforcement personnel are authorized to enter free of charge and inspect places of business in the city, books and records during normal business hours, for the purpose of determining compliance with this Title.

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## CHAPTER 4.02 BUSINESS LICENSES GENERALLY

### 4.02.010 Business License—Required.

A. Unless otherwise exempted by local, state or federal law or regulation, every person desiring to transact, conduct, undertake or carry on any business within the City must apply for and obtain a business license pursuant to this chapter, pay all fees set forth in this title, and, if required, obtain a regulatory permit pursuant to Chapter 4.03, prior to undertaking such business activities.

B. A separate business license must be obtained for each separate business, or each branch establishment, or separate place of business in which a business, show, exhibition, or game is transacted, conducted, or carried on.

C. Any person conducting more than one business in the same establishment or location is not required to pay more than one business license fee; provided, however, such additional business must be one that is ordinarily and customarily conducted in connection with such other business. A business is not ordinarily and customarily conducted in connection with another business if there are two or more separate and distinct business entities or names wherein separate sets of accounting records, bank accounts, and the like are maintained. (Ord. 40 § 11, 1981)

### 4.02.020 Business License—Application—Denial.

A. The issuing officer may deny an application for a business license, if the applicant or any agent or representative thereof has:

1. Made any false, misleading or fraudulent statement of a material fact in the application or in any record or report required to be filed under this title;
2. Violated any of the provisions of this chapter or any provisions of any other ordinance or law relating to or regulating said business or occupation;
3. Been convicted of a crime, the nature of which indicates the applicant's unfitness to operate the proposed business. A plea or verdict of guilty, a finding of guilty by a court in a trial without a jury, a plea of nolo contendere, or a forfeiture of bail is deemed a conviction.
4. Failed to obtain or comply with a license, where laws of the state of California require a person to be licensed under and by virtue of its laws.
5. Proposed to conduct or carry on a business where prohibited by the zoning ordinance or within a structure which does not comply with applicable building code regulations. (Prior code § 21.719)

B. If the issuing officer determines that the application should be denied pursuant to this title, the issuing officer prepares a notice of denial of application setting forth the

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reasons for such denial of application provides notice of the denial pursuant to any method in Section \_\_\_\_\_. The denial of a business license may be appealed pursuant to Section 4.02.120.

#### **4.02.030 Business License—Application—Issuance.**

A. Every person required to obtain an initial business license or renew a regulatory permit annually under the provisions of this title must submit an application for a business license to the issuing officer. The application constitutes consent to entry and inspection during business hours by any law enforcement personnel, the issuing officer and any designee of the issuing officer of the premises licensed pursuant to this Title. The application must be a written statement upon a form or forms provided by the issuing officer and must be signed by a person indicated below. The application must set forth such information required and as may be reasonably necessary to properly determine the amount of the license fee to be paid by the applicant and whether a regulatory permit is required, including but not limited to the following:

1. the nature or kind of business or enterprise for which the business license is required;
2. the place where such business or enterprise will be transacted or carried on;
3. the name of the owner of the business or enterprise;
4. a signature of the owner of the business, or authorized representative; and
5. such other information deemed necessary by the issuing officer to carry out the purposes of this title.

B. Upon receipt of an application for a business license, the issuing officer may send copies of such application to any office or department which the issuing officer may deem appropriate in order to carry out a proper investigation of the applicant or the applicant's proposed business and to determine whether a regulatory permit is required pursuant to this title.

C. Every officer or department to which an application for a business license or regulatory permit is referred may request from the issuing officer that additional information be obtained from the applicant relating to the proposed license and permit as such officer or department deems necessary.

D. The issuing officer and every officer or department to which an application is referred may investigate the truth of the matters set forth in the application, the character of the applicant as it relates to doing business under the license and permit and may examine the premises proposed to be used for the business.

E. No person may willfully make a false statement or fail to report any material fact in any application for any license under the provisions of this chapter.

F. If after investigation, the issuing officer determines that the application should be denied pursuant to this title, the issuing officer will prepare and provide a notice of

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denial pursuant to Section \_\_\_\_ [general denial section]. The denial of a business license may be appealed to pursuant to Section 4.02.120.

G. Any license or permit issued pursuant to this title is valid for a period of one year after the date of issuance unless a different date is indicated on the license or permit.

H. If the license is granted, the name and business address of the licensee will be available to any interested member of the general public for the duration of the license; provided, however, that, to the extent permitted by state law, a home occupation may provide a P.O. Box as a business address. (Amended during 1989 supplement; Ord. 40 §§ 5(part), 42, 1981; prior code §§ 16.108, 16.109 (part))

I. If any license has been issued through error based on a misrepresentation in an application, the license is void and of no force and effect. (Amended during 1989 supplement; Ord. 40 § 5, 1981)

#### **4.02.040 Business License—Conditions—Renewal.**

Unless otherwise specified in the license or this Code, every business license expires one year after issuance date. Business licenses may be renewed pursuant to this title by remitting the renewal fee not less than thirty (30) days prior to the expiration date. Any business requiring a regulatory permit must submit an application annually not less than thirty (30) days prior to the expiration date any an existing business license. (Amended during 1989 supplement; Ord. 40 § 7, 1981; prior code § 16.106)

#### **4.02.050 Business License—Posting.**

All licenses must be kept and posted in the following manner:

A. Subject to other provisions of this code, any licensee engaged in business at a fixed place of business must post the license in a conspicuous place upon the premises where the business is conducted.

B. Any person engaged in business in the city, but not operating from a fixed place of business, must keep the license on her or his person at all times while engaging in such business.

C. Each licensee must at all times when requested, exhibit the license to any law enforcement officer or other official of the city. (Ord. 40 § 8, 1981)

#### **4.02.060 Business License—Revocation.**

A. Every license issued under and by virtue of this chapter may be revoked by the city council based upon a failure to comply with any term or terms of this title.

B. Prior to revoking a license, the issuing officer provides written notice, either personally or by mail, to the licensee. The notice must state the date, time and place when the issuing officer will recommend revocation to the city council. At the time and place as stated

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in the notice, the licensee may appear and be heard by the city council. In the event that the licensee appears and contests the revocation, the city council may set a time and place for the hearing of the recommendation for revocation. The hearing will be held at the time and place set by the city council. The city council's decision on revocation is final. (Ord. 40 § 38, 1981)

**4.02.070 Business License-Nontransferable.**

A business license, including any regulatory permit associated with a business license, is not transferable from one person or one place to another, and is void if transferred from the person or location specified in the written application and in the license. (Amended during 1989 supplement; prior code § 65.106)

**4.02.080 Business License fees—Amount.**

A. Every person desiring to obtain a business license pursuant to this title must pay a business license fee in an amount established by resolution of the city council. All business license fees must be paid before beginning business activities. License fees must be paid in the lawful money of the United States at the office of the issuing officer. (Ord. 40 § 10, 1981)

B. In no event does any mistake or error made by the issuing officer in stating the amount of a license prevent the collection by the city of an amount that is actually due from any person transacting or carrying on a business subject to a license under this title. (Ord. 40 § 6, 1981)

**4.02.090 Business License fees—Payment and delinquency.**

A. The license fee provided in this chapter is due and payable to the city prior to issuance or renewal of a license. Fees are delinquent thirty days after the due date.

B. If any person commences a new business during the calendar year, the license fee will not be prorated. (Ord. 40 § 12, 1981)

C. In the event the license is for any reason whatsoever revoked, suspended, denied or in any event not obtained by the applicant, the fee paid will not be refunded to the applicant.

**4.02.100 Business License fee—Delinquency—Penalty.**

If any license fee for a business located within the City becomes delinquent, a penalty in the amount equal to fifty percent of the license fee due and payable is added to the license fee amount. The fifty percent penalty continues to accrue each thirty-day period that the license fee remains delinquent. No license may be issued until the license fee and all penalties are paid in full.

**4.02.110 Business License fee—Exceptions.**

A. Except as may be otherwise specifically provided in this title, the terms of this title will not be deemed or construed to apply to any of the following businesses engaged in by any of the following persons:

1. Banks, including national banking associations to the extent provided by Article XIII, Section 27, of the state Constitution;
2. Insurance companies and associations, to the extent provided by Article XIII, Sections 27 and 28, of the state Constitution;
3. Any person conducting or staging any concert, exhibition, lecture, dance, amusement or entertainment where the receipts, if any, derived therefrom are to be used solely for charitable or benevolent purposes and not for private gain is exempt from the payment of any business license fee under the provisions of this chapter;
4. Veterans of the Army, Navy, Marines, Air Force, or Coast Guard as defined in Section 16102 of the Business and Professions Code of the state of California are exempt from the payment of any business license fees under the provisions of this chapter. Before any veteran may be licensed hereunder, such veteran must submit to the issuing officer proof of release from active duty under honorable conditions or his honorable discharge from the United States service or a certified copy thereof;
5. Any person whom the city is not authorized to license for revenue purposes because of any valid law or constitution of the United States or the state of California;

B. The issuing officer may require the filing of a verified statement, with supporting documentation, from any person claiming to be excluded by the provisions of this Title, which statement sets forth all facts upon which the exclusion is claimed.

**4.02.120 Business License – Appeal of Denial**

A. Any person aggrieved by the decision of the issuing officer with respect to the issuance or refusal to issue a license or permit pursuant to this title may appeal that decision to the city manager within 30 calendar days after notice of the action was received or the permit or license was issued. The appeal must be in writing and be filed with the city clerk. Following the filing of an appeal, the city manager or designee must notify the appellant of a time and place for a hearing to review the appeal. The hearing will be held within 10 working days after the city clerk receives the appeal unless the parties agree to a later date. After the hearing, the city manager must notify the appellant of the decision in writing by one of the means set forth in Section [redacted] within 15 calendar days.

B. Any party aggrieved by the decision of the city manager pursuant to subdivision A may appeal that decision to the city council within 10 days after receiving the written decision in accordance with the procedures set forth in Section 1.10.190.

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## CHAPTER 4.03 REGULATORY PERMITS GENERALLY

### 4.03.010 Certain businesses and occupations regulated - Regulatory permit and fee required.

Every person desiring to transact, conduct, undertake or carry on a business whose activities, volumes of people, or traffic control demands, requires regulation to protect the public health, safety and welfare must obtain a regulatory permit pursuant to this chapter prior to undertaking such business activities and pay a regulatory fee in the amount established by resolution of the city council.

### 4.03.020 Regulatory permit – Application.

Every person required to obtain a regulatory permit must submit a written application on a form prescribed by the issuing officer. The application must state the name and address of the applicant, the description of the property by street and number where the business or activity will be conducted, the nature of the regulatory permit for which application is made, the character of the business or activity proposed to be conducted and such other information as the issuing officer or designee may require. (Amended during 1989 supplement; Ord. 61 § 10, prior code § 65.101)

### 4.03.030 Regulatory permit – Application and investigation.

Upon receipt of an application for a regulatory permit, accompanied by the required fee, the issuing officer, with the assistance of any office or department which the issuing officer may deem appropriate, investigates the matters set forth in such application, the safety and sanitary conditions in the place proposed for the business or activity. (Amended during 1989 supplement; prior code § 65.103)

### 4.03.040 Regulatory permit – Application issuance.

A regulatory permit constitutes an element of a business license that contains conditions of operation. Regulatory permits are issued for the purpose of business regulation.

### 4.03.050 Regulatory permit – Revocation, condition, denial

A. A business license subject to a regulatory permit may be revoked, conditioned or denied by the issuing officer, pursuant to Sections \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, **respectively**, for a violation of any condition in the permit or provision of law regulating places or activities of the character for which the license is granted and for the following reasons:

1. If the applicant is not a fit or proper person to conduct the regulated business;
2. If the premises are not a suitable or proper place for the regulated business;
3. If the health, welfare or public morals of the community warrant such denial.

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B. The issuing officer may issue the license upon such conditions as he or she determines would eliminate the situations which would otherwise result in denial of such license. (Amended during 1989 supplement; prior code § 21.103)

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**CHAPTER 5.04 AIRCRAFT TICKET BROKERS**

DELETED

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## **CHAPTER 4.04 AMUSEMENT DEVICES AND ESTABLISHMENTS, MUSIC MACHINES AND VENDING MACHINES**

### **4.04.010 Definitions.**

The following words and phrases, when used in this Title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Amusement devices,” means any machine, device, or apparatus of which the operation or use is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the state of California. This definition does not include jukeboxes, telephone devices or machines that sell merchandise.

B. “Amusement establishment” means any commercially operated establishment having more than five amusement devices. (Amended during 1989 supplement; prior code §§ 21.101, 21.102).

C. “Music machine” means a jukebox, karaoke or similar machine that plays music on payment.

D. “Vending machine” means machine that dispenses articles such as food, drinks, or cigarettes when a coin, bill, or token is inserted.

### **4.04.020 License – Required.**

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the city to operate an amusement establishment without first having procured a business license required by **Chapter 4.02** and any regulatory permit required by chapters **\_\_\_** and **\_\_\_**.

### **4.04.030 Amusement devices, music machines, and vending machines.**

Any person possessing a valid business license in accordance with this title, may own and operate five or fewer amusement devices, music machines, and vending machines without payment of the regulatory fee established by resolution of the city council.; provided, however, that each machine must be owned by the business where it is located. (Ord. 40 § 34, 1981)

### **4.04.040 Operation of amusement establishments.**

A. The proprietor, manager, or employee of any licensed amusement establishment must insure that the operation of amusement devices is in compliance with all state and local laws and regulations. (Prior code § 21.107)

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B. It is unlawful for the proprietor, manager, or employee of any amusement establishment to permit the consumption of any alcoholic beverage in an amusement establishment, except in compliance with state and federal laws. (Prior code § 21.104)

C. It is unlawful for the proprietor, manager or employer of any amusement establishment to permit any gambling of any kind, or permit any betting or wagering with money or anything of value upon the result of any game. (Prior code § 21.106)

D. It is unlawful for any person who is intoxicated or under the influence of any drug to be in any establishment licensed pursuant to this chapter. A person who conducts or assists in conducting any such establishment must not permit any intoxicated person or persons under the influence of any drug to be or remain at such place. (Prior code § 21.105)

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**CHAPTER 5.08 APARTMENTS AND HOTELS**

**[DELETED – REGULATED UNDER GENERAL BUSINESS PERMIT REQUIREMENTS]**

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## CHAPTER 4.05 AUCTIONS AND AUCTIONEERS

### 4.05.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. “Auction” means a public sale of property by public outcry to the highest bidder.
- B. “Auctioneer” includes and comprehends the following:
  - 1. Any person who sells or offers to sell by public outcry to the highest bidder, when bids are called for, any real estate or interest therein, or any goods, wares, merchandise, or other personal property, new or used, in any tent, building or structure, or on any of the streets or sidewalks, or in any other place in the city where the general public is permitted to attend and offer bids;
  - 2. Any person who advertises as a public auctioneer, or in any manner hold himself or herself out as an auctioneer as defined in subdivision 1 of this subsection for public patronage, or shall receive a fee or commission for services as such.
- C. “Auction house” means a fixed location wherein goods, wares, merchandise or other items of personal property, new or used, are offered for sale at auction as an established auction business. (Prior code § 21.801)

### 4.05.020 License—Classification.

- A. The following licenses are required for the following classes established for licensing auctioneers, auctions and auction houses:
  - 1. Class A License. Every auctioneer;
  - 2. Class B License. Every person who sells or offers for sale at auction any goods, wares, merchandise or other personal property, new or used, other than pursuant to Section 5.10.080 at a place other than an auction house;
  - 3. Class C License. Every person who operates an auction house;
  - 4. Class D License. Every person who sells or offers for sale at auction jewelry in a bona fide retiring from business disposition of stock on hand pursuant to Section 5.10.080.
- B. Each applicant for any class of license is required to obtain a business license and regulatory permit.

### 4.05.030 License—Bond.

Each application for a class A, class C or class D license must be accompanied by evidence of a bond filed with the Secretary of State as required by Title 2.95, Part 4, Division 3 of the Civil Code.

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#### **4.05.040 License—fees.**

The fee for each license shall be due and payable to the issuing officer at the time of application for the license in an amount established by resolution of the city council.

#### **4.05.050 Licenses—Issuance.**

Upon approval of any application, the license applied for shall be issued. If the license is a class B or class C license, it will designate the store or other place in the city where the applicant proposes to conduct an auction or auctions. Class A and class C licenses are annual licenses. (Amended during 1989 supplement; prior code § 21.810)

#### **4.05.060 Goods, wares and merchandise.**

No auction may be conducted by any person other than one holding a class A license. Where the sale of any goods, wares, merchandise, or other personal property, new or used, is by auction other than at an auction house, such sale must be held on successive days, Sundays and legal holidays excepted, and must not continue for more than thirty days; provided, that where such goods, wares, merchandise or other personal property, new or used, is the stock on hand of a person, firm, corporation or association which is bona fide disposing of such stock for the purpose of retiring from business, the city council may upon application grant such additional time for the conduct of such auction as it may deem necessary under the circumstances. (Prior code § 21.811)

#### **4.05.070 Close-out sales.**

A. Any person intending to dispose of stock on hand by sale at auction at retail, which sale is to be advertised or publicly announced as a “close-out sale,” a “going out of business sale,” a “quitting business sale,” or similar type of sale, must make a written application, verified under oath, to the treasurer at least fifteen days before the intended sale is to begin. The application must specify the following:

1. the name and address of the applicant;
2. the location and purpose of the sale and its expected duration;
3. the name of the auctioneer who will conduct the sale,
4. the inventory itemizing in detail the quality, quantity, kind or grade of each item of goods, wares, and other articles to be sold, with the wholesale market thereof, and
5. a declaration that the merchandise or property be sold at auction is a bona fide part of the applicant’s stock in trade, that the items listed in the inventory do not exceed by twenty-five percent the unit volume of the inventory carried by the applicant ninety days prior to the application and that the items were not secured, purchased, or brought into the place of business for or in anticipation of the sale.

B. The inventory set forth in the application as herein provided must not exceed by twenty-five percent the unit volume of the inventory carried by the applicant ninety days prior to application. Any inventory in excess of the foregoing is cause for refusal to issue any license; provided further, that whenever the stock on hand to be sold at auction as described in this section is a stock of jewelry as described in Section \_\_\_\_\_, then in that event application shall be made for a class D license. (Prior code § 21.812)

#### **4.05.080 Auctions of jewelry.**

It is unlawful for any person to sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale at auction in the city any platinum, gold, silver, plated ware, precious stones, semi-precious stones, watches or other jewelry, new or used, whether the same shall be the property of the person, or the property of another; provided, however, that the foregoing provisions of this section do not apply to the following:

A. The sale at auction of the stock on hand of any person that, for the period of one year next preceding such sale, has been continuously in business in the city as a retail or wholesale merchant of platinum, gold, silver or plated ware, precious stones or semi-precious stones, watches or other jewelry, new or used, where such person is bona fide disposing of its stock on hand for the purpose of retiring from business.

B. The sale at auction of such stock on hand of any person as described in subsection A of this section, where the stock has been purchased by a holder of class C license under this chapter. (Amended during 1989 supplement; prior code § 21.813)

#### **4.05.090 Labeling requirements.**

A. It is unlawful for any person to offer for sale or sell, either for itself or for another, at auction any of the following articles without a label meeting the requirements of this section. If the article is:

1. platinum, gold, silver, plated ware, precious stone, semi-precious stones, watches or other jewelry, new or used, there must be securely attached to the article a tag, card or label containing a true and correct statement of the kind and quality of the material or materials of which the article is composed;
2. of metal jewelry, such statement must contain a true and correct statement of the kind and quality and/or weight of the metal of which article is made and composed, and the percentage or carat of purity of such metal or article;
3. plated or overlaid then such statement shall contain a true statement of the kind of plate and the percentage of purity of such plate, and the kind of metal or material covered;
4. a precious or semi-precious stone, such statement must contain the true name, weight, quality, color and fineness of said stone;

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5. a watch, such statement must contain the true name of the manufacturer thereof; and in case any used movement or substitute part of movement of any watch be offered for sale in a new case, such fact must be set forth in the statement;

B. In the event that any auction sale has been advertised as offering such articles from a designated estate or named source, then, the tag or label on the article must state the designated or named estate or source from which that particular article was obtained.

C. No article subject to the labeling requirements of this section may bear any false, misleading name, description or entry. It is deemed prima facie evidence of intent to defraud or violate the provisions of this chapter where such article so sold or offered for sale fails to compare with the description indicated on the tag, card or label, as provided in this section.

D. Each tag, card, or label must remain securely attached to any such article sold or offered for sale, and must be delivered to the purchaser by the person selling the same as a correct description and representation of the article so sold.

E. In case there are more than one of the same kind of article to be sold, then such tag, card or label must indicate the chronological number of the respective articles of the same class so sold.

F. The auctioneer conducting the sale must at the end of every twenty-four hours, deliver or mail to the sheriff an itemized statement of all sales of such articles made during the preceding twenty-four hour period. This itemized statement must be subscribed by the auctioneer conducting the sale and any false statement submitted by said auctioneer to the sheriff is deemed sufficient cause for the suspension or revocation of a license. (Prior code § 21.814)

#### **4.05.100 Announcement of terms and conditions.**

Every auctioneer, each day, at the beginning of an auction in the city must fully state the terms and conditions upon which the sale or sales will be made, and that a buyer must settle for any article so purchased within a specified period of time after the purchase not to exceed twenty-four hours. (Prior code § 21.815)

#### **4.05.110 Invoice and warranty.**

It is the duty of the person whose merchandise is being sold at auction to give each and every purchaser of an article that sells for one dollar or more, an invoice containing a full description of the article, the selling price, together with a statement giving each and every warranty under which the article was sold. Duplicate copies of invoices shall be kept for one year by such person. (Prior code § 21.816)

#### **4.05.120 Prohibitions.**

It is made unlawful for any person selling property at auction or conducting or assisting in carrying on or conducting an auction:

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A. To knowingly and intentionally make any statement which is false in any particular, or which has a tendency to mislead any person present, or to make any misrepresentation whatsoever or at all, as to the quality or quantity or character or present condition or value or cost or general selling price of any property, whether new or used;

B. To have or employ or permit any person to be or take part in, or for any person to act as a capper or by-bidder, booster or puffer, or to make any fictitious or fraudulent bid, or bid not made in good faith or not intended to be consummated by a sale;

C. To ring any bell or sound any other loud or noisy instrument for the purpose of attracting attention to any auction;

D. To offer or attempt to dispose of any property at any auction in blind packages or any property not at the time at the time actually exhibited to public view, or to the view of the person bidding on same, except that property which is described in Sections 2081 and 2081.1 of the Civil Code of the state of California;

E. To offer or attempt to dispose of goods, wares, or merchandise at an auction between sunset and sunrise, unless such goods, wares or merchandise have been on display during the daylight hours of the business day preceding such sale;

F. To refuse, fail, or neglect to deliver complete and immediate possession to the purchaser of any property upon the payment of the purchase price thereon, in accordance with the terms of the sale;

G. To substitute any article in lieu of the article offered to and purchased by the bidder, except with the bidder's knowledge and consent;

H. To sell or offer for sale at auction any property whatsoever without first having a valid and unrevoked license or licenses therefor, as required by this chapter. (Prior code § 21.817)

#### **4.05.130 Exemptions.**

Nothing contained in this chapter applies to the following:

- A. Judicial sales;
- B. Sales by executors and administrators;
- C. Sales made upon execution or by virtue of any other process issued by a court;
- D. Sales made by any public officer in his official capacity required to be made under the laws of the United States or the state of California or under the Administrative Code, this code, or any ordinance;
- E. Sales of livestock and sales of heavy construction equipment;

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F. Sales of property by any social organization for the purpose of raising funds to promote or further its objects, or for any public purpose whatsoever;

G. Sales conducted under the provisions of the Uniform Warehouse Receipts Act;

H. Sales made under a nonstatutory assignment for the benefit of creditors generally, which sale shall be conducted by an auctioneer licensed pursuant to this chapter, where the sale is limited to the stock in trade and fixtures on the premises in the city at the time of the assignment and where the sale is held on the premises;

I. Sales made by or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law. (Amended during 1989 supplement; prior code § 21.818)

## CHAPTER 4.06 BINGO AND SIMILAR GAMES

### 4.06.010 Scope.

Notwithstanding any other provisions of this code, this chapter is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions in the following sections of this chapter and Section 326.5 of the Penal Code. (Prior code § 37.305) This chapter is not intended to authorize the playing of any game or combination of games otherwise prohibited by this code, state or local law. (Prior code § 37.304)

### 4.06.020 Definitions

The following words and phrases, when used in this Title, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Authorized organization” is an organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation Code. Authorized organization also includes a senior citizens organization and a mobile home park association, charitable organizations affiliated with a school district; and if the receipts of those games are used only for charitable purposes.

B. “Bingo” is a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player’s possession and that conform to numbers or symbols selected at random and announced by a live caller. The game of bingo also includes cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards must not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards must bear the legend “for sale or use only in a bingo game authorized under California law and pursuant to local ordinance.”.

### 4.06.030 Regulatory permit—Application.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the city to offer a bingo game or games without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

A person who is a member of an authorized organization and is acting on behalf of such authorized organization must apply for and obtain a business license and regulatory license not fewer than ten days prior to the proposed date of the bingo game or games. In addition to other information required by this title, the application must provide at least the following information:

A. A list of all persons who will operate the bingo game, including full names of each member, date of birth, and driver’s license number;

B. The date(s) and place(s) of the proposed bingo game or games;

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C. Proof that the organization is an authorized organization as defined by this title; and

D. Proof that the proposed bingo game(s) will be operated on property owned or leased by or donated to the authorized organization. (Prior code § 37.308)

**4.06.040 Regulatory permit—Term and fees.**

A. The term of a bingo regulatory permit must not exceed one year.

B. The fee for a business license and regulatory permit to conduct bingo activities must be consistent with Section 326.5 of the Penal Code. (Prior code § 37.309)

**4.06.050 Limitations.**

A. An authorized organization may conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by that organization for an office or for performance of the purposes for which the organization is organized. Nothing in this section may be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

B. No minors are permitted in any playing area of a bingo game or to participate in any bingo game.

C. All bingo games must be open to the public, not just to the members of the authorized organization.

D. A bingo game must be operated and staffed only by members of the authorized organization. Such members must be approved by the sheriff during issuance of the regulatory permit. If, after the license has been issued, the authorized organization submits additional names for approval, the application for approval must be accompanied by a fee as established by resolution of the city council, no part of which will be refundable, and which will be used to defray the cost of investigation. Such members may not receive a profit, wage or salary from any bingo game.

E. No individual, corporation, partnership, or other legal entity except the authorized organization may hold a financial interest in the conduct of such bingo game.

F. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Such profits must be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games, all proceeds derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Such proceeds must be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.

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2. A portion of such proceeds, not to exceed twenty percent of proceeds before the deduction for prizes, or two thousand dollars per month, whichever is less, may be used for the rental of property, overhead, including the purchase of bingo equipment, administrative costs, security equipment, and security personnel.

3. Such proceeds may be used to pay license fees.

G. Within thirty days after the bingo game is held, the applicant must file with the issuing officer a full and complete financial statement of all moneys collected, disbursed and the amount remaining for charitable purposes.

H. No person may participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

I. The total value of prizes available to be awarded during the conduct of any bingo games must not exceed five hundred dollars (\$500) in cash or kind, or both, for each separate game which is held..

J. No bingo game may be conducted between the hours of midnight and eight a.m.

K. The licensee may conduct bingo on not more than three days during any seven-day period. Once during each year the issuing officer may permit a licensee to conduct bingo games for more than three days during any seven-day period; provided, that such permission will be limited to bingo games which will be conducted in conjunction with an established annual event regularly held by the licensee. (Amended during 1989 supplement; Ord. 82 § 1, 1983: prior code § 37.312)

#### **4.06.060 Inspection.**

Any peace officer of the city has free access to any bingo game licensed under this chapter. The licensee must have the bingo license and lists of approved staff available for inspection at all times during any bingo game. (Prior code § 37.313)

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## CHAPTER 4.07 TELECOMMUNICATIONS

### 4.07.010 General.

- A. The purpose and intent of this chapter is to:
1. Establish a local policy concerning telecommunications providers and services;
  2. Establish clear local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications providers and services;
  3. Promote competition in telecommunications;
  4. Minimize unnecessary local regulation of telecommunications providers and services;
  5. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions and residents of the city;
  6. Permit and manage reasonable access to the public ways of the city for telecommunications purposes on a competitively neutral basis;
  7. Conserve the limited physical capacity of the public ways held in public trust by the city;
  8. Assure that the city's current and ongoing costs of granting and regulating private access to and use of the public ways are fully paid by the person seeking such access and causing such costs;
  9. Secure fair and reasonable compensation to the city and the residents of the city for permitting private use of the public ways;
  10. Assure that all telecommunications carriers providing facilities or services within the city comply with the ordinances, rules and regulations of the city;
  11. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare; and
  12. Enable the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

B. Definitions. The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

1. “Aboveground facilities” means utility poles, wires, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
2. “Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.
3. “Annual gross revenue.” (Reserved.)
4. “Cable Act” means the Cable Communications Policy Act of 1984, 47 U.S.C. Section 532, et seq., as now and hereafter amended.
5. “Cable operator” means a telecommunications carrier providing or offering to provide cable service within the city as that term is defined in the cable act.
6. “Cable service” for the purpose of this chapter has the same meaning provided by the Cable Act.
7. “City council” means the mayor, city council and the city.
8. “City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising as provided in this chapter.
9. “Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.
10. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
11. “Grantee” means a licensee or franchisee granted a license or franchise under this chapter.
12. “Other ways” means the highways, streets, alleys, utility easements or other right-of-way within the city, but under the jurisdiction and control of a governmental entity other than the city.
13. “Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.
14. “Public street” means any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the city which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.

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15. “Public way” means and includes all public streets and utility easements, as those terms are defined herein, now and hereafter owned by the city, but only to the extent of the city’s right, title, interest, or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.
  16. “PUC” or “Public Utilities Commission” means the California Public Utilities Commission or the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the State of California.
  17. “State” means the state of California.
  18. “Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the PUC, to allow its use by a telecommunications carrier or a pole attachment.
  19. “Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service.
  20. “Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.
  21. “Telecommunications provider” means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.
  22. “Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.
  23. “Telecommunications system.” See “Telecommunications facilities.”
  24. “Telephone company” means any telephone or telegraph corporation as defined by Sections 234-236 of the California Public Utilities Code (or any successor sections) which has obtained a certificate of public convenience and necessity from the PUC.
  25. “Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for aboveground facilities.

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26. “Usable space” means that total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the PUC.
  27. “Utility easement” means any easement owned by the city and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.
  28. “Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the city and used or to be used for the purpose of providing utility or telecommunications services.

C. Registration. Except as otherwise provided herein, all telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the city must register with the city pursuant to **Section 4.07.020** of this chapter.

D. Telecommunications License. Except as otherwise provided therein, any telecommunications carriers who desire to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any public way of the city for the sole purpose of providing telecommunications services to persons and areas outside the city shall first obtain a license granting the use of such public ways from the city pursuant to Section 4.07.030 of this chapter.

E. Telecommunications Franchise. Except as otherwise provided herein, any telecommunications carriers who desire to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any public way of the city, and to also provide telecommunications service to persons or areas in the city, shall first obtain a franchise granting the use of such public ways from the city pursuant to Section 4.07.040 of this chapter.

F. Application to Existing Franchise Ordinance and Agreements. Sections 4.07.010 through 4.07.070 of this chapter shall have no effect on any existing franchise ordinance or franchise agreement until:

1. The expiration of said franchise ordinance or agreement;
2. An amendment to any unexpired franchise ordinance or franchise agreement, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.

G. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

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H. Other Remedies. Nothing in this ordinance shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.

I. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof. (Ord. 401 § 1, 2001)

#### **4.07.020 Registration of telecommunications carriers and providers.**

A. Registration Required. All telecommunications carriers and providers that offer or provide any telecommunications service for a fee directly to the public, either within the city, or outside the corporate limits from the telecommunications facilities within the city, shall register with the city pursuant to this section on forms to be provided by the issuing officer, which shall include the following:

1. The identity and legal status of the registrant, including any affiliates.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
3. A description of registrant's existing or proposed telecommunications facilities within the city in a form satisfactory to the city's director of development services.
4. A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the city.
5. Information sufficient to determine whether the registrant is subject to public way licensing or franchising under this chapter.
6. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal telecommunications tax business license fee, or other occupation tax imposed by the city.
7. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the PUC to provide telecommunications services or facilities within the city.
8. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide telecommunications services or facilities within the city.

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9. Information sufficient to determine that the applicant has applied for and received:
    - (a) Any encroachment permit required under Chapter 12.04 of the Santee Municipal Code, and
    - (b) Any development review permit, conditional use permit, or administrative approval required for wireless telecommunications facilities under Chapter 17.34 of the Santee Municipal Code.
  10. Any building permit required under Title 15 of the Santee Municipal Code.
  11. Information sufficient to determine that the applicant has paid any encroachment deposit and trench cut fee due under Chapters 12.04 and 12.08 of the Santee Municipal Code.
  12. Such other information as the issuing officer and director of development services may reasonably require.

B. Registration Fee. Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of twenty-five dollars (\$25.00).

C. Purpose of Registration. The purpose of registration under this Section 4.07.020 is to:

1. Provide the city with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the city, or that own or operate telecommunications facilities within the city;
2. Assist the city in enforcement of this chapter
3. Assist the city in the collection and enforcement of any municipal taxes, franchise fees, license fees or charges that may be due the city;
4. Assist the city in monitoring compliance with local, state and federal laws. (Ord. 401 § 1, 2001)

#### **4.07.030 Telecommunications license.**

A. A telecommunications license shall be required of any telecommunications carrier, other than telephone companies or other entities exempt from local license laws under state or federal law, who desires to occupy specific public ways of the city for the sole purpose of providing telecommunications services to persons or areas outside the city.

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B. License Application. Any person that desires a telecommunications license pursuant to this Section 4.07.030 shall file an application with the city which shall include the following information:

1. The identity of license applicant, including all affiliates of the applicant.
2. A description of the telecommunications services that are or will be offered or provided by licensee over its telecommunications facilities.
3. A description of the transmission medium that will be used by the licensee to offer or provide such telecommunications services.
4. Preliminary engineering plans, specifications and a network map of the facilities to be located within the city, all in sufficient detail to identify:
  - (a) The location and route requested for applicant's proposed telecommunications facilities.
  - (b) The location of all aboveground and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the public way along the proposed route.
  - (c) The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers.
  - (d) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate.
5. If applicant is proposing to install aboveground facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along with proposed route if the applicant proposes to use utility poles, and that the director of development services has made the findings required under Section 4.07.070(B) of this chapter.
6. If applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:
  - (a) The excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities;
  - (b) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications.
7. If applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:
  - (a) The location proposed for the new ducts or conduits;

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- (b) The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities.
  - 8. A preliminary construction schedule and completion date.
  - 9. A preliminary traffic control plan.
  - 10. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities.
  - 11. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application.
  - 12. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services.
  - 13. All fees, deposits or charges required pursuant to Section 4.07.060 of this chapter.
  - 14. Information sufficient to determine that the applicant has paid any encroachment deposit and trench cut fees due under Chapters 12.04 and 12.08 of the Santee Municipal Code.
  - 15. Such other and further information as may be required by the city manager.

C. Determination By the City. Within one hundred eighty days after receiving a complete application under Section 4.07.030(B), the city council shall issue a written determination granting or denying the application in whole or in part, applying the following standards. If the application is denied, the written determination shall include the reasons for denial.

- 1. The financial and technical ability of the applicant;
- 2. The legal ability of the applicant;
- 3. The capacity of the public ways to accommodate the applicant's proposed facilities;
- 4. The capacity of the public ways to accommodate additional utility and telecommunications facilities if the license is granted;
- 5. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the license is granted;

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6. The public interest in minimizing the cost and disruption of construction within the public ways;
  7. The service that applicant will provide to the community and region;
  8. The effect, if any, on public health, safety and welfare if the license is granted;
  9. The availability of alternate routes and/or locations for the proposed facilities;
  10. Applicable federal and state telecommunications laws, regulations and policies; and
  11. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

D. Agreement. No license granted hereunder shall be effective until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the license to occupy and use public ways of the city will be granted.

E. Nonexclusive Grant. No license granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

F. Rights Granted. No license granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no license shall be construed as any warranty of title.

G. Term of Grant. Unless otherwise specified in a license agreement, a telecommunications license granted hereunder shall be in effect for a term of five years. License Route. A telecommunications license granted under this chapter shall be limited to a grant of specific public ways and defined portions thereof.

H. Location of Facilities. Unless otherwise specified in a license agreement, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

1. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.
2. A licensee with permission to install aboveground facilities shall install its telecommunications facilities subject to the director of development services' findings required under Section 4.07.070(B) of this chapter, and then only if surplus space is available.
3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the city, a licensee with

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permission to occupy the same public way must also locate its telecommunications facilities underground.

4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the city, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the city, such relocation shall be made concurrently to minimize the disruption of the public ways.
5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future telecommunications carriers.

I. Encroachment and Building. All licensees shall obtain applicable encroachment and building permits for telecommunications facilities as required in Section 4.07.070 of this chapter and Titles 12, 15 and 17 of the Santee Municipal Code provided, however, that nothing in this chapter shall prohibit the city and a licensee from agreeing to alternative plan review, permit and construction procedures in a license agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

J. Trench Cut Fees. Each license granted under this chapter involving the excavation or any other work in the public way shall be subject to the payment of any encroachment deposits and trench cut fees under Chapters 12.04 and 12.08 of the Santee Municipal Code, provided, however, that the city and licensee may provide otherwise in a license agreement.

K. Compensation to City. Each license granted under this chapter is subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the licensee; provided, nothing in this chapter shall prohibit the city and a licensee from agreeing to the compensation to be paid.

L. Service to City Users. A licensee may be permitted to offer or provide telecommunications services to the city, local school districts, or other persons or areas within the city upon submitting an application for approval pursuant to Section 4.07.040 hereof.

M. Amendment of License.

1. A new license application and approval shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public ways of the city, which are not included in a license previously granted under this chapter.

2. If ordered by the city to locate or relocate its telecommunications facilities in public ways not included in a previously granted license, the city shall grant a license amendment without further application.

N. **Renewal Applications.** A grantee that desires to renew its license under this chapter shall, not less than one hundred eighty days before expiration of the current license, file an application with the city for renewal of its license which shall include the following information:

1. The information required pursuant to Section 4.07.030(B) of this chapter;
2. Any information required pursuant to the license agreement between the city and the grantee.

O. **Renewal Determinations.** Within one hundred eighty days after receiving a complete application under Section 4.07.030(O), the city council shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal:

1. The financial and technical ability of the applicant;
2. The legal ability of the applicant;
3. The continuing capacity of the public ways to accommodate the applicant's existing facilities;
4. The applicant's compliance with the requirement of this chapter and the license agreement;
5. Applicable federal, state and local telecommunications laws, rules and policies;
6. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

P. **Obligation to Cure As a Condition of Renewal.** No license shall be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city. (Ord. 401 § 1, 2001)

#### **4.07.040 Telecommunications franchise.**

A. A telecommunications franchise shall be required of any telecommunications carrier, other than (1) cable television franchisees, (2) telephone companies, or (3) other entities exempt from local franchise laws under state or federal law, who desires to occupy public ways of the city and to provide telecommunications services to any person or area in the city.

B. Franchise application. Any person that desires a telecommunications franchise pursuant to this Section 4.07.040 shall file an application with the city which shall include the following information:

1. The identity of the franchise applicant, including all affiliates of the applicant;
2. A description of the telecommunications services that are or will be offered or provided by the franchise applicant over its existing or proposed facilities in a form satisfactory to the director of development services;
3. A description of the transmission medium that will be used by the franchisee to offer or provide such telecommunications services;
4. Preliminary engineering plans, specifications and a network map of the facilities to be located within the city, all in sufficient detail to identify:
  - (a) The location and route requested for the applicant's proposed telecommunications facilities,
  - (b) The location of all aboveground and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the public way along the proposed route,
  - (c) The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers,
  - (d) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;
5. If the applicant is proposing to install aboveground facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route if the applicant is proposing to use utility poles, and that the director of development services has made the findings required under Section 4.07.070(B);
6. If the applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:
  - (a) The excess capacity currently available in such ducts or conduits after installation of applicant's telecommunications facilities,
  - (b) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
7. If the applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:

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- (a) The location proposed for the new ducts or conduits,
  - (b) The excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
8. A preliminary construction schedule and completion dates;
  9. A preliminary traffic control plan;
  10. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities;
  11. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application;
  12. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services;
  13. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease;
  14. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational and governmental institutions;
  15. A description of applicant's access and line extension policies;
  16. The area or areas of the city the applicant desires to serve and a schedule for build-out to the entire franchise area;
  17. All fees, deposits or charges required pursuant to Section 4.07.060 of this chapter;
  18. Payment of any encroachment deposit and trench cut fees due under Chapters 12.04 and 12.08 of the Santee Municipal Code; and
  19. Such other and further information as may be requested by the city manager.

C. Determination by the City. Within one hundred eighty days after receiving a complete application under Section 4.07.030(B), the city council shall issue a written determination granting or denying the application in whole or in part, applying the following standards. If the application is denied, the written determination shall include the reasons for denial:

1. The financial and technical ability of the applicant;
2. The legal ability of the applicant;

3. The capacity of the public ways to accommodate the applicant's proposed facilities;
4. The capacity of the public ways to accommodate additional utility and telecommunications facilities if the franchise is granted;
5. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted;
6. The public interest in minimizing the cost and disruption of construction within the public ways;
7. The service that applicant will provide to the community and region;
8. The effect, if any, on public health, safety and welfare if the franchise requested is granted;
9. The availability of alternate routes and/or locations for the proposed facilities;
10. Applicable federal and state telecommunications laws, regulations and policies; and
11. Such other factors as may demonstrate that the grant to use the public ways will serve the community interest.

D. Agreement. No franchise shall be granted hereunder unless the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the franchise to occupy and use public ways of the city will be granted.

E. Nonexclusive grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

F. Term of Grant. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of ten years.

G. Rights Granted. No franchise granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed a franchise only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no franchise shall be construed as any warranty of title.

H. Franchise Territory. A telecommunications franchise granted under this chapter shall be limited to the specific geographic area of the city to be served by the franchise grantee, and the specific public ways necessary to serve such areas.

I. Location of facilities. Unless otherwise specified in a franchise agreement, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

1. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.
2. A franchisee with permission to install aboveground facilities shall install its telecommunications facilities subject to the director of development services' findings required under Section 4.07.070(B), and then only if surplus space is available.
3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the city, a franchise with permission to occupy the same public way must also locate its telecommunications facilities underground.
4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the city, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the city engineer, such relocation shall be made concurrently to minimize the disruption of the public ways.
5. Whenever new telecommunications facilities will exhaust the capacity of the public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers.

J. Encroachment and Building. All franchisees shall obtain applicable encroachment and building permits for telecommunications facilities as required in Section 4.07.070 of this chapter and Titles 12, 15, and 17 of the Santee Municipal Code, provided, however, that nothing in this chapter shall prohibit the city and a franchisee from agreeing to alternative plan review, permit and construction procedures in a franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

K. Trench Cut Fees. Each franchise granted under this chapter involving the excavation or any other work in the public way shall be subject to the payment of any encroachment deposits and trench cut fees due under chapters 12.04 and 12.08 of the Santee Municipal Code provided, however, that the city and licensee may provide otherwise in a franchise agreement.

L. Compensation to City. Each franchise granted under this chapter subject to the city's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the franchisee; provided, nothing in this chapter shall prohibit the city and a franchisee from agreeing to the compensation to be paid.

M. Nondiscrimination. A franchisee shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for grantee's services; provided, however, that nothing in this chapter shall prohibit a franchisee from making any reasonable classifications among differently situated customers.

N. Service to the City. A franchisee shall make its telecommunications services available to the city and local school districts at its most favorable rate for similarly situated users, unless otherwise provided in a license or franchise agreement.

O. Amendment of Franchise.

1. A new franchise application and approval shall be required of any telecommunications carrier that desires to extend its franchise territory or to locate its telecommunications facilities in public ways of the city which are not included in a franchise previously granted under this chapter.
2. If ordered by the city to locate or relocate its telecommunications facilities in public ways not included in a previously granted franchise, the city shall grant a franchise amendment without further application.

P. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty days before expiration of the current franchise, file an application with the city for renewal of its franchise which shall include the following information:

1. The information required pursuant to Section 4.07.040(B) of this chapter; and
2. Any information required pursuant to the franchise agreement between the city and the grantee.

Q. Renewal Determinations Within one hundred eighty days after receiving a complete application under Section 4.07.040(P) hereof, the city council shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal:

1. The financial and technical ability of the applicant;
2. The legal ability of the applicant;
3. The continuing capacity of the public ways to accommodate the applicant's existing facilities;
4. The applicant's compliance with the requirements of this chapter and the franchise agreement;

5. Applicable federal, state and local telecommunications laws, rules and policies; and
6. Such other factors as may demonstrate that the continued grant to use the public ways will serve the community interest.

R. Obligation to cure as a condition of renewal. No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the franchise agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city. (Ord. 401 § 1, 2001)

#### **4.07.060 Fees and compensation.**

A. Purpose. It is the purpose of this chapter to provide for the payment and recovery of all direct and indirect costs and expenses of the city related to the enforcement and administration of this chapter.

B. Application and Review Fee.

1. Any applicant for a license or franchise pursuant to Section 4.07.030 or Section 4.07.040 of this chapter shall pay a fee representing the city's actual costs of reviewing the application and preparing a license or franchise agreement.
2. The estimated application and review fee shall be deposited with the city as part of the application filed pursuant to Section 4.07.030 or Section 4.07.040 of this chapter.
3. An applicant whose license or franchise application has been withdrawn, abandoned or denied shall, within sixty days of its written request, be refunded the balance of its deposit under this section, less all ascertainable costs and expenses incurred by the city in connection with the application.

C. Other City Costs. All license or franchise grantees shall, within thirty days after written demand therefor, reimburse the city for all direct or indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the license or franchise or any license or franchise agreement.

D. Reserved Compensation for Public Ways. The city reserves its right to annually fix a fair and reasonable compensation to be paid for the property rights granted to a telecommunications license or franchise grantee. Nothing in this chapter shall prohibit the city and a grantee from agreeing to the compensation to be paid for the granted property rights.

E. Compensation for City Property. If the right is granted, by lease, license, franchise or other manner, to use and occupy city property for the installation of telecommunications facilities, the compensation to be paid shall be fixed by the city.

F. Trench Cut and Building Fees. Prior to issuance of an encroachment permit under Chapter 12.04 of the Santee Municipal Code or a building permit under Title 15 of

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the Santee Municipal Code, the applicant shall pay any encroachment deposit, trench cut fees or building permit fees due thereunder.

G. Annual Fees. Unless otherwise agreed in a license or franchise grant agreement, each license or franchise grantee shall pay an annual license fee to the city as set by the city council as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways on behalf of the public and existing or future users.

H. Regulatory Fees and Compensation not a Tax. The regulatory fees and costs provided for in this chapter, and any compensation charged and paid for the public ways provided for in Sections 4.07.060(D) and (E) of this chapter, are separate from, and additional to, any and all federal, state, local and city taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services. (Ord. 401 § 1, 2001)

#### **4.07.070 Conditions of grant.**

A. Location of Facilities. All facilities shall be constructed, installed and located in accordance with Chapter 12.04, Title 15 and Title 17 of the Santee Municipal Code, and in accordance with the following terms and conditions, unless otherwise specified in a license or franchise agreement:

1. A grantee shall install its telecommunications facilities within an existing underground duct or conduit whenever excess capacity exists within such utility facility and such capacity is reasonably available on a nondiscriminatory basis.
2. A grantee with permission to install aboveground facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, subject to the director of development services' findings under Section 4.07.070(B) of this chapter, and then only if surplus space is available.
3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the city, a grantee with permission to occupy the same public way must also locate its telecommunications facilities underground.
4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the city, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the city engineer, such relocation shall be made concurrently to minimize the disruption of the public ways.
5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future

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telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers.

B. Design Criteria for Aboveground Facilities. In approving or recommending approval of the installation of aboveground facilities, the director of development services shall find that, where feasible:

1. The installation will occur on existing structures such as buildings, water tanks, utility poles, sign standards, traffic signals, light standards and roadway overpasses.
2. The installation will occur on property zoned or designated as industrial or commercial.
3. The installation takes full advantage of opportunities to co-locate similar facilities.
4. The design requirements of Section 17.34.060 of the Santee Municipal Code have been met.

C. Compliance with Public Utilities Code. All license or franchise grantees shall, before commencing any construction in the public ways, comply with all regulations of the public utilities code.

D. Encroachment and Building Permits. All license or franchise grantees are required to obtain construction permits for telecommunications facilities as required in Section 4.07.080 of this chapter and Titles 12 and 15 of the Santee Municipal Code. However, nothing in this chapter shall prohibit the city and a grantee from agreeing to alternative plan review, permit and construction procedures in a license or franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

E. Interference with the Public Ways. No license or franchise grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public ways by the city, by the general public or by other persons authorized to use or be present in or upon the public ways. All such facilities shall be moved by the grantee, temporarily or permanently, as determined by the city engineer.

F. Damage to Property. No license or franchise grantee nor any person acting on a grantee's behalf shall take any action or permit any action to be done which may impair or damage any city property, public ways of the city, other ways or other property located in, on or adjacent thereto.

G. Notice of Work. Unless otherwise provided in a license or franchise agreement, no license or franchise grantee, nor any person acting on the grantee's behalf, shall commence any non-emergency work in or about the public ways of the city or other ways without ten working days advance notice to the city and without compliance with Title 12 of this municipal code.

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H.                **Repair and Emergency Work.** In the event of an unexpected repair or emergency, a grantee may commence such repair and emergency response work as required under the circumstances, provided the grantee shall notify the city as promptly as possible, before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.

I.                **Maintenance of Facilities.** Each license or franchise grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

J.                **Relocation or Removal of Facilities.** Within thirty days following written notice from the city, a license or franchise grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public ways whenever the corporate authorities shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

1.            The construction, repair, maintenance or installation of any city or other public improvement in or upon the public ways; and
2.            The operations of the city or other governmental entity in or upon the public ways.

K.                **Removal of Unauthorized Facilities.** Within thirty days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the public ways of the city shall, at its own expense, remove such facilities or appurtenances from the public ways of the city. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

1.            Upon expiration or termination of the grantee's telecommunications license or franchise;
2.            Upon abandonment of a facility within the public ways of the city;
3.            If the system or facility was constructed or installed without the prior grant of a telecommunications license or franchise;
4.            If the system or facility was constructed or installed without the prior issuance of a required construction permit, encroachment permit, or building permit; and
5.            If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications license or franchise.

L.                **Emergency Removal or Relocation of Facilities.** The city retains the right and privilege to cut or move any telecommunications facilities located within the public ways of the city, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

M.            Damage to Grantee's Facilities. Unless directly and proximately caused by the willful, intentional or malicious acts by the city, the city shall not be liable for any damage to or loss of any telecommunications facility within the public ways of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public ways by or on behalf of the city.

N.            Restoration of Public Ways, Other Ways and City Property.

1.            When a license or franchise grantee, or any person acting on its behalf, does any work in or affecting any public ways, other ways or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the city.
2.            If weather or other conditions do not permit the complete restoration required by this subsection, the grantee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the licensee's or franchisee's sole expense and the licensee or franchisee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
3.            A grantee or other person acting in its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such ways or property.

O.            Facilities Maps. Each license or franchise grantee shall provide the city with an accurate map or maps certifying the location of all telecommunications facilities within the public ways. Each grantee shall provide updated maps annually.

P.            Duty to Provide Information. Within ten days of a written request from the city manager, each license or franchise grantee shall furnish the city with information sufficient to demonstrate:

1.            That grantee has complied with all requirements of this chapter;
2.            That all municipal business license, sales, message and/or telecommunications taxes and fees due the city in connection with the telecommunications services and facilities provided by the grantee have been properly collected and paid by the grantee; and
3.            All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public ways shall be made available for inspection by the city at reasonable times and intervals.

Q.            Leased Capacity. A license or franchise grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided:

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1. Grantee shall furnish the city with a copy of any such lease or agreement; and
  2. The customer or lessee has complied, to the extent applicable, with the requirements of this chapter.

R. Grantee Insurance. Unless otherwise provided in a license or franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsureds:

1. Comprehensive general liability insurance with limits not less than:
  - (a) Five million dollars for bodily injury or death to each person,
  - (b) Five million dollars for property damage resulting from any one accident, and
  - (c) Five million dollars for all other types of liability;
2. Automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars for each person and three million dollars for each accident;
3. Workers compensation within statutory limits and employers liability insurance with limits of not less than one million dollars;
4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars;
5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications license or franchise, and such other period of time during which the grantee is operating without a franchise or license here under, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety days after receipt by the city, by registered mail, of a written notice addressed to the city manager of such intent to cancel or not to renew.”

6. Within sixty days after receipt by the city of said notice, and in no event later than thirty days prior to said cancellation, the grantee shall obtain and furnish to the city replacement insurance policies meeting the requirements of this subsection.

S. General Indemnification. Each license or franchise agreement shall include, to the extent permitted by law, grantee’s express undertaking to defend, indemnify and

hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a license or franchise agreement made or entered into pursuant to this chapter.

T. Performance and Construction Surety. Before a license for franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide and deposit such monies, bonds, letters of credit or other instruments in form and substance acceptable to the city as may be required by this chapter or by an applicable license or franchise agreement.

U. Security Fund. Each grantee shall establish a permanent security fund with the city by depositing the amount of fifty thousand dollars with the city in cash, an unconditional letter of credit, or other instrument acceptable to the city, which fund shall be maintained at the sole expense of grantee so long as any of grantee's telecommunications facilities are located within the public ways of the city.

1. The fund shall serve as security for the full and complete performance of this chapter including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rule, regulations or permits of the city.
2. Before any sums are withdrawn from the security fund, the city shall give written notice to the grantee:
  - (a) Describing the act, default or failure to be remedied, or the damages, cost or expenses which the city has incurred by reason of grantee's act or default;
  - (b) Providing a reasonable opportunity for grantee to first remedy the existing or ongoing default or failure, if applicable;
  - (c) Providing a reasonable opportunity for grantee to pay any monies due the city before the city withdraws the amount thereof from the security fund, if applicable; and
    - (i) That the grantee will be given an opportunity to review the act, default or failure described in the notice with the city manager or his designee.
3. Grantees shall replenish the security fund within fourteen days after written notice from the city that there is a deficiency in the amount of the fund.

V. Construction and Completion Bond. Unless otherwise provided in a license or franchise agreement, each grantee of a license or franchise issued under this chapter, shall, in addition to encroachment deposits required under Chapter 12.04 of this code, shall post a performance bond written by a corporate surety acceptable to the city equal to at least one hundred percent of the estimated cost of constructing grantee's telecommunications facilities within the public ways of the city

1. The construction bond shall remain in force until sixty days after substantial completion of the work, as determined by the city engineer, including restoration of public ways and other property affected by the construction.
2. The construction bond shall guarantee, to the satisfaction of the city:
  - (a) Timely completion of construction;
  - (b) Construction in compliance with applicable plans, permits, technical codes and standards;
  - (c) Proper location of the facilities as specified by the city;
  - (d) The submission of "as-built" drawings after completion of the work as required by this chapter; and
  - (e) Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

W. Coordination of Construction Activities. All grantees are required to cooperate with the city and with each other.

1. By February 1 of each year, grantees shall provide the city with a schedule of their proposed construction activities in, around or that may affect the public ways.
2. Each grantee shall meet with the city, other grantees and users of the public ways annually or as determined by the city to schedule and coordinate construction in the public ways.
3. All construction locations, activities and schedules shall be coordinated, as ordered by the city engineer, to minimize public inconvenience, disruption or damages.

X. Assignments or Transfers of Grant. Ownership or control of a telecommunications system license or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

1. No grant shall be assigned or transferred in any manner until twelve months after the initial grant of the license or franchise, unless otherwise provided in a license or franchise agreement.
2. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.
3. Grantee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the city not less than one hundred fifty days prior to the proposed date of transfer:
  - (a) Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment;
  - (b) All information required of a telecommunications license or franchise applicant pursuant to Sections 4.07.030 and 4.07.040 of this chapter with respect to the proposed transferee or assignee; and
  - (c) Any other information reasonably required by the city.
4. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.
5. Unless otherwise provided in a license or franchise agreement, the grantee shall reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering a request to transfer or assign a telecommunications license or franchise.
6. Any transfer or assignment of a telecommunications grant, system or integral part of a system, without prior approval of the city under this subsection or pursuant to a license or franchise agreement, shall be void and is cause for revocation of the grant.

Y. Transactions Affecting Control of Grant. Any transactions which singularly or collectively result in a change of ten percent or more of the ownership or working control of the grantee, of the ownership or working control of a telecommunications license or franchise, of the ownership or working control of affiliated entities having ownership or working control of the capacity or bandwidth of grantee's telecommunications system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring city approval pursuant to Section 4.07.070(W). Transactions between affiliated entities are not exempt from city approval.

Z. Revocation or Termination of Grant. A license or franchise granted by the city to use or occupy public ways of the city may be revoked for the following reasons:

1. Construction or operation in the city or in the public ways of the city without a license or franchise grant of authorization;
2. Construction or operation at an unauthorized location;
3. Unauthorized substantial transfer of control of the grantee;
4. Unauthorized assignment of a license or franchise;
5. Unauthorized sale, assignment or transfer of grantee's franchise or license assets, or a substantial interest therein;
6. Misrepresentation or lack of candor by or on behalf of a grantee in any application to the city;
7. Abandonment of telecommunications facilities in the public ways;
8. Failure to relocate or remove facilities as required in this chapter;
9. Failure to pay taxes, compensation, fees or costs when and as due to the city;
10. Insolvency or bankruptcy of the grantee;
11. Violation of material provisions of this chapter;
12. Violations of the material terms of a license or franchise agreement.

AA. Notice and Duty to Cure. In the event that the city manager believes that grounds exist for revocation of a license or franchise, he shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time not exceeding thirty days to furnish evidence:

1. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
2. That rebuts the alleged violation or noncompliance;
3. That it would be in the public interest to impose some penalty or sanction less than revocation.

BB. Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city manager as provided in Section 4.07.070(Y) hereof, the manager shall refer the apparent violation or noncompliance to the corporate authorities. The city council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.

CC. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise or license agreement, the corporate authorities shall determine whether to revoke the license or

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franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

1. Whether the misconduct was egregious;
2. Whether substantial harm resulted;
3. Whether the violation was intentional;
4. Whether there is a history of prior violations of the same or other requirements;
5. Whether there is a history of overall compliance;
6. Whether the violation was voluntarily disclosed, admitted or cured. (Ord. 401 § 1, 2001)

**4.07.080 Construction standards.**

A. General. No person, unless exempt from this section by operation of state or federal law, shall commence or continue with the construction, installation or operation of telecommunications facilities within the city except as provided in this section.

B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable state and federal rules and regulations and in accordance with Chapter 12.04, Title 15 and Title 17 of the Santee Municipal Code.

C. Encroachment and Building Permits. No person shall construct or install any telecommunications facilities within the city without first obtaining a construction permit therefor, provided, however:

1. No permit shall be issued for the construction or installation of telecommunications facilities within the city unless the telecommunications carrier has filed a registration statement with the city pursuant to Section 4.07.020 of this chapter.
2. No permit shall be issued for the construction or installation of telecommunications facilities in the public ways unless the telecommunications carrier has applied for and received a license or franchise if required pursuant to Sections 4.07.030, 4.07.040 and 4.07.050 of this chapter.
3. No permit shall be issued for the construction or installation of telecommunications facilities without payment of the construction permit fee established in this chapter, and encroachment deposits and trench cut fees established in Title 12 of this municipal code.

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D. Applications. Applications for permits to construct telecommunications facilities shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

1. That the facilities will be constructed in accordance with all applicable codes, rules and regulations;
2. The location and appearance of all facilities to be installed above ground as documented to the satisfaction of the director of development services pursuant to the criteria in Section 4.07.070(B);
3. The location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public ways;
4. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public ways along the underground route proposed by the applicant;
5. The location of all other facilities to be constructed within the city but not within the public ways;
6. The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the public ways;
7. The location, dimension and types of all trees within or adjacent to the public ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.

E. Engineer's Certification. All permit applications shall be accompanied by the certification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

F. Traffic Control Plan. All permit applications which involve work on, in, under, across or along any public ways shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, to the satisfaction of the city engineer, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.

G. Issuance of Permits. Within forty-five days after submission of all plans and documents required of the applicant and payment of the fees and deposits required by this code the city engineer, if satisfied that the applications, plans and document comply with all requirements of this code, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he may deem necessary or appropriate.

H. Construction Schedule. The permittee shall submit a written construction schedule to the city engineer ten working days before commencing any work in or about the public ways. The permittee shall further notify the city engineer not less than two working days in advance of any excavation or work in the public ways.

I. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city engineer and his representatives shall be provided access to the work and such further information as he may require to ensure compliance with such requirements.

J. Display of Permit. The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the city engineer or his representatives at all times when construction work is occurring.

K. Survey of Underground Facilities. If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the permittee shall cause the location of such facilities to be verified by a registered California land surveyor. The permittee shall relocate any facilities which are not located in compliance with permit requirements.

L. Noncomplying Work. Upon order of the city engineer, all work which does not comply with the permit, the approved plans and specifications for the work, or the requirements of this title, shall be removed.

M. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the city ways and other public and private property. All construction work authorized by a permit within city ways, including restoration, must be completed within one hundred twenty days of the date of issuance.

N. As-built Drawings. Within sixty days after completion of construction, the permittee shall furnish the city with two complete sets of plans, drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit.

O. Restoration of Improvements. Upon completion of any construction work, the permittee shall promptly repair any and all public ways and provide property improvements, fixtures, structures and facilities in the public ways or otherwise damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction.

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P. Landscape Restoration.

1. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair or replacement of telecommunications facilities, whether such work is done pursuant to a franchise, license or permit shall be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.
2. All restoration work within the public ways shall be done in accordance with landscape plans approved by the city engineer.

Q. Construction Surety. Prior to issuance of a construction permit, the permittee shall provide a performance bond, as provided in Section 4.07.070(V) of this chapter.

R. Exceptions. Unless otherwise provided in a license or franchise agreement, or state or federal law, all telecommunications carriers are subject to the requirements of this chapter.

S. Responsibility of Owner. The owner of the facilities to be constructed and, if different, the license or franchise grantee, are responsible for performance of and compliance with all provisions of this chapter. (Ord. 401 § 1, 2001)

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## CHAPTER 5.14 CABLE TELEVISION SYSTEMS

Deleted.

## **CHAPTER 4.08 REGULATION OF STATE VIDEO FRANCHISE HOLDERS**

### **4.08.010 Purpose and authority.**

This chapter is designed to regulate video service providers holding state video franchises and operating within the city. As of January 1, 2007, the state of California has the sole authority to grant state video franchises pursuant to the Digital Infrastructure and Video Competition Act of 2006 (Act). Pursuant to the Act, the city shall receive a franchise fee and shall receive a fee for public, educational and government (PEG) purposes from all state video franchise holders operating within the city. Additionally, the city will acquire the responsibility to establish and enforce penalties, consistent with state law, against all state video franchise holders operating within the city for violations of customer service standards, but the Act grants all authority to adopt customer service standards to the state. (Ord. 466 § 1, 1007)

### **4.08.020 State video franchise and PEG fees.**

- A. To the fullest extent permitted by law, any state video franchise holder operating within the boundaries of the city shall pay a fee to the city equal to five percent of the gross revenue of that state video franchise holder.
- B. For any state video franchise holder operating within the boundaries of the city, there shall be an additional fee paid to the city equal to one percent of the gross revenue of that state video franchise holder, which fee shall be used by the city for PEG purposes consistent with state and federal law.
- C. Gross revenue, for the purposes of subsections A and B of this section, shall have the definition set forth in California Public Utilities Code Section 5860.
- D. The state franchise fee and the PEG fee required by subsections A and B of this section, must each be paid to the city quarterly, in a manner consistent with California Public Utilities Code section 5860. The state video franchise holder must deliver to the city, by check or other means specified by the city, a payment for the state video franchise fee and a separate payment for the PEG fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made must be accompanied by a summary explaining the basis for the state video franchise fees, containing such information as the city manager may require consistent with the Digital Infrastructure and Video Competition Act of 2006. In the event a state video franchise holder fails to make payments required by this section on or before the due dates specified in this section, the statute video franchise holder must pay a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).
- E. To the extent reauthorization is required by law, this chapter, including the PEG fee in the amount of one percent of gross revenues, is reauthorized, which reauthorization shall be effective for so long as such reauthorization is required by law, upon the expiration of a state franchise as to each affected state video franchise holder.

### **4.08.030 Audit authority.**

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Not more than once annually, the city manager or his or her designee may examine and perform an audit of the business records of all holders of a state video franchise operating within the boundaries of the city to ensure compliance with Section 5.15.020 of this code. (Ord. 466 § 1, 2007)

**4.08.040 Customer service penalties under state video franchises.**

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

B. The city manager shall monitor the compliance of holders of a state video franchise operating within the boundaries of the city with respect to state and federal customer service and protection standards. The city manager will provide the state video franchise holder written notice of any material breaches of applicable customer service standards, and will allow the state video franchise holder thirty days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied within the thirty-day time period will be subject to the following penalties to be imposed by the city:

1. For the first occurrence of a violation, a fine of five hundred dollars shall be imposed for each day the violation remains in effect, not to exceed one thousand five hundred dollars for each violation.
2. For a second violation of the same nature within twelve months, a fine of one thousand dollars shall be imposed for each day the violation remains in effect, not to exceed three thousand dollars for each violation.
3. For a third or further violation of the same nature within twelve months, a fine of two thousand five hundred dollars shall be imposed for each day the violation remains in effect, not to exceed seven thousand five hundred dollars for each violation.

C. A holder of a state video franchise operating within the boundaries of the city may appeal a penalty assessed by the city manager to the city council within sixty days of the initial assessment. The city council shall hear all evidence and relevant testimony and may uphold, modify or vacate the penalty. The city council's decision on the imposition of a penalty shall be final. (Ord. 466 § 1, 1007)

**4.08.050 City response to state video franchise applications.**

A. Applicants for state video franchises within the boundaries of the city must concurrently provide complete copies to the city of any application or amendments to applications filed with the PUC. At a minimum, one complete copy must be provided to the city manager.

B. Within thirty days of receipt, the city manager will provide any appropriate comments to the PUC regarding an application or an amendment to an application for a state video franchise. (Ord. 466 § 1, 1007)

#### **4.08.060 Construction in the public rights of way.**

Except as expressly provided in this chapter, the provisions of Title 12 of this Code, and all city administrative rules and regulations developed pursuant to Title 12 of the Code, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state video franchise holder in any public rights-of-way.

#### **4.08.070 Permits.**

A. Prior to commencing any work for which a permit is required by Title 12 of this Code, a state video franchise holder must apply for and obtain a permit in accordance with the provisions of Title 12 of the Code. A permit application is complete when the state video franchise holder has complied with all applicable laws and regulations, including but not limited to all city administrative rules and regulations, and all applicable requirements of Division 13 of the California Public Resources Code, section 21000, and following, (the California Environmental Quality Act) and preparation of plans and specifications as required by the director of development services.

B. The director of development services shall, in the exercise of reasonable discretion as permitted by state law, either approve or deny a state video franchise holder's application for any permit required under Title 12 of the Code within sixty (60) days of receiving a complete permit application from the state video franchise holder.

C. If the director of development services denies a state video franchise holder's application for a permit, the director of development services shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

D. A state video franchise holder that has been denied a permit by final decision of the director of development services may appeal to the City Council within ten days after the date of the final decision following the procedures set forth in Chapter 1.14 of this Code.

E. The issuance of a permit under Title 12 of the Santee Municipal Code is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the public rights-of-way. A permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee may be required to place facilities underground, upon reasonable notice to the permittee.

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**CHAPTER 5.16 CAMPS AND PICNIC GROUNDS**  
**[DELETED – NO PRIVATE CAMPGROUNDS IN THE CITY]**

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## **CHAPTER 5.18 CHARITABLE SOLICITATIONS**

Consolidated with Chapter 5.52

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## CHAPTER 4.11 CIRCUSES AND CARNIVALS

### 4.11.010 Regulatory permit required.

It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the city to operate, maintain, or offer for public use within the city any circus or carnival without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

### 4.11.020 Operation on public property.

Upon receipt of an application to operate or exhibit a circus or carnival on city property with no paid admissions, the issuing officer may issue a license not to exceed one year only after determining that all of the following are satisfied:

- A. the use not be in violation of any zoning ordinance of the city;
- B. the location and type of equipment are approved by the department of development services and the community services department;
- C. a current certificate of inspection has been issued by the state of California for each amusement ride to be operated within the carnival; and
- D. the applicant has the insurance required by this chapter. (Amended during 1989 supplement; prior code § 21.1003)

### 4.11.030 Operation on private property.

Upon receipt of an application to operate or exhibit such carnival on private property, the issuing officer issues a license for the entire time of the carnival or for one year, whichever is the lesser period of time after determining that all of the following are satisfied:

- A. the carnival complies with the requirements of the zoning ordinance;
- B. the location and type of equipment are approved by the department of development services and the community services department;
- C. the applicant has satisfied the insurance requirements of this chapter; and
- D. the state of California has issued a current certificate of inspection for each amusement ride to be operated within the carnival.

### 4.11.040 Insurance

The operator of every circus and carnival must obtain and maintain in full force and effect insurance in the types and amounts to the satisfaction of the city manager. (Amended during 1989 supplement; prior code § 21.1007)

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## CHAPTER 4.12 DANCES AND DANCEHALLS

### ARTICLE 1 GENERAL PROVISIONS

#### 4.12.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

- A. “Alcoholic beverage” means alcoholic beverage, or beverages, as that term is defined in the Alcoholic Beverage Control Act.
- B. “Club” means and includes only corporations or associations created by competent authority, which are owners, lessees or occupants of premises operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application, and for which regular dues are charged, and the advantages of which said club belongs to all members, and the operation of which is not primarily for financial gain.
- C. “Public dance” is any dance held or given in any public place.
- D. “Public dance hall” is any room, place, or space, except a private residence or home, where dancing is carried on or permitted. (Prior code § 21.201)

#### 4.12.020 Regulatory permit-Required.

- A. It is unlawful for any person, or for any person as agent, clerk or employee, within the corporate limits of the city to operate or maintain a public dance hall or offer a public dance without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.
- B. A license or permit issued pursuant to this chapter is valid only for the location described in the license. (Prior code § 21.203)

#### 4.12.030 Regulatory permit-Classifications.

Public dances and public dance halls are classified and required to be licensed and permitted as follows:

- A. A class A license is required where there is daily or nightly dancing.
- B. A class B license is required where there is dancing not to exceed three days or nights in any calendar week.
- C. A class C license is required when there is dancing in a club. (Prior code § 21.204)

#### 4.12.040 License-Denial of application.

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In addition to the reasons for denying and conditioning a permit stated in Chapter 5.02, the issuing officer may deny or condition a permit issued under this chapter if the premises proposed to be used in the conduct of the business are not a suitable or proper place, or if public health, welfare or safety warrant denial. (Amended during 1989 supplement; prior code § 21.209)

#### **4.12.050 License-Expiration.**

All class B licenses expire at two a.m. of the calendar day following the last effective date. Applicants may state in their applications the date(s) on which they desire to have the license issued. No class B license issued under this chapter may be renewed, but a new application must be filed with the issuing officer to obtain a new license. (Prior code § 21.211)

#### **4.12.060 Required report of management changes.**

A licensee must notify the finance department and receive approval from law enforcement prior to changing the person designated in the license with direct management of the licensed premises. (Prior code § 21.216)

#### **4.12.070 Minors.**

A. No person may harbor, admit, receive or permit to be in, or remain in or about any premises licensed pursuant to the chapter any person under the age of twenty-one years during any time when alcoholic beverages are on sale or are being offered free and when dancing is actually being carried on, conducted, or permitted.

B. Subdivision A does not prohibit the entry of any person under the age of twenty-one years into any of the following:

1. A dining room located in or upon premises occupied by an inn or hotel of twenty or more rooms and actually maintained and operated as a bona fide part of such hotel business;
2. any public place or any public dancehall or place where alcoholic beverages are not sold or given away; provided the provisions of article 2 of this Chapter are met; and
3. any public place or public dancehall where alcoholic beverages are sold or given away and all alcoholic beverages are under lock and key so that no person except the owner or his agent has access thereto.

C. It is unlawful for any person under age twenty-one years to falsely represent himself or herself as being of the age of twenty-one years or more for the purpose of obtaining admission to any premises licensed under the provisions of this chapter. (Prior code §§ 21.217, 21.217.1, 21.218)

#### **4.12.080 Persons to be excluded from premises.**

A. It is unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter, or for any employee of such place, to harbor, admit, receive, or permit to be on or remain in or about such place,

1. any intoxicated person,
2. any person who creates a violation of any of the provisions of this Code or of any law of the state of California, or
3. any person who interferes with the proper management and control of the dancehall. (Prior code § 21.219)

#### **4.12.090 Restricted hours for music and dancing.**

It is unlawful to provide or permit any music, dancing, or entertainment in or about any premises licensed under the provisions of this chapter between the hours of two a.m. and eleven a.m. (Prior code § 21.222)

#### **4.12.100 Sanitation and safety.**

No license may be granted under the provisions of the chapter unless the hall or place in which the dance is to be held complies with this code. The holder of a license issued pursuant to this chapter must keep the dancehall, hallways leading thereto, and the immediate vicinity in a clean and sanitary condition at all times, and have all stairways, hallways, other passages, and rooms connected with such dancehall at all times open, adequately lighted and properly ventilated. (Prior code § 21.223)

#### **4.12.110 Dance floor.**

Every public dancehall and every premises where a public dance is located in connection with any business or place where alcoholic beverages are sold or served must contain a floor space allocated to dancing. (Prior code § 21.215)

#### **4.12.120 Enforcement.**

A. The owner, lessee, proprietor, manager and occupant of any hall, room, building or place licensed under the provisions of this chapter must have present at all times, when dancing is carried on, a person or persons disclosed to and approved by the sheriff whose duty it is require compliance with the provisions of this chapter.

B. The requirements of subdivision A do not apply to any business with a class C license issued pursuant to this chapter, or to any business licensed pursuant to this chapter where no alcoholic beverage is sold, served or consumed on the premises so licensed. (Prior code § 21.224)

#### **4.12.130 Entry and Inspection.**

In accordance with Section \_\_\_\_ [general application reentry and inspection], owner, lessee, proprietor, manager and occupant of any hall, room, building or place licensed under the provisions of this chapter must provide law enforcement personnel, the issuing officer and any designee of the issuing officer access to the premises licensed pursuant to this Title.

**4.12.140 Exception.**

The requirements of this article are not applicable to any city park, as defined in Section 12.28.010 of this code, which closes at or before nine p.m. (Amended during 1989 supplement; prior code § 21.201.5)

**ARTICLE 2 ALL-AGES DANCES**

**4.12.200 Intent.**

It is the intention of the city council in enacting this chapter to exercise police power for the protection of the health, safety and welfare of those who attend all-ages dances, and is not intended to create, establish or designate any particular class or group of persons who will be especially protected or benefited by its terms.

**4.12.210 Definitions.**

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "All-ages dance" means any public dance at which (1) persons under age 18 years are allowed or permitted to attend or (2) each patron is not required to show valid picture identification, showing that patron's date of birth, as a condition of entry.

B. "All-ages dance venue" means any place or premises where an all-ages dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas or the premises accessible to the public during the dance.

C. A "concert" is any event at which live music is played or sung, and at which the primary purpose of the person conducting or operating the event is for patrons to view a musical performance.

D. A "dance" is any event at which the primary purpose of the person conducting or operating the event is for patrons to dance as that term is commonly defined. However, a "dance" does not include an event that is a "concert" as that term is defined by this chapter.

E. "On-site manager" is the person present at an all-ages dance or all-ages dance venue who is responsible for the direct operation and oversight of the dance or venue and supervision of other employees or workers.

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F. "Police" or "police officer" includes any private police officer, any peace officer, whether on-duty or off-duty, reserve deputy or special deputy, employed by any public agency or political subdivision.

G. "Youth service organization" includes any bona fide organization whose primary purpose is to provide moral or spiritual development, education, or recreation for teenagers. (Amended during 1989 supplement; prior code § 21.251)

#### **4.12.220 License – Required.**

A. No person may operate, maintain, or offer an all-ages dance without a business license and regulatory permit pursuant to this title and payment of a fee as established by resolution of the city council.

B. The requirements of this chapter do not apply to any all ages dance conducted or sponsored:

1. By any agency or department of any city, political subdivision, school district, or other governmental agency;
2. In a private home; or
3. By any recognized youth service organization for its members and guests only; provided, that the guests must not exceed the number of members present.

#### **4.12.230 License-Classifications.**

The issuing officer may issue the following classes of all ages dance licenses:

A. A Class A license which is issued for a period of one calendar year;

B. A Class B license which is issued for one day or one night only. (Amended during 1989 supplement; prior code § 21.253)

#### **4.12.240 License-Denial of application.**

A. The issuing officer may not issue a license in the event any of the following are true:

1. the applicant has had a license revoked by the city council within one year prior to the date of application;
2. the place or premises where the all-ages dance is to be held violates this code or the ordinances of the city, or the laws of the state of California;
3. the dance will be contrary to the public health, peace, welfare or safety;
4. the applicant or designated on-site manager has, at any time, been determined to be a sexually-violent predator pursuant to the Sexually Violent Predator Act

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(Article 4, Chapter 2, Part 2, Division 6 of the Welfare & Institutions Code, commencing with Section 6600) or any similar statute;

5. the applicant or designated on-site manager has, within the last ten (10) years preceding the filing of the application, been convicted of:
  - (a) Any sexual crime involving a minor or child as a victim; or
  - (b) An attempt or conspiracy to commit or aid and abet any crime involving a minor or child as a victim;
6. the applicant or designated on-site manager has been convicted within the five (5) years preceding the filing of such application of:
  - (a) Any felony crime involving the unlawful manufacture, sale, delivery, dispensing, distribution, or the possession with intent to manufacture, sell, deliver, dispense or distribute a drug, legend drug, or controlled substance
  - (b) Any violent felony as defined in Penal Code section 667.5.
7. The issuing officer may issue a license under any conditions which it deems reasonably necessary for the protection of the public health, welfare, morals, or safety. (Amended during 1989 supplement; prior code § 21.257)

#### **4.12.250 License-Expiration and renewal.**

A Class B license expires at midnight on the date for which the license is issued. A Class B license may not be renewed. A new application must be filed with the issuing officer to obtain a new license. (Amended during 1989 supplement; prior code § 21.259)

#### **4.12.260 Supervision and lighting of hall.**

A. All places where all ages dances are held must be adequately lighted at all times when open for dancing. The intensity of illumination must not be less than one foot-candle in all parts of the building and premises accessible to participants. (Prior code § 21.261)

B. Every person licensed to operate, maintain or offer an all-ages dance must insure that at least one (1) on-site manager is employed and in attendance at an all-ages dance venue during and following each all-ages dance, to be responsible for the direct operation and oversight of the dance and venue and supervision of other employees or workers.

C. Every person licensed to operate, maintain or offer an all-ages dance must provide at least one police officer for every one hundred participants with a minimum of one police officer for every exit and entrance.

D. Adult sponsoring groups raising funds for use by their organization to promote youth activities may, at the discretion of the department, dispense with the employment of

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police, where it can furnish proof of having present a sufficient number of adult persons to maintain order.

**4.12.270 Lighting of parking area.**

All off-street parking facilities made available for participants of an all ages dance must be adequately lighted and supervised. (Prior code § 21.262)

**4.12.280 Advertising.**

No all ages dance may be advertised by use of any media of public advertising prior to the issuance of the all-ages dance license authorizing such dance. (Amended during 1989 supplement; prior code § 21.272)

**4.12.290 Alcoholic beverages.**

No alcoholic beverages may be sold, consumed or made available on the premises, in or about which any all ages dance is held. Admission to an all ages dance must be denied to any person who is or has been drinking any alcoholic beverages, who possesses any alcoholic beverage, or who is intoxicated. (Prior code § 21.264)

**4.12.300 Time limit.**

Every all ages dance must be closed and the premises cleared of participants on or before the hour of twelve midnight. (Prior code § 21.265)

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**CHAPTER 5.24 DISTRIBUTION OF COUPON BOOKS**

**[DELETED – REGULATED AS SOLICITOR]**

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## CHAPTER 4.14 FARMERS' MARKETS

### 4.14.010 Definitions

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Farmers' market" means an outdoor establishment where farmers and other vendors sell produce and other goods directly to consumers and where vendors selling farm produce comprise at least 50 percent of the vendors.

### 4.14.020 Business license and regulatory permit required

It is unlawful for any person to conduct, permit, or facilitate any farmers' market without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

### 4.14.030 Regulatory requirements

A. All farmers' markets must comply with all requirements in Part 7 of Division 104 of the Health & Safety Code, obtain and comply with all approvals required by the County of San Diego, and all zoning, safety and other requirements of the City included in the regulatory permit, including but not limited to the following requirements:

1. Provide written permission of the owner of private property where any farmers' market will be located;
2. Limit the market to certain days or times;
3. Provide adequate parking
4. Provide and maintain disabled access routes;
5. Provide adequate restrooms;
6. Implement best management practices to prevent trash and other pollutants from entering storm water; and
7. Provide proof of insurance in a form acceptable to the city attorney

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## **CHAPTER 5.25 GASOLINE SALES DURING EMERGENCY SHORTAGES**

[To be moved to Health & Safety Title. See Gov. C 8558 et seq. Penal Code 396 applies to lodging, emergency supplies (water, flashlights, radios, batteries, candles, blankets, soaps, diapers, etc.), home heating oil, building materials, etc.]

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**CHAPTER 5.26 HEALTH-REGULATED BUSINESSES AND ACTIVITIES**

Moved to Chapter 4.03

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**CHAPTER 5.28 JUNKYARDS, AUTOMOBILE WRECKING YARDS AND  
NONOPERATING VEHICLE STORAGE YARDS**

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## CHAPTER 4.17 MASSAGE ESTABLISHMENTS

### 4.17.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

- A. “City” means the city of Santee, a political subdivision of the state of California.
- B. “Disqualifying conduct” means the occurrence of any of the following events
  - 1. A conviction in a court of competent jurisdiction of any of the following:
    - (a) Any infraction, misdemeanor or felony offense which relates directly to the operation of a massage establishment, or during the performance of a massage, whether as a massage establishment owner or operator, or by a certified massage therapist working at the massage establishment;
    - (b) Any felony which occurred on the premises of a massage establishment;
    - (c) A violation of any provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or conduct in violation of Penal Code Section 266h, 266i, 314, 315, 316, 318, subsections (a), (b) or (d) of Penal Code Section 647, or an attempt to commit or conspiracy to commit any of the above mentioned offenses, or any other crime involving dishonesty, fraud, deceit, or moral turpitude or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Penal Code Section 415, 602 or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage;
    - (d) Any crime specified in Government Code Section 51032;
    - (e) A violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055, 11056, 11057 or 11058;
    - (f) Conspiracy or attempt to commit any of the aforesaid offenses;
    - (g) Any lesser-included offense of any of the aforesaid offenses;
    - (h) Any offense in a jurisdiction outside the State of California which is the equivalent of any of the aforesaid offenses.
  - 2. For purposes of considering whether to renew or revoke a license, the licensee engaging in or committing any of the conduct described in California Penal Code Section 266h,

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266i, 314, 315, 316, 318, subsections (a), (b) or (d) of [Penal Code Section 647](#), or [Government Code Section 51032](#).

3. The requirement to register under the provisions of California [Penal Code Section 290](#).

4. Becoming subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California [Penal Code Sections 11225 through 11235](#) or any similar provisions of law in a jurisdiction outside the State of California.

5. Becoming subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California [Health and Safety Code Sections 11570 through 11587](#) or any similar provisions in a jurisdiction outside the State of California.

6. The denial, non-renewal, suspension, or revocation of any license or permit issued by any State, County, City, or other local government within the United States for the operation of a massage establishment or for the performance of massages, except that denial of license or permit for the operation of a massage establishment may not be considered if the sole basis for the denial was the prohibition of the use within the zoning or planning district in which the use was proposed to be located.

7. Touching the genitals, pubic regions, anuses, or female breasts below a point immediately above the top of the areolas, whether or not the same are covered, of oneself or of another person while providing massage services or while within view of a customer or patron of the massage establishment.

8. Exposing the genitals, pubic regions, anuses, or female breasts below a point immediately above the top of the areola of oneself or of another person to view while providing massage services or while within view of a customer or patron of the massage establishment.

C. “Health department” means the San Diego County Department of Environmental Health.

D. “Massage” means the scientific manipulation of the soft tissues and includes but is not limited to any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliances 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. Massage also includes giving any kind or character of baths.

E. “Massage 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 mentioned in subsection **D** of this section for compensation.

F. "Off-Premises Massage" means providing massage services for compensation at a location other than premises licensed as a massage establishment and has the same meaning as "out-call" in the Massage Therapy Act.

G. "Operator" means a person who has applied pursuant to Section \_\_\_ of this chapter, and who has been issued a license to operate a massage establishment pursuant to Section \_\_\_\_.

H. "Recognized school" means any school or institution of learning, which meets the requirements of an approved school pursuant to Chapter 10.5 of Division 2 of the Business and Professions Code (commencing with Section 4600) or pursuant to a similar code provision of another state.

I. "Sheriff" means the sheriff of the county of San Diego. (Amended during 1989 supplement; prior code § 66.504)

#### **4.17.020 Preemption**

This chapter is intended to supplement State law. In the event of a conflict between this chapter and State law, the City gives effect to State law.

#### **4.17.030 Massage establishment license – Required**

A. It is unlawful for any person, to own, operate, manage, engage in, conduct, or carry on, in or upon any premises within the City, a massage establishment without a massage establishment license, which is a regulatory permit, obtained in accordance with this chapter, unless otherwise exempted in accordance with the provisions of this chapter.

B. Unless grounds for denial of such license are found to exist, a massage establishment license may be issued to the person signing the application, after compliance with the requirements of this chapter and all other applicable provisions of this Code, including, but not limited to, the payment of the appropriate application license fee.

C. A separate license and regulatory permit must be obtained for each separate massage establishment.

D. Every applicant for a license or registration required by this chapter must at the time of making application pay the fee established by resolution of the city council.

#### **4.17.040 Off premises massage.**

A. No massage regulated by this chapter may be performed at a place or location other than at premises for which a valid massage establishment license has been obtained under this chapter, except in the following circumstances:

1. at premises expressly exempted or excepted by Section \_\_\_ (Exemptions and exceptions) provided the massage is performed by a person exempt under Section \_\_\_\_.

2. A certified massage therapist may perform massages at a place or location other than at premises for which a valid massage establishment license has been obtained under this chapter, and other than as provided in subsection (A)(1) hereof, only when such massage is specifically prescribed in writing by a physician, surgeon, chiropractor, or osteopath duly licensed to practice in the State of California. No additional massage service shall be performed for any patron beyond that service which is specifically described in the writing whether or not such patron desires any additional service to be performed.
3. Pursuant to an off-premises massage license as set forth in subsection B.

B. Each applicant for a license to conduct an off-premises massage business must submit an application for a license and permit as provided in Section 4.17.050 and are subject to the following additional regulations:

1. Off-Premises massage operations shall be carried on only between the hours of 7 a.m. and 12 midnight.
2. If an off-premises massage business will employ any individual to perform massage services other than the license applicant, the applicant shall provide a list of the massage therapists who will provide massage services for the business, and copies of the certifications held by those individuals. Updates to this information and documentation shall be provided when employees stop working and before any new employees begin to work for the business.

#### **4.17.050 Massage establishment license-Application Contents.**

A. The application for a license to operate a massage establishment must set forth the exact nature of the massage to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

B. In addition to the foregoing, any applicant for a license must furnish the following information:

1. The two previous addresses immediately prior to the present address of the applicant or all of applicant's addresses during the previous 3 years, whichever is longer;
2. Written proof satisfactory to the sheriff that the applicant is over the age of eighteen years;
3. Applicant's height, weight, color of eyes and hair;
4. Two (2) recent passport-size photographs of applicant;
5. Business, occupation, or employment history of the applicant for the three (3) years immediately preceding the date of application;

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6. All criminal convictions or offenses, except misdemeanor traffic violations, and including, but not limited to, those described in Section 5.07.100 (Definitions); whether the applicant is required to register under the provisions of California Penal Code Section 290; whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under California Penal Code Sections 11225 through 11235, California Health and Safety Code Sections 11570 through 11587 or any similar provisions of law in a jurisdiction outside the State of California;
  7. Such other identification and information necessary to discover the truth of the matter herein specified as required to be set forth in this section;
  8. Nothing contained herein may be construed to deny to the sheriff the right to take the fingerprints and additional photographs of the applicant, nor may anything contained herein be construed to deny the right of sheriff to confirm the height and weight of the applicant;
  9. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent of the stock of the corporation. If the applicant is a partnership, the application must set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the information required herein for the applicant shall also be required for such partners or members. The application shall be signed by the individual who is and shall be responsible for all actions, omissions, and conduct of the applicant licensee;
  10. The names of all persons currently employed or intended to be employed in the massage establishment, regardless of the nature of the employment, including a copy of the state certificate issued by the CAMTC for any certified massage therapist. "Employee" includes every owner, partner, manager, supervisor, and worker, whether paid or not, who renders personal services of any nature in the operation of a massage establishment;
  11. Such other information as may reasonably be deemed necessary by the city or Sheriff's Department to investigate the accuracy and veracity of the information required in the application;
  12. If the applicant is assuming control over an existing massage establishment, and the existing licensee will not be an owner or operator of the massage establishment for the entire term of the new license, then the new license shall not be issued unless and until the former massage establishment license has been surrendered and relinquished to the City;

13. A statement in writing by the applicant that he or she certifies under penalty of perjury that the foregoing information contained in the application is true and correct, said statement being duly dated;
14. Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the application for the license;
15. Acknowledgement in the application that the appointment of a manager by the applicant constitutes consent by the applicant for assumption of responsibility for all acts and conduct of the manager, including service of notices by the City.

#### **4.17.060 Minimum requirements.**

A. No license to conduct a massage establishment may be granted unless the proposed establishment complies with each of the following minimum requirements, in addition to any other requirements imposed by state or local law:

1. A recognizable and legible sign complying with Chapter 15.48 of this code must be posted at the main entrance identifying the premises as a massage establishment.
2. A light level of no less than five foot-candles at any point within the room must be maintained in each room or enclosure where massage services are performed on patrons.
3. Adequate dressing, locker and toilet facilities must be provided for patrons.
  - (a) In steam rooms and rooms containing tubs or showers, a waterproof floor covering must be provided which extends up the walls at least six inches and must be covered at the floor-wall juncture with at least a three-eighth inch radius. Toilet room must be of similar construction.
  - (b) Walls of toilet and bathing facilities must be smooth, waterproof and kept in good repair.
4. Cabinets must be provided for the storage of clean linen. Approved containers must be provided for the storage of all soiled linen.
5. Minimum ventilation must be provided in accordance with the building code of the city. To allow for adequate ventilation in cubicles, rooms and areas provided for patrons' use, which are not serviced directly by required window or mechanical systems of ventilation, partitions must be constructed so that the height of partitions do not exceed seventy-five percent of the floor-to-ceiling height of the area in which they are located.
6. A minimum of one separate wash basin provided with hot and cold running water, soap and individual towels in a dispenser must be provided in each

massage establishment for the use of employees. This wash basin must be separate from wash basins located in toilet rooms.

7. All plumbing and electrical installations must be installed under permit and inspection of the building inspection department and such installations must be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code.
  8. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms must be thoroughly cleaned and disinfected with a disinfectant approved by the health department each day the business is in operation. Bathtubs must be thoroughly cleaned and disinfected with a disinfectant approved by the health department after each use.
  9. Towels, sheets, and linens of all types and items for personal use of operators and patrons must be clean and freshly laundered. Towels, clothes, and sheets must not be used for more than one person. Reuse of such linen is prohibited unless the same has been first laundered. Common use of towels or linens is prohibited. Heavy white paper may be substituted for sheets, provided, that such paper is used once for each person and then discarded into a sanitary receptacle.
  10. All lavatories or wash basins must be provided with hot and cold running water, soap and single service towels in wall-mounted dispensers.
  11. Security deposit facilities for the protection of the valuables of the patrons must also be available.
  12. Disinfecting agents and sterilizing equipment approved by the health department must be provided for any instruments used in performing acts of massage.
  13. Pads used on massage tables must be covered in a workmanlike manner with durable washable plastic or other acceptable waterproof material.
  14. No exterior entrance to the massage establishment which is regularly used by the public for ingress or egress to such establishment may be locked during business hours unless the massage establishment is owned by one individual with one or no employees or independent contractors.
  15. All unoccupied rooms and areas of a massage establishment must be subject to reasonable inspection during hours of the business operation.
- B. This section must be construed as minimum standards only. (Prior code § 66.513)

#### **4.17.070 Massage establishment facilities and operations requirements**

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In addition to the requirements set forth in this title, all massage establishments must fulfill the following facilities and operations requirements:

A. There must be no display, storage, or use of any adult oriented material or sexually oriented merchandise, as defined in Section       , on the premises of the massage establishment;

B. To assure patrons' health, safety, sanitation, and comfort, all employees, and certified massage therapists must be clean and dressed appropriately in clean, opaque clothing which does not expose the breasts, genitals or buttocks when performing services upon the premises. Attire worn by all employees and certified massage therapists, while engaging in the practice of massage for compensation, or while visible to clients in the massage establishment, may not include the following:

1. Swim attire, if not providing a water-based massage modality approved by CAMTC;
2. Attire that constitutes a violation of Section 314 of the Penal Code;
3. Attire that is otherwise deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California;

C. No employee of the massage establishment or any certified massage therapist may expose any genitals, pubic regions, buttocks, anuses, or breasts below a point immediately above the top of the areola to the view of a customer or patron of the massage establishment. All customers and patrons must be appropriately draped with a clean, opaque towel sufficient to cover genitalia and female breasts;

D. Each service offered, the price thereof, and the minimum length of time such service will be performed must be posted in a conspicuous public location in each massage establishment. All letters and numbers shall be capitals not less than one (1) inch in height. No services may be performed and no sums may be charged for such services other than those posted. All arrangements for services to be performed must be made in a room in the massage establishment which is not used to administer massages, baths, or health treatments, unless no other room exists in the massage establishment;

E. No massage establishment is permitted to be kept open for business or operated between the hours of 9:00 p.m. and 7:00 a.m.;

F. No alcoholic beverages or controlled substances may be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises of any massage establishment;

G. The operator or a manager of a massage establishment must be present on the premises at all times when the establishment is open for business or in operation. The operator is at all times responsible for the operation of the premises in compliance with the terms and conditions of this chapter, whether he or she is actually present; and

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H. No massage establishment is permitted to be located within a residential structure except in compliance with the **Title 17**.

#### **4.17.080 Massage establishment license-Denial**

A. The issuing officer must deny the application for a license if the issuing officer finds any of the following:

1. that the applicant, any persons to be employed at the massage establishment, or in the case of an applicant-corporation or partnership any of its officers, directors, holders of five percent or more of the corporation's stock or partners, within ten years immediately preceding the date of the filing of the application, is a person who has engaged in disqualifying conduct.
2. That the massage establishment, as proposed by the applicant, if permitted, would not comply with all the applicable laws, including, but not limited to, all the City's building, fire, zoning, and health regulations; or

B. No massage establishment license may be issued by the issuing officer unless the applicant has fulfilled the requirements of this chapter.

C. In no event may the decision to grant or deny the license be based on information authorized or required to be kept confidential pursuant to Welfare and Institutions Code Sections 600 to 900.

D. If criminal charges are pending against an applicant within a court or public agency, the conviction of which would result in the denial of the application, the issuing officer will suspend review of the application pending the final disposition of the criminal charges. The issuing officer will send written notice to the applicant notifying him or her that the review of his or her application is suspended pending the final disposition of the current criminal charges. The applicant must then notify the issuing officer when a final decision is reached, and the outcome of the criminal matter is decided (i.e., conviction, dismissal, etc.). During the period of suspension, the application will be treated as if it were never submitted. If an applicant fails to notify the issuing officer of the final disposition of the criminal charges within one hundred eighty (180) calendar days after the disposition, the application will be deemed expired, and the applicant will be required to submit a new application and fee.

#### **4.17.090 License suspension or revocation**

A. In addition to the grounds for revocation provided in Chapter **5.07**, the issuing officer may revoke a license or permit issued pursuant to this Chapter for the following reasons:

1. The licensee has violated any provisions of this chapter, including, but not limited to, the requirement that the applicant or the applicant's designee be present at the premises at all times the massage establishment is in operation;
2. The licensee has engaged in disqualifying conduct as described in Section **5.07.100 (Definitions)** after issuance of the business license;

3. The licensee has made a material misstatement in the application for a license;
4. The licensee has engaged in fraud, misrepresentation, or false statement in conducting the massage establishment or in performing massage services;
5. The licensee has continued to operate the massage establishment after the license has been suspended;
6. The licensee has failed to comply with one (1) or more of the facilities and operations requirements of Section 5.07.225 (Massage establishment facilities and operations requirements); or
7. The licensee has employed or otherwise allowed a person to work as a massage therapist at the massage establishment who:
  - (a) Does not have a valid CAMTC certification, or
  - (b) Has engaged in disqualifying conduct as described in Section \_\_\_\_\_ (Definitions); at the massage establishment.

#### **4.17.100 Management of massage establishments.**

The operator and designated manager must be responsible for the conduct of all employees or independent contractors while they are on the establishment premises. In addition, the operator and any designated manager are responsible for compliance with the terms of this chapter and for receipt of any notices served or delivered to the premises by the City. Any act or omission of any employee or independent contractor constituting a violation of the provisions of this chapter is deemed the act or omission of the operator for purposes of determining whether the operator's establishment license will be revoked, suspended, denied or renewed.

#### **4.17.110 Change of location or transfer of interest in massage establishment.**

A. Prior to any change of location of a licensed massage establishment, an application must be made to the issuing officer and such change of location must be approved by the sheriff after confirming all applicable provisions of this chapter are complied with, a nonrefundable change of location fee has been paid in the amount established by resolution of the city council, and the building department has inspected the new location and has advised the sheriff that it complies with the requirements of this chapter. (Prior code § 66.517)

B. A sale or transfer of any interest in a massage establishment must be reported to the issuing officer within thirty (30) calendar days prior to the closing of the sale or transfer if that interest would be required to be reported upon application for a massage establishment license. Upon the sale or transfer of any interest in a massage establishment, the owner(s) or operator of such massage establishment must apply for a new business license or regulatory permit. Permits and licenses are non-transferrable.

#### **4.17.120 Names of business.**

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No person licensed to do business as provided in this chapter may operate under any name or be conducted under any designation not specified in the license. (Amended during 1989 supplement; prior code § 66.516)

#### **4.17.130 Record of treatments.**

Every person, association, firm, or corporation operating a massage establishment under a license as herein provided must keep for a period of ninety days a record of the date and hour of each treatment, and the name of the technician administering such treatment. The record must be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection will be confidential. Records must be kept for a period of ninety days of treatments rendered off the business site. (Prior code § 66.521)

#### **4.17.140 Inspection.**

The sheriff, the building department and health department are authorized to make an inspection of each massage establishment in the city as needed for the purpose of determining that the provisions of this chapter are met. (Prior code § 66.519)

#### **4.17.150 Effective date.**

A licensee of any existing massage establishment at the time this chapter goes into effect is, except as otherwise provided herein, required to comply, with the provisions of Section 5.30.150 on the effective date of the ordinance codified in this chapter. (Prior code § 66.514)

#### **4.17.160 Exemptions.**

A. Exemptions. This chapter does not apply to the following classes of individuals, and the individuals are exempt from massage establishment requirements while engaged in the performance of the duties of their respective professions:

1. Physicians, surgeons, chiropractors, acupuncturists, or osteopaths (“professionals”) duly licensed to practice their respective professions in the State of California under the provisions of the [Business and Professions Code](#), while performing activities encompassed by such professional licenses; however:
  - (a) Massage therapists are required to be certified by CAMTC,
  - (b) If the professional’s facility is used for the purposes of nonmedical massage, the facility itself must be licensed as a massage establishment pursuant to this chapter;
2. Registered nurses, licensed vocational nurses or physical therapists duly licensed to practice their professions in the State of California under the provisions of the [Business and Professions Code](#), while performing activities encompassed by their respective licenses;

3. Other health care personnel engaged in the healing arts as regulated and licensed by Division 2 of the [Business and Professions Code](#);
4. Barbers, cosmetologists, estheticians and manicurists duly licensed by the State of California while performing activities encompassed by their respective licenses, except that this exemption applies solely for the massaging of the neck, face and/or scalp of the customer or client of a barber, cosmetologist, or esthetician, or in the case of a licensed manicurist, the massaging of the forearms, hands, calves and/or feet; and
5. Coaches and trainers employed by accredited high schools, community colleges or universities while acting within the scope of their employment, as well as trainers of amateur, semi-professional or professional athletes or athletic teams while acting in that capacity.

B. Exception. Individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathlons, and similar athletic or recreational events are exempt from the provisions of this chapter, provided, that all of the following conditions are met:

1. The massage services are made equally available to all participants in the event;
2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations, students from the participating schools, members of participating organizations, etc.;
3. The massage services are provided at the site of the event and either during, immediately preceding, or immediately following the event;
4. The sponsors of the event have been advised of and have approved the provision of massage services; and
5. The persons providing the massage services are not the primary sponsors of the event.

C. The exemption for professionals only applies to the extent that the massages are administered for medical purposes. Professionals that administer nonmedical massages are subject to the licensing requirements of this chapter.

D. If any State-licensed professional, who is exempt under this section, violates any provision of this chapter, the City will notify the State licensing body that licenses the professional in writing of the professional's Municipal Code violation

#### **4.17.170 Violation.**

A. Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the

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operator, who gives massages or conducts a massage establishment or practices the giving or administering of any of the services defined in Section 5.30.050 of this chapter without first obtaining the necessary license violates this code.

B. Any owner, operator, manager, or licensee in charge or in control of a massage establishment who knowingly employs a person to give or conduct massage or any of the services defined in Section [REDACTED] who is not in possession of a valid, unrevoked license or who allows such person to perform, operate or practice within such place of business violates this code. (Amended during 1989 supplement; prior code § 66.524)

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## CHAPTER 5.32 OUTDOOR ASSEMBLAGES

Relocated to temporary use permit

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**CHAPTER 5.34 PARADES**

Relocated to Title 17

## CHAPTER 4.18 PUBLIC ENTERTAINMENT

### 4.18.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

- A. Entertainment—Class I; Class II; Class III.
  - 1. “Class I entertainment” as used in this chapter is defined to mean any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any professional entertainer in or upon any premises to which the public is admitted. Entertainment also includes a fashion or style show, except when conducted by a bona fide nonprofit club or organization, and when conducted solely as a fundraising activity for charitable purposes. The term “professional entertainer” as used herein means a person or persons who engage for livelihood or gain in the presentation of entertainment.
  - 2. “Entertainment” as used herein does not include:
    - (a) Mechanical music alone;
    - (b) Instrumental music alone, except between the hours of two a.m. and six-thirty a.m. when the provisions of [Section 5.36.140](#) apply; or
    - (c) Dancing participated in only by customers; however, this subsection does not exempt exhibition dancing by a person receiving compensation for such exhibition dancing.
  - 3. “Class II entertainment” includes the act of any person, while visible to any customer, being devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the female breast at or below the areola or exposing any pubic area or private part, or the wearing of any type of clothing so that such may be observed.
  - 4. “Class III entertainment” means informal entertainment.
  - 5. “Informal entertainment” as used in this chapter is defined to mean any act, play review, pantomime scene, song, dance act, song and dance act, or poetry recitation, conducted or participated in by any nonprofessional person or persons in or upon any premises to which the public is not admitted. (Amended during 1989 supplement; prior code §§ 21.280.1, 21.280.2, 21.280.3)

### 4.18.020 Regulatory permit - Required.

It is unlawful for any person to conduct, permit, or assist in conducting or permitting any entertainment to be shown, staged, exhibited, or produced in any premises to which the public is

admitted without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

#### **4.18.030 License fee.**

A. The annual fee for all entertainment licenses is as established by resolution of the city council. (Prior code § 21.280.5)

B. No fee is required for a license for an entertainment conducted by a bona fide charitable, religious, benevolent, patriotic, or educational organization, or by the United Service Organization (“USO”). Any determination as to the exempt status of any applicant will be made by the issuing officer. (Amended during 1989 supplement; Prior code § 21.280.8)

#### **4.18.040 License-Application-Denial.**

In addition to the reasons for denying and conditioning a permit stated in Chapter 5.02, the issuing officer may deny or condition a permit issued under this chapter if the premises proposed to be used in the conduct of the business are not a suitable or proper place, or if public health, welfare or safety warrant denial.

#### **4.18.050 License-Application-Mandatory denial.**

In accordance with Section \_\_\_ [general denial provision], in any case where an applicant knowingly or deliberately makes any material false statement on an application for a license, such application will be denied. (Prior code § 21.281.9)

#### **4.18.060 Audience participation.**

No professional entertainer or employee may dance, unnecessarily converse, or associate with any customer during any entertainment period; provided, however, that a regularly scheduled audience participation type of entertainment may be presented during the time and in the manner described in an advertisement posted at the premises and appearing in a regularly printed program; provided, further, that a copy of the advertisement must be received by the sheriff twenty-four hours prior to conducting the audience participation entertainment. This section does not apply to establishments having a Class III entertainment license. (Prior code § 21.283.8)

#### **4.18.070 Exits.**

Every establishment licensed pursuant to this chapter must provide unlocked doors with free and easy egress while patrons are in the establishment. (Prior code § 21.282.8)

#### **4.18.080 Gambling.**

No public entertainment may be conducted in any establishment in which gambling in any form is permitted, or in which there is kept any machine or machines or other device designed or commonly used for the purpose of gambling in any form. (Prior code § 21.283.2)

#### **4.18.090 Hours.**

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No entertainment other than mechanical music of any sort may be conducted in an establishment licensed pursuant to this chapter between the hours of two a.m. and six-thirty a.m. (Prior code § 21.282.4)

#### **4.18.100 Lighting.**

Every establishment licensed pursuant to this chapter must be lighted throughout to an intensity of not less than three foot-candles during all hours of operation except while the floor show is in progress. (Prior code § 21.283.5)

#### **4.18.110 Noise abatement.**

Every establishment licensed pursuant to this chapter must comply with any noise level limits established in this Code and in the regulatory permit. Failure to comply with noise level limits constitutes grounds for permit revocation or modification.

If noise coming from any establishment licensed under this chapter interferes with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the city council may require, after a hearing, that the premises be soundproofed in a manner that in the judgment of the city council will be effective to eliminate the noise or reduce it to a reasonable level. The City will provide ten days' notice to the licensee prior to the hearing. In taking any action under this section, the city council will balance the interests of the respective parties, as well as the hardship which will result from any order. If the city council finds that the noise complained of is of a minimum or inconsequential degree or complies with the Code or noise limits in the regulatory permit, no action will be taken under this section. If a licensee fails, within a reasonable time and after having been ordered to do so pursuant to this section, to take such steps as were ordered to abate any noise, the city council may suspend or revoke the business license in accordance with Section \_\_\_\_\_ [general revocation section], until such time as the licensee complies with the order. (Amended during 1989 supplement; prior code § 21.282.3)

#### **4.18.120 Numbers of employees.**

Every establishment licensed pursuant to this chapter that has a capacity of two hundred persons or more must provide at least one employee for the first two hundred persons, and one additional employee for each additional one hundred persons who can be legally accommodated, whether actually present or not. The employees required pursuant to this section must be in attendance during the entire time that any entertainment is in progress, and must devote their entire time and attention to keeping order, checking admission of minors, and ensuring that all provisions of this chapter are complied with. The sheriff may require such additional employees or guards on an individual basis as the sheriff deems in the public interest. (Prior code § 21.283.7)

#### **4.18.130 Parking lot.**

Every parking lot serving an establishment licensed pursuant to this chapter must have adequate and uniform light at an intensity of not less than two foot-candles. (Prior code § 21.283.6)

#### **4.18.140 Persons intoxicated or under the influence of drugs.**

It is unlawful for any person who is intoxicated or under the influence of any drug to appear in or be in any establishment licensed pursuant to this chapter. It is unlawful for any person who conducts or assists in conducting any such establishment to permit any intoxicated person or person who is under the influence of any drug to appear, be, or remain at such place. (Prior code § 21.282.7)

**4.18.150 Solicitation of drinks.**

No employee of a business licensed pursuant to this chapter may solicit or accept drinks of alcoholic beverages from customers while working. (Prior code § 21.283.1)

**4.18.160 Solicitation of trade.**

No public entertainment may be conducted in any establishment if solicitation of trade is made at or near the entrance, either by personal solicitation or otherwise. (Prior code § 21.283.3)

**4.18.180 Visibility from the street.**

No establishment licensed pursuant to this chapter may permit any public entertainment to be visible at any time from the street, sidewalk, or highway. (Prior code § 21.282.9)

**4.18.190 Applicability of Sections 4.18.200 through 4.18.260.**

The provisions of Sections 4.18.200 through 4.18.260 apply only to establishments required to have a class II entertainment license. (Prior code § 21.284.2)

**4.18.200 Additional grounds for suspension or revocation.**

In addition to the grounds for suspension or revocation of a license set forth elsewhere in this title and chapter, the provisions of Section 24200 of the Business and Professions Code of California are made applicable to licenses under this chapter. (Prior code § 21.284.3)

**4.18.210 Additional reasons for denial of license.**

In addition to the reasons otherwise provided for denying a business license and regulatory permit, the issuing officer may deny a business license and regulatory permit when:

A. The applicant has been convicted of a crime involving lewd, lascivious, or obscene conduct; including, but not limited to, Sections 311.6, 314, 315, 316, 318 or Subdivisions (a), (b) or (d) of Section 647 of the Penal Code;

B. The applicant has been convicted of a crime which required the applicant to register under the provisions of the Sex Offender Registration Act (commencing with section 290 of the Penal Code), or any similar registry. (Amended during 1989 supplement; prior code § 21.285.4)

**4.18.220 Attire.**

No person may enter, be, or remain in any establishment licensed pursuant to this chapter or required to be licensed pursuant to this chapter, except when attired in such a manner that the pubic area, private parts and the crease of the buttocks are completely covered and are not visible to the human eye. (Prior code § 21.284.8)

#### **4.18.230 Manager.**

All class II establishments licensed or required to be licensed under this chapter must have a manager on the premises at all times when entertainment is being conducted to ensure compliance with the provisions of this chapter. The licensee must register and obtain approval of the manager from the sheriff. (Prior code § 21.284.9)

#### **4.18.240 Motion pictures prohibited.**

No person or establishment licensed pursuant to this chapter or required to be licensed under this chapter may show, project or permit to be shown or projected any motion picture, still picture, or slide, the main subject of which is the depiction of the human body, or any portion thereof, whether clothed or unclothed, unless and until the license of such establishment is specifically endorsed by the sheriff to permit such showing. (Prior code § 21.285.5)

#### **4.18.250 Registration of entertainers.**

A. No person may conduct or participate in any entertainment as defined in Section        unless and until such person has registered in person with the sheriff and completed the registration form provided by the sheriff. Any person registering under this section must provide all of the following:

1. name and residence address;
2. social security number and driver's license number, if any;
3. whether such person has ever been convicted of any crime except misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the name of the person so convicted, the place and court in which the conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction;
4. a recent photograph, which photograph may be taken by the sheriff; and
5. a complete set of each person's fingerprints, taken by the sheriff, and forwarded to the Federal Bureau of Investigation, Identification Division, for search.

B. No person may employ any person to participate in or conduct any entertainment as defined in Section        unless and until such person has registered with the sheriff as provided in this section, and until written notification has been received from the sheriff that such person has been duly registered. The sheriff's notices of registration shall be maintained by the

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employer at the place of business, and shall be available for inspection at all times. (Prior code §§ 21.285.1, 21.285.2, 21.285.3)

**4.18.260 Inspections.**

Every class II licensee must permit law enforcement personnel to enter free of charge any establishment licensed pursuant to this chapter for the purpose of conducting an inspection pursuant to section        of this Code. (Prior code §§ 21.283.9, 21.284.1)

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**CHAPTER 5.38 REDUCTION PLANTS**

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**CHAPTER 5.40 REFRIGERATION PLANTS**

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**CHAPTER 4.19 REFUSE CONTAINERS ON PUBLIC PROPERTY**

[Deleted – regulated through temporary use permit]

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## CHAPTER 4.20 SALE OF FIREARMS

### 4.20.010 Definitions

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Firearm” means any device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion. A “Firearm” includes any device defined as a firearm in California Penal Code Section 16520.

B. “Firearm Dealer” means any person who fulfills or is required to fulfill the provisions of Penal Code section 26700 and who

1. Sells, transfers, or leases any new or used Firearms at wholesale or retail; or
2. Advertises for sale, transfer, or lease any new or used Firearms at wholesale or retail; or
3. Offers or exposes for sale, transfer, or lease, any new or used Firearms at wholesale or retail.

### 4.20.020 License required.

It is unlawful for any person to transact, engage in, or carry on any business as a firearm dealer without a business license and a regulatory permit required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

### 4.20.030 Issuance or denial of permit.

In addition to the grounds for denial of a permit set forth in Chapter \_\_\_, the issuing officer may deny an application for a business license, for any of the following reasons:

A. The operation of the Firearm Dealer business as proposed in the application for the permit will violate any applicable building, fire, health, or zoning requirement set forth in this Code;

B. The applicant is under twenty one (21) years of age;

C. The applicant has had a similar permit or license previously revoked or denied for good cause within one year immediately preceding the date of the filing of the application;

D. The applicant has not received any license or approval required by state or federal law or regulation;

E. The applicant, within five (5) years immediately preceding the date of filing the application has been convicted in a court of competent jurisdiction of any of the following offenses:

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1. Any offense involving the use of force or violence upon the person of another; or
  2. Any offense of theft, embezzlement, or receiving stolen property; or
  3. Any felony offense involving the sale, manufacture, possession, or use of any controlled substance as defined by the California Health and Safety Code; or
  4. Any offense in another state which, if committed in this state, would have been punishable as one of the offenses specified above and immediately preceding; or,

F. The applicant is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition, or

G. The applicant fails to remove the authority of any officer, agent or employee to act on behalf of the applicant in the Firearm Dealer business within five (5) working days after applicant receives written notification by certified mail or personal delivery from the issuing officer, that:

1. any officer, employee, or agent of the applicant, is under indictment for, or has been convicted of, any violation of federal, state or local law relating to the manufacture, sale, transfer, lease, registration, use, or possession of any firearm or ammunition; or
2. any officer, employee, or agent of the applicant, is a person in a prohibited class described in Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or

H. The applicant is a person in a prohibited class described in Sections 29800 through 29830 of the California Penal Code or Section 8100 or Section 8103 of the Welfare and Institutions Code; or

I. The applicant has failed to provide evidence of a possessory interest, such as the interest of an owner, tenant, lessee or sublessee, in the property where the proposed business will be conducted; or

J. The applicant has failed to obtain a zoning use certificate required by this Code.

#### **4.20.040 Permit Not Transferable**

A Firearm Dealer permit may be issued only to a specific person to conduct business as a dealer at a specific location and at gun shows in accordance with California Penal Code sections 27200 through 27415. It is unlawful for any person to transfer a Firearm Dealer permit to another person or from one location to another without prior written approval of the issuing officer. Any attempted transfer will be ineffective.

#### **4.20.050 Revocation of Permit**

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A business license and regulatory permit may be revoked or suspended in accordance with Section \_\_\_ for any of the following:

A. The Firearm Dealer, or any officer, employee or agent of the Firearm Dealer, is not operating in full compliance with all provisions of this Chapter;

B. The Firearm Dealer is convicted of any of the offenses enumerated in Section \_\_\_ [on denial of a license];

C. The Firearm Dealer fails to remove the authority of any officer, agent, or employee to act on behalf of the Firearm Dealer within five (5) working days after the Firearm Dealer receives written notification by certified mail or personal delivery, that such officer, agent or employee has been convicted of any of the offenses enumerated in Section \_\_\_\_\_ [denial of a license]; or

D. Any of the conditions listed on the permit or in this Title are violated.

#### **4.20.060 Limitation on location.**

Except as otherwise provided herein, the business licensed by this chapter may be carried on only in the location designated in the license. (Prior code § 21.1205)

#### **4.20.070 Business and Security Regulations**

A. All Firearm Dealers and officers, employees or agents of the Firearm Dealers, must comply with all state and federal business regulations and building specifications for Firearm security, including but not limited to the requirements set forth in Penal Code.

B. All Firearm Dealers and officers, employees or agents of the Firearm Dealers must protect Firearms from theft during business hours, by taking the following actions at a minimum:

1. All Firearms must be in locked cabinets, a secure rack, or a storage area so that access to Firearms is controlled by the dealer or an employee, to the exclusion of all others.
2. The Firearm Dealer, agent, or employee must be present when a prospective buyer or seller is handling any Firearm.

#### **4.20.080 Records of secondhand weapons.**

A. Prior to obtaining a used or secondhand concealable weapon, a Firearm Dealer must obtain the following information from the person offering such weapon on a form obtained from the Department of Justice:

1. Name, address, and physical description of such person;

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2. The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon;
  3. Such other information which may be required by the sheriff.

B. At the end of each week, every Firearm Dealer must file completed forms regarding each secondhand concealable weapon purchased or taken in trade during the week by the Firearm Dealer. (Prior code § 21.1206.1)

#### **4.20.090 Delivery of firearms.**

A. It is unlawful for any person to deliver a concealable weapon as follows:

1. Within fifteen days after the application for the purchase thereof;
2. Without clear evidence of the identity of the purchaser.

B. When delivered, such concealable weapon must be unloaded and securely wrapped. (Prior code § 21.1207)

#### **5.20.100 Advertising or display.**

No Firearm Dealer may display any pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof in any part of the premises where it can readily be seen from the outside. (Prior code § 21.1208)

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## CHAPTER 4.21 SECONDHAND DEALERS

### 4.21.010 Findings and intent.

A. The city council finds that secondhand businesses provide a means of disposing of stolen goods. Investigation by police agencies reveals that new, used and stolen property are acquired and sold by secondhand businesses. Because secondhand businesses can be ready vehicles for the disposal of stolen goods, such businesses should be subject to controls which will decrease the potential traffic in such stolen goods. (Prior code § 21.700)

B. It is the intent of this chapter to preclude secondhand businesses from being depositories for stolen goods by providing control over the goods purchased and sold by secondhand businesses, especially such goods that are subject to theft and subsequent disposal by way of sale. (Prior code § 21.701)

### 4.21.020 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Antique” means objects of art, bric-a-brac, curios or household furniture or furnishings offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical associations. All references to secondhand personal property or secondhand property in this chapter include antiques.

B. “Secondhand dealer” and “dealer” mean any person who engages in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, and is further defined in article 4 of chapter 9 of division 8 of the Business and Professions Code (commencing with section 21625).

C. “Secondhand property” has the same meaning as “secondhand tangible personal property” set forth in Article 4 of Chapter 9 of Division 8 of the Business and Professions Code. (Prior code § 21.702)

### 4.21.030 License required.

A. It is unlawful for any person to transact, conduct, undertake or carry on any business as a secondhand dealer within the City without first having procured a business license required by [Chapter 4.02](#) and any regulatory permit required by chapters [\\_\\_](#) and [\\_\\_](#).

B. Prior to the issuance of a city license, a dealer must apply for and be issued a secondhand dealer’s license pursuant to article 4 of chapter 9 of division 8 of the Business and Professions Code (commencing with section 21625). (Amended during 1989 supplement; prior code § 21.706)

### 4.21.040 Records of dealer.

A. Every dealer must file with the sheriff any and all reports required by article 4 of chapter 9 of division 8 of the Business and Professions Code (commencing with section 21625), and must include any additional information required by the sheriff to assist in the detection of stolen property.

B. Every dealer must keep a copy of the report required by this Section on file at the place of business for a period of three years, and must make the report available for inspection by the sheriff or any peace officer of this state, at all reasonable times.

#### **4.21.050 Holding period.**

Except as otherwise provided herein:

A. Every dealer must retain in his or her possession for a period of thirty (30) days all secondhand property required to be reported pursuant to article 4 of chapter 9 of division 8 of the Business and Professions Code and may not remove such secondhand property from the city during the holding period.

B. The thirty-day holding period commences on the date that the dealer files the report of acquisition required by this Section with the sheriff. Before the end of the thirty-day holding period, the sheriff may release or conditionally release any secondhand property required to be held by this chapter, if after an inspection the sheriff is satisfied that the secondhand property is in the lawful possession of the secondhand dealer.

C. This section does not apply to secondhand property that a dealer has acquired from another person who held the secondhand property for the period prescribed by such laws. The dealer acquiring such property must, upon demand by the sheriff, present records that such secondhand property was held for the required period. (Amended during 1989 supplement; prior code § 21.710)

#### **4.21.060 Alteration of property.**

A secondhand dealer must not clean, alter, repair, paint change or allow any secondhand property to be cleaned, altered, repaired, painted or changed until the secondhand property has been held for the time required by this chapter or unless released by the sheriff. (Prior code § 21.711)

#### **4.21.070 Hold order by sheriff.**

The sheriff may place a hold-order for a period of ninety days on any secondhand property acquired by the secondhand dealer, and upon release of such property, the sheriff may require the secondhand dealer to keep a true record of the secondhand property, the name and address of the person to whom the property was sold, and a record of any other method of disposition. The secondhand dealer must keep any record required under this section for three years. (Amended during 1989 supplement; prior code § 21.713)

#### **4.21.080 Exceptions.**

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The following are excluded from the operation of this chapter:

A. Secondhand motor vehicles, whose transfer is required to be made a matter of record with the California Department of Motor Vehicles pursuant to the Vehicle Code, except that dealers' records of purchases and sales within the city must be open to the inspection of the sheriff.

B. Receipt or sale of secondhand property by any person who received the secondhand article as part payment of a new article, if such person is the authorized representative or agent of the manufacturer of or regularly deals in the new article. (Amended during 1989 supplement; prior code § 21.720)

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**CHAPTER 5.48 SECURITY ALARM SYSTEMS**

DELETED. MOVED TO TITLE 9

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## CHAPTER 5.50 SLAUGHTERHOUSES

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## CHAPTER 4.23 SOLICITORS

### 4.23.010 Purpose.

The city council declares that the purpose of this chapter is to safeguard the public against fraud, deceit and imposition, and to foster and encourage fair solicitations for charitable purposes. In order to prevent the public from being subject to fraud and misrepresentation in connection with solicitation of contributions for charitable purposes and in order to approve the solicitation for legitimate charitable purposes and to recognize worthwhile charities, and in order to furnish guidance to the issuing department, this chapter is adopted. (Amended during 1989 supplement; prior code § 21.513)

### 4.23.020 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

- A. “Charitable” means philanthropic, social service, benevolent, patriotic, welfare, health, educational, civic or fraternal.
- B. “Completed solicitation” occurs whether or not the person making or receiving the solicitation receives or makes any sale or purchase referred to in this chapter. (Prior code § 21.515)
- C. “Contribution” means alms, food, clothing, money subscription, property or donations made as a loan of money or property.
- D. “Established place of business” is a fixed place, location or building, owned or leased or rented on a yearly or monthly basis, by the person who uses such place, location or building as the permanent place of business. Established place of business does not include a residence unless such person possesses a State Retail Sales Tax License indicating the residence as the business address.
- E. “Goods” means goods, wares, merchandise, products, chattels of any description, magazines, periodicals, or other publications or subscriptions therefor; regularly published newspapers as defined herein excepted.
- F. “House” means any structure, building or dwelling which has walls on all sides and is covered by a roof. House includes the land area surrounding it.
- G. “Identification card” means a solicitor’s identification card issued by the City to a person who possesses a valid solicitor’s license or who is employed or engaged to solicit by a person licensed to do business as a solicitor within the city.
- H. “Interviewer” means any person who goes to a house or upon any public place for interviewing persons or soliciting answers to questions for marketing research, opinion, research, attitude surveys or for any other pool or information gathering service for compensation or other business enterprise. Interviewer does not include persons representing governmental entities,

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political parties, newspapers, radio or television stations, or persons circulating petitions for initiative, referendum or other political purpose.

I. “Newspaper” means a publication appearing at regular intervals at short periods of time, as daily, weekly, biweekly, usually in sheet form and containing news that is reports of recent occurrences, political, social, moral, sporting events and items of varied character, both local and foreign, intended for the information of the general reader and has reference to the natural, plain and ordinary significance of the word newspaper and does not refer to or comprehend magazines or periodicals. Newspaper does not include regular or periodic advertising circulars, certificates, papers, coupons, books or pamphlets.

J. “Public place” means any place to which anyone may have access without trespassing.

K. “Retail business” means sales of goods for any purpose other than resale in the regular course of business. Retail business includes retailer.

L. “Services” means any act performed for the benefit of another under some arrangement or agreement whereby such act was to have been performed.

M. “Solicitor” includes peddlers, hawkers, transient dealers, salespersons or other itinerant vendors, or an interviewer, or any person who sets up a temporary stand or goes to a house or dwelling or upon any public place for the purpose of selling services, or offers to sell, or selling by sample, or take orders for, give away or otherwise dispose of any goods, or anything of value, or who offers to distribute or delivers any coupon, certificate, handbill, ticket, token card, paper, circulars, chance coupon, magazine, or other items which in turn are redeemable for goods.

N. “Solicitation” means and includes the following:

1. Any direct oral or written request for money, property, or anything of value or any financial assistance of any kind;
2. The distribution, circulation, mailing, posting or publishing of letters, posters, handbills, cards, folders, pamphlets, books, or circulars for the purpose of soliciting funds;
3. The giving or making of an announcement to the press or over the radio or television or telegraph concerning or involving an appeal, assemblage, athletic or sports event, bazaar, benefit, card party, campaign, contest, drive, entertainment, exhibition, exposition, lecture, party, performance, picnic, sale or social gathering to which the public or any portion thereof is requested to meet or patronize or to which the public or any portion thereof is requested to make a contribution, by the reason of or because of any charitable purpose or benefit, or other purposes connected with or involved in any such appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, card party, contest, drive, entertainment, exposition, lecture, party, performance, picnic, sale or social gathering;

4. The sale of, offer to sell, or attempt to sell any advertisement, advertising space, article or service, book, card, chance coupon, device, magazine, membership, merchandise, subscription, ticket or thing whatsoever in connection with which or when or where any appeal is made for any charitable purpose whatever, or for other purpose, or the name of any charity, philanthropic or charitable association, or of any other association, is used or referred to in any such appeal as an inducement or reason for the making of any such sale, or when or where in connection with any such sale, offer to sell or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling will go to or be donated to any charitable purpose or association or to any other association. (Amended during 1989 supplement; prior code § 21.514)

O. “Temporary stand” means any stand, table, handcart, motor vehicle or other portable or mobile device whereby goods are displayed or dispensed.

#### **4.23.030 License and identification card.**

A. It is unlawful for any person to act as a solicitor in the City without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters      and     , and an identification card pursuant to this chapter

B. Except as provided herein, the fee for a new solicitor’s license is as established by resolution of the city council. The fee must accompany each application and is nonrefundable. The fee stated herein is not for revenue purposes but will be used to defray, in part, the cost of investigation and enforcement of this chapter. (Prior code § 21.503)

#### **4.23.040 Exemptions from fees.**

In addition to the exemptions provided in Chapter     , the following applicants for a business license and identification card are exempt from payment of fees:

A. No fees apply to any solicitation for a charitable purpose conducted by an organization solely upon premises owned or occupied by it, or solely among its officers and members or employees, or alumni of educational institutions. Nothing in this chapter is applicable to solicitations made solely for evangelical, missionary or religious purposes.

B. Any organization providing the following documentation:

1. Proof of registration on the Attorney General’s Registry of Charitable Trusts (Section 12584(a) of the California Government Code);
2. State tax-exempt notice (Section 23701(d) of the Revenue and Taxation Code) and;
3. Federal tax-exempt notice (Section 501(c)(3) of the Internal Revenue Code). (Amended during 1989 supplement; prior code § 21.519)

#### **4.23.050 License and identification card-Application-Contents.**

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A. Except for applicants for charitable solicitor's business licenses, the applicant for a solicitor's permit and identification card, must apply to the issuing officer on forms prescribed by the issuing officer and may be required to furnish the following information:

1. Name;
2. Physical description and three photographs;
3. Fingerprints;
4. Local address;
5. Permanent address;
6. Description of the nature of his business;
7. Description of the nature of his goods or services to be offered;
8. Name and address of employer and a description of the relationship between the applicant and such employer;
9. A statement of all convictions for all misdemeanors and felonies;
10. Such other information as the issuing officer deems necessary and relevant to a determination of whether a license should be issued pursuant to this chapter.

B. In addition to the procedures specified in Chapter \_\_\_\_, applicants for charitable solicitor's permit must file an application sixty days prior to the date of commencement of the proposed charitable solicitation, and must provide the following information:

1. The name and address of the person applying for the license;
2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers, together with written authorization signed by two of the applicant's principal officers authorizing the applicant to make the application;
3. The purpose for which the solicitation is to be made and the use or disposition to be made of any receipts therefrom;
4. The names and addresses of all persons who will be in charge of conducting the solicitation;
5. The names and addresses of all solicitors, unless in the opinion of the issuing officer the solicitation campaign is of such magnitude and involves such a great number of volunteer solicitors as to make it impractical to provide the same;
6. Any other information as may be reasonably required by the issuing officer in order to determine the kind and character of the solicitation proposed;

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7. If there is any change in fact, policy or method that would alter the information given in the application, the applicant must notify the issuing officer in writing thereof within five days;
  8. All licenses become and remain a public record open to the inspection of all persons. (Amended during 1989 supplement; Prior code § 21.516)
  9. Upon receipt of an application for a license and/or identification card, the issuing officer may send copies of such application to any officer or department which the issuing officer deems essential in order to carry out a proper investigation of the applicant. The issuing officer may forward fingerprints to the California Bureau of Identification for research. (Prior code § 21.504)

**4.23.060 License and identification card-Application-Denial, suspension or revocation.**

A. In addition to any other reasons provided in this Title, the issuing officer may deny, suspend or revoke any application or disprove of specific persons proposed for coverage under the permit if the applicant, the applicant's agent, representative or employee:

1. Is convicted of any misdemeanor involving violation of any statute or ordinance regulating or taxing any business; or
2. Is convicted of any crime involving any of the offenses described under California Penal Code Section 290; or
3. Who has violated any of the provisions of this chapter; or
4. Who makes any false statement or misrepresentations in his application for such license and/or identification card.

B. In addition to those reasons and procedure stated the issuing officer must deny, suspend, or revoke a license for charitable solicitation whenever any of the required findings in Section \_\_\_\_\_ [license or identification card issuance "C"] do not exist. (Amended during 1989 supplement; prior code § 21.518)

C. For purposes of this section, a plea of nolo contendere, or a plea or verdict of guilty, or a finding of guilt by a court, or a forfeiture of bail is deemed to be a conviction whether probation is granted or not. (Amended during 1989 supplement; prior code § 21.505)

**4.23.070 License and identification card-Issuance.**

A. In addition to other powers provided in this Title, the issuing officer has the following powers:

1. to investigate the conduct of any solicitation for a charitable purpose;

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2. to inspect all books, records and papers pertaining to any solicitation for a charitable purpose of any person by whom or on whose behalf any solicitation is made;
  3. to make copies of all books, records and papers pertaining to any solicitation for a charitable purpose. (Prior code § 21.517)

B. For solicitations for charitable purposes, the issuing officer issues a license within thirty days after receipt of such application, whenever the issuing officer finds that the following facts exist:

1. That the application and applicant fulfill the requirements of this chapter;
2. That the control and supervision of the solicitation and the distribution or disbursement of the proceeds will be directed by reliable and responsible persons;
3. That the applicant has not engaged in any fraudulent transaction or enterprise;
4. That the solicitation will not be a fraud on the public;
5. That the solicitation not be conducted for private profit;
6. That the applicant has not violated this code in the conduct of any prior solicitations.

C. Upon approval by the issuing officer, the license and identification card issued to the applicant will show the physical description of the licensee, the licensee's name and permanent address, and with the name of the principal if other than the licensee, and the nature of the business for which the license is issued. The identification card must show the expiration date of the license and contain a photograph of the licensee.

D. The license must also be accompanied by a statement that the license does not constitute an endorsement by the city or any of its employees, of the purpose of persons conducting the solicitations. (Amended during 1989 supplement; prior code § 21.506)

#### **4.23.080 Information on solicitors.**

An individual licensed to do business as a solicitor within the city and who employs or engages others to function or perform as solicitors must furnish the issuing officer with the name and address, temporary and permanent, of all such persons employed or engaged in solicitations. (Prior code § 21.502)

#### **4.23.090 Display of identification card.**

Every person licensed hereunder while engaged in the business for which licensed must display on the front of his person his identification card in a manner and at a location allowing such

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identification card to be easily seen and read by any other person, and upon demand by any peace officer must exhibit such identification card. (Prior code § 21.509)

#### **4.23.100 Hours of business.**

It is unlawful for any person to do business as a solicitor from eight p.m. until eight a.m. local time except by appointment. (Prior code § 21.510)

#### **4.23.110 Prohibited vending.**

A. No solicitor may contact or attempt to contact any occupant of any house or dwelling where the owner or occupant of the house or dwelling has posted at the front of the house or dwelling, printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible from the normal entrance way to such house or dwelling, a sign or placard prohibiting soliciting.

B. No solicitor may contact or attempt to contact any member of the public on any private commercial property which is normally open to the general public where the owner or legal occupant thereof has posted at all entrances, and printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible by all persons entering such property, a sign or placard prohibiting such soliciting. (Prior code § 21.511)

#### **4.23.120 Exemptions.**

This chapter does not apply to:

A. Students from an elementary school or a junior high school, or a high school, or public junior or community college, or public college or public university or any private educational institution falling within the definition of educational institution in Education Code Section 210.3, but only while such students are engaged in activity associated with academic or scholastic functions sponsored by and authorized by such schools;

B. Wholesalers, their representatives, agents or employees calling upon retail businesses, nor to retail businesses when such sales are made in the regular course of business and at the established place of business;

C. Sales by a farmer or rancher for products produced within the city by such farmer or rancher at the established place of business of such farmer or rancher;

D. Persons who sell their goods at the rented stall of a lawfully oriented swap meet licensed pursuant to Chapter 5.54, and who comply with the admissions records as required in Section 5.54.010 of this code.

E. A newspaper as defined herein and its employees. (Prior code § 21.507)

#### **4.23.140 Written receipt.**

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A. No person may accept any contribution for a charitable purpose without providing a signed receipt for the contribution.

B. Exceptions:

1. No receipt need be given or tendered if a donation of money is made by placing the same in a box or receptacle previously approved by the issuing officer.
2. No receipt need be given for any donation the value of which is less than one dollar.
3. When the issuing officer determines that the public interest would not be adversely affected thereby and that the waiver of the requirement of tendering a signed receipt would not aid in a fraud upon the contributor, the issuing officer may waive the requirements of this section. (Prior code § 21.524)

**4.23.150 Use of boxes or receptacles.**

No person may solicit any contribution for a charitable purpose by means of any box or receptacle in or upon any public street or place, or any place open or accessible to the public without first obtaining a license therefor from the issuing officer. (Prior code § 21.525)

**4.23.160 Accounting system.**

No person may conduct, carry on or manage any solicitation for a charitable purpose unless the person establishes and maintains a system of accounting in which all income contributions and disbursements are recorded. (Prior code § 21.520)

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## CHAPTER 4.24 SWAP MEETS AND SWAP LOTS

### 4.24.010 Background.

Swap meets attract many citizens, out-of-city and out-of-state participants. State laws regulate the reporting of property for sale or exchange. Nothing herein is intended to supersede, supplant or supplement such state law relative to reporting of such property. Investigation has shown that both new and used items and merchandise are sold at swap meets. Special regulations apply to pawn shops and because swap meets are especially susceptible places to dispose of stolen goods, similar control should be applicable to swap meets. (Prior code § 21.1301)

### 4.24.020 Intent.

It is the intent of this chapter that swap meets be subject to proper regulations similar to regulations applicable to businesses with similar problems, that swap meet owners and operators pay their share of regulatory costs and that the citizens who attend swap meets be protected by appropriate controls of swap meet operations. (Prior code § 21.1302)

### 4.24.030 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. "Owner or operator" means any person which controls, manages, conducts or otherwise administers a swap meet.

B. "Swap lot" means a building, structure, enclosure, lot or other area into which persons are admitted to display, exchange, barter, buy, sell, or bargain for new or used merchandise.

C. "Swap meet" means any event:

1. At which two or more persons offer personal property for sale or exchange; and
2. At which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or
3. At which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or
4. Regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if such event is held more than six times in any twelve-month period. (Prior code § 21.1303)

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#### **4.24.040 License-Application.**

It is unlawful for any person to control, manage, conduct or otherwise administer a swap meet in the City without first having procured a business license required by Chapter 4.02 and any regulatory permit required by chapters \_\_\_ and \_\_\_.

#### **4.24.050 Licensee-Application denial.**

In addition to the reasons stated in Chapter 5.02, the issuing officer may deny any application if the premises proposed to be used as a swap lot are not a suitable or proper place for swap meets, or if the operation of the swap meet will generate excessive traffic in the surrounding community or unreasonably disturb the peace and tranquility of the residents thereof, or if the health, safety, or welfare warrant such denial. (Amended during 1989 supplement; prior code § 21.1307)

#### **4.24.060 Hours and days of operation.**

The business defined in this chapter must not open before six a.m. and must close no later than six p.m.; provided, however, that the owner or operator must ensure that no one is admitted to the swap meet later than one hour before closing time. Such business must not be conducted on December 25th, Labor Day, Thanksgiving Day, or on such other days as are prohibited by the conditions of granting a license as authorized below. The sheriff is authorized to issue a license limiting the days and/or hours of operation upon a determination that the peace and tranquility of the residents of the surrounding community require such limitations. (Prior code § 21.1314)

#### **4.24.070 Inspection.**

All merchandise admitted into the area must be arranged so that the sheriff, building inspector, health officer, fire department personnel, and other officials may have access for inspection at all times during hours of operation. (Prior code § 21.1313)

#### **4.24.080 Notice.**

The owner or operator of any swap meet must take reasonable steps to notify all participants of the regulations and prohibitions contained in this chapter, including but not limited to the posting of notices in conspicuous places on the premises where such swap meet is conducted. (Prior code § 21.1316)

#### **4.24.090 Prohibited articles.**

It is unlawful for any person to exchange, barter, trade or sell firearms or explosives in a swap meet. (Prior code § 21.1315)

#### **4.24.100 Trading area.**

Swap meet activities must be conducted only in a building, structure, or other area enclosed by a permanent fence which is sufficient to enable the owner or operator, or his employee to control effectively the ingress and egress of persons and merchandise. The owner or operator of any

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swap meet must implement best management practices to prevent trash and other pollutants from entering storm water. (Prior code § 21.1312)

**4.24.110 False information or failure to furnish information.**

Knowingly furnishing false information or failure to furnish information, where information is required by the provisions of this chapter, constitute a violation of this chapter. (Prior code § 21.1317)

**4.24.120 Exemptions.**

The requirements of this chapter are not applicable to:

A. An event held not more than two times per calendar year that is organized for the exclusive benefit of any community chest, fund, foundation, association or corporation organized and operated for religious, educational, hospital or charitable purposes, provided that no part of any admission fee charged vendors or prospective purchasers, or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percentage of such receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event;

B. An event at which all of the personal property offered or displayed is new, and all persons selling, exchanging, or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants;

C. Any vehicle or trailer;

D. Any vehicle accessory or vehicle part exclusively for a motor vehicle eligible for registration under Section 5004 of the Vehicle Code. (Prior code § 21.1319)

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## CHAPTER 4.25 TAXICABS AND TAXICAB OPERATIONS

### 4.25.010 Identification card defined.

“Identification card” means the permanent taxicab driver’s identification card issued by the San Diego County Sheriff’s Department. (Amended during 1989 supplement; prior code § 21.301)

### 4.25.020 License-Required

A. It is unlawful for any person to operate a taxicab or other motor vehicle for hire within the city without first having procured a business license required by **Chapter 4.02** and any regulatory permit required by chapters **\_\_\_ and \_\_\_**.

B. An applicant for a business license must submit a valid identification card with the application. (Amended during 1989 supplement; prior code § 21.307)

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## CHAPTER 4.26 SPECIAL EVENT SHOW

### 4.26.010 Definitions.

The following words and phrases, when used in this Chapter, have the meanings in this Section unless, from the context, a different meaning is intended or specifically defined:

A. “Special event show” includes but is not limited to any of the following: business expositions, craft fairs, bazaars, art shows, antique shows and hobby shows.

B. “Sponsor” means those organizations or individuals which act on behalf of the vendor(s). A sponsor may be a vendor, an association, or group of vendors, or an entity with no direct connection with the displaying individuals. A sponsor may also include those individuals or organizations that permit said show to operate at a given location, whether by right of ownership, contract, agreement, or default.

C. “Vendor” means the individual participant in the special event show who places his or her goods or services, or a representation of his or her goods or services, on display with the intent to sell or take orders for future delivery. (Ord. 342 (§ 2 part), 1995)

### 4.26.020 License Required.

The sponsor of a special event show must obtain a business license for such show pursuant to this chapter. No sponsor may cause or permit a vendor to sell or offer to sell any goods, services, wares or merchandise without first obtaining a license for that vendor at the special event show. It is the intent of this chapter to license special event shows and vendors through the sponsor of said shows.(Ord. 342 (§ 2 part), 1995)

### 4.26.030 License-Exemption.

No license for a vendor is required if a vendor has a valid business license issued by the city. However, the intended sale of goods or services at the special event show must be the same as described in their current business license. (Ord. 342 (§ 2 part), 1995)

### 4.26.040 License-Issuance.

A. Upon request by the sponsor, the issuing officer will provide the sponsor with special event show applications to be completed by participating vendors. The fee for each application is as established by resolution of the city council and paid by the sponsor at the time that the blank applications are issued. Special event show applications when completed and signed by the vendor meet the license requirement of section 5.60.020 of this chapter.

B. Each vendor must provide the following information requested on the application:

1. The name of the sponsor;
2. The name of the special event show;

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3. The location at which the show is to be held;
  4. Name and signature of the individual vendor certifying under penalty of perjury the correctness of the information;
  5. Dates the show is to be held;
  6. Seller's permit number;
  7. Type of goods or services offered for sale.

C. The vendor must prominently display the special event show application at all times while a participant in the special event show. (Ord. 342 (§ 2 part), 1995)

**4.26.050 Term of license.**

The term of the license is three consecutive calendar days beginning with the first day of the show and continuing for the next two days. A day is considered as the calendar date and not by the number of hours. (Ord. 342 (§ 2 part), 1995)

**4.26.060 Final action required.**

Within ten calendar days after the closing of each special event show, the sponsor must return to the issuing officer copies of the special event show applications that were issued to each vendor, and any unissued applications for which a refund is requested. (Ord. 342 (§ 2 part), 1995)