

ORDINANCE NO. 2024-515

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, MAKING NONSUBSTANTIVE OR MINOR AMENDMENTS TO VARIOUS SECTIONS OF THE GUADALUPE MUNICIPAL CODE TO MAKE CLERICAL CORRECTIONS, TO ALLOW VIOLATIONS RELATED TO ANIMALS TO BE MISDEMEANORS OR INFRACTIONS, TO REMOVE TWO ZONING DESIGNATIONS THAT ARE NOT ON THE CITY'S ZONING MAP, TO CLARIFY THE DIMENSIONS FOR OFF-STREET PARKING SPACES IN GARAGES, TO CLARIFY OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR WATER LINES TO AND FROM A WATER METER, AND TO REMOVE A LIMITATION RELATED TO EMPLOYEE HOUSING ON A SINGLE-FAMILY PARCEL

The City Council of the City of Guadalupe, State of California, does ordain as follows:

SECTION 1. Section 1.10.040 of Chapter 1.10 of the Guadalupe Municipal Code is hereby amended as follows:

§1.10.040 Methods of service.

All notices required by this chapter shall be served pursuant to the provisions of Section 8.50.120.

SECTION 2. Section 3.24.060 of Chapter 3.24 of the Guadalupe Municipal Code is hereby amended as follows:

§ 3.24.060. Electricity users' tax.

- A. There is hereby imposed a tax upon every person in the City, other than an electrical corporation or a gas corporation, using electrical energy in the City. The tax imposed by this section shall be at the rate of 5% of the charges made for such energy, and shall be paid by the person paying for such energy.
- B. As used in this section, the words "using electrical energy" shall not be construed to mean the use of such energy from a storage battery; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of storage batteries.
- C. As used in this section, the words "using electrical energy" shall not be construed to mean the receiving of such energy by an electrical corporation or a governmental agency at a point within the City, for resale.
- D. The tax imposed in this section shall be collected from the service user by the person selling such electrical energy. The amount of tax collected in one month shall be remitted to the Tax Administrator on or before the last day of the following month.

SECTION 3. Section 3.24.070 of Chapter 3.24 of the Guadalupe Municipal Code is hereby amended as follows:

§ 3.24.070. Gas users' tax.

- A. There is hereby imposed a tax upon every person in the City, other than a gas corporation or an electrical corporation, using gas in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 5% of the charges made for such gas, and shall be paid by the person paying for such gas.
- B. As used in this section, the word "charges" shall include minimum charges for such services, including customer charges, service charges and annual and monthly charges.
- C. As used in this section, the word "charges" shall not include charges made for gas used in the generation of electrical energy by a public utility or a governmental agency.
- D. As used in this section, the words "using gas" shall not be construed to mean the receiving of such gas by a gas corporation or governmental agency at a point within the City, for resale.
- E. The tax imposed in this section shall be collected from the service user by the person selling the gas. The amount collected in one month shall be remitted to the Tax Administrator on or before the last day of the following month, or at such other time as the Tax Administrator and the service supplier may from time to time agree by administrative agreement.

SECTION 4. Section 3.24.080 of Chapter 3.24 of the Guadalupe Municipal Code is hereby amended as follows:

§ 3.24.080. Telephone users' tax.

- A. There is hereby imposed a tax on the amounts paid for any intrastate telephone communication services, by any person in the City other imposed by this section shall be at the rate of 5% of all charges made for such services, and shall be paid by the person paying for such services.
- B. As used in this section, the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones, except where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment furnished by a service supplier subject to Public Utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to Public Utility regulation; nor shall the term "telephone communications services" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal

Regulations. The term “telephone communication services” refers to that service which provides access to a telephone system and the privilege of telephone- quality communication, with substantially all persons having telephone stations which are part of such telephone system. The telephone users tax is intended to, and does, apply to all charges irrespective of whether a particular communication service originates and/or terminates within the City.

- C. The tax imposed in this section shall be collected from the service user by the person providing the intrastate telephone communication services, or the person receiving the payment for such services. The amount of tax collected in one month shall be remitted to the Tax Administrator on or before the last day of the following month, or, at the option of the person required to collect and remit the tax, an estimated amount of tax collected, measured by the Tax Administrator on or before the last day of each month.
- D. Notwithstanding the provisions of subsection A of this section, the tax imposed under this section shall not be imposed upon any person for using intrastate telephone communications services to the extent that the amounts paid for such services are exempt from or not subject to the Taxation Code or the tax imposed under Section 4251 of Title 26 of the United States Code.

SECTION 5. Section 3.24.090 of Chapter 3.24 of the Guadalupe Municipal Code is hereby amended as follows:

§ 3.24.090. Water users’ tax.

- A. There is hereby imposed a tax upon every person within or without the City, other than a water corporation, using water supplied by the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 5% of the charges made for such water, and shall be paid by the person paying for such water.
- B. The tax imposed in this section shall be collected from the service user by the person selling the water. The amount collected in one month shall be remitted to the Tax Administrator on or before the last day of the following month.

SECTION 6. Section 6.04.390 of Chapter 6.04 of the Guadalupe Municipal Code is hereby amended as follows:

§ 6.04.390. Penalties.

A. Except as otherwise provided in Section 6.04.370 of this chapter, any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, however, the City shall have the prosecutorial discretion to cite any misdemeanor violation of this Chapter as an infraction, and if cited as an infraction, shall be subject to the following fines:

1. \$50.00 upon the first offense.

2. \$100.00 upon the second offense in a 12-month period.

3. \$250.00 upon the third offense in a 12-month period.

B. If any violation is continued, each day's violation shall be deemed a separate violation. Any person found guilty of more than 3 violations of this chapter within a 12-month period shall be deemed guilty of a misdemeanor and fined up to \$1,000.00 or imprisoned for a term not to exceed 30 days for each misdemeanor conviction. The person shall also pay any and all expenses, including shelter, food, veterinarian expenses for identification or certification or boarding associated with the seizure of the animal.

SECTION 7. Section 13.08.055 is hereby added to Chapter 13.08 of the Guadalupe Municipal Code as follows:

§ 13.08.055. Connections – Ownership and Maintenance.

All connections up to and including the meter shall at all times remain the property of the City, and all connections beyond the meter toward the occupancy shall be the sole responsibility of the property owner or occupant, both as to the original installation and as to maintenance and upkeep.

SECTION 8. Section 18.08.345 of Chapter 18.08 of the Guadalupe Municipal Code is hereby amended as follows:

§ 18.08.345. Garage.

An accessory building or part of a main building designed for the shelter and storage of a motor vehicle or vehicles and enclosed on 3 or more sides. Garages must be open and usable for the parking of vehicles to satisfy the parking requirements of this Code.

SECTION 9. Chapter 18.42 of the Guadalupe Municipal Code (C-R, COMMERCIAL RECREATION DISTRICT) is hereby repealed in its entirety.

SECTION 10. Chapter 18.46 of the Guadalupe Municipal Code (UR/I, URBAN RESERVE/LIGHT INDUSTRIAL DISTRICT) is hereby repealed in its entirety.

SECTION 11. Section 18.60.030 of Chapter 18.60 of the Guadalupe Municipal Code is hereby amended as follows:

§ 18.60.030. Construction specifications and access standards.

Off-street parking facilities shall meet the following standards:

A. Every off-street parking space shall be accessible by a driveway from a public street or alley.

- B. Each parking space shall be not less than 19 feet in length and 9.0 feet in width or as otherwise noted in Section 18.60.050.
- C. Where 3 or more parking spaces are provided in one area, driveways shall be designed to allow forward movement of a vehicle between the street and the parking spaces.
- D. Driveways shall have a clear width of not less than 10 feet, and a paved width of not less than 8 feet.
- E. Driveways providing for 2 lanes of vehicular traffic in opposite directions shall have a width of not less than 20 feet.
- F. Off-street parking areas shall be designed to permit the operator of a vehicle to maneuver from one aisle of the off-street parking area to another aisle without driving upon any portion of a public street.
- G. Entrances and exits shall be provided at locations approved by the City Engineer.
- H. If the parking area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.
- I. A required off-street parking space shall not be located in the required front yard setback, or in a required side yard adjoining a street.
- J. All driveways and parking areas shall be surfaced so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe parking and movement of vehicles. Drainage of driveways and parking areas shall comply with current National Pollution Discharge Elimination System (NPDES) and Regional Water Quality Control Board standards for stormwater runoff including low impact development (LID) standards.

SECTION 12. Subdivision A of Section 18.60.050 of Chapter 18.60 of the Guadalupe Municipal Code is hereby amended as follows:

§ 18.60.050. Off-street parking spaces required.

A. Residential.

1. Dwelling, Single-Family.

- a. New construction of single-family residential dwellings shall provide 2 off-street parking spaces within a garage or carport, and where preengineered, uniform carport and garage designs are approved through a design review permit. Off-street parking spaces within a garage or carport shall be a minimum of 9 feet by 19 feet; except that single-car garages and carports with side walls shall be 11 feet by 19 feet. These spaces

shall be free and clear of any appliances, cabinets, structures or material which could make the space unusable for the parking of automobiles.

b. Single-family residential units which existed or were under construction prior to approval of this ordinance amendment and where additional living area is added after adoption of this ordinance amendment shall provide 2 off-street parking spaces, one of which must be within a garage or carport and one of which must be on a flat, paved pad accessible directly from the driveway or the public way and located outside the front yard setback. The requirement of this paragraph for existing structures shall not apply when additions are made to the unit that do not constitute an increase in living area. This section in no case will prohibit the addition of living area to a single-family residence when there is no accessible space available for the required additional parking space, subject to all other provisions of the zoning regulations being complied with.

2. Two-family/duplex dwellings or multifamily dwellings shall provide 2 spaces per unit, one of which shall be covered.

3. Condominium developments require 2 covered parking spaces per dwelling unit, plus one guest parking space for each 2 dwelling units. The guest parking spaces shall be distributed throughout the development at locations approved by the Planning Department.

4. Mobile home parks shall provide 2 spaces per unit, plus one guest space for each 4 mobile home sites in the park.

5. Senior Housing Units.

a. Where the square footage per unit does not exceed 600 square feet, shall provide one space for each 3 units, plus one space per each staff member.

b. Units exceeding 600 square feet shall provide one space per dwelling unit, plus one space per each staff member.

6. Boardinghouses. One covered parking space is required per habitable room as determined by the Building Official. For the purpose of this section, bathrooms and kitchens are not habitable rooms.

SECTION 13. Section 18.75.030 of Chapter 18.75 of the Guadalupe Municipal Code is hereby amended as follows:

§ 18.75.030. Applicability of requirements.

A. The requirements set out in this chapter apply to and are conditions of all employee housing facilities within the City. Failure of an operator of an employee housing facility to comply with

the provisions of this chapter is a public nuisance and is subject to the administrative penalties, citations, fines and hearing procedures of the City of Guadalupe.

B. Frequent or an unusual number of calls for service or public complaints for an employee housing facility, as determined by the Director of Public Safety, may lead to review and imposition of additional conditions or revocation of the conditional use permit issued for the facility.

C. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for 6 or fewer employees in a dwelling unit is a residential use of property, and therefore, is not subject to the provisions of this chapter.

D. All employee housing facilities shall comply with the processing procedures for a conditional use permit as provided in Chapter 18.72.

SECTION 14. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15601(b)(3) (general rule) of the CEQA Guidelines because it does not have the potential to create a physical environmental effect.

SECTION 15. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 16. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 13th day of February 2024, by the following vote:

MOTION: EUGENE COSTA JR. / CHRISTINA HERNANDEZ

AYES: 4 **Councilmembers:** Costa Jr., Hernandez, Julian, Robles

NOES: 0

ABSENT: 0

ABSTAINED: 0

PASSED AND ADOPTED at the regular meeting of the City Council on the 27th day of February 2024, by the following roll call vote:

MOTION: GILBERT ROBLES / EUGENE COSTA JR.


AYES: 4 **Councilmembers:** Costa Jr., Hernandez, Julian, Robles

NOES: 0

ABSENT: 0

ABSTAINED: 0

ATTEST:

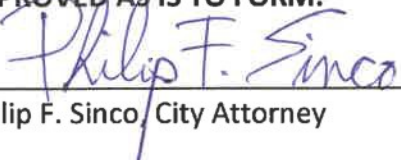


Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS IS TO FORM:



Philip F. Sinco, City Attorney