

ORDINANCE NO. 1219

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, 1) FINDING ADOPTION OF THIS OMNIBUS ORDINANCE EXEMPT FROM CEQA; AND 2) ADDING CHAPTER 5.14 (NONRESIDENTIAL SPECIAL EVENT PERMITS); DELETING SECTION 10.32.070 (SIDEWALK SALES PROHIBITIONS AND REGULATIONS); DELETING CHAPTER 8.10 (ILLEGAL DUMPING) AND ADDING SECTION 14.60.245 (ILLEGAL DUMPING); ADDING SECTION 14.60.550 (WASTEFUL LANDSCAPE IRRIGATION AND VECTOR CONTROL) TO CHAPTER 14.60 (PUBLIC NUISANCES); AMENDING CHAPTERS 5.04 (BUSINESS LICENSES AND FEES GENERALLY) – SECTION 5.04.290 (ENFORCEMENT), CHAPTER 8.12 (GARBAGE COLLECTION) – SECTION 8.12.170 (SELF-HAULER REQUIREMENTS), CHAPTER 6.60 (ANIMAL NUISANCES) – SECTION 6.60.010 (ANIMAL NUISANCES DEFINED), CHAPTER 10.40 (STOPPING, STANDING AND PARKING REGULATIONS AND RESTRICTIONS) – SECTION 10.40.120 (STREET VENDING – PERMIT REQUIRED – RESTRICTIONS), CHAPTER 14.60 (PUBLIC NUISANCES) – SECTIONS 14.60.050 (TREES AND SHRUBS) AND 14.60.070 (VEHICLE PARKING), CHAPTER 14.80 (ADMINISTRATIVE CITATION AND APPEAL PROCEDURES) – SECTION 14.80.030 (TIME PERIOD WITHIN WHICH TO CORRECT OR REMEDY VIOLATIONS), CHAPTER 15.27 (HISTORIC PRESERVATION PROGRAM), CHAPTER 16.12 (TENTATIVE MAPS) – SECTION 16.12.080 (EXPIRATION), CHAPTER 17.08 (RESIDENTIAL DISTRICTS) – SECTIONS 17.08.012 (ALLOWABLE RESIDENTIAL ZONE USES, PERMIT REQUIREMENTS AND PROJECT REVIEW AUTHORITY) & 17.08.020 (RESIDENTIAL DISTRICTS GENERAL DEVELOPMENT STANDARDS), CHAPTER 17.20 (GENERAL PROPERTY AND USE STANDARDS) – SECTION 17.20.110 (OUTDOOR STORAGE), CHAPTER 17.30 (STANDARDS FOR SPECIFIC LAND USES) – SECTION 17.30.030 (ANIMAL KEEPING), CHAPTER 17.34 (INTRODUCTION) – SECTION 17.34.010 (INTRODUCTION) OF DIVISION IV (PERMITS AND REVIEW), AND CHAPTER 17.68 (PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS) – SECTION 17.68.060 (EXPIRATION) OF THE RANCHO MIRAGE MUNICIPAL CODE

WHEREAS, the City of Rancho Mirage is a charter city and a municipal corporation of the State of California, and recognized as a political subdivision of the State of California for certain purpose; and

WHEREAS, the “Proposed Project” is an omnibus ordinance, proposing various revisions to Title 5 (Business Taxes, Licenses and Regulations), Title 10 (Vehicles and Traffic), Title 16 (Subdivisions) and Title 17 (Zoning), as specified in more detail herein, in the Rancho Mirage Planning Commission May 30, 2024, Special Meeting Staff Report, incorporated herein by reference, and June 20, 2024, City Council Staff Report; and

WHEREAS, Chapter 17.73 of the Rancho Mirage Municipal Code provides that amendments to the text of Title 17 may be initiated by the City Manager or any Department Director; and

WHEREAS, the version of the Ordinance included in the May 30, 2024, Special Rancho Mirage Planning Commission Staff report differs in substance from the version

included in the City Council's consideration of this Omnibus Ordinance, because staff proposed further Municipal Code amendments which are outside the purview of the Planning Commission, and instead go directly to the City Council for consideration; and

WHEREAS, on May 30, 2024, the Planning Commission adopted Resolution No. 2024-PC-03, incorporated herein by this reference, recommending the City Council (1) find the adoption of the omnibus ordinance, as presented to the Planning Commission, not a "project" under CEQA pursuant to Title 14 California Code of Regulations, Section 15378, because it will not cause a direct (or reasonably foreseeable indirect) physical environmental change, but even assuming, arguendo, that the action is a "project" under CEQA, it is exempt from CEQA pursuant to 15061(b)(3) in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and (2) find the amendments consistent with the General Plan and applicable Specific Plans, upon consideration of all of its aspects, in that the proposed amendments further the objectives and policies of the General Plan and do not obstruct their attainment, and (3) introduce and adopt the omnibus ordinance; and

WHEREAS, the action is an amendment to the Municipal Code and is City-wide. Certain revisions to the municipal code require public noticing, to provide the public an opportunity to comment on certain proposed revisions, in accordance with applicable law. Accordingly, a Public Hearing Notice was published in the Desert Sun on June 9, 2024, and posted at the City's website, City Hall, and library on June 5, 2024, informing the public of City Council's consideration of portions of the attached ordinance, and the Planning Commission's recommendation related thereto, in addition to the Agenda and Staff Report posted on the City's website for public review and inspection at least 72 hours prior to the City Council's June 20, 2024, meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. RECITALS AND EXHIBITS

That the foregoing Recitals and attached Exhibits are true and correct and are hereby incorporated by this reference.

SECTION 2. EVIDENCE AND ADMINISTRATIVE RECORD

That the City Council conducted a noticed Public Hearing on June 20, 2024, and considered all of the evidence submitted into the administrative record for the Proposed Project, including, but not limited to, the following, which are all hereby incorporated herein by reference:

- (a) Rancho Mirage Municipal Code;
- (b) Rancho Mirage General Plan, applicable Specific Plans, and Title 17 (Zoning) of the Rancho Mirage Municipal Code and all relevant provisions contained therein;

- (c) Notice of Planning Commission Public Hearing scheduled for May 30, 2024, at 2:00 p.m. in the Council Chamber, located at City Hall at 69-825 Highway 111, Rancho Mirage, California;
- (d) Planning Commission Staff Report, attachments and Staff presentation for the Proposed Project, and all public documents, records and references related thereto submitted or provided at or prior to the May 30, 2024, Planning Commission Public Hearing;
- (e) Testimony and/or comments from all persons that were provided in written format or correspondence, at, or prior to, the May 30, 2024, Planning Commission Public Hearing;
- (f) Notice of City Council Public Hearing scheduled for June 20, 2024, at 1:00 p.m. in the Council Chamber, located at City Hall at 69-825 Highway 111, Rancho Mirage, California;
- (g) City Council Staff Report, attachments and Staff presentation for the Proposed Project, and all public documents, records and references related thereto submitted or provided at or prior to the June 20, 2024, City Council Public Hearing; and
- (h) Testimony and/or comments from all persons that were provided in written format or correspondence, at, or prior to, the June 20, 2024, City Council Public Hearing.

SECTION 3. CITY COUNCIL ENVIRONMENTAL REVIEW AND GENERAL PLAN CONSISTENCY

That based on the foregoing Recitals and the Evidence contained in the Administrative Record for the Proposed Project, as set forth and described herein, and the findings and determinations set forth in the May 30, 2024, Planning Commission Staff Report, and June 20, 2024, City Council Staff Report, and this Ordinance, the City Council takes the following actions:

- a) Find that the adoption of the ordinance is not a “project” under CEQA pursuant to Title 14 California Code of Regulations, Section 15378, because it will not cause a direct (or reasonably foreseeable indirect) physical environmental change, but even assuming *arguendo* that the action is a “project” under CEQA, it is exempt from CEQA pursuant to 15061(b)(3) in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and
- b) Find the amendments to the Municipal Code are consistent with the General Plan and applicable Specific Plans, upon consideration of all of its aspects, in that the proposed amendments further the objectives and policies of the General Plan and do not obstruct their attainment.

SECTION 4. AMENDING SECTION 5.04.290 (ENFORCEMENT) OF CHAPTER 5.04 (BUSINESS LICENSES AND FEES GENERALLY) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS)

That Section 5.04.290 (Enforcement) of the Rancho Mirage Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

SECTION 5. ADDING CHAPTER 5.14 (NONRESIDENTIAL SPECIAL EVENT PERMITS)

That Chapter 5.14 (Nonresidential Special Event Permits) of Title 5 (Business Taxes, Licenses and Regulations) of the Rancho Mirage Municipal Code is hereby added in its entirety as set forth in Exhibit "B", attached hereto and incorporated herein by this reference.

SECTION 6. AMENDING SECTION 6.60.010 (ANIMAL NUISANCES DEFINED) OF CHAPTER 6.60 (ANIMAL NUISANCES) OF TITLE 6 (ANIMAL SERVICES)

That Section 6.60.010 (Animal Nuisances Defined) is hereby amended as set forth in Exhibit "C", attached hereto and incorporated herein by this reference.

SECTION 7. AMENDING SECTION 8.12.170 (SELF-HAULER REQUIREMENTS) OF CHAPTER 8.12 (GARBAGE COLLECTION) OF TITLE 8 (HEALTH AND SAFETY)

That Section 8.12.170 (Self-Hauler Requirements) of Title 8 (Health and Safety) is hereby amended as set forth in Exhibit "D", attached hereto and incorporated herein by this reference.

SECTION 8. DELETING SECTION 10.32.070 (SIDEWALK SALES PROHIBITIONS AND REGULATIONS) OF CHAPTER 10.32 (PROHIBITED ACTS) OF TITLE 10 (VEHICLES AND TRAFFIC)

That Section 10.32.070 (Sidewalk Sales Prohibitions and Regulations) of Chapter 10.32 (Prohibited Acts) of Title 10 (Vehicles and Traffic) of the Rancho Mirage Municipal Code is hereby deleted in its entirety, as set forth in Exhibit "E", attached hereto and incorporated herein by this reference.

SECTION 9. DELETING CHAPTER 8.10 (ILLEGAL DUMPING) AND ADDING SECTION 14.60.245 (ILLEGAL DUMPING)

That Chapter 8.10 (Illegal Dumping) of Title 8 (Health and Safety) is hereby deleted in its entirety and Section 14.60.245 (Illegal Dumping) is added to the Rancho Mirage Municipal Code, as set forth in Exhibit "F", attached hereto and incorporated herein by this reference.

SECTION 10. AMENDMENT TO SECTION 10.40.120 (STREET VENDING – PERMIT REQUIRED – RESTRICTIONS) OF CHAPTER 10.40 (STOPPING, STANDING AND PARKING REGULATIONS AND RESTRICTIONS) OF TITLE 10 (VEHICLES AND TRAFFIC)

That Section 10.40.120 (Street Vending – Permit Required – Restrictions) of Chapter 10.40 (Stopping, Standing and Parking Regulations and Restrictions) of Title 10 (Vehicles and Traffic) of the Rancho Mirage Municipal Code is hereby amended and replaced in its entirety as set forth in Exhibit “G”, attached hereto and incorporated herein by this reference.

SECTION 11. ADDING SECTION 14.60.550 (WASTEFUL LANDSCAPE IRRIGATION AND VECTOR CONTROL) TO CHAPTER 14.60 (PUBLIC NUISANCES)

That Section 14.60.550 (Wasteful Landscape Irrigation and Vector Control) is hereby added to Chapter 14.60 (Public Nuisances) of Title 14 (Code Compliance and Remedies), as set forth in Exhibit “H”, attached hereto and incorporated herein by this reference.

SECTION 12. AMENDING SECTION 14.60.050 (TREES AND SHRUBS) OF CHAPTER 14.60 (PUBLIC NUISANCES) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)

That Section 14.60.050 (Trees and Shrubs) of Chapter 14.60 (Public Nuisances) of Title 14 (Code Compliance and Remedies) is hereby amended as set forth in Exhibit “I”, attached hereto and incorporated herein by this reference.

SECTION 13. AMENDING SECTION 14.60.070 (VEHICLE PARKING) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)

That Section 14.60.070 (Vehicle Parking) of Chapter 14.60 (Public Nuisances) of Title 14 (Code Compliance and Remedies) is hereby amended as set forth in Exhibit “J”, attached hereto and incorporated herein by this reference.

SECTION 14. AMENDING SECTION 14.80.030 (TIME PERIOD WITHIN WHICH TO CORRECT OR REMEDY VIOLATIONS) OF CHAPTER 14.80 (ADMINISTRATIVE CITATION AND APPEAL PROCEDURES) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)

That Section 14.80.030 (Time Period within which to Correct or Remedy Violations) of Chapter (Administrative Citation and Appeal Procedures) of Title 14 (Code Compliance and Remedies) is hereby amended as set forth in Exhibit “K”, attached hereto and incorporated herein by reference.

SECTION 15. AMENDING CHAPTER 15.27 (HISTORIC PRESERVATION PROGRAM) OF TITLE 15 (BUILDING AND CONSTRUCTION)

That Chapter 15.27 (Historic Preservation Program) of Title 15 (Building and Construction) is hereby amended as set forth in Exhibit "L", attached hereto and incorporated herein by this reference.

SECTION 16. AMENDING SECTION 16.12.080 (EXPIRATION) OF CHAPTER 16.12 (TENTATIVE MAPS) OF TITLE 16 (SUBDIVISIONS)

That Section 16.12.080 (Expiration) of Chapter 16.12 (Tentative Maps) of Title 16 (Subdivisions) of the Rancho Mirage Municipal Code is hereby amended as set forth in Exhibit "M", attached hereto and incorporated herein by this reference.

SECTION 17. AMENDMENT TO TITLE 17 (ZONING), AMENDING: SECTIONS 17.08.012 (ALLOWABLE RESIDENTIAL ZONE USES, PERMIT REQUIREMENTS AND PROJECT REVIEW AUTHORITY) & 17.08.020 (RESIDENTIAL DISTRICTS GENERAL DEVELOPMENT STANDARDS) OF CHAPTER 17.08 (RESIDENTIAL DISTRICTS); SECTION 17.20.110 (OUTDOOR STORAGE) OF CHAPTER 17.20 (GENERAL PROPERTY AND USE STANDARDS); SECTION 17.30.030 (ANIMAL KEEPING) OF CHAPTER 17.30 (STANDARDS FOR SPECIFIC LAND USES); SECTION 17.34.010 (INTRODUCTION) OF DIVISION IV (PERMITS AND REVIEW) OF CHAPTER 17.34 (INTRODUCTION); AND SECTION 17.68.060 (EXPIRATION) OF CHAPTER 17.68 (PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS)

That Title 17 (Zoning) is hereby amended, amending Chapter 17.08 (Residential Districts) - Section 17.08.012 (Allowable Residential Zone Uses, Permit Requirements and Project Review Authority) and 17.08.020 (Residential Districts General Development Standards); Section 17.20.110 (Outdoor Storage) of Chapter 17.20 (General Property and Use Standards); Section 17.30.030 (Animal Keeping) of Chapter 17.30 (Standards for Specific Land Uses); Section 17.34.010 (Introduction) of Division IV (Permits and Review) of Chapter 17.34 (Introduction); and Sections 17.68.060 (Expiration) of Chapter 17.68 (Permit Implementation, Time Limits, And Extensions); of the Rancho Mirage Municipal Code, as set forth in Exhibit "N", attached hereto and incorporated herein by this reference.

SECTION 18. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its adoption.

SECTION 19. CITY ATTORNEY REVIEW

That the City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Rancho Mirage Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the RMMC.

SECTION 20. SEVERABILITY

That if any provision, section, paragraph, sentence or word of this Ordinance or any portion of the administrative record for the Proposed Project be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words as hereby adopted shall remain in full force and effect.

SECTION 21. CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

SECTION 22. REPEAL OF CONFLICTING PROVISIONS

That all provisions of any ordinance and/or Municipal Code in effect prior to the effective date of this Ordinance as adopted by the City Council that are in conflict with the provisions of this Ordinance, are hereby repealed.

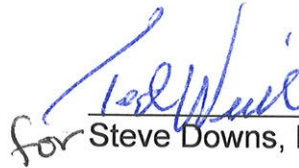
SECTION 23. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this Ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

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The foregoing Ordinance was approved and adopted at a meeting of the City Council held on July 18, 2024 by the following vote:

AYES: Downs, Malotto, Marker, O'Keefe, Weill.
NOES: None.
ABSENT: None.
ABSTAIN: None.


for Steve Downs, Mayor

ATTEST:


Kristie Ramos, City Clerk

APPROVED AS TO FORM:


Colin D. Kirkpatrick, City Attorney

**EXHIBITS INCLUDED IN ORDINANCE NO. 1219
IN LASERFICHE**

EXHIBIT "A"

**AMENDING SECTION 5.04.290 (ENFORCEMENT) OF
CHAPTER 5.04 (BUSINESS LICENSES AND FEES GENERALLY)
OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS)**

(SEE ATTACHED)

5.04.290 Enforcement.

The chief of police, ~~and~~ all police officers, **and all code compliance officers**, are appointed inspectors of licenses to examine all places of business and persons liable to procure a license, to see that such licenses are taken out, and to see that all regulatory provisions of this title are enforced; and shall have the right to enter free of charge at any time any place of business to which a license has been procured for the current term by any person engaged or employed in the transaction of such business to ascertain that the required licenses have been procured; and to enforce and perform all of the regulatory provisions of this title.

(Ord. 30 § 25, 1973)

EXHIBIT "B"

**ADDITION OF CHAPTER 5.14 (NONRESIDENTIAL SPECIAL EVENT PERMITS)
OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS)**

(SEE ATTACHED)

CHAPTER 5.14 – Nonresidential Special Event Permits

§ 5.14.010 Purpose

The purpose of this chapter is to preserve the health and safety of the general public, and the peace and tranquility of the city’s residential neighborhoods, by regulating certain events, gatherings and assemblies within the nonresidential neighborhoods in a manner that effectively avoids or mitigates the negative secondary impacts that some events, gatherings and assemblies have on traffic flow, traffic congestion, parking, air quality, noise, light, glare, health, safety, security, aesthetics, pets, and general well-being of the public.

Examples of nonresidential special events that may be subject to application and review may include but are not limited to; festivals, fairs, expos, markets, athletic events, parades and outdoor entertainment events.

§ 5.14.020 Definitions

"Applicant" means the person or entity applying for a nonresidential special event permit pursuant to the provisions of this chapter.

“Nonresidential Zones” include any district which is designated in the City’s Zoning Ordinance as not designated for residential purposes, including but not limited to resort, office, commercial, and open space zoning designations.

"Permittee" means the person or entity (applicant) issued a nonresidential special event permit pursuant to the provisions of this chapter.

"Refuse" means garbage, waste, trash, rubbish and other discarded matter.

"Sign" means any sign, pennant, flag, banner, inflatable display, or other material that is intended to attract the attention of passersby.

“Special Event” means any rental or temporary use of any portion of real property which takes place in whole or in part outdoors, and which involves either the attendance of 400 or more people, or involves the use or construction of any temporary structures.

“Temporary Structures” has the same meaning as set forth in the California Building Code and Fire Code, as they may be amended from time to time, and includes tents or canopies covering more than 400 square feet cumulative, grandstands or bleachers, temporary structures of 120 square feet or larger, and stages over 30” in height measured from the surface on which the stage is placed.

"Ticket" or "pass" means any physical, electronic or virtual ticket, pass, permit or any verbal permission that gives a person or entity the right to enter any space, place, location or venue to attend or participate in an event subject to this chapter.

"Vendor" means any person or entity promoting or selling any food, beverages, goods or services at an event subject to this chapter.

§ 5.14.030 Nonresidential Special Event Permits Required

Within nonresidential districts, special events are allowed subject to nonresidential special event permits as described in this Chapter. Activities conducted on property owned by or leased to the city and public road rights-of-way may require an encroachment permit.

§ 5.14.040 Standards

A nonresidential special event permit shall be subject to the following:

- A. The development services department may establish conditions which must be met prior to the issuance of any nonresidential special event permit under this chapter.**
- B. The type of conditions which may be imposed by the development services department, pursuant to the city's general police power for the protection of health, safety and property of local residents and persons attending special event activities in the city, may include, but not be limited to:**
 - 1. Provision of additional police or fire personnel under the direction of the city and paid for by the applicant.**
 - 2. Sufficient sanitation facilities.**
 - 3. Medical facilities.**
 - 4. Access, parking, and traffic controls.**
 - 5. Adequate lighting.**
 - 6. Posting of security bond.**
 - 7. Any other conditions reasonably related to preservation of public health and safety.**

§ 5.14.050. Nonresidential Special Event Permit Application – Contents

An application for a nonresidential special event permit to conduct a nonresidential special event shall be submitted to the development services department not less than 20 working days prior to the scheduled event. Any applications received less than 20 working days prior to the scheduled event may be rejected. The application shall contain the following information:

- A. The name, mailing address, and mobile telephone number of the person or entity making such application. The application must be signed by an individual with authority to contractually bind the property owner or entity making the application;**
- B. The name, address, and mobile telephone number of the owner of the subject property, if different from the permit applicant;**
- C. The name, address, and mobile telephone number of the event's onsite contact person who shall be present for the duration of the event;**
- D. A statement of the kind, character or type of event and related activities which the applicant proposes to conduct, operate, or carry on;**

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- E. The address or legal description of the place where the proposed event is to be conducted, operated or carried on;
 - F. The size of the subject area and an estimate of the number of persons expected to attend the proposed event;
 - G. A waste management or diversion plan which complies with the provisions of this Code regarding diversion and handling of municipal waste and recyclables;
 - H. An adequate site plan showing adequate on-site parking spaces for persons attending the nonresidential special event by motor vehicle or an off-site parking plan including transportation services.
 - I. Such other information as the city manager or his or her designee deems reasonably necessary to administer this chapter.

§ 5.14.060. Nonresidential Special Event Permit application—Consideration by development services department.

Applications for permits or certificates required by this section shall be referred by the city manager or designee to other affected city departments or other public agencies for review and comment. After staff completes its prompt review of a completed nonresidential special event permit application, the development services department shall recommend granting the nonresidential special event permit, denying the nonresidential special event permit, or establishing conditions which must be met before the nonresidential special event permit may be granted. If pre-permit conditions are imposed by the development services department, the applicant shall furnish or cause to be furnished proof that all conditions have been met before the nonresidential special event permit may be issued.

§ 5.14.070 Hours of operation.

The hours of operation for any nonresidential special event shall be set forth in the subject permit and permittee shall comply with any noise, traffic and other restrictions regarding the special event's hours of operation.

§ 5.14.080 Reserved.

§ 5.14.090 Conduct.

The owner, the owner's authorized agent or representative and/or the owner's designated local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the nonresidential special event do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the property.

§ 5.14.100 Miscellaneous conditions.

A permittee may be required to meet any other condition prior to receiving a permit to conduct a special event which the city manager or designee has reasonably calculated as being necessary to protect the health, welfare and

property of local residents and persons attending the nonresidential special event.

§ 5.14.110. Permit issuance—Nontransferable.

When the city manager or designee certifies that all pre-special event permit conditions have been met, he or she shall issue a special event permit specifying the name and address of the permittee, the kind of special event permitted and the number of hours of operation authorized. No special event permit issued pursuant to this chapter shall be transferable.

§ 5.14.120. Grounds for denial of permit

A. The city manager or designee may deny issuance of a permit if he or she finds any of the following:

- 1. That the applicant fails to meet the conditions imposed pursuant to this chapter;**
- 2. That the proposed special event as conditioned will be conducted in a manner or location not meeting the health, fire, or building and safety standards established by this code or other ordinances of the city or laws of the state;**
- 3. That the applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the current or any prior permit application or in any other document required pursuant to this chapter;**
- 4. That the applicant, or any of the applicant's employees, agents, or any person connected or associated with the applicant as a partner, director, officer, associate, or manager has previously conducted a similar type of special event that resulted in the creation of a public or private nuisance;**
- 5. That the special event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage;**
- 6. That the applicant has failed to conduct a previous special event in accordance with law or the terms of a permit, or both;**
- 7. That written complaints from the record owners of parcels within 500 feet of the proposed special event venue have been submitted to the city regarding a special event held at the same venue in the previous 12 months;**
- 8. That the proposed special event venue is subject to a pending code enforcement proceeding action initiated by the city; or**
- 9. That the applicant or owner has held an unpermitted special event within the last 24 months.**

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- B. If an application is denied, the city manager or designee shall mail to the applicant by certified mail, return receipt requested, written notice of denial which shall include a statement of the reasons the application was denied.**

§ 5.14.130 Appeals.

The city manager's decision may be appealed to the planning commission pursuant to Chapter 17.76 Appeals, for a final decision which shall not be appealable to the city council.

§ 5.14.140 Prohibited acts.

The following acts shall be prohibited:

- A. Conducting, operating or participating in a special event which requires a permit under this chapter, but for which a nonresidential special event permit has not been issued;**
- B. Selling tickets or advertising or promoting a special event for which a nonresidential special event permit is required under this code but a permit application has not been submitted;**
- C. Operating or conducting a special event in such manner as to create a public or private nuisance;**
- D. Allowing any person on the premises where a permitted special event is being held to cause or create a disturbance in, around, or near any place of the activity by disorderly conduct;**
- E. Allowing any person to consume, sell, or be in possession of intoxicating liquor in, around, or near the place where the special event is held, except where such consumption or possession is expressly authorized under the laws of the state;**
- F. Allowing any person at the permitted special event to use, sell, or be in possession of any narcotic or dangerous drug while in, around, or near a special event venue;**
- G. Failing, neglecting or refusing to pay the city the fee required by this chapter or city council resolution;**
- H. Failing, neglecting or refusing to fulfill any or all of the conditions imposed pursuant to this chapter;**
- I. Allowing the special event to be conducted in a manner which violates any law or regulation established by the laws or ordinances of the city or the laws of the state;**
- J. Using or discharging fireworks or other explosive devices, such as, but not limited to, firecrackers, without specific approval by the City Council;**
- K. Using, controlling or flying unmanned aircraft systems, commonly known as drones during the nonresidential special event, unless permitted by the nonresidential special event permit.**

§ 5.14.150 Violations—General.

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- A. Additional Conditions. A violation of any provision of this chapter by the applicant or permittee or their respective agents or representatives, vendors, attendees or other persons permitted to attend or participate in the subject special event shall authorize the city manager, or designee, to impose additional conditions on a current or subsequent special event permit to ensure that any potential additional violations are avoided.
- B. Permit Modification, Suspension and Revocation. Unless otherwise provided in this chapter, a violation of any provision of this chapter, or condition in a special event permit, by the applicant or permittee or their respective agents or representatives, vendors, attendees or other persons permitted to attend or participate in the subject special event shall constitute grounds for modification, suspension and/or revocation of a special event permit and/or any affiliated licenses or permits pursuant to the provisions set forth in Chapter 14.170 (Permit and License Suspension, Modification and Revocation Procedures) of Title 14 of this code.
- C. Notice of Violation. The city may issue a notice of violation to the applicant or permittee or their respective agents or representatives, vendors, attendees or other persons permitted to attend or participate in the subject special event pursuant to Chapter 14.70 (Notice of Violation) of this code, if there is any violation of this chapter committed, caused or maintained by any of the above parties.
- D. Administrative Citation. The city may issue an administrative citation to the applicant or permittee or their respective agents or representatives, vendors, attendees or other persons permitted to attend or participate in the subject special event, pursuant to Chapter 14.80 (Administrative Citation and Appeal Procedures) of this code, including, but not limited to, the imposition of any and all fines and penalties set forth therein, or in Section 5.14.160 of this chapter, if there is any violation of this chapter committed, caused or maintained by any of the above parties. Nothing in this section shall preclude the city from also issuing an administrative citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person issued an administrative citation pursuant to this chapter shall for each separate violation be subject to the following fines: (1) an administrative fine in an amount not to exceed \$1,000 for the first citation; (2) an administrative fine in an amount not to exceed \$2,000 for a second citation issued for the same offense within a 12-month period of the date of the first offense; and (3) a fine in an amount not to exceed \$4,000 for a third and any subsequent citation issued for the same offense within a 12-month period of the date of the first offense.
- E. Infraction. The city may issue an infraction citation to the applicant or permittee or their respective agents or representatives, vendors, attendees or other persons permitted to attend or participate in the subject special event, pursuant to the provisions set forth in Chapter 14.100 (Infraction Violations) of this code, including, but not limited to, the imposition of any and all fines and penalties set forth therein, or in Section 5.14.160 of this

chapter, if there is any violation of this chapter committed, caused or maintained by any of the above parties. Nothing in this section shall preclude the city from also issuing an infraction citation upon the occurrence of the same offense on a separate day. Unless otherwise provided herein, any person convicted of an infraction shall, for each separate violation of this chapter be subject to: (1) a fine in an amount not to exceed \$1,000 for a first conviction of an offense; (2) a fine in an amount not to exceed \$2,000 for a second conviction of the same offense within a 12-month period of the date of the first offense; and (3) a fine in an amount not to exceed \$4,000 for the third conviction of the same offense within a 12-month period of the date of the first offense. The fine for a fourth and subsequent convictions of the same offense within a 12-month period of the date of the first offense shall be \$8,000.

- F. Public Nuisance. It shall be a public nuisance for any person to commit, cause or maintain a violation of this chapter, which shall be subject to the provisions of Chapter 14.120 (Notice of Public Nuisance and Order to Abate and Appeal Procedures) of this code, including, but not limited to, the imposition of any and all fines and penalties set forth therein, or in Section 5.14.160 of this chapter.
- G. The above remedies shall apply to any violation of this chapter, including, without limitation, engaging in any prohibited acts identified in Section 5.14.140 of this chapter.

§ 5.14.160 Violations—Special fines.

- A. Not Possessing a Nonresidential Special Event Permit. If the condition, operation, or conduct of a nonresidential special event becomes known to the city's law enforcement agency or the city's code compliance division that involves an event, activity or conduct that requires a nonresidential special event permit which has not been obtained or issued, the city may impose a fine of \$5,000 on the owner of the subject property for the first offense and \$10,000 for any subsequent offense committed.
- B. If the condition, operation, or conduct of an unpermitted nonresidential special event is not corrected within one hour of initial contact and issuance of citation, the city may impose a \$10,000 fine every hour thereafter until the complaint is corrected.
- C. The special fines described herein apply to any violation of this chapter, including, without limitation, engaging in any prohibited acts identified in section 5.14.140 of this chapter.

EXHIBIT "C"

**AMENDING SECTION 6.60.010 (ANIMAL NUISANCES DEFINED) OF
CHAPTER 6.60 (ANIMAL NUISANCES) OF TITLE 6 (ANIMAL SERVICES)**

(SEE ATTACHED)

§6.60.010 Animal nuisances defined.

A. The keeping or maintaining possession on any lot in the city, of an animal shall be deemed a public nuisance if the animal has committed any one or more of the following acts:

1. Barks, cries or makes other noises which are so loud and/or so frequent and/or continued over so long a period of time as to disturb the peace and quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area;
2. Inflicts unprovoked damage to real or personal property of a person other than the owner which damage occurs off the property of the owner;
3. Molests or chases pedestrians, vehicles, bicycles or ridden horses while off the property of its owner;
4. Attacks or threatens other animals;
5. Is repeatedly "at large" or unrestrained; and
6. By its bodily waste odor or other unsanitary condition causes annoyance or discomfort to a reasonable person of normal sensitivity in the area.

B. Such a public nuisance may be abated in accordance with the procedures set forth in this chapter and Title 14 of this code. These procedures are in addition to any other remedies that may be available under the law. The procedures set forth in Section 6.05.050 shall not apply to public nuisance hearings.

C. Any outdoor shared spaces or common spaces such as shared driveways, parking lots, sidewalks, walkways or other similar shared spaces, shall not be considered 'property of the owner' for the purpose of enforcing the aforementioned provisions of this section.

(Ord. 1052 § 2, 2013)

EXHIBIT "D"

**AMENDING SECTION 8.12.170 (SELF-HAULER REQUIREMENTS) OF
CHAPTER 8.12 (GARBAGE COLLECTION) OF TITLE 8 (HEALTH AND SAFETY)**

(SEE ATTACHED)

§8.12.170 Self-hauler requirements.

Self-haulers that collect and transport materials pursuant to Section 8.12.160 shall:

- A. Source separate all divertible materials from MSW generated on-site in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, and haul the source separated materials to a processing facility and/or a disposal site that recovers those materials.
 1. Alternatively, self-haulers may haul commingled MSW and divertible materials to a high diversion organic materials processing facility as specified in 14 CCR Section 18984.3.
- B. ~~Self-haulers that are commercial businesses (including multifamily premises)~~ shall keep a **weekly** record of the amount of ~~organic~~ **all divertible waste materials and MSW** delivered to each processing facility, operation, activity, or property that processes or recovers organic **divertible materials and MSW** waste; ~~this record shall be subject to inspection by the city~~ **from Monday to Sunday of each week.** The records shall include the following information:
 1. Delivery receipts and weight tickets from the entity accepting the waste.
 2. The amount of material in cubic yards or tons transported by the generator to each entity.
 3. ~~If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.~~
- C. **All Self-Haulers must submit to the City weekly reports prepared in accordance with Subsection B within seven days of the close of the report period along with receipts from each processing facility used during that period. Submission and processing of weekly reports and receipts shall be subject to a processing fee as adopted by the City Council.**

(Ord. 1191 § 3, 2021)

EXHIBIT "E"

**DELETING SECTION 10.32.070 (SIDEWALK SALES PROHIBITIONS
AND REGULATIONS) OF CHAPTER 10.32 (PROHIBITED ACTS)
OF TITLE 10 (VEHICLES AND TRAFFIC)**

(SEE ATTACHED)

~~§ 10.32.070. Sidewalk sales prohibitions and regulations.~~

~~A. No person shall place any goods, wares, merchandise or other articles which are offered or available for sale to the public on any street, sidewalk, bicycle path, publicly owned parkway or privately owned parking lot which is opened to the public except for the following. Sidewalk sales are permitted in power centers defined as commercial shopping centers greater than four hundred fifty thousand square feet comprised of high volume retailers who dominate their respective fields by substantial advertising and discounted prices. Power centers devote at least sixty percent of the square footage of the center to hard goods retailers and no tenant occupies less than five thousand square feet. Sidewalk sales shall only be permitted on sidewalks adjacent to commercial tenants occupying not less than one hundred thousand square feet within power centers. Sidewalk sales are permitted subject to the following requirements:~~

- ~~1. Merchandise placed on sidewalks shall be limited to sixty percent of the sidewalk area;~~
- ~~2. Outdoor cash registers are not permitted;~~
- ~~3. Signs are restricted to six inches by six inches. Any larger sign must be submitted to the director of community development for approval;~~
- ~~4. The sixty percent outdoor sales area must maintain covered pedestrian aisles under a roof at least four feet wide to accommodate shopping cart movement;~~
- ~~5. A site plan shall be submitted and approved by the city illustrating the location of all outdoor displays. The site plan shall be fully dimensioned and sealed large enough to reveal display details and to demonstrate compliance with all other statements in this section;~~
- ~~6. The outdoor display site plan shall be approved by the fire marshal, sheriff and city building official to ensure that safety standards are met;~~
- ~~7. Outdoor displays shall be returned indoors at the close of the business day;~~
- ~~8. Outdoor display areas shall be kept tidy and free from debris at all times;~~
- ~~9. Outdoor activity shall be limited to merchandise for sale, other marketing, special promotion, and customer service purposes. Audience seating and project and product demonstrations are prohibited outdoors;~~
- ~~10. All merchandise shall be set back a minimum of two hundred fifty feet from any public right of way and five feet from all customer vehicle areas, driveways and customer pickup lanes;~~
- ~~11. All food sales shall be conducted in compliance with health department regulations;~~
- ~~12. Parking areas shall remain unobstructed at all times;~~

-
- ~~13. Handicap access requirements shall be demonstrated on the approved site plan. Handicap access shall be maintained at all times;~~
- ~~14. All outdoor sales and displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area or situated in such a manner as to be detrimental to an existing landscaped area;~~
- ~~15. Any person in violation of any provision of this section shall be assessed a fine not less than two hundred dollars.~~
- ~~B. Art shows are permitted on private sidewalks up to four times per year; provided, that the person desirous of conducting the art show shall apply for a special event permit and pay all appropriate fees. Art shows are limited to three days per event and shall not be visible from the public rights of way. The term art shows, for the purposes of this section, shall be defined as paintings, pictures or other items of fine art and original handcrafted items of metal, wood or other material.~~
- ~~(Ord. 177 § 2, 1979; Ord. 262 § 1, 1982; Ord. 291 § 1, 1984; Ord. 552 § 1, 1992)~~

EXHIBIT "F"

DELETING SECTION 8.10.010 (PROHIBITION) OF CHAPTER 8.10 (ILLEGAL DUMPING) AND ADDING SECTION 14.60.245 (ILLEGAL DUMPING) TO CHAPTER 14.60 (PUBLIC NUISANCES) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)

(SEE ATTACHED)

Chapter 8.10 ILLEGAL DUMPING

§8.10.010 Prohibition.

~~It is unlawful for any person to throw, drop, leave, dump, bury, burn, place, keep, accumulate or otherwise dispose of any refuse upon private or public property either with or without intent to later remove the same from such property, or upon any street, way, sidewalk, gutter, stream or the banks thereof, or any other public place.~~

~~The city shall pay a reward in the amount of fifty dollars to any person furnishing information leading to the arrest and conviction of any person violating any provision of this section.~~

§14.60.245 Illegal Dumping.

It is unlawful, and shall constitute a misdemeanor, for any person to throw, drop, leave, dump, bury, burn, place, keep, accumulate, or otherwise dispose of any rubbish, waste, construction material, landscape material, concrete, or other refuse upon private or public property without the property owner's written consent either with or without intent to later remove the same from such property, or upon any street, way, sidewalk, gutter, stream, or the banks thereof, or any other public place.

EXHIBIT "G"

**AMENDING SECTION 10.40.120 (STREET VENDING – PERMIT REQUIRED –
RESTRICTIONS) OF CHAPTER 10.40 (STOPPING, STANDING AND PARKING
REGULATIONS AND RESTRICTIONS) OF TITLE 10 (VEHICLES AND TRAFFIC)**

(SEE ATTACHED)

§ 10.40.120 Street and Sidewalk Vending – Permits Required – Restrictions

Street Vending Regulations

- A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within the city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. This exception shall not apply within a one-thousand-foot radius of any school, both public and private. Standing or parking, as described herein, is prohibited within one thousand feet of any such school. Further, the provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.
- B. No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the city, **which may include review by the** traffic engineer, which shall designate the specific location in which such cart shall stand.
- C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation or property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city ~~traffic engineer~~ which shall designate the specific location where such vehicle may stand.
- D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the city ~~traffic engineer~~ upon the filing of the record of such conviction with such officer and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation.

Sidewalk Vending Regulations

- E. **Purpose. The City finds that the vending of prepared or pre-packaged foods, goods, wares, or services at semi-permanent locations or upon public sidewalks and rights-of-way may cause unsafe conditions and**

special dangers to the public health, safety, and welfare of City residents and visitors. The purpose of this Section is to implement reasonable regulations on both roaming and stationary sidewalk vending meant to protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

F. Definitions.

1. “Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
2. “Sidewalk Vendor” means a person who sells, offers to sell, operates, engages in, or carries on a food, services, or merchandise vending business from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other public pedestrian path.
3. “Pedestrian path” means a designated path for pedestrians to use instead of other types of traffic, including a walking trail, or nature trail.
4. “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction, for a period of time not to exceed ten minutes at any one place.
5. “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location for more than ten minutes.
6. “Swap meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

G. Prohibitions.

1. No Stationary Sidewalk Vendors may operate or vend in any residential zone.
2. No Sidewalk Vendor may operate or vend between the hours of 6 p.m. and 7 a.m.

3. No Sidewalk Vendor may operate or vend within 1500 feet of a permitted Certified Farmer's Market, Swap Meet, or other area designated for temporary use under an encroachment permit, special event permit, or temporary event permit.
4. No Sidewalk Vendor may operate or vend within the City without a valid Sidewalk Vending Permit and Business License, as well as any necessary permits or certificates from Riverside County Department of Environmental Health.
5. No Sidewalk Vendor may leave a cart or display unattended. Carts or displays left unattended are subject to immediate impound and storage;
6. No Sidewalk Vendor may use privately or publicly owned trash receptacles not owned by the permittee;
7. No Sidewalk Vendor may illegally dispose of or dump refuse in violation of this Code, or discharge solids or liquids onto the street or into a storm drain;
8. No Sidewalk Vendor may solicit to or conduct business with persons inside of motor vehicles;
9. No Sidewalk Vendor may vend items or consumables that are not listed on the permittee's application or that the vendor is not permitted to sell;
10. No Sidewalk Vendor may block entrances to private buildings, private driveways, parking spaces or building windows;
11. No Sidewalk Vendor may vend within ten feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway;
12. No Sidewalk Vendor may vend within 1,000 feet of any school property boundary while children are going to or leaving such school at pickup or drop off times, or during the noon hour or lunch time recess periods;
13. No Sidewalk Vendor may place tables, chairs, fences, shade structures, other site furniture, or any freestanding signs;
14. No Sidewalk Vendor may use any water lines, electrical lines, or gas lines not owned by the permittee;

15. No Sidewalk Vendor may vend from the exposed street, alley, or traffic side of the vending cart;
16. No Sidewalk Vendor may use or display signs or displays with intermittent flashing, moving, or blinking light, or varying intensity of light or color;
17. No sidewalk vendor may operate or otherwise produce noise in violation of Chapter 8.45 of this Code;
18. No Sidewalk Vendor may operate without a County Department of Public Health permit when required; and
19. No Sidewalk Vendor may operate in violation of any other generally applicable law.

H. Sidewalk Vending Permits Required. All Sidewalk Vendors shall obtain a Sidewalk Vending Permit from the City and a business tax certificate prior to engaging in any sidewalk vending activities.

Exemptions. A sidewalk vending permit shall not be required for the following activities:

1. Catering for private events held exclusively on private property, and not open to the general public;
2. Events permitted pursuant to a lawfully issued Temporary Use Permit or Special Event Permit including, but not limited to, a certified farmers' market, swap meet, street fairs, outdoor concerts, sports league opening days, and commercial business sidewalk sales; and
3. First Amendment protected vending.

I. Sidewalk Vending Permit Application. The following information, as well as payment of the permit processing fee established by separate resolution of the City Council, shall be submitted with the application:

1. Name, current mailing address, and phone number of the vendor; and if the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
2. A description of the merchandise or goods to be offered for sale or exchange, and the days and hours of sales;
3. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor;

4. A copy of the vendor's social security card with the number, valid California Driver's license or identification card, or the individual taxpayer identification number issued to the vendor. Any such identification number or license collected shall not be made available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order;
5. A copy of the County Health Department permit issued to the vendor if preparing food;
6. If the vendor proposes to be a Stationary Sidewalk Vendor,
 - a. a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of 36 inches of accessible route area, in compliance with the Americans with Disabilities Act;
 - b. if the proposed location is on private property, a copy of written authorization from the property owner;
 - c. a letter of confirmation from SoCal Gas that the location for vending is not blocking, impeding access to, or otherwise interfering with gas utility infrastructure;
 - d. a traffic control plan addressing both pedestrian and vehicular traffic;
7. A copy of general liability policy naming the City as additional insured in the amount of \$1,000,000;
8. A statement of waste material plan including identification of waste disposal methods and acknowledgement of penalties for illegal dumping; and
9. A certification signed by the vendor declaring the information contained in the application is true and accurate to the best of their knowledge and belief.

J. Review of Permit Application.

1. The outdoor display site plan shall be approved by the fire marshal, sheriff and city building official to ensure that safety standards are met prior to further review of the application.

2. The traffic control plan shall be approved by the department of public works.
3. The waste material plan shall be approved by the Deputy of Sustainability for compliance with SB 1383.
4. Upon acceptance of a properly completed and filed Sidewalk Vendor Permit application the Director of Development Services or their designee shall make a determination within 30 days of acceptance to approve or deny the application. Issuance of a permit may be denied for any of the following reasons:
 - a. The applicant has failed to pay the application permit fee;
 - b. The applicant has made one or more material misstatements in the application for a permit;
 - c. The applicant does not have a valid social security card or valid California Driver's license; or valid individual taxpayer identification number;
 - d. The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Section;
 - e. It is determined that the applicant does not possess all federal, state, county, and local permits and licenses necessary to engage in the activity in which they seek to engage;
5. If the application is denied, the reasons for disapproval shall be noted on the application and the applicant shall be notified that their application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.
6. If the Director of Development Services or their designee approves the applicant's permit, they shall endorse their approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant.

K. Permit Limitations and Conditions

1. Term of permit. A sidewalk vending permit issued pursuant to this Section shall automatically expire one year from the date issued and concurrent with the applicant's business license.

2. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only for the term stated.
- L. Sidewalk Vending Standards of Operation. In addition to the requirements for permits, licenses, and certificates described above, every Sidewalk Vendor shall be subject to the following operational requirements:
1. Display of Permit. All permits and licenses associated with the sidewalk vendor shall be prominently displayed upon the cart at all times while the vendor is operating;
 2. The total size of any vending operation shall not exceed 15 feet of the sidewalk measured parallel to the roadway, shall not impede pedestrian access to the sidewalk or adjacent businesses, and shall comply with the Americans with Disabilities Act;
 3. Outdoor cash registers may not be used;
 4. No vendor shall use or display any sign or combination of signs larger than six inches by six inches unless approved and noted on the permit by the Director of Development Services;
 5. All items and materials related to the vending operation shall be removed from the right of way at the close of the business day;
 6. Outdoor display areas shall be kept tidy and free from debris at all times;
 7. All food sales shall be conducted in compliance with health department regulations;
 8. A litter receptacle shall be made available if food or beverages are sold for immediate consumption;
 9. Parking areas shall remain unobstructed at all times;
 10. Handicap access requirements shall be demonstrated on the approved site plan. Handicap access shall be maintained at all times;
 11. All outdoor sales and displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area or situated in such a manner as to be detrimental to an existing landscaped area;
- M. The following conditions or acts are unlawful and hereby declared to be a public nuisance:

1. Leaving a cart or display unattended. Carts or displays left unattended are subject to immediate impound and storage;
2. Use of privately or publicly owned trash receptacles not owned by the permittee;
3. Discharge of solids or liquids onto the street or into a storm drain;
4. Soliciting to or conducting business with persons inside of motor vehicles;
5. Vending items or consumables that are not listed on the permittee's application or that the vendor is not permitted to sell;
6. Blocking entrances to private buildings, private driveways, parking spaces or building windows;
7. Vending within ten feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway;
8. Vending within 1,000 feet of any school property boundary while children are going to or leaving such school at pickup or drop off times, or during the noon hour or lunch time recess periods;
9. Placement of tables, chairs, fences, shade structures, other site furniture, or any freestanding signs;
10. Use of any water lines, electrical lines, or gas lines not owned by the permittee;
11. Excessive external storage or display of refuse, equipment, materials, goods, wares, or merchandise;
12. Vending from the exposed street, alley, or traffic side of the vending cart;
13. Operating in a manner which causes delays or obstructions to vehicular or pedestrian traffic;
14. Signs or displays with intermittent flashing, moving, or blinking light, or varying intensity of light or color;
15. Operating without a County Department of Public Health permit when required; and
16. Operating in violation of any other generally applicable law.

N. Suspension and revocation.

1. **A sidewalk vendor permit issued under this Section may be suspended or revoked by the Director of Development Services or their designee after four or more violations of this Section, at their discretion, and for any of the following causes:**
 - a. **Fraud or misrepresentation in the course of vending;**
 - b. **Fraud or misrepresentation in the application for the permit;**
 - c. **Vending in a manner that creates a public nuisance or constitutes a danger to the public.**
2. **Notice of the suspension or revocation of a sidewalk vendor permit issued under this Section shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at their last known address.**
3. **No person whose sidewalk vendor permit has been revoked pursuant to this Section shall be issued a sidewalk vendor permit for a period of two years from the date revocation becomes final.**

O. Within ten days after denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek review of such administrative action through the City Manager, and within ten days of that decision, may further appeal to the City Council. Within ten days of the date of denial, suspension or revocation, the applicant or permittee may appeal the decision to the City Manager and may further appeal that decision to the City Council. Such appeals shall be in writing and shall be filed with the City Clerk with payment of the prevailing standard appeal processing fee. At a regular meeting of the City Council not more than thirty days thereafter, it shall proceed to hear and act upon the appeal. If the denial, suspension or revocation is affirmed upon City Council review, the administrative action may be promptly reviewed by a court of law pursuant to Chapter 2.72 of this Code and state law.

P. Penalties.

1. **It is unlawful for any person to violate any provision or fail to comply with any requirements of this Section. A violation of this Section shall be punished by:**

- a. An administrative fine not exceeding \$100.00 for a first violation.
 - b. An administrative fine no exceeding \$200.00 for a second violation within one year of the first violation.
 - c. An administrative fine not exceeding \$500.00 for each additional violation within one year of the first violation.
2. A violation of vending without a sidewalk vending permit, may, in lieu of the penalties set forth in subsection (P)(1), set forth above, be punished by:
 - a. An administrative fine not exceeding \$250.00 for a first violation.
 - b. An administrative fine not exceeding \$500.00 for a second violation within one year of the first violation.
 - c. An administrative fine not exceeding \$1,000.00 for each additional violation within one year of the first violation.
3. If an individual is subject to subsection (P)(2), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Section shall be reduced to the administrative fines set forth in subsection (P)(1), respectively.
4. The proceeds of any fine imposed under this Section shall be deposited in the treasury of the City.
5. A sidewalk vendor permit shall be revoked upon fourth and subsequent violations.
6. Any violation of this Section shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Section shall not be subject to arrest except as otherwise permitted by law.
7. Failure to pay an administrative fine assessed under this Section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Section shall not be assessed.
8. All fines imposed pursuant to this Section shall be subject to an ability to pay determination as described in Government Code

section 51039(f). The City shall provide notice of the violator's right to request an ability to pay determination concurrently with the issuance of the citation. The person may request a determination at any time the fine remains unpaid.

- a. **If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this Section.**
 - b. **The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.**
9. **A person who is currently serving, or who completed, a sentence, or who is subject to a fine resulting from a misdemeanor or infraction conviction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had it been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in their case.**
10. **Nothing contained herein shall be construed to impede the ability of the City or County to enforce County Public Health Department codes and regulations.**

EXHIBIT "H"

**ADDING SECTION 14.60.550 (WASTEFUL LANDSCAPE IRRIGATION
AND VECTOR CONTROL) TO CHAPTER 14.60 (PUBLIC NUISANCES)
OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)**

(SEE ATTACHED)

§14.60.550 Wasteful Landscape Irrigation and Vector Control.

It is unlawful and it shall be a public nuisance for any person to permit the operation of a landscape irrigation system that creates excess overspray and/or runoff onto any hardscape or non-landscape area or contributes to any condition identified under section 14.60.540 Vectors. All broken or leaking irrigation and/or sprinklers shall be repaired within 48-hours. This provision shall apply retroactively to any landscape irrigation system in the city and the city may require a landscape irrigation system be modified or landscape design plan be amended to address any condition identified in this section.

EXHIBIT "I"

**AMENDING SECTION 14.60.050 (TREES AND SHRUBS) OF CHAPTER 14.60
(PUBLIC NUISANCES) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)**

(SEE ATTACHED)

§14.60.050 Trees and shrubs.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the city to maintain such premises or property in such a manner that has resulted in: (a) dead, decayed, diseased, or hazardous trees or shrubs including, but not limited to, Russian Thistle commonly known as "Tumble Weed"; (b) trees and shrubs with dead or fallen limbs or branches to present a safety hazard or restrict, impede or obstruct the use of a public right-of-way, easement, sidewalk or roadway; or (c) trees, shrubs and plants to grow out into or over a public right-of-way, easement, sidewalk or roadway or where such growth restricts, impedes or obstructs pedestrian or vehicular use of said public right-of-way, easement, sidewalk or roadway. The city manager, public works director, code compliance manager, or designee may require any such condition in violation of this provision to be remedied by an International Society of Arboriculture (ISA) Certified Arborist or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, at their official discretion based upon articulable public safety considerations.

(Ord. 870 § 2, 2004; Ord. 926 § 2, 2006; Ord. 1073 § 2, 2013)

EXHIBIT "J"

**AMENDING SECTION 14.60.070 (VEHICLE PARKING) OF
TITLE 14 (CODE COMPLIANCE AND REMEDIES)**

(SEE ATTACHED)

§14.60.070 Vehicle parking.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the city to permit on such premises or property any operable vehicle, **temporary occupancy vehicle, recreational vehicle, motor home, trailer, camper, camper shell and, bus, trailer, or** boat to be parked or stored outside of a garage or carport on an unpaved surface or in an area not otherwise lawfully permitted by the Municipal Code.

(Ord. 870 § 2, 2004)

EXHIBIT "K"

**AMENDING SECTION 14.80.030 (TIME PERIOD WITHIN WHICH TO CORRECT OR
REMEDY VIOLATIONS) OF CHAPTER 14.80 (ADMINISTRATIVE CITATION AND
APPEAL PROCEDURES) OF TITLE 14 (CODE COMPLIANCE AND REMEDIES)**

(SEE ATTACHED)

§14.80.030 Time period within which to correct or remedy violations.

A. Any party to whom an administrative citation has been issued for violations of this code, may be given any reasonable amount of time in which to correct or otherwise remedy the violation prior to the imposition of any administrative fine that is determined reasonable by the code compliance officer or other authorized enforcement agent. A code compliance officer or other authorized enforcement agent may impose any administrative fine immediately provided the party to whom the administrative citation has been issued is given a reasonable amount of time, as provided in this code or determined by the code compliance officer or authorized enforcement agent, to remedy the violations prior to the issuance of a subsequent administrative citation for the same violation of this code. Continuing violations pertaining to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety shall be provided not less than ten calendar days to correct or otherwise remedy the violation.

~~A. Any party to whom an administrative citation has been issued for violations pertaining to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety, shall be provided not less than ten calendar days in which to correct or otherwise remedy the violation prior to the imposition of any administrative fine. For all other violations, the recipient of an administrative citation shall be provided not less than seven calendar days in which to correct or otherwise remedy the violation prior to the imposition of any administrative fine, unless a shorter period is determined necessary by the code compliance officer or other authorized enforcement agent.~~

B. The code compliance officer or other authorized enforcement agent may extend the time in which to correct or otherwise remedy a violation upon a showing that the recipient of the administrative citation requires additional time to complete repairs or upon a showing that the recipient of the administrative citation is awaiting issuance of a permit, provided such person offers proof that he or she has commenced taking action to correct or otherwise remedy the violation and/or that a proper application for such permit has been made.

(Ord. 870 § 2, 2004)

EXHIBIT "L"

**AMENDING CHAPTER 15.27 (HISTORIC PRESERVATION PROGRAM)
OF TITLE 15 (BUILDING AND CONSTRUCTION)**

(SEE ATTACHED)

§ 15.27.010. Intent.

The intent of this chapter is to provide a mechanism for identifying certain structures, sites and districts which represent eras, events, or persons important in the city's cultural, archaeological, social, economic, architectural, and/or political history for the purpose of encouraging the preservation, improvement and/or promotion of such structures and sites without forcing private property owners to sell their properties through the use of the city's power of eminent domain.

(Ord. 833 § 4, 2003; Ord. 943 § 2, 2006; Ord. 1119 § 2, 2017)

§ 15.27.020. Definitions.

"Architectural" means the architectural elements embodying style, design, general arrangements and components of all of the outer surfaces of any improvements, including, but not limited to, the kind, color and texture of the building materials and the style and type of all windows, doors, lights, signs, and other fixtures appurtenant to a structure.

"Demolition" means the destruction or removal of a structure, or parts of a structure substantially equivalent to the whole.

"Exterior alteration" means any modification to the exterior of a structure ~~for which a building permit is required.~~

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social and technological factors.

"Historic preservation commission" means the historic preservation commission ~~described in Chapter 2.34~~ **as established by City Council Resolution.**

"Historic preservation professional" means an individual meeting the minimum professional qualification standard required by the Secretary of the Interior as specified in the Code of Federal Regulations, 36 CFR Part 61, who specializes in archeology, architectural history, architecture, historic architecture, or history.

"Historic resource" means a site, improvement, appurtenance, natural feature or other object that has been designated as such pursuant to this chapter, including those found to qualify for listing in the National Register of Historic Places.

"Interior alteration" means any modification to the interior structure for which a building permit is required.

"Inventory" means the official Rancho Mirage Register of Historic Places, which contains sites or structures that have been designated as Historic Resources by the City Council.

"Major alterations" means a modification of any architectural feature(s) or natural feature(s) of a historic resource that will have a substantial effect on the defining features or character such as adding to an existing structure, constructing a new structure, changing exterior building materials, modifying the grade or topography.

"Minor alteration" means a modification of any architectural feature(s) or natural feature(s) that will have a minimum effect on the defining character and/or architectural style of a historic resource.

"Natural feature" means any tree, plant life, habitat, geographical or geological site or feature.

"Reservation" shall mean the Indian lands as defined by the Indian Gaming Regulatory Act of 1988 (P.L. 100-497, codified at 25 U.S.C. Section 2701 et seq., and 18 U.S.C Sections 1166 through 1168) (IGRA), and any successor statute or amendments, or lands otherwise held in trust for the Agua Caliente Band of Cahuilla Indians Tribe by the United States within the jurisdictional boundaries of the city of Rancho Mirage.

"Site" means the geographic location and its environs, of any proposed or currently designated historic resource that is under the prospective or current review and consideration pursuant to the provisions set forth in this chapter by staff, the historic preservation commission or the city council.

"Survey" means the most current version of the City's Historic Resources Survey.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.030. Tax abatement incentive—Contracts.

The city may enter into Mills Act contracts, as set forth in California Government Code Section 50280 et seq., with a property owner or association of property owners, as may be permitted under the Mills Act, to abate (reduce) the taxes on the property under their respective control that has been designated a historic resource or historic district in return for the owner's or owners' association's binding commitment to maintain the physical integrity and character of the historic resource or historic district in a manner consistent with state law and the provisions set forth in this chapter.

(Ord. 833 § 4, 2003; Ord. 943 § 2, 2006; Ord. 1119 § 2, 2017)

§ 15.27.040. Survey/inventory—Historic structures and sites.

- A. The city shall maintain a survey and/or inventory of those structures and sites within the city which: (1) represent an era, event, or person important in the city's cultural, archaeological, social, economic, architectural, and/or political history; and (2) those structures and sites that potentially qualify to be placed or have been placed on the National Register of Historic Places.
- B. The survey and/or inventory and any amendments thereto shall include appropriate written findings and photographs or other visual depictions of the subject structure or site which demonstrate that the structure or site does in fact represent an era, event, or person important in the city's cultural, archaeological, social, economic, architectural, and/or political history.
- C. Any survey and/or inventory prepared or amended pursuant to this section shall be presented to the historic preservation commission for its review and recommendation to the city council. **The survey shall be updated every 10 years unless the City Manager or designee determines that an update is not required.**
- D. The city council shall conduct a duly noticed public hearing to determine which structures and sites should be added to or removed from the survey or inventory. **Only the structures and sites** and which contained **within the inventory** therein shall be deemed historic resources for purposes of this chapter. The city shall provide notice of the city council public hearing pursuant to Section 17.74.020(B) of this code.
- E. The city council's decision shall be memorialized by a written resolution of the city

council.

- F. If the city council's decision does not involve a remand to the historic preservation commission, then it shall be deemed a final decision that is not subject to any further administrative review by the city.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.050. Historic resource—Nominations.

- A. The city council or the city manager, or designee, may nominate any structure or site to be a historic resource pursuant to the criteria set forth in this chapter.

~~B. Any city resident may submit an application to the city manager or designee to nominate a non-owned structure or site as a historic resource that is not listed on the city's survey/inventory, provided that the nomination application is submitted with a bona fide historical analysis or report prepared by a qualified historic preservation professional retained by the nomination applicant at his or her own expense that demonstrates the nominated structure or site qualifies to be listed on the National Register of Historic Places. The application must be submitted with the payment of an application fee in the amount set by resolution of the city council which shall be refunded if the nominated structure or site is approved as a historic resource by the city council.~~

CB. Within ten days after the city's ~~or a non-owner's~~ nomination application is deemed complete, the city shall provide written notice to the record owner of the nomination of the subject structure or site. Said notice shall include: (a) whether the owner(s) consents or objects to the nomination; (b) an explanation of the nomination process; (c) the criteria that will be considered by the city when considering the nomination; and (d) an explanation of the rights and benefits afforded to the owner of a city- designated historic resource, subject to the following:

1. The record owner of a nominated site or structure shall have up to ~~thirty fifteen~~ **thirty** days of receipt of the nomination notice to inform the city in writing of whether the owner consents or objects to the nomination. ~~Failure to respond within the designated time period shall be deemed as consent to the nomination.~~
2. Nominated structures or sites which do not have the record owner's consent **or objection** shall be treated as follows:
 - a. If the city manager or designee determines that the nominated structure or site qualifies for listing in the National Register of Historic Places, **up to three attempts to obtain the record owners consent or objection shall be made** ~~the owner's consent is not required,~~ **if consent is obtained** and the nomination shall be presented to the historic preservation commission for its review and consideration pursuant to the procedures set forth in this chapter.
 - b. If the city manager or designee determines that within five years of the date of the nomination the nominated structure or site will be at least fifty years old and meet the criteria for listing in the National Register of Historic Places, **one additional attempt to obtain the record owners consent or objection shall be made, if consent is obtained** ~~the owner's consent is not required and~~ the nomination shall be presented to the historic preservation commission for its review and consideration pursuant to the procedures set forth in this chapter.

~~D~~C. A property owner may submit a nomination application to the city manager or designee for a structure or site owned by the property owner. If the subject structure or site is not listed on the city's survey/inventory, then the application must include a bona fide historical analysis or report prepared by a qualified historic preservation professional retained by the property owner at his or her own expense that demonstrates the nominated structure or site qualifies as a historic resource pursuant to the criteria set forth in this chapter. The application must be submitted with the payment of an application fee in the amount set by the current fee schedule~~resolution of the city council which shall be refunded if the nominated structure or site is approved as a historic resource by the city council.~~

~~E~~D. If the city manager or designee determines that the structure or site does not qualify for listing in the National Register of Historic Places, and the owner objects to the nomination, no further action shall be taken on the nomination.

~~F~~E. If the city manager or designee determines that a nomination warrants being processed pursuant to the provisions of this chapter, each member of the historic preservation commission shall be required to visit or view the location of the nominated structure or site at the time and in the manner established by the city manager or designee.

~~G~~F. After each member of the historic preservation commission visits or views the location of the nominated structure or site, the historic preservation commission shall review and consider the nomination application pursuant the terms and criteria set forth in this chapter in an open public meeting. This meeting shall be scheduled within thirty days after the nomination application has been deemed complete.

~~H~~G. If the historic preservation commission finds and determines that the nominated structure or site does not qualify for listing in the National Register of Historic Places at the current time or within five years of the date of the nomination, the nomination shall proceed no further unless such a determination is appealed to the city council with the owner's consent, subject to payment of the requisite appeal fee as set forth by city council resolution. ~~An appeal filed by the property owner shall be processed without an appeal fee.~~

~~I~~H. If the historic preservation commission finds and determines that the nominated structure or site qualifies as a historic resource pursuant to the terms and criteria of this chapter, the nomination shall be presented to the city council in the context of a duly noticed public hearing with the written recommendation of the historic preservation commission.

~~J~~I. If the city council finds and determines after a duly noticed public hearing that the nominated structure or site qualifies as a historic resource pursuant to the terms and criteria of this chapter, the city council shall memorialize its action by a written resolution of the city council, which shall be duly recorded by the city clerk with the Riverside County recorder's office.

~~K~~J. If the city council's action does not involve a remand to the historic preservation commission, then its action shall be deemed a final decision that is not subject to any further administrative or appellate review by the city.

~~L~~K. In the event the city council decides to designate a nominated structure or site a historic resource pursuant to this chapter, the city shall notify the owner(s) of such designation

via certified mail return receipt requested within ten days of the city council's final decision.

~~M~~L. Following designation of a property as a historic resource by the city council, the property owner shall be offered a historic resource plaque for placement at the location of the historic resource. In no case shall any historic resource plaque be placed on private property without the record owner's or owners' written consent.

~~N~~M. Following designation of a property as a historic resource by the city council, the property owner shall be offered an opportunity to participate in the Mills Act Property Tax Abatement Program.

(Ord. 833 § 4, 2003; Ord. 998 § 1, 2010; Ord. 1119 § 2, 2017)

§ 15.27.060. Nomination—Pending building permit applications.

A. No building permit shall be issued for major alteration or modification, construction, or demolition regarding any nominated structure or site while the nomination is **actively** pending review by the historic preservation commission and/or the city council, unless it is to prevent an undue hardship or to comply with an applicable law or ordinance or the city's chief building official or fire marshal determines in writing that certain facts and circumstances exist that require the issuance of a permit in order to prevent or abate an immediate threat to public health and safety.

B. In no event shall any building permit be withheld under this section for a period exceeding ninety days. This subsection shall not apply to any minor alteration, major alteration or demolition building permit application pending appeal before the city council at the time of the effective date of the ordinance codified in this chapter.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.070. Historic resource—Criteria.

A. The city may determine whether a particular structure or site qualifies for listing with the National Register of Historic Places upon a finding that the structure or site is at least fifty years of age and the following criteria are met:

1. The quality of significance in American history, architecture, archeology, engineering, and cultures is present in sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association; and
2. That are associated with events that have made a significant contribution to the broad patterns of our history; or
3. That are associated with the lives of persons significant in our past; or

4. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 5. That have yielded or may be likely to yield, information important in prehistory or history.
 6. In determining whether a particular structure or site qualifies for listing with the National Register of Historic Places, the city manager or designee, the historic preservation commission and the city council may consider as probative any bona fide historical analysis **or**, ~~report, survey or inventory~~ prepared by a qualified historic preservation professional.
- B. The city may find a particular structure or site to be a historic resource upon finding that one or more of the following criteria are met:
1. The subject structure or site is representative of a particular architectural style or reflects special elements of a historical period, type, style or way of life important to the city;
 2. The subject structure or site is associated with a business or use which was once common but is now rare or non-existent within the city;
 3. The subject structure or site is representative of the evolution or development or associated with the cultural, religious, educational, political, social or economic growth of the city, county, state or nation;
 4. The subject structure or site represents the work of a master builder, engineer, designer, artist or architect whose individual genius influenced an era;
 5. The subject structure or site signifies an historic event or is associated with persons or events that have made a meaningful contribution to the city, state or nation;
 6. The subject structure or site has a high potential for yielding information or archaeological interest;
 7. The subject structure or site embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship or use of materials; or
 8. The subject site contains an unusual natural feature.
- C. In the absence of a showing that a famous or well-known individual has made significant contributions to the city, state or nation, a former residence of such famous or well-known individual should not qualify as a historic resource, unless the structure itself qualifies under the criteria set forth in this section.
- D. A structure or site may qualify as a historic resource upon a finding that facts and circumstances exist that meet the criteria for placing the structure or site on the

National Register of Historic Places and/or the California Register of Historical Places.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.080. Tolling.

The time requirements set forth in this chapter shall automatically be tolled during the course of any public hearing conducted pursuant to this chapter.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.090. Historic resource—Regulations.

All historic resources shall be subject to the regulations set forth in this chapter and any amendments to it.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.100. Historic resource—Maintenance.

The owner of a historic resource shall keep and maintain a historic resource consistent with all applicable standards and regulations set forth in this code.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.110. Historic district.

- A. The city council on its own or at the recommendation of the commission may without the owner's consent designate any defined geographic area within the city a historic district provided that the city council determines that the structures or sites within the proposed historic district share a similar history, related significance and common architectural identity with one another. Absent the owners' consent, the city shall not impose any special standards upon the maintenance, preservation or rehabilitation of any of the structures or sites situated within such a designated district.
- B. If a majority of the total number of structures within a defined geographic area have been deemed to be historic resources pursuant to this chapter and a majority of the property owners within the defined geographic area provide their written consent, then that area may be designated a historic district at the request of the subject property owners or their bona fide representative(s), provided that the city council determines that the structures within the proposed historic district share a similar history, related significance and common architectural identity with one another and a majority of the subject property owners agree to adopt special standards via recordable conditions, covenants, restrictions or any other similar recordable instruments relating to the preservation and/or rehabilitation of the common areas that have been identified by the city to contribute to the overall integrity or character of the proposed historic district. Any request submitted for historic district designation by the owners or on behalf of the owners shall be presented to the city manager or designee for the historic preservation commission's review and recommendation to the city council.

(Ord. 943 § 2, 2006; Ord. 1119 § 2, 2017)

§ 15.27.120. ~~Building permit a~~Applications—Minor alterations.

- A. ~~Building permit a~~Applications for minor alterations, as that term is described in this chapter, to the exterior of a historic resource or a structure under consideration by the historic preservation commission or city council for designation as a historic resource, shall be submitted on a form prescribed by the city to the city manager or designee for his or her review.
- B. Upon receipt of a complete application which shall include the payment of the requisite application fee, the city manager or designee shall commence review of the subject application to determine whether the requested alteration may result in a modification of an architectural feature(s) or natural feature(s) that will have a detrimental effect on the defining character and/or architectural style of the exterior of the subject historic resource or one currently in the nomination process.
- C. If the city manager or designee determines that the requested alteration will detrimentally affect a defining character and/or architectural style of the exterior of the subject historic resource, or one within the nomination process, then the city manager or designee may order up to a twenty-one-day stay on further processing of the subject permit application unless it is to prevent an undue hardship or to comply with an applicable law or ordinance or the city's chief building official or fire marshal determines in writing that certain facts and circumstances exist that require the issuance of the permit in order to prevent or abate an immediate threat to public health and safety. The stay order shall not prevent or preclude the issuance of any other permits the chief building official or fire marshal have determined in writing are necessary to mitigate or abate a situation that poses an immediate threat to public health and safety.
- D. During any such stay ordered by the city manager or designee, the city manager or designee ~~in may consultation~~ with the historic preservation commission ~~may recommend~~ **to recommend** to the applicant feasible alternatives to the proposed alteration, ~~which may include, but are not limited to: (1) relocation; (2) remodeling; (3) transfer of ownership; (4) financial assistance from the city or other public agencies; (5) financial assistance from private organizations; (6) change in use; (7) change in design; (8) consultation with an architect paid for by the city or other public agency; (9) change in configuration of uses; (10) change in intensity of uses; (11) entering into a Mills Act contract with the city, and any other alternatives not precluded by law.~~
- E. If the applicant declines the alternatives recommended by the city manager or designee, the applicant may then appeal the city manager or designee's recommendation to the city council.
- F. Within twenty-one days after receipt of the appeal, the city council shall conduct a noticed public hearing on the appeal. The city shall provide notice of the appeal hearing pursuant to Section 17.74.020(B) of this code.

- G. The city council may extend the stay period an additional twenty-one days for further consideration or ratify, modify or reject the city manager or designee's recommendation.
- H. Nothing in this chapter shall permit the city to deny a building permit application for a minor alteration to a historic resource, nor one within the nomination process, despite any alternatives recommended by the city. The city, however, reserves the right to deny a building permit application for a minor alteration based on other applicable provisions of this code not set forth in this chapter.
(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.130. ~~Building permit a~~Applications—Major alterations.

- A. ~~Building permit a~~Applications for major alterations, as that term is described in this chapter, to the exterior of a historic resource or a structure under consideration by the historic preservation commission or city council for designation as a historic resource, shall be submitted to the city manager or designee on a form prescribed by the city.
- B. Within thirty days of receipt of a complete application which shall include the payment of the requisite application fee, the city manager or designee shall meet with the applicant, conduct a site visit, and **determine if the Major Alteration requires** the preparation of a staff report regarding the subject application **for** and ~~submit it to~~ the historic preservation commission **to** ~~for its review and make a determination~~ recommendation to the city council.
- C. Prior to the historic preservation commission meeting at which the application will be reviewed and considered, each member of the historic preservation commission shall be required to visit or view the location of the nominated structure or site at the time and in the manner established by the city manager or designee.
- D. The historic preservation commission shall review the subject application to determine whether the requested alteration may result in a modification of an architectural feature(s) or natural feature(s) that will have a detrimental effect on the defining character and/or architectural style of the exterior of the subject historic resource, or one in the nomination process.
- E. If the historic preservation commission determines that the requested alteration will detrimentally affect a defining character and/or architectural style of the exterior of the subject historic resource, or one in the nomination process, then the commission with the consent of the city manager or designee may order up to a twenty-one-day stay on further processing of the subject permit application unless it is to prevent undue hardship or to comply with an applicable law or ordinance or the city's chief building official or fire marshal determines in writing that certain facts and circumstances exist that require the issuance of the permit in order to prevent or abate an immediate threat to public health and safety. The stay order shall not prevent or preclude the issuance of any other permits the chief building official or fire marshal have determined in writing are necessary to mitigate or abate a situation that poses an immediate threat to public health and safety.

- F. During any such stay ordered by the historic preservation commission, with the consent of the city manager or designee, the commission after conferring with pertinent staff shall recommend to the applicant feasible alternatives ~~to the proposed alteration which may include, but are not limited to: (1) relocation; (2) remodeling; (3) transfer of ownership; (4) financial assistance from the city or other public agencies; (5) financial assistance from private organizations; (6) change in use; (7) change in design; (8) consultation with an architect paid for by the city or other public agency; (9) change in configuration of uses; (10) change in intensity of uses; (11) entering into a Mills Act contract with the city, and any other alternatives not precluded by law.~~
- G. If the applicant objects to the alternatives recommended by the historic preservation commission, then the applicant may appeal the commission's recommendation to the city council.
- H. Within twenty-one days of receipt of the appeal, the city council shall conduct a public hearing on the appeal. The city shall provide notice of the appeal hearing pursuant to Section 17.74.020(B) of this code.
- I. The city council may extend the stay period an additional twenty-one days for further consideration or ratify, modify or reject the historic preservation commission's recommendation.
- J. Nothing in this chapter shall permit the city to deny a building permit application for a major alteration to a historic resource despite any alternatives recommended by the city. The city, however, reserves the right to deny a building permit application for a major alteration based on other applicable provisions on this code not set forth in this chapter.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.140. Building permit applications—Demolition.

- A. Building permit applications for demolition, as that term is described in this chapter, involving a historic resource, or one in the nomination process, shall be submitted to the city manager or designee on a form prescribed by the city.
- B. All building permit applications for demolition involving a historic resource, or one in the nomination process, shall be subject to an automatic twenty-one-day stay which shall commence upon the receipt of a complete application which shall include the payment of the requisite application fee. The twenty-one-day stay shall be waived if the city's chief building official or fire marshal determines in writing that certain facts and circumstances exist that require the issuance of the permit in order to prevent undue hardship or to comply with an applicable law or ordinance or to prevent or abate an immediate threat to public health and safety. The stay order shall not prevent or preclude the issuance of any other permits the chief building official or fire marshal have determined in writing are necessary to mitigate or abate a situation that poses an immediate threat to public health and safety.
- C. Within thirty days after receipt of a complete application which shall include the

payment of the requisite application fee, the city manager or designee shall cause the preparation of a staff report regarding the subject application and submit the staff report to the historic preservation commission for its review and recommendation to the city council.

- D. The historic preservation commission with the consent of the city manager or designee and after conferring with pertinent staff shall recommend to the applicant feasible alternatives to the proposed demolition~~which may include, but are not limited to: (1) relocation of the subject improvement by the city or other public agencies; (2) remodeling; (3) transfer of ownership; (4) financial assistance from the city or other public agencies; (5) financial assistance from private organizations; (6) change in use; (7) change in design; (8) consultation with an architect paid for by the city; (9) change in configuration of uses; (10) change in intensity of uses; (11) entering into a Mills Act contract with the city, and any other alternatives not permitted by law.~~
- E. After the historic preservation commission meeting, the commission shall submit its recommendation to the city council which shall conduct a noticed public hearing on the subject application.
- F. The city council may extend the stay period an additional twenty-one days for further consideration or ratify, modify or reject the historic preservation commission's recommendation.
- G. The city council may order the immediate issuance of the demolition permit to prevent undue hardship or to comply with an applicable law or ordinance or to prevent or abate an immediate threat to public health and safety. The stay order shall not prevent or preclude the issuance of any other permits the chief building official or fire marshal have determined in writing are necessary to mitigate or abate a situation that poses an immediate threat to public health and safety. The city council shall prepare written findings that justify and support any such determination.
- H. Nothing in this chapter shall permit the city to deny a building permit application for demolition of a historic resource, or one in the nomination process, despite any alternatives recommended by the city, other than the city's agreement to relocate the historic resource as set forth herein~~in subsection K of this section~~. The city also reserves the right to deny demolition based on other applicable provisions on this code not set forth in the chapter.
- I. The city reserves the right to relocate any property within the city as an alternative to granting the owner a demolition permit. The exercise of this option shall be done with or without the owners sharing the expense, and shall be done expeditiously.
(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

§ 15.27.145. Reservation land—Tribal consent required.

The written consent of the Aqua Caliente Band of Cahuilla Indians Tribe shall be required before the application or enforcement of any of the provisions of this chapter to

lands located within the Reservation.
(Ord. 1119 § 2, 2017)

§ 15.27.150. Enforcement.

- A. Any violation of the provisions of this chapter by any member of the public responsible for committing, causing or maintaining such violation shall constitute a public nuisance.
- B. Any violation of the provisions of this chapter by any member of the public responsible for committing, causing or maintaining such violation shall constitute an infraction violation.
- C. Any violation of the provisions of this chapter by any member of the public responsible for committing, causing or maintaining such violation shall constitute grounds for modification, suspension and/or revocation of any permit or license issued for any use or activity in or on the subject property.
- D. The city reserves the right to seek additional remedies against any member of the public responsible for committing, causing or maintaining any violation of the provisions of this chapter such as, but not limited to, denying or revoking certificates of occupancy, issuing stop work orders and seeking injunctive relief.

(Ord. 833 § 4, 2003; Ord. 1119 § 2, 2017)

EXHIBIT "M"

**AMENDMENT TO SECTION 16.12.080 (EXPIRATION) OF
CHAPTER 16.12 (TENTATIVE MAPS) OF TITLE 16 (SUBDIVISIONS)**

(SEE ATTACHED)

§ 16.12.080. Expiration.

- A. The approval or conditional approval of a tentative map shall expire twenty-four months following approval. However, the map may be extended if the subdivider has complied with Map Act Section 66452.6(a). An extension of the expiration date may also be approved pursuant to Section 16.12.090.
- B. The period of time outlined in subsection A of this section shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the original decision making body. After service of the initial petition or complaint upon the city, the subdivider shall, in writing, to the director, request a stay in the time period of the tentative map. Within forty days after receiving the request, the original decision making body shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and the appellant, and upon conclusion of the hearing, the original decision making body shall render its decision.
- C. The period of time outlined in subsection A of this section shall not include any period of time during which a development moratorium is in effect pursuant to Map Act Section 66452.6.
- D. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

EXHIBIT "N"

AMENDMENT TO TITLE 17 (ZONING), AMENDING: SECTIONS 17.08.012 (ALLOWABLE RESIDENTIAL ZONE USES, PERMIT REQUIREMENTS AND PROJECT REVIEW AUTHORITY) & 17.08.020 (RESIDENTIAL DISTRICTS GENERAL DEVELOPMENT STANDARDS) OF CHAPTER 17.08 (RESIDENTIAL DISTRICTS); SECTION 17.20.110 (OUTDOOR STORAGE) OF CHAPTER 17.20 (GENERAL PROPERTY AND USE STANDARDS); SECTION 17.30.030 (ANIMAL KEEPING) OF CHAPTER 17.30 (STANDARDS FOR SPECIFIC LAND USES); SECTION 17.34.010 (INTRODUCTION) OF DIVISION IV (PERMITS AND REVIEW) OF CHAPTER 17.34 (INTRODUCTION); AND SECTION 17.68.060 (EXPIRATION) OF CHAPTER 17.68 (PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS)

(SEE ATTACHED)

§ 17.08.012. Allowable residential zone uses, permit requirements and project review authority.

Allowable land uses within residential zoning districts are indicated in Table 2-2 by permit requirement. Review authority for development projects is also provided. In the event that future land use is unknown for a development project the city council shall be the review authority.

TABLE 2-2

ALLOWABLE USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS
Permit Requirement by District

Land Use (1) (2)	HR	R-E	R-L-2	R-L-3	R-M	R-H	MHP	Project Review Authority
Residential								
Accessory Uses and Structures 17.30.190		P	P	P	P	P	P	Staff
Accessory Dwelling Units 17.30.200	P	P	P	P	P	P	P	Staff
Assisted Living Facilities 17.30.040					C	D		CC
Child Day Care—Up to 8 17.30.060	P	P	P	P	P	P	P	Staff
Child Day Care—9 to 14 17.30.060		D	D	D	D	D	D	PC
Community Apartments and Condominiums			D	D	D	D		CC
Density Bonuses 17.22.020					D	D	D	CC
Group Homes—6 Beds or Less	P	P	P	P	P	P	P	Exempt
Group Homes—More Than 6 Beds						C		CC
Guest/Employee Housing 17.30.195		P	P	P	P			Staff

TABLE 2-2

ALLOWABLE USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

Permit Requirement by District

Land Use (1) (2)	HR	R-E	R-L-2	R-L-3	R-M	R-H	MHP	Project Review Authority
Transitional Housing—6 Beds or Less	P	P	P	P	P	P	P	Exempt
Transitional Housing—More than 6 Occupants						C		CC
Senior Citizen Congregate Care Housing 17.30.210				D		D	D	CC
Custom Single-Family Residences (2)	D	D	D	D	D	D		<u>Staff PC</u>
Custom Single-Family Residence Overheight and Two Story	D	D	D	D	D	D		CC
Production Single-Family Residences (2)	D	D	D	D	D	D		CC
Temporary Uses 17.46.020	P	P	P	P	P	P	P	Staff
Nonresidential								
Private Cemeteries 17.30.160		C	C					CC
Public Utility Facilities	C	C	C	C	C	C	C	CC
Open Space and Resources								

TABLE 2-2

ALLOWABLE USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

Land Use (1) (2)	Permit Requirement by District								Project Review Authority
	HR	R-E	R-L-2	R-L-3	R-M	R-H	MHP		
Telecommunication Facilities 17.32.050	C	C	C	C	C	C	C	C	CC/Staff

Key to Permit Requirements Symbol	Applicable Process	See Chapter
P	Permitted use (3)	
D	Development Plan Permit required	17.42
C	Conditional use—Conditional Use Permit required	17.48
Blank	Use not allowed	

Notes:
(1)
(2)
(3)

See Section 17.02.020(D) (Allowable uses of land).

See Section 17.90.020 for definitions of the land uses listed.

A director approved development plan permit shall be required. See Chapter 17.42.

§ 17.08.020. Residential districts general development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Division III (Development and Operational Standards).

TABLE 2-3 RESIDENTIAL ZONES GENERAL DEVELOPMENT STANDARDS REQUIREMENTS BY INDIVIDUAL ZONING DISTRICT				
Development Feature	HR	R-E	R-L-2	R-L-3
Minimum Parcel Size	640 acres (5)	1 acre	18,000 sq. ft.	12,000 sq. ft.
Minimum Parcel Width	100 ft.	100 ft.	90 ft.	80 ft.
Minimum Parcel Depth	100 ft.	100 ft.	100 ft.	90 ft.
Maximum Density	1 du/640 acre (5)	1 du/net acre	2 du/gross acre	3 du/gross acre
Private Outdoor Living Space	N/A	1,000 sq. ft.	1,000 sq. ft. (3)	1,000 sq. ft. (3)
Setbacks Required				
Front (8)	25 ft.	25 ft.	25 ft. (1)	25 ft. (1)
Side (each)	10 ft.	10 ft.	10 ft.	10 ft. (7)
Street Side	15 ft.	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft. (1)	25 ft. (1)
Accessory Structures	Section 17.30.190 (Residential Accessory Uses and Structures)			
Maximum Lot Coverage (4)	30% (1)	30%	30% (1)	30% (1)
Minimum Distance Between Structures (9)	N/A	20 ft.	20 ft.	20 ft.
Main Structure- Maximum Height (whichever is less) (6)	20 ft./1 story	20 ft./1 story	20 ft./1 story	20 ft./1 story
Antennae, Vertical	Section 17.32.010 (Telecommunication Facilities)			
Fences/Walls/Hedges	Section 17.20.070 (Fences, Walls and Hedges)			
Satellite Antennae	Section 17.32.010 (Telecommunication Facilities)			

Development Feature	R-M	R-H	MHP
Minimum Parcel Size	10,000 sq. ft. (4)	8,000 sq. ft. (4)	(1)
Minimum Parcel Width	70 ft.	60 ft.	(1)
Minimum Parcel Depth	90 ft.	90 ft.	(1)
Density acre	45 du/gross (maximum)	5-9 du/gross acre	5-9 du/gross acre
Private Outdoor Living Space	500 sq. ft. (4)	300 sq. ft. (4)	300 sq. ft. (4)
Setbacks Required			
Front (1)	20 ft. (1)	20 ft. (1)	10 ft.
Side (each) (9)	10 ft.	10 ft.	5 ft.
Street Side	15 ft.	15 ft.	15 ft.
Rear (1)	25 ft. (1)	20 ft. (1)	10 ft.
Accessory Structures	Section 17.30.190 (Residential Accessory Uses and Structures)		
Maximum Lot Coverage (4)	30% (1)	35%	30% (1)
Minimum Distance Between Structures (9)	20 ft.	20 ft.	20 ft.
Main Structure- Maximum Height (whichever is less) (6)	20 ft./1 story	20 ft./1 story	20 ft./1 story
Antennae, Vertical	See Section 17.32.010 (Telecommunication Facilities)		
Fences/Walls/Hedges	See Section 17.20.070 (Fences, Walls and Hedges)		
Satellite Antennae	See Section 17.32.010 (Telecommunication Facilities)		
Guest/Employee Quarters	See Section 17.30.195 (Guest/Employee Quarters)		
Accessory Dwelling	See Section 17.30.200 (Accessory Dwelling Units)		

Units

Notes:

- (1) These dimensions vary only in planned residential development, mixed use, and mobile home parks, and will be determined during development plan permit review.
- (2) Combined coverage of residential and commercial uses shall not exceed thirty-five percent.
- (3) This standard can be reduced up to twenty-five percent for affordable units.
- (4) The third car space, not to exceed two hundred forty square feet, shall not be included in the calculation of building lot coverage as long as that area is being maintained as a three-car garage.
- (5) For existing parcels of less than six hundred forty acres, one dwelling unit is allowed.

Notes:

- (6) Additional height/stories may be allowed, in compliance with Section 17.20.100(A) (Maximum height of structures).
- (7) Five, fifteen-foot side yards may also be allowed subject to review and approval by the applicable review authority responsible for reviewing the primary discretionary permit or approval.
- (8) In the case of side-loading garages, only the garage portion itself may be set back a minimum of fifteen feet from the front property line:
 - (a) The side of the garage facing the street is no greater than one-third the width of the primary structure;
 - (b) The rear of the primary structure has a setback greater than the standard minimum allowed in the zone and that the additional setback is equivalent or greater than the reduction in setback utilized by the side loading garage;
 - (c) Habitable-like features that architecturally articulate the primary structure, including windows and other architectural details are placed on the sides of the garages that face the street(s);
 - (d) Driveway approaches must have a twenty-eight-foot minimum turning radius;
 - (e) The reduced setback may be applied to no more than one-third of the total number of homes in the development; and
 - (f) Homes that utilize the reduced setback may not be adjacent to each other and must be distributed throughout the project.
- (9) Detached accessory structure shall not be located closer than eight feet to a main structure or closer than three feet to any other accessory structure on the same property.

§ 17.20.110. Outdoor storage.

- A. There shall be no visible outdoor storage of motor vehicles (parked at the same location for a period exceeding forty-eight continuous hours), airplanes, boats, trailers, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; or building or manufacturing materials on any portion of a parcel, with the exception of recreational ~~temporary occupancy~~ **temporary occupancy** vehicles in compliance with Municipal Code Chapter ~~40.74~~ **17.26.080A (Temporary Occupancy Vehicle Parking** ~~Recreational Vehicles~~).
- B. Vehicles shall not be stored or displayed for sale on any vacant parcel.
- C. Building materials for use on the same premises may be stored on the parcel only during the time that a valid Building Permit is in effect for on-site construction.

§ 17.30.030. Animal keeping.

This section provides location, developmental, and operational standards that are intended to ensure that the raising and maintenance of domestic animals does not create adverse impacts on adjacent properties by reason of bright lights, dust, fumes, insect infestations, noise, odor, or visual blight.

- A. Household Pets. Animals and fowl commonly considered as household pets may be kept as an accessory use of residential property; provided, the animals and fowl are kept in a humane and sanitary manner and in compliance with the provisions of this section.
- B. Dogs and Cats. Not more than three dogs or three cats, or any combination of three dogs and cats, over the age of ninety days shall be kept or maintained at any one place of residence, as designated by a single street address number in the city.
- C. **A Conditional Use Permit shall be required for animal keeping as defined by the Municipal Code, as determined by the director.**

1. Keeping of Horses. The following regulations are established for the keeping of horses:

- All parcels shall have a minimum of one net acre for the keeping of horses. The director may consider an application for the keeping of one horse on parcels less than one net acre, but no less than three-fourths net acre, upon the applicant obtaining written permission of all adjoining property owners and in compliance with this section;
- ~~2-~~ The following acreage and numbers of horses are the maximum allowable:

Table 3-14 Maximum Number of Horses Allowed	
Acreage	Maximum Allowed
1—2 net acres	3

- 2.** ~~3.~~ A horse corral or barn shall be kept no closer than twenty-five feet to an adjacent property line;
- 3.** ~~4.~~ All horses shall be provided with adequate fenced enclosures, to contain them within the boundaries of the owner's property, ~~subject to the approval of the director;~~ and
- 4.** ~~5.~~ An application for the keeping of horses shall contain a detailed description outlining the proposed method(s) of controlling dust, insects, odors, sanitation, and other considerations ~~required by the director.~~

(Remainder of page left intentionally blank)

§ 17.34.010. Introduction.

The purpose of this division is to outline procedures together with various land use permit or approval options.

Table 4-1 (Threshold of Review) identifies the full range of land use permit or approval options and the general review authority for the subject permit.

Type of Application	See Chapter	Table 4-1 Threshold of Review ⁶		
		Director Review ¹	Commission Review ²	City Council Review ³
Amendments (General Plan, and Zoning Map/ Ordinance) ³	17.72	X	X	X
Conditional Use Permit (Minor)	17.48	X	X	
Conditional Use Permits ⁷	17.48	X	X	X
Development Agreements ³	17.56	X	X	X
Development Plan Permits	17.42	X	X	X
Development Plan Extension of Time ⁸	17.42	X	X	X
Home Occupation Permits	17.44	X		
Private Tennis Court or Sport Court (Associated with PDP Modification)	17.30	X	X	
Private Tennis Court or Sport Court Associated with Single-Family Residence	17.30	X	X	
Sign Permits ⁴	17.28	X	X	
Sign Programs	17.28	X	X	
Single-Family Permit	17.42	X	✗	
Single-Family Permit Extension of Time	17.42	X	✗	

Table 4-1 Threshold of Review ⁶				
Type of Application	See Chapter	Director Review ¹	Commission Review ²	City Council Review ³
Specific Plans/ Specific Plan Amendments ³	17.54	X	X	X
Street Names	17.58	X		
Street Name Changes	17.58	X	X	
Temporary Use Permits	17.46	X		
Tentative Parcel Maps	16.12	X	X	
Tentative Parcel Map Extension of Time	17.68	X	X	
Tentative Tract Maps ³	16.12	X	X	X
Tentative Tract Map Extension of Time	17.68	X	X	X
Variances (Minor)	17.50	X		
Variances ⁵	17.52	X	X	

Notes:

- 1 The director may defer action and refer any permit or approval application to the commission for final determination.
- 2 The commission may defer action and refer any permit or approval application to the council for final determination.
- 3 Commission recommends to council for final determination.
- 4 The director may approve signs ~~thirty~~^{twenty} sq. ft. or smaller in size or signs which conform to an approved sign program. Other signs are reviewed by the commission.
- 5 The commission shall recommend to the city council variances required in connection with a development plan permit or conditional use permit.
- 6 Project review authority for development plan and conditional use permits is dependent on the land use type and is identified in Tables 2-2 and 2-4.
- 7 The planning commission shall make recommendations to the city council on applications made pursuant to this chapter and the city council shall be the final reviewing authority; however, wireless communication facilities which are to be completely enclosed within an existing structure shall be subject to the review and approval of the ~~community development~~ director.

8 The director may approve time extensions, but may defer, at directors discretion, such requests to the commission or city council for final action.

§ 17.68.060. Expiration.

A. Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Subdivision Map Act shall comply with the following provisions:

1. Exercised.

a. To ensure continued compliance with the provisions of this title, the permit or approval shall be exercised within **twelve months** ~~one hundred eighty days~~ from the date of approval, or the permit or approval shall expire and be deemed void, unless an extension is approved by the original review authority, in compliance with Section 17.68.070 (Time Extensions), below. Additionally, if after construction commencement work is discontinued for a minimum period of twelve months the permit or approval shall expire and be deemed void.

b. If the application for the permit or approval also involves the approval of a tentative map, construction commencement shall be exercised before the expiration of the companion tentative map.

2. Phasing.

a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the preexisting base zoning district and then develop the remaining phases in compliance with this chapter, without review authority approval.

b. Pre-Approved Phases.

(1) If a project is to be built in pre-approved phases, each subsequent phase shall have one hundred eighty days from the previous phases date of construction commencement to the next phases date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.

(2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall be exercised before the expiration of the companion tentative map.

3. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

a. Obtained a building permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar

substantial improvements has commenced; or

- b. Obtained a grading permit and has completed a significant amount of on- site grading, as determined by the director; and
- c. Diligently continued the approved construction/grading activities; or
- d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

B. Where the permit or approval has expired and/or has been deemed void:

1. No further action is required by the city;
2. No further reliance may be placed on the previously approved permit;
3. The applicant shall have no rights previously granted under the permit or approval;
4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and
5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the city to provide suitable protection from any harm that may result from the terminated development.

ORDINANCE CERTIFICATION

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

CITY OF RANCHO MIRAGE)

I, Kristie Ramos, City Clerk of the City of Rancho Mirage, California, do hereby certify under penalty of perjury, that the foregoing Ordinance No. 1219 was introduced by first reading at a regular meeting of the City Council held on the 20th day of June 2024, by the following vote:

AYES: Mallotto, Marker, O'Keefe, Weill.
NOES: None.
ABSTAIN: None.
ABSENT: Downs.

Ordinance No. 1219 was adopted at a regular meeting of the City Council held on July 18, 2024, by the following vote:

AYES: Downs, Mallotto, Marker, O'Keefe, Weill.
NOES: None.
ABSTAIN: None.
ABSENT: None.

I further certify that I have caused Ordinance No. 1219 to be posted and/or published, as required by law (GC Sect. 36933).



Kristie Ramos
City Clerk