



REPORT LAW & 3 LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT
April 15, 2008

**Honorable Members of the
Law and Legislation Committee**

Title: Ordinance Amendments: Changing References to Public Works

Location/Council District: Citywide

Recommendation: This report recommends that the Law & Legislative Committee approve and forward to the full City Council the attached Ordinances amending certain Sections of Title 1, General Provisions, Sections 1.12.020, 1.24.130; Title 2, Administration and Personnel, Sections 2.08.010, 2.100.070; Title 3, Revenue and Finance, Sections 3.68.130, 3.76.020, 3.76.030, 3.76.050, 3.124.060, 3.132.230, 3.136.200, 3.140.210, 3.140.240, 3.144.010, 3.144.030, 3.144.040; Title 8, Health and Safety, Sections 8.04.040, 8.68.220, Title 9, Public Peace, Morals and Welfare, 9.44.350; Title 12, Streets, Sidewalks and Public Places, Sections 12.04.010, 12.04.020, 12.32.010, 12.40.040, 12.56.060, 12.56.110; Title 13, Public Services, Sections 13.10.010, 13.10.020, 13.10.050, 13.10.060, 13.10.140, 13.10.150, 13.10.180, 13.10.210, 13.10.260, 13.10.270, 13.10.280, 13.10.360, 13.10.380, 13.10.500, 13.10.530, 13.20.020; Title 15, Buildings and Construction, Sections, 15.48.020, 15.48.050, 15.48.090, 15.48.140, 15.48.160, 15.88.050, Title 16, Subdivisions, Section 16.40.110; Title 17, Zoning, Sections 17.24.050, 17.60.040, 17.68.020, 17.68.030, 17.76.070, 17.172.040, 17.184.020; and Title 18, Additional Development Requirements, Sections 18.04.020, 18.04.140, 18.04.170, 18.04.180, 18.04.190, 18.08.050, 18.08.080, 18.08.140, 18.12.030, 18.24.100, 18.24.130, 18.24.160, 18.24.310, 18.24.340, 18.24.400, 18.24.530, 18.24.630, 18.24.660, 18.24.670, 18.24.710, 18.24.760 of the Sacramento City Code removing all references to Public Works and reflect the appropriate City organization.

Contacts: Reina Schwartz, Director, Department of General Services, 808-7195

Presenters: Not applicable

Department: General Services

Division: Business Operations

Organization No: 3112

Description/Analysis:

Issue: On January 20, 2004, Council approved the creation of a Transportation Department as well as a scope of services change for the Public Works/General Services Department. Council also approved the guiding principle that the reorganizations should be accomplished at a savings to the General Fund. The responsibilities of Public Works were sectioned out to the Planning, Development Services, Transportation, Utilities and General Services departments. All departments impacted by this report reviewed the appropriate Titles and sections and their input was coordinated into this final report. The intent of these amendments to the ordinances is to change/remove all references to Public Works and properly reflect the responsibility of each department in each Title, Chapter and subsection of the City Code.

The specific amendments being proposed include:

Title 1, Sections 1.12.020 (B) (b) (l) and 1.24.130 are being amended to delete the references to the Director of Public Works and reflect the current City organization.

Title 2, Sections 2.08.010 is being amended to add the Transportation, General Services, Development Services, and Utilities directors and delete the reference to the Public Works director, and Section 2.100.070, Subsection (A) is being amended to delete the reference to the Director of Public Works and reflect the Department of Utilities.

Title 3, Sections 3.68.130, 3.76.020, 3.76.030, 3.76.050, 3.124.060, 3.132.230, 3.136.200, 3.140.210, 3.140.240, 3.144.010 (C) (8), 3.144.030 (E), and 3.144.040 are being amended to delete the references to the Director of Public Works and reflect the appropriate department director.

Title 8, Sections 8.04.040 and 8.68.220 are being amended to delete the references to the Director of Public Works and reflect the Director of General Services.

Title 9, Section 9.44.350 (C) (2) is being amended to delete the reference to the Director of Public Works and reflect the Director of General Services.

Title 12, Sections 12.04.010, 12.04.020, 12.32.010, 12.40.040, 12.56.060 (D), and 12.56.110 (A) are being amended to delete the references to the Public Works and reflect the appropriate department.

Title 13, Sections 13.10.010 (4), 13.10.020, 13.10.050, 13.10.060, 13.10.140, 13.10.150 (C) (D), 13.10.180 (C), 13.10.210, 13.10.260, 13.10.270, 13.10.280, 13.10.360, 13.10.380 (B), 13.10.500, 13.10.530, and 13.20.020 are being

amended to delete the references to the Public Works and reflect the appropriate department.

Title 15, Sections 15.48.020, 15.48.050, 15.48.090, 15.48.140, 15.48.160 and 15.88.050 are being amended to delete the references to the Public Works and reflect the appropriate department.

Title 16, Section 16.40.110 is being amended to delete the reference to the Director of Public Works and reflect the Director of Transportation.

Title 17, Footnote Sections 17.24.050 (27); Sections 17.60.040 (E), 17.68.020, 17.68.030, 17.76.070 (B), 17.172.040 (D), and 17.184.020 are being amended to delete the references to the Public Works and reflect the appropriate department.

Title 18, Sections 18.04.020 (B), 18.04.140, 18.04.170 (B), 18.04.180, 18.04.190 (A) (B) (C), 18.08.050 (A), 18.08.080 (B) (C) (D), 18.08.140, 18.12.030, 18.24.100, 18.24.130 (C), 18.24.160 (A), 18.24.310, 18.24.340 (A), 18.24.400, 18.24.530 (A), 18.24.630 (B), 18.24.660, 18.24.670, 18.24.710 (A), 18.24.760 (A) are being amended to delete the references to the Public Works and reflect the appropriate department.

Policy Considerations: None

Commission/Committee Action: The Ordinance Review Committee reviewed these changes on January 14, 2008.

Environmental Considerations: This report concerns administrative activities that will not have any significant effect on the environment, and do not constitute a "project" as defined by California Code of Regulations, Title 14, Sections 15061 (b) (3) and 15378 (b).

Rationale for Recommendation: The City Code does not reflect the current City organization responsibilities.

Financial Considerations: This report does not result in any financial impact to the City.

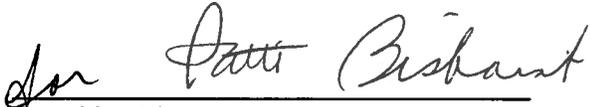
Emerging Small Business Development (ESBD): These ordinances apply to all businesses meeting the eligibility requirements described in the ordinances, which does not exclude any eligible emerging business or small business enterprise.

Respectfully Submitted and Approved by:


Reina J. Schwartz

Director, Department of General Services

Recommendation Approved:



Ray Kerridge
City Manager

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ORDINANCE NO.

Adopted by the Sacramento City Council

April 15, 2008

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE SACRAMENTO CITY CODE CHANGING REFERENCES TO PUBLIC WORKS AND PUBLIC WORKS DIRECTOR TO REFLECT CURRENT CITY ORGANIZATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

A. Subsection (B) (b) (I) of Section 1.12.020 of the Sacramento City Code is amended to read as follows:

B. Annual Changes by city manager or the manager's designee. The city manager or the manager's designee is directed to at least annually make any and all changes occurring in the city metropolitan area which would affect the accuracy of the base map of the metropolitan area of the city.

B. Except as specifically amended by the amendment noted above to Subsection (B) (b) (I), the remainder of Section 1.12.020 shall remain unchanged and in full force and effect.

SECTION 2

Section 1.24.130 of the Sacramento City Code is amended to read as follows:

1.24.130 Payment of fee or charge--Filing of appeal and payment of appeal fee--Fee appeals board.

Any person or entity desiring to assert an appeal pursuant to this article shall first tender the full amount of the disputed fee or charge to the city, which tender may, but need not, be made under protest. A written appeal including the grounds for the appeal and any written material which will be used to support the appeal, shall be filed with the city clerk, who shall serve as the clerk of the fee appeals board, not later than fifteen (15) calendar days after payment of the disputed fee or charge. The fee appeals board shall consist of the director of finance or the director's designee, the director of general services or the director's designee, the director of transportation or the director's designee, the director of utilities or the director's designee, and the city manager or the manager's designee. The city manager or the manager's designee shall serve as the chair of the board.

SECTION 3

Section 2.08.010 of the Sacramento City Code is amended to read as follows:

2.08.010 Employee fidelity bonds.

The following officers and employees of the city shall be bonded for the faithful performance of their duties in the amounts hereinafter specified with each position:

City manager \$100,000.00
City treasurer 200,000.00
Finance director 100,000.00
Revenue officer 100,000.00
City clerk 100,000.00
Assistant city clerk 100,000.00
Transportation director 100,000.00
General services director 100,000.00
Development services director 100,000.00
Utilities director 100,000.00
Planning director 100,000.00
City attorney 100,000.00
Support services division manager 100,000.00
Chief building inspector 100,000.00
Accounting officer 100,000.00
Assistant city treasurer
(with \$100,000.00 excess) 100,000.00
Investment officers 100,000.00

All other officers and employees of the city not specified above shall be bonded for the faithful performance of their duties in the amount of ten thousand dollars (\$10,000.00).

SECTION 4

A. Subsection (A) of Section 2.100.070 of the Sacramento City Code is amended to read as follows:

A. Members of the committee shall serve without any compensation except for county department of solid waste management or city department of utilities pre-approved reimbursement for necessary travel and expenses.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 2.100.070 shall remain unchanged and in full force and effect.

SECTION 5

Section 3.68.130 of the Sacramento City Code is amended to read as follows:

3.68.130 Short-term leases of real property acquired for future city public works projects.

Real property acquired by the city for future public works projects may be leased without competitive bidding if each of the following conditions exist:

A. The prospective lessee was the occupant or tenant of the property at the time of its acquisition by the city; and

B. The tenancy will be on a month to month basis and will not exceed twenty-four (24) months.

The director of general services is hereby authorized to negotiate and execute on behalf of the city all lease agreements entered into pursuant to this section.

SECTION 6

Section 3.76.020 of the Sacramento City Code is amended to read as follows:

3.76.020 Application—Director of development services to recommend approval or denial.

Applications for revocable permits shall be filed with the department of development services and shall be accompanied by a map or plat indicating the area for which the permit is sought. If any work is to be undertaken in the area subject to the permit, the application shall also be accompanied by a detailed plan or plans of such work.

The director of development services shall refer such application to the city council together with a recommendation concerning the approval, conditional approval or denial of such permit.

SECTION 7

Section 3.76.030 of the Sacramento City Code is amended to read as follows:

3.76.030 Director of transportation or designee--Authority to issue revocable permits for certain uses.

The director of transportation may review applications for and approve or conditionally approve revocable permits for the following uses:

A. Behind existing curbs and gutters:

1. Paving,
2. Landscaping,

3. Construction of landscape planters,

4. Other minor uses;

B. Groundwater monitoring wells;

C. Privately owned utilities within public streets and alleys.

SECTION 8

Section 3.76.050 of the Sacramento City Code is amended to read as follows:

3.76.050 Telecommunications facilities located on city-owned property.

A. Exclusive Procedure. Except as specifically otherwise stated herein, the procedures specified in this section shall be the exclusive procedure governing revocable permits for telecommunications facilities which are proposed to be located on city-owned property. Nothing in this section shall preclude the application of the following provisions, and any applicant for a revocable permit shall comply therewith:

1. All applicable land use regulations, including but not limited to city zoning regulations and guidelines;

2. Section 3.76.030 of this chapter, relating to revocable permits for use of city rights-of-way or easements;

3. Chapter 12.12 of this code, relating to excavation permits and street cuts;
and

4. Chapter 3.08 of this title, relating to business operations tax certificates.

The revocable permit application required hereunder may be filed by an applicant while land use and other applications are pending; provided, however, that no revocable permit shall be issued unless and until all other required city, state or federal permits have been obtained by the applicant, and all other state, federal and city requirements including but not limited to subsections (A)(1) through (4) of this section, have been met.

B. Definitions. The following definitions shall apply to terms used in this section:

“City-owned property” means any property owned, rented or leased by the city, or in which the city has the right to use or occupancy by virtue of an easement, right-of-way, or other similar interest in property; provided, however, that the provisions of this

section shall not apply to street easements or rights-of-way owned by the city, where the telecommunications provider will be installing wire, conduit or similar equipment within the street. For purposes of this section, "property" includes real property or improvements thereon, and personal property, fixtures or equipment. City-owned property shall also include traffic signals, city lighting or other poles or similar equipment, whether within or outside the street right-of-way, where telecommunications facilities are to be located or installed thereon.

"Co-location" means the location by the same or different telecommunication providers of telecommunication facilities together in the same location or on the same tower, pole, or other structure.

"Personal wireless services" means personal wireless services, as defined in 47 U.S. Code 332(c)(7)(C).

"Telecommunications facilities" means facilities designed for the provision of cellular telephone facilities and other personal wireless services, including but not limited to transmitters, towers and other equipment.

"Telecommunications provider" means a provider of cellular telephone or other personal wireless services.

"Utility relocation" means any required move or relocation of an existing installation or equipment owned by any provider of utility or utility-related services, whether such provider is a private or public entity, including but not limited to the city, where such move or relocation is necessitated by installation, improvement, renovation or repair of telecommunications facilities installed on city-owned property.

"Utility relocation costs" means any actually incurred cost or expense associated with a utility relocation.

C. Application.

1. A telecommunications provider proposing to locate telecommunications facilities on city-owned property shall make application to the city director of general services through the supervising real property agent, on a form provided for that purpose.

2. The application shall clearly describe the telecommunications facilities proposed to be installed, the city property on which the facilities are proposed to be installed, and their exact proposed location thereon, including such specifications, drawings, maps and other illustrations as are required by the city director of general services, through the supervising real property agent.

a. The supervising real property agent shall, within thirty (30) days from the date of receipt of the application, make a determination as to whether the application is

complete in all respects, and whether the applicant has applied for all other required land use entitlements and other required state, federal or city permits or licenses. If no such determination is made within the thirty (30) day period, the application shall be deemed complete. In the event that the application is determined incomplete, the applicant shall be notified in writing of the nature and extent of the deficiencies.

b. Upon a determination that the application is complete, or upon expiration of the thirty (30) day period for making that determination, the supervising real property agent shall process the application and meet with the applicant as required in order to determine whether the application should be granted or denied. The application may be denied for good cause, may be conditionally approved, or may be approved, subject to required procedures for approval by the city council. No application or agreement may be approved or conditionally approved by the city council unless all required land use entitlements, including but not limited to those required by city zoning regulations and guidelines, have been obtained by the applicant.

c. In the event that the application is denied, the applicant shall be notified in writing of the denial, with a written statement of the reasons for the denial. The notice shall be sent by United States mail to the applicant at the address listed on the application.

d. An applicant whose application has been denied may appeal the denial to the city manager, whose determination shall be final. Any such appeal shall be by letter or other written communication delivered to the city manager within fifteen (15) days from the date that the notice of denial was mailed.

3. The application shall be accompanied by an estimated processing fee, established by resolution of the city council, designed to recover all city staff costs in processing the application, including but not limited to the city department of general services, the neighborhood services department, and the city attorney. The application shall contain a statement that by executing the application, the applicant agrees to pay any processing costs in excess of the estimated application fee, upon billing thereof by the city.

4. The application process shall be administered by the city in a nondiscriminatory manner, through the use of standardized procedures for establishing fair market rental, and a uniform schedule of initial, one-time fees. All negotiations and discussions shall be conducted by assigned city staff.

D. Agreement for Issuance of Revocable Permit—Issuance of Revocable Permit.

1. The city council shall, by resolution, adopt a form of agreement that shall be utilized for all applicants proposing to locate telecommunications facilities on city-owned property. The agreement form shall specify all of the terms and conditions upon which the permit is to be issued, including but not limited to the term; provisions for

renewal; termination and revocation provisions; compensation to the city, including but not limited to a one-time initial fee and rental rates or provision of in-kind services as set forth in subsection G of this section; if applicable, provisions for space requirements or reservations for public use; provisions for fee escalation based upon a consumer price index procedure; use and nuisance restrictions; construction requirements and specifications; maintenance and repair responsibilities; insurance, liability limitation provisions, and indemnification obligations; provisions relating to payment of taxes including but not limited to possessory interest taxes, to the extent applicable; assignment restrictions; provisions requiring a permittee to notify before excavation ("one call" requirements); and other provisions as may be required by the city attorney.

2. Upon approval by the city director of general services through the supervising real property agent of an application pursuant to subsection C of this section, the applicant shall execute a copy of the pre-approved form of agreement for issuance of a revocable permit. Upon execution of the agreement, city staff shall seek approval of the city council. Upon city council approval of the agreement, and upon approval as to form by the city attorney, the city manager or designee shall execute the agreement.

3. Upon full execution of the agreement, and subject to subsection A of this section and payment by the applicant of any further processing fees owing, the one-time initial fee and any rental due, the city director of general services through the supervising real property agent shall issue the revocable permit. Each such permit shall be nonexclusive, and shall be in a form approved by the city director of general services through the supervising real property agent. The permit form shall refer to the agreement for issuance of revocable permit, which agreement shall govern the permit during its entire term.

E. Relocation. Where utility relocation is required either because of the applicant's construction or installation of its facilities, or by virtue of a subsequent city project, the entire utility relocation cost shall be payable by the permittee whose telecommunication facilities are required to be relocated. Nothing in this section shall be interpreted to affect, adversely or otherwise, a permittee's ability to recover all or any part of the relocation cost from another utility or provider located on or adjacent to the city-owned property.

F. Co-location. Where appropriate and feasible, telecommunication facilities located on city-owned property shall be collocated.

G. In lieu of requiring payment of fair market rental, the city may accept in-kind services as compensation, provided that such services are of equal value to the fair market rental.

SECTION 9

A. The definition of "Director," in section 3.124.060 of the Sacramento City Code is amended to read as follows:

3.124.060 Definitions.

"Director" means the director of development services of the city of Sacramento, or designee.

B. Except as specifically amended by the amendment noted above to the definition of "Director," the remainder of section 3.124.060 shall remain unchanged and in full force and effect.

SECTION 10

Section 3.132.230 of the Sacramento City Code is amended to read as follows:

3.132.230 Reports--Generally.

The city manager or city manager's designee shall prepare the following reports in accordance with Sections 3.132.230 through 3.132.250 of this chapter.

SECTION 11

Section 3.136.200 of the Sacramento City Code is amended to read as follows:

3.136.200 Reports--Generally.

The city manager or city manager's designee shall prepare the following reports in accordance with Sections 3.136.200 through 3.136.220 of this chapter.

SECTION 12

Section 3.140.210 of the Sacramento City Code is amended to read as follows:

3.140.210 Planning director.

"Planning director" means the director of the city of Sacramento department of planning, or designee.

SECTION 13

Section 3.140.240 of the Sacramento City Code is amended to read as follows:

3.140.240 Reports--Generally.

The city manager shall prepare the following reports in accordance with Sections 3.140.250 through 3.140.300 of this chapter. The city manager may delegate this function to the director of the department of planning, or such other departmental director as the city manager determines appropriate under the circumstances.

SECTION 14

A. Subsection (C) (8) of Section 3.144.010 of the Sacramento City Code is amended to read as follows:

C. Findings of Fact. The council of the city finds and declares as follows:

8. The plan entitled "Bell Avenue storm drainage and sanitary sewer facilities plan," a copy of which is on file at the city's department of utilities, is adopted as such pursuant to Section 66483(b) of the California Government Code. This plan includes a description and cost estimate of the storm drainage and sanitary sewer improvements.

B. Except as specifically amended by the amendment noted above to Subsection (C) (8), the remainder of Section 3.144.010 shall remain unchanged and in full force and effect.

SECTION 15

A. Subsection (E) of Section 3.144.030 of the Sacramento City Code is amended to read as follows:

E. Reimbursement and Fee Credit Agreement. If a collector sewer is constructed such that it will benefit properties other than those funding the construction, the city may enter into a reimbursement agreement with the party funding the construction to reimburse, or partially reimburse, said party for the pro rata cost of the portion of the construction which benefits such other nonparticipating properties. The cost of construction shall be the amount of the low bid plus a fifteen (15) percent allowance for engineering, administration, and inspection. The agreement may also provide for a credit in-lieu of payment of all or a portion of the collector sewer fee. The credit will be based on the collector sewer construction costs and will be determined by the department of utilities. The following conditions shall be contained in each reimbursement agreement:

1. The term of the agreement shall be ten (10) years from the date of approval by the city.

2. The estimated cost to the city in administering each agreement, which will be determined by resolution of the city council shall be deducted from the amount to be reimbursed.

3. A minimum of three bids must have been received for the construction being considered for reimbursement.

B. Except as specifically amended by the amendment noted above to Subsection (E), the remainder of Section 3.144.030 shall remain unchanged and in full force and effect.

SECTION 16

Section 3.144.040 of the Sacramento City Code is amended to read as follows:

3.144.040 Variances, deviations and appeals.

A. Variances and Deviations. The director of utilities may approve and allow such variations and deviations from the participation and fee requirements of this chapter as he or she determines are made necessary by existing parcel size or conditions of developments.

B. Appeal. Any person required to participate or pay fees under the provisions of this chapter may appeal any determination made by the director of utilities within thirty (30) days after the determination is made. Such an appeal must be made to the city council in accordance with the provisions of Sections 1.24.010 to 1.24.100 of this code. The appeal shall be in writing and shall be filed with the city clerk who shall present it to the council. The council shall set such appeal for hearing on a date not later than thirty (30) days after the date on which the appeal is presented to the council by the clerk. The council shall direct the clerk to give written notice of the hearing date to the appellants at their address given in the written appeal.

SECTION 17

Section 8.04.040 of the Sacramento City Code is amended to read as follows:

8.04.040 Authority--"Department head" defined.

A. The responsible department director, or his or her designee, hereinafter referred to as "department head," is authorized and directed to use the provisions of this code for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which his or her department has primary enforcement responsibility.

B. As used herein the term "department head" includes the authorized representatives of such department head, and the fire chief and his or her authorized representatives as concerns Section 8.04.100(I) of this chapter, and the director of general services as concerns the enforcement of animal control, Section 8.04.100(G) of this chapter.

SECTION 18

Section 8.68.220 of the Sacramento City Code is amended to read as follows:

8.68.220 Administration.

Except for the enforcement of Section 8.68.200 of this chapter which shall be the responsibility of the chief of police, and except for the enforcement of Section 8.68.060 of this chapter which shall be the responsibility of the director of general services and the director of utilities in addition to any other person authorized to enforce that section, the administration of this chapter is vested in the Sacramento City/county health officer. The health officer shall be responsible for:

- A. Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this chapter;
- B. Training field inspectors;
- C. Procuring measuring instruments and training inspectors in their calibration and operation;
- D. Conducting a public education program in all aspects of noise control;
- E. Coordinating the noise control program with other governmental agencies.

SECTION 19

A. Subsection (C) (2) of Section 9.44.350 of the Sacramento City Code is amended to read as follows:

C. Any person aggrieved by the chief animal control officer's grant or denial of approval to keep an animal, or by the chief animal control officer's revocation of an approval, may appeal such decision to a review committee consisting of:

- 1. The city manager or the manager's designee;
- 2. The director of general services, or the director's designee; and
- 3. A veterinarian designated by the city manager, by filing a notice of appeal with the city manager within ten (10) days after the chief animal control officer makes his or her written determination. The review committee shall hold an informal hearing at which interested parties may present testimony and evidence concerning the matter. The decision of the review committee shall be final; provided, however, that the city council may, by motion, assume jurisdiction of the appeal and make a final determination which shall substitute for or supersede the review committee's decision.

B. Except as specifically amended by the amendment noted above to Subsection (C) (2), the remainder of Section 9.44.350 shall remain unchanged and in full force and effect.

SECTION 20

Section 12.04.010 of the Sacramento City Code is amended to read as follows:

12.04.010 Charges for services of the department of development services-- On assessment proceedings.

The charges for the services of the director of development services for engineering services and for other services relating to public improvement work constructed or done upon the public streets, places and rights-of-way in this city under special assessment proceedings which the city council of the city conducts under the provisions of the Streets and Highways Code of the state shall be established by resolution of the city council as follows:

For special assessment proceedings, a sum equal to the direct cost of the services provided by the director of development services and his or her office as established by resolution of the city council at the time the assessment district is formed, plus an indirect cost factor at a rate or rates adopted by resolution of the city council from time to time. Said services shall include, without limitation, any services for acquiring right-of-way or property or capacity in public improvement work and all costs and expenses of any such acquisition.

The charges determined from above shall cover the cost of the preparation of the proceedings, the cost plus administrative charges (i.e., two percent) of the field work, the cost of inspection and the cost of all office and clerical work in the proceedings. Such charges cover only normal engineering services in connection with such work, and all other unusual or extraordinary services performed by the director of development services in connection with any work under this section shall be charged separately by the director of development services in relation to his or her cost of rendering such services.

SECTION 21

Section 12.04.020 of the Sacramento City Code is amended to read as follows:

12.04.020 Charges for services of the department of development services - -Frontage improvements and improvements pursuant to subdivision proceedings--All improvements other than frontage improvements and improvements pursuant to subdivision proceedings and assessment proceedings.

A. The charges for the services of the department of development services of the city for frontage improvements and improvements pursuant to subdivision proceedings relating to public improvement work constructed or done upon the public streets, places and rights-of-way in this city under private contract shall be established by resolution of the city council.

In connection with said charges, they shall cover only normal engineering services in connection with such work, and all other unusual or extraordinary services performed by the director of development services or his or her designee in connection with any work under this section shall be charged separately by the director of development services in relation to his or her cost of rendering such service.

B. Except as otherwise provided by resolution, the charges for the services of the department of development services of the city for all services for improvements other than those covered by Section 12.04.010 of this chapter and subsection A of this section relating to public improvement work constructed or done upon the public streets, places and rights-of-way in this city are fixed as a sum equal to the direct cost of the services provided by the department of development services of the city plus an indirect cost factor at a rate or rates adopted by resolution of the city council from time to time.

SECTION 22

A. The definition of "Director" in section 12.32.010 of the Sacramento City Code is amended to read as follows:

12.32.010 Definitions.

"Director" means the director of the department of transportation, or designee; "director" shall have the same meaning as the terms "superintendent of streets" and "city engineer" as those terms are utilized in the Streets and Highways Code, Division 7, Part 3, Chapter 22, as those provisions now exist or are hereafter amended or renumbered.

B. Except as specifically amended by the amendment noted above to the definition of "Director," the remainder of Section 12.32.010 shall remain unchanged and in full force and effect.

SECTION 23

Section 12.40.040 of the Sacramento City Code is amended to read as follows:

12.40.040 Permits required for improvements in public right-of-way.

If the restriction of vehicular or pedestrian traffic authorized pursuant to Section 12.40.020 of this chapter requires construction by a private entity of improvements such as fencing, gates, or lighting in the public right-of-way, a revocable encroachment permit

and an excavation permit must be obtained from the transportation department. The revocable encroachment permit must be issued simultaneously with the authorization of such restriction by the city council. The excavation permit, if required, may be issued subsequent to city council authorization of such restriction, but must be obtained prior to the construction of any improvements in the public right-of-way. The city manager, in his or her discretion, may waive the fees required for these permits.

SECTION 24

A. Subsection (D) of Section 12.56.060 of the Sacramento City Code is amended to read as follows:

D. The director of development services and the planning director shall notify the director of any applications for new subdivisions, curb, gutter, sidewalk, street light or driveway installations, or other proposed improvements which might require the removal of or cause injury to, any city street tree, or interfere with the fulfillment of the maintenance easement private street tree plantings.

B. Except as specifically amended by the amendment noted above to Subsection (D), the remainder of Section 12.56.060 shall remain unchanged and in full force and effect.

SECTION 25

A. Subsection (A) of Section 12.56.110 of the Sacramento City Code is amended to read as follows:

A. The director of transportation shall consult with the director prior to issuing a permit for moving any building or other structure along any city street.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 12.56.110 shall remain unchanged and in full force and effect.

SECTION 26

A. Under definitions of "Infectious wastes" in Section 13.10.010 (4) of the Sacramento City Code is amended to read as follows:

"Solid waste manager" or "manager" means the integrated waste general manager of the city utilities department.

B. Except as specifically amended by the amendment noted above to the definition of "Infectious wastes," the remainder of Section 13.10.010 (4) shall remain unchanged and in full force and effect.

SECTION 27

Section 13.10.020 of the Sacramento City Code is amended to read as follows:

13.10.020 Division of solid waste--Duty of collection.

It shall be the duty of the division of solid waste of the utilities department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this chapter, within the city. The city council may authorize and empower the city manager to dispose of the same in such manner as it may deem proper for the best interest of the city and in compliance with the rules and regulations of the health department. Except as otherwise provided in this chapter, it shall be the duty of the division of solid waste of the utilities department to collect all garbage in the city at least once each week and at such other times as the necessities of the particular case require.

SECTION 28

Section 13.10.050 of the Sacramento City Code is amended to read as follows:

13.10.050 Division of solid waste--Equipment and employees.

The city manager is authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the city and is further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this chapter relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the utilities department of the city.

SECTION 29

Section 13.10.060 of the Sacramento City Code is amended to read as follows:

13.10.060 Division of solid waste--Authority of solid waste manager.

Under direction of the director of utilities the manager of the division of solid waste shall have authority to make and enforce, with the approval of the city manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter pursuant to the provisions of this chapter. This authority shall include, without limitation, the authority to require any person or entity receiving garbage or refuse collection service anywhere in the city, whether such service is provided by the city or by another collection service, to implement specified measures to prevent the accumulation of garbage, litter, refuse, or rubbish outside of the waste receptacle(s) used by the person or entity, or to prevent the receptacle(s) from creating a hazard or interference with the use of any public right of way. Such measures may include, but are not limited to, requiring that the receptacle(s) be locked, and restricting or prohibiting the placement of receptacles on city streets, alleys or on sidewalks.

SECTION 30

Section 13.10.140 of the Sacramento City Code is amended to read as follows:

13.10.140 Minimum service.

The minimum level of service for those residential and commercial properties, places and premises shall be as set forth in this chapter and other applicable federal, state and local laws, including, without limitation, as follows:

A. One standard size (thirty-two (32) gallon or less) can per week shall be the minimum garbage service for each dwelling unit of a duplex, triplex, or fourplex unless designated for automatic lift container service. For purposes of this section, the director of utilities may at his or her discretion, determine that a different standard size can and/or less than one standard size can per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex or fourplex. The minimum service for automatic lift container service shall be one automatic lift container as provided by the city per single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex. For purposes of this section, the director of utilities may, at his or her discretion, determine that less than one automatic lift container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex. For purposes of this section, the director of utilities may, at his or her discretion, exclude mobile home parks with sixty (60) or less units from the minimum garbage service conditions placed on single-family residences.

B. Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.

C. Except as otherwise provided under Section 13.10.080(D) of this chapter, the owners of all properties, places and premises upon which garbage is produced or accumulated shall be given the type and frequency of service, according to the rates herein set forth, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week.

SECTION 31

A. Subsection (C) and (D) of Section 13.10.150 of the Sacramento City Code is amended to read as follows:

C. The service provided by a private entity under this section shall be adequate under the standards established by the director of utilities pursuant to this chapter, including, without limitation, pursuant to Section 13.10.260 of this chapter; and

D. Each private entity shall inform the director of utilities, of each commercial property, place or premises for which such private entity's garbage collection services has been terminated for any reason, within three days of such termination.

B. Except as specifically amended by the amendment noted above to Subsection (C) and (D), the remainder of Section 13.10.150 shall remain unchanged and in full force and effect.

SECTION 32

A. Subsection (C) of Section 13.10.180 of the Sacramento City Code is amended to read as follows:

C. The director of utilities may adopt standards for the capacity and type of receptacle to be used for all property, places and premises upon which garbage, rubbish or waste matter is produced or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of solid waste produced or accumulated; and the location, construction or other physical characteristics of such property, places and premises. The director of utilities may adopt standards for the capacity and type of receptacle to be used to facilitate the collection of recyclable items.

B. Except as specifically amended by the amendment noted above to Subsection (C), the remainder of Section 13.10.180 shall remain unchanged and in full force and effect.

SECTION 33

Section 13.10.210 of the Sacramento City Code is amended to read as follows:

13.10.210 Designated depositories must be used--Use of waste matter to fill low areas.

It is unlawful and a misdemeanor to bury or otherwise dispose of any garbage, junk, debris, refuse, swill or rubbish within the city limits, except at a place designated by the director of utilities and approved by the city manager for the purpose of disposal. Waste matter, if not removed beyond the city limits, may be made use of upon receiving written permission from the director of utilities with approval by the city manager, for filling in of low areas within the city limits.

Nothing herein contained shall prohibit the storing of occasional excess rubbish or waste matter in barrels, boxes or other proper receptacles adjacent to the garbage container while awaiting the regular collection, subject to the prior written approval of the chief of the fire department of the city or other designated director. The minimum penalty for a first conviction of this section is a one hundred dollar (\$100.00) fine; for a second conviction within one year, the minimum penalty is a two hundred dollar (\$200.00) fine; for a third or subsequent conviction within one year, the minimum penalty is a five hundred dollar (\$500.00) fine.

SECTION 34

Section 13.10.260 of the Sacramento City Code is amended to read as follows:

13.10.260 Director of utilities to make rules and regulations.

The director of utilities shall have the power: (a) to determine minimum required and adequate garbage, refuse and waste matter collection services for any property, place or premises within the city based on the amount of waste generated and adopt rules and regulations based upon such determination, and (b) and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this chapter.

SECTION 35

Section 13.10.270 of the Sacramento City Code is amended to read as follows:

13.10.270 Appeals.

Any person adversely and directly affected by any determination made or action taken by the director of utilities or solid waste manager pursuant to the provisions of this chapter may appeal the determination or action to the city manager by filing a notice of appeal. The notice of appeal shall set forth the name, mailing address and telephone number, if any, of the person appealing. The notice of appeal shall include or attach a statement describing the determination or action being appealed, setting forth the grounds for the appeal, and describing the action requested of the city manager. The scope of the appeal shall be limited to the grounds specified in the notice of appeal. No later than thirty (30) days after the filing of a timely notice of appeal, the city manager shall render a decision on the appeal.

The city manager's decision may affirm, reverse or modify the determination or action appealed. A copy of the city manager's decision shall be mailed to the person appealing at the address shown on the notice of appeal. Any person adversely and directly affected by the city manager's decision on an appeal may appeal the decision to the city council by filing a notice of appeal in accordance with the provisions of Section 1.24.010 and following of this code.

SECTION 36

Section 13.10.280 of the Sacramento City Code is amended to read as follows:

13.10.280 Appeals--Time for filing.

The notice of appeal of a determination made or action taken by the director of utilities or solid waste manager shall be filed with the city manager not later than ten (10) days after the date of the determination or action. The notice of appeal of a decision made by the city manager on an appeal shall be filed with the city clerk not later than ten (10) days after the date that the city manager's decision is mailed as set forth in Section 13.10.270 of this chapter.

SECTION 37

Section 13.10.360 of the Sacramento City Code is amended to read as follows:

13.10.360 “Lawn and garden service” defined.

As used in this article, the term “lawn and garden service” means the periodic collection by the department of utilities of garden refuse from city streets, the disposal of said garden refuse, and the periodic sweeping of those streets.

SECTION 38

A. Subsection B of Section 13.10.380 of the Sacramento City Code is amended to read as follows:

13.10.380 Legislative findings.

B. That depositing garden refuse in the streets in front of properties within the city for periodic collection, disposal and street sweeping by the department of utilities is a service afforded by the city which is of substantial benefit to owners of all properties within the city to which the service is extended.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 13.10.380 shall remain unchanged and in full force and effect.

SECTION 39

Section 13.10.500 of the Sacramento City Code is amended to read as follows:

13.10.500 Bare lot and multiple use property classifications—Fees—Lawn and garden service fees—Lawn and garden service fee classification board.

A. Definition. For the purpose of this section only, the term “residential property” means and refers to residential property classified for the purposes of this article in a classification established by Section 13.10.370 of this chapter excluding multiple family dwelling units having more than fifty (50) dwelling units.

B. Application. Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this section. Any such application shall be filed on forms provided by the city and shall be filed with the revenue division of the city.

C. Lawn and Garden Service Fee Classification Board. The lawn and garden service fee classification board shall be composed of two city employee members, one of whom shall be from the department of finance and one of whom shall be from the

department of utilities. The membership of the board shall be appointed by and shall serve at the pleasure of the city manager. The board shall process all applications under and make the classifications of property described by this section.

D. Classifications. In addition to the classifications established by Section 13.10.370(A) of this code, there shall be two additional classifications of residential property. These two classifications shall be:

Bare Lot. The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce any garden refuse. The term "outside the dwelling unit" means outside the surface of the exterior surfaces. The term "exterior surfaces" means those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple Use Lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g., residential and commercial) such that two or more different lawn and garden service fees according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or fee.

E. Fees. Any property classified on the bare lot classification shall pay the lawn and garden service fee imposed by this chapter of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the lawn and garden service fee imposed by this chapter equal to the single highest fee which would be imposed on any one structure located on the property according to the other classifications in this chapter. Such fee shall be charged to the owner of the entire parcel of property.

F. Processing Applications and Classifications. The board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the department of utilities which shall inspect the property and report the results of such inspection to the board. The board shall evaluate each application based on the information contained in such application and the department of utilities report and shall determine the proper classification for each such property. In the event the board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue division. In the event the lawn and garden service fee collected by the city after the effective date of the classification exceeds the fee prescribed by this chapter, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.

G. Notices and Hearings. In the event a property for which application for classifications is made pursuant to this section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the board. Any applicant who receives such notice who desires to have the application reconsidered by the board may apply for a hearing before the board. Any such application must be filed with the revenue division within fifteen (15) calendar days of the date of the notice that the property was not reclassified. The board shall within thirty (30) calendar days after an application for hearing schedule a hearing upon ten (10) days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The board shall reevaluate the classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the department of utilities and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the board may obtain a supplemental inspection report from the department of utilities. Written notice of the action of the board shall be given to the applicant and the classification established by the board shall be final except as herein otherwise provided.

H. Reclassification Upon Changed Circumstances. In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification.

SECTION 40

Section 13.10.530 of the Sacramento City Code is amended to read as follows:

13.10.530 Special requirements.

In addition to any and all requirements which apply to the collection of garbage and refuse throughout the city under this chapter, collection service received or provided in the downtown collection area shall be subject to the following additional special requirements:

A. All containers within the downtown collection area shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected in accordance with the provisions of this chapter.

B. All containers within the downtown collection area shall have the name, address and telephone number of the owner, and of the tenant, if different than the owner, written on the front of the bin with either paint or some form of indelible ink.

C. No container within the downtown collection area shall be placed or located in such a manner that blocks or impedes passage through the alley or through any

doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above requirements shall be the sole responsibility of the owner and tenant. Guidelines to implement and enforce the above requirements shall be adopted by the city department of utilities and approved by the city manager.

SECTION 41

A. Section 13.20.020 of the Sacramento City Code is amended to read as follows:

13.20.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning set forth in this section:

“City utility facility” means a facility that is operated by the city to provide public utility service.

“Director” means the director of general services or development services for the city of Sacramento, or his or her authorized representative.

“Property owner” means the owner of property that is burdened by an unused public service easement relinquished by quitclaim deed pursuant to the procedures established by this chapter.

“Public service easement” means any “public service easement” as that term is defined in Section 8306 of the Streets and Highways Code, as amended, that is owned by the city.

“Public utility facility” means a facility operated by a public agency or privately-owned company to provide public utility service, excluding a city utility facility.

“Unused public service easement” means a public service easement that has never been used by a public utility facility and is not necessary for present or future use by any city utility facility or public utility facility, and that also meets any additional criteria applicable to a “summary vacation” under Section 8333 of the Streets and Highways Code, as amended.

“Utilities director” means the director of utilities for the city of Sacramento, or his or her authorized representative.

SECTION 42

Section 15.48.020 of the Sacramento City Code is amended to read as follows:

15.48.020 Application for permit--Application fee.

The application for moving permit shall be filed with the director of development services and shall contain a statement of the following:

- A. Name, address, and telephone number of applicant;
- B. Valid state contractor's license number and valid city business tax certificate number of the moving contractor;
- C. Type of structure to be moved;
- D. Proposed use of structure;
- E. Approximate date structure was constructed;
- F. Current location of structure to be moved;
- G. Proposed new location, including a scaled plot plan of the new site which shows any buildings located on contiguous property;
- H. Proposed route;
- I. Proposed date of moving, and anticipated duration of move;
- J. Accurate drawing or other detailed graphic representation of the structure showing length, height, and width, loaded and in transit;
- K. Hold harmless agreement and insurance certificate from moving contractor;
- L. A certification that all information provided is true, and that the applicant is familiar with, understands, and accepts all obligations and responsibilities relating to the moving of buildings as set forth in this chapter;
- M. Such other and further information as the director of development services deems necessary.

The application shall be accompanied by a nonrefundable application fee in an amount set by resolution of the city council. The director of development services shall cause copies of the application to be sent to the superintendent of building inspections, director of transportation, fire chief, and planning director.

SECTION 43

Section 15.48.050 of the Sacramento City Code is amended to read as follows:

15.48.050 Review by director of transportation and fire department.

The director of transportation and the fire chief shall review the application and the proposed route of move and shall make recommendations for route modifications to the director of development services. No building shall be moved except along a route approved by the director of transportation and under time restrictions specified by the director of transportation. The director of transportation may require that a city representative accompany any move, to ensure compliance with all terms of the permit and this code. Where appropriate, the director of transportation shall consult with the director of facilities maintenance and the superintendent of parks to ensure that the proposed route will not result in damage to or destruction of city facilities or trees. No moving permit shall be issued unless the proposed move complies with applicable provisions of Chapter 12.56 of this code (Trees) and all necessary tree removal permits have been granted. Tree removal permits will be issued only if consistent with Chapter 12.56. If permission to trim city trees is granted, a tree inspector must be present at the time of trimming.

SECTION 44

Section 15.48.090 of the Sacramento City Code is amended to read as follows:

15.48.090 Issuance of permit--Appeal.

If the superintendent of building inspections, the fire chief, the director of development services, and the director of transportation report that the proposed move will comply with all requirements of this chapter and the Sacramento City Code, then the director of development services shall issue the moving permit, subject to such conditions as are necessary to ensure compliance with this chapter and the Sacramento City Code and to ensure the public safety and welfare. If the permit is denied, written notice thereof shall be served in person or by mail on the applicant.

Any applicant aggrieved by denial of a permit or by conditions (other than routing or time restrictions) placed thereon may appeal the decision of the director of development services to the housing codes advisory and appeals board by filing a written notice of appeal with the secretary of the board not later than ten (10) days after the date of the director of development services decision; provided, however, that any matter appealable under Section 15.48.040 of this chapter shall not be appealable pursuant to this section. The decision of the housing codes advisory and appeals board shall be final. However, any denial based on the recommendation of the development services director shall be appealable only as provided in Section 15.48.040 of this chapter

SECTION 45

Section 15.48.140 of the Sacramento City Code is amended to read as follows:

15.48.140 Restrictions on building size.

No permit shall be granted for the moving of any building, or the frame of any building, on the streets of the city, unless the directors of general services and transportation certify that the proposed move will not unreasonably delay traffic, damage public facilities or disrupt public services. The director of transportation shall recommend to the director of development services such conditions as are reasonably necessary to avoid unreasonable traffic delay.

SECTION 46

Section 15.48.160 of the Sacramento City Code is amended to read as follows:

15.48.160 Maintaining barricades and lights.

Permittee shall furnish, install and maintain all traffic signs, barricades and lights as needed for traffic control or detours. If said signs, barricades and lights have not been provided or maintained, the director of transportation may do so and the costs thereof will be chargeable to the permittee.

SECTION 47

A. The definition of "Encroachment permit" in section 15.88.050 of the Sacramento City Code is amended to read as follows:

15.88.050 Definitions.

"Encroachment permit" means a written permit issued by the department of transportation authorizing certain work within a publicly maintained right-of-way.

B. Except as specifically amended by the amendment noted above to the definition of "Encroachment permit," the remainder of section 15.88.050 shall remain unchanged and in full force and effect.

SECTION 48

Section 16.40.110 of the Sacramento City Code is amended to read as follows:

16.40.110 Curve radii.

All curves shall have sufficient length to avoid the appearance of an angle point. Reverse curves shall be connected by tangents of length approved by the director of

transportation or the director’s designated representative. The center line radii of curves shall be as large as possible, but not less than the following:

	Designations	Radius, ft.
1.	Local residential	200
2.	Local nonresidential	400
3.	Collector	600
4.	Arterial (4-lane)	1,000
5.	Arterial (6-lane)	1,500

SECTION 49

A. In Footnote 20, Section 17.24.050, of the Sacramento City Code is amended to read as follows:

20. Development in the M-1S and M-2S Zones. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height. No materials or supplies shall be stored within the required front or street side yard setback area, nor shall any building, parking stall, structure, fence, or wall extend into said area. All street frontages must have a twenty-five (25) foot setback which is to be developed and maintained as open landscaped area. The landscaped area shall include a combination of trees, mounded turf and/or live ground cover and shrubs. A fully automatic irrigation system shall be provided. The landscaped area must be twenty-five (25) feet clear, excluding curbs. Sidewalks are allowed in this area only when necessary for handicapped access. When vehicles overhang and no wheel stops are provided, the landscaped area must be increased to twenty-seven (27) feet. A six-inch raised concrete curb is required at the back of sidewalk; however, if turf is used and extends farther than fifteen (15) feet from the property line, this curb is not required. If there is less than fifteen (15) feet of turf, this requirement may be modified subject to the review and approval of the development services department.

B. Except as specifically amended by the amendment noted above to Footnote 20, the remainder of Section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 50

A. Subsection (E) of Section 17.60.040 of the Sacramento City Code is amended to read as follows:

E. Setback Requirements for a Through Lot.

1. On a through lot with depth less than one hundred twenty-five (125) feet, one street frontage can be considered the front of the lot and the other street frontage can be considered the rear of the lot.

2. On a through lot with a depth of one hundred twenty-five (125) feet or more, each street frontage shall be considered a front yard. For R-1 zoned through lots, said lot may have two residences constructed on the lot subject to the following requirements:

a. Said lot may be assumed to be two lots with the rear lines of each approximately equal distant from the front lot lines;

b. Each such lot shall have an area of not less than two thousand five hundred (2,500) square feet;

c. All R-1 zone yard requirements must be met; and

d. Each street shall have public access approved by development services.

B. Except as specifically amended by the amendment noted above to Subsection (E), the remainder of 17.60.040 shall remain unchanged and in full force and effect.

SECTION 51

Section 17.68.020 of the Sacramento City Code is amended to read as follows:

17.68.020 Paving requirements.

Paving is required for all storage and service areas, as well as off-street parking, driveways, maneuvering areas and loading areas for vehicles, including service stations and auto sales. Unpaved areas shall not be used for storage, vehicle parking, driving or maneuvering. Unpaved areas adjacent to paved areas shall be made inaccessible by a barrier, such as concrete curbs, bollards or fencing.

A. Surface Requirements. Surfacing shall consist of asphaltic concrete or portland cement concrete paving. The proposed pavement thickness, together with supporting calculations shall be submitted to the department of development services by a qualified consultant for approval. Paving shall include driveways from facility to the

edge of public right-of-way paving. Provided, however, that a maximum of two feet of any parking stall depth, as specified in the charts included in Section 17.64.030(F), may be unpaved if such area is landscaped and a six-inch-high and -thick raised front bumper curb separates the landscaped and paved portions of the parking stall.

B. Alternate Paving. Alternate paving, such as pavers, cobblestone, turfblock, or similar treatments, requires review and approval by the planning director, development services department, and fire department. Surfaces with alternate paving treatments are included as paved area.

C. Drainage. Drainage is required for all surfaced areas in accordance with specifications established by the city engineer.

SECTION 52

Section 17.68.030 of the Sacramento City Code is amended to read as follows:

17.68.030 Other site requirements.

A. Walkways. The minimum width of a walkway shall be four feet. Two feet shall be added to the minimum width of a walkway for each side that vehicles overhang the walkway.

B. Exterior Lighting. Lighting, if provided, shall reflect away from residential areas and public streets.

C. Street Frontage. No building permit may be issued for any building or structure on any parcel unless said parcel has at least twenty (20) feet of public street or approved private street frontage. Any parcel or parcels developed for industrial or commercial uses for which access has been approved by the planning commission or city council shall not be required to have street frontage.

D. Private Street Conditions. Approval of any private street shall be based on compliance with the following conditions to the city's satisfaction:

1. The private streets are developed to city street standards; plans and improvements to be approved by the development services director.

2. Adequate access shall be provided to accommodate public service and emergency vehicles.

3. Easements shall be provided as deemed necessary.

4. The entrances to private streets shall be constructed in a manner to clearly identify that the streets are private.

5. Any landscaping located in a public right-of-way as part of the project shall be maintained by a homeowners' association. Landscape plans shall be approved by the city landscape architect.

SECTION 53

A. Subsection (B) of Section 17.76.070 of the Sacramento City Code is amended to read as follows:

17.76.070 Special permit procedure.

B. Standards. The following standards shall be used by the planning commission in analyzing the design of gated developments. Deviation from these standards shall require a variance pursuant to Chapter 17.216 of this title in addition to the special permit.

1. Design and location of gates shall be consistent with Chapter 12.40 of this code, relating to streets and sidewalks.

2. Gated entrances shall be designed to allow vehicles to turn around within the driveway, without backing into the adjacent street (except on minor local streets).

3. Gates shall be designed to provide twenty-four (24) hour access by authorized maintenance and service providers

4. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, development services and utilities departments.

5. One pedestrian access gate shall be provided at each gated driveway entrance.

6. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.

7. Covenants, conditions and restrictions (CC&Rs) shall be established and recorded for the gated development. The CC&Rs shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 17.76.070 shall remain unchanged and in full force and effect.

SECTION 54

A. Subsection (D) of Section 17.172.040 of the Sacramento City Code is amended to read as follows:

17.172.040 Development standards.

D. Parking Lots. Parking lots to serve businesses may not have frontage on J Street, unless the city manager or city manager's designee makes a finding of no other feasible option. The zoning administrator or planning commission may opt to waive or reduce parking rather than have parking frontage on J Street.

B. Except as specifically amended by the amendment noted above to Subsection (D), the remainder of Section 17.172.040 shall remain unchanged and in full force and effect.

SECTION 55

A. The definition of "Traffic engineer" in section 17.184.020 of the Sacramento City Code is amended to read as follows:

"Traffic engineer" means the person designated by the director of transportation with the responsibility for the implementation of the TSM ordinance.

B. Except as specifically amended by the amendment noted above to definition of "Traffic Engineer," the remainder of Section 17.184.020 shall remain unchanged and in full force and effect.

SECTION 56

A. Subsection (B) of Section 18.04.020 of the Sacramento City Code is amended to read as follows:

B. Such dedication and improvements have been assured to the satisfaction of the director of development services.

The dedication and improvement requirements of this chapter shall also apply to the construction or alteration of all off-street parking areas, off-street loading or unloading areas, off-street pickup and delivery areas, and storage, sale, rental or service areas which are subject to the requirements of Chapter 10.24 of this code.

The term "building permit," as used in this chapter, shall include the permit required by Chapter 10.24.

As used in this chapter, the word "lot" shall mean and include one lot or parcel of record, or more than one individual lots or parcels of record which have

been combined for purposes of development, construction or improvement as a single unit of land.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.04.020 shall remain unchanged and in full force and effect.

SECTION 57

Section 18.04.140 of the Sacramento City Code is amended to read as follows:

18.04.140 Requirements for plans--Cost for engineering services-- Encroachment permit.

All plans for street improvements shall be approved by the director of development services/city engineer prior to the construction of the improvements. Plans shall be drawn by a licensed civil engineer or licensed architect and shall show all pertinent elevations, to city datum, together with such off-site information as necessary to demonstrate workability of drainage and conformity with existing improvements.

The owner shall furnish one set of reproducible plans of the street improvements for the department of development services file. Fees for engineering services provided by the city will be established by resolution of the city council. Additional fees will be charged for unusual or extraordinary services. The issuance of a building permit shall constitute the necessary encroachment permit for a properly licensed contractor to do street work in the public street.

SECTION 58

A. Subsection (B) of Section 18.04.170 of the Sacramento City Code is amended to read as follows:

B. In the event of any conflict between the right-of-way width specified above and a right-of-way width which may be specified in an element of the general plan or in any applicable specific plan, the required dedication shall conform to the applicable general plan or specific plan requirement(s).

A copy of the city's current right-of-way width guidelines shall be maintained for public review in the office of the city clerk, and also shall be included in the city of Sacramento's design and procedures manual.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.04.170 shall remain unchanged and in full force and effect.

SECTION 59

Section 18.04.180 of the Sacramento City Code is amended to read as follows:

18.04.180 Alternate dedication standards.

If the right-of-way width for a street has not been designated in the adopted street standards or in the right-of-way width guidelines, or in an element of the general plan, or in any applicable specific plan, the dedication required for such street under this chapter shall conform to and be governed by the right-of-way width determined by the city's director of transportation or the director's designated representative in accordance with standards that are commonly used for the design of a similar public street.

SECTION 60

A. Subsections (A) (B) (C) of Section 18.04.190 of the Sacramento City Code is amended to read as follows:

A. The right-of-way improvement standards applicable to the land dedicated pursuant to this chapter are as follows:

	Range of Average Daily Traffic	Sidewalk (feet)	Planter measured to face of curb (feet)	Curb Type a	Parking Lane (feet)	Bike Lane (feet)	Travel Lanes (feet)	Median (feet)	Half Street (feet)	Total Right-of-Way Dedication (feet)
Local—Residential	0—4000	5	6½b	Vertical	7	0	8	N/A	26½	53
Local—Commercial	0—14000	5	6½	Vertical	7	0	11	N/A	29½	59
Local—Industrial	0—14000	5	6½	Vertical	8	0	12	N/A	31½	63
Collector Minor—No Parking	4000—7000	5	6½	Vertical	0	6	11	N/A	28½	57
Collector Minor—With Parking	4000—7000	5	6½	Vertical	7	6	11	N/A	35½	71
Collector Major—No Parking	7000—14000	5	6½	Vertical	0	6	11	12	34½	69
Collector Major—With Parking	7000—14000	5	6½	Vertical	7	6	11	12	41½	83
4 Lane Arterial—No Parking	14000—27000	6	8½	Vertical	0	6	11/12	12	49½	99
4 Lane Arterial—With Parking	14000—27000	6	8½	Vertical	7	6	11/12	12	56½	113
6 Lane Arterial	27000—48000	6	8½	Vertical	0	6	11/11/12	12	60½	121

a. Rolled curb may be constructed at street elbows and cul-del-sacs only with approval by the city manager or the designee.

b. Planter width may be reduced or the planter removed to meet residential housing densities or to conform to existing street rights-of-way only with approval by the city manager or the designee.

In the event that the proposed right-of-way width is not one of the widths specified above, the city's director of transportation or the director's designated representative shall determine the improvement standards in accordance with standards that are commonly used for the design of a similar width public street.

B. Minor deviations from the requirements set forth above may be approved by the city's director of transportation or the director's designated representative.

C. All improvements required to be made by the provisions of this chapter shall be constructed and completed in accordance with the applicable provisions of (i) the current standard specifications of the city, as adopted by the city council, and (ii) the street design standards of the city department of transportation current design and procedures manual.

B. Except as specifically amended by the amendment noted above to Subsections (A) (B) (C), the remainder of Section 18.04.190 shall remain unchanged and in full force and effect.

SECTION 61

A. Subsection (A) of Section 18.08.050 of the Sacramento City Code is amended to read as follows:

A. For residential driveways serving one or two family dwellings with a maximum two-car parking area, the minimum driveway width shall be ten (10) feet; the maximum driveway width to serve a single-car parking space shall be fourteen (14) feet; and the maximum for a two-car parking space shall be twenty-two (22) feet. Except as provided below, driveways shall have minimum twenty (20) foot length behind the property line.

1. Exception: For single-family and two-family units on lots of three thousand two hundred (3,200) square feet or less located in the central city, the minimum driveway length shall be eighteen (18) feet behind the property line, provided that if the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener.

2. Exception: If access to the garage is provided via the side yard, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the development services or planning director.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.08.050 shall remain unchanged and in full force and effect.

SECTION 62

A. Subsections (B) (C) (D) of Section 18.08.080 of the Sacramento City Code is amended to read as follows:

B. Variance Approval. An application for a variance shall be filed with the director of development services, who shall have authority to grant or deny the variance. A variance, if approved, may be made subject to conditions as are necessary to accomplish the purposes of this chapter. Upon approval of a variance, written notice of such approval shall be sent, by mail, to owners of property abutting the property where the variance has been granted. This written notice shall include the name of the applicant, location of the subject property, nature of the variance and shall provide notice of the right to appeal the approval of the variance in accordance with Section 18.08.140 of this chapter.

C. Permits May Not Be Issued. No driveway permit may be issued for a driveway that requires a variance until a variance has been granted by the director of development services, and the period to file a notice of appeal pursuant to Section 18.08.140 has expired and no appeal has been filed, or until the variance has been approved by the city council on appeal. No driveway permit shall be issued for a driveway while an appeal of a variance granted for such driveway is pending.

D. Resubmittal of Application. If an application for a variance is denied by the director of development services, or by the city council on appeal, no new application for the same, or substantially the same variance shall be filed within one year after the date of denial by the director of development services, or by the city council on appeal, unless approval for such filing has been granted by the city council.

B. Except as specifically amended by the amendment noted above to Subsections (B) (C) (D), the remainder of Section 18.08.080 shall remain unchanged and in full force and effect.

SECTION 63

Section 18.08.140 of the Sacramento City Code is amended to read as follows:

18.08.140 Appeals.

Any person may appeal to the city council an action taken under this chapter, by the director of development services, by filing a notice of appeal with the city clerk. The

notice of appeal shall comply with the provisions of Chapter 1.24 of this code. The notice of appeal shall be filed with the city clerk no later than ten (10) days after the director of development services action, except that an appeal of a variance granted pursuant to Section 18.08.080 of this chapter shall be filed no later than ten (10) days after written notice is mailed to owners of property abutting the property where the variance has been granted, as specified in Section 18.08.080(B) of this chapter. Upon receipt of a timely and complete notice of appeal, the city clerk shall schedule a date and time when said appeal will be heard by the city council. Notice of the date, time and location of such hearing shall be mailed to the person filing the notice of appeal no later than ten (10) days prior to the date of such hearing. The hearing of said appeal, and judicial review of any decision regarding said appeal, shall be subject to provisions of Chapter 1.24 of this code.

SECTION 64

A. The definition of "Traffic Engineer," in section 18.12.030 of the Sacramento City Code is amended to read as follows:

"Traffic engineer" means the person designated by the director of transportation, with the responsibility for the implementation of the TSM ordinance.

B. Except as specifically amended by the amendment noted above to the definition of "Traffic Engineer," the remainder of section 18.12.030 shall remain unchanged and in full force and effect.

SECTION 65

Section 18.24.100 of the Sacramento City Code is amended to read as follows:

18.24.100 Computation of fees.

The methodologies set forth in the nexus study shall be used as the basis to set the amount of fees pursuant to any resolution referenced under subsection B of Section 18.24.050 of this chapter. The amount of fees due from any landowner shall be calculated from the actual uses of land proposed by the landowner. Applicants for building or other development permits shall include plans and calculations prepared by the applicant or applicant's agent, specifying data necessary to calculate development impact fees, including, without limitation, each proposed land use, the square footage of each use, and other relevant data as may be required by the director of planning. All fees due under this chapter shall be determined and calculated by the director of planning.

SECTION 66

A. Subsection (C) of Section 18.24.130 of the Sacramento City Code is amended to read as follows:

C. The landowner seeking a credit or reimbursement, or both, shall submit such documentation, including, without limitation, engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the director of planning, to support the request for a credit or reimbursement. The director shall determine the credit or reimbursement amount for construction of a specific public infrastructure based upon either the foregoing landowner-provided cost estimates or upon alternative engineering criteria and construction cost estimates if the director determines that such estimates submitted by the landowner are either unreliable or inaccurate. The director shall determine whether facilities or improvements are eligible for credit or reimbursement. Any decision made by the director pursuant to this section may be appealable to the city council by the filing of a notice of appeal with the city clerk. The city council shall consider the appeal at a public hearing held within sixty (60) days after the filing of the notice of appeal. The decision of the city council shall be announced at said public hearing.

B. Except as specifically amended by the amendment noted above to Subsection (C), the remainder of Section 18.24.130 shall remain unchanged and in full force and effect.

SECTION 67

A. Subsection (A) of Section 18.24.160 of the Sacramento City Code is amended to read as follows:

A. A landowner subject to a fee established by this chapter may apply to the director of planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof, based upon the absence of a reasonable relationship or nexus between the impacts of the landowner's development project and either the amount of the fee charged or the type of public infrastructure to be financed, or both. The application shall state in detail the factual basis for the claim of reduction,

adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.160 shall remain unchanged and in full force and effect.

SECTION 68

Section 18.24.310 of the Sacramento City Code is amended to read as follows:

18.24.310 Time of payment of fee.

Except as otherwise provided in any deferral measures adopted under Section 18.24.320 of this chapter, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development. With respect to development projects completed or commenced as of the effective date of this chapter, the director of planning, shall have the authority to enter into agreements with landowners concerning the amount, time and manner of payment of fees with respect to such development projects.

SECTION 69

A. Subsection (A) of Section 18.24.340 of the Sacramento City Code is amended to read as follows:

18.24.340 Protest of fees.

A. A landowner subject to a fee established by this chapter may apply to the director of planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.340 shall remain unchanged and in full force and effect.

SECTION 70

Section 18.24.400 of the Sacramento City Code is amended to read as follows:

18.24.400 Review and adjustment of fees.

The city council, by resolution, may revise the public facilities land acquisition fee and the regional park land acquisition fee, time to time, to take into account any changes in the public land acquisition value, the average amount of public land, the net acres, the amount of public land and regional park land required under the North Natomas land acquisition program, and the actual costs of acquiring public land and regional park land. The director of planning is authorized to retain the services of an appraiser to perform a valuation study of the North Natomas finance plan area in order to update the public land acquisition value. Any revision in the fees or other matters set forth in this section shall be consistent with the formula and methodologies set forth in the North Natomas land acquisition program.

SECTION 71

A. Subsection (A) of Section 18.24.530 of the Sacramento City Code is amended to read as follows:

18.24.530 Protest of fees.

A. A landowner subject to a fee established by this chapter may apply to the director of planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.530 shall remain unchanged and in full force and effect.

SECTION 72

A. Subsection (B) of Section 18.24.630 of the Sacramento City Code is amended to read as follows:

18.24.630 Imposition of school facilities fees.

B. Except as may be expressly provided in this chapter, no permits or extension of permits relating to the activities described in subsection A of this section shall be granted unless and until evidence of the payment of the school facilities fee is presented to the director of development services pursuant to Section 18.24.670 of this chapter.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.24.630 shall remain unchanged and in full force and effect.

SECTION 73

Section 18.24.660 of the Sacramento City Code is amended to read as follows:

18.24.660 Computation of fees.

The methodologies set forth in the school fee analysis shall be used as the basis to set the amount of school facilities fee pursuant to any resolution referenced under subsection B of Section 18.24.600 of this chapter. The amount of the fee due from any landowner shall be calculated from the actual residential uses of land proposed by the landowner. Applicants for residential building or other development permits shall include plans and calculations prepared by the applicant or applicant's agent, specifying data necessary to calculate the fee, including, without limitation, data relevant to calculate the amount of assessable space proposed in the applicant's development project, and other relevant data as may be required by the director of development services. The amount of the fee due under this chapter shall be determined and calculated by the city director of development services, in the manner specified in Government Code Section 6995(b)(1).

SECTION 74

Section 18.24.670 of the Sacramento City Code is amended to read as follows:

18.24.670 Time and manner of payment of fee.

A. The school facilities fee shall be paid for the property on which a residential development project is proposed directly to the school district within which the proposed project is to occur. The receiving school district shall issue a certificate of payment of the fee in a form acceptable to the director of development services.

B. Evidence of payment of the school facilities fee shall be presented to the city director of development services at the time of the issuance of any required building permit relating to such development.

SECTION 75

A. Subsection (A) of Section 18.24.710 of the Sacramento City Code is amended to read as follows:

18.24.710 Protest of fees.

A. A landowner subject to the school facilities fee may apply to the director of development services, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of the fee, or any portion thereof, based upon the absence of a reasonable relationship or nexus between the impacts of the landowner's development project and either the amount of the fee charged or the type of public facility to be financed, or both. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application. The director shall provide a copy of the application to the school districts as soon as is practicable and the school districts, or any one or more of them, shall have an opportunity to submit responses to the same prior to the time set for the informal hearing to be held pursuant to subsection D of this section. Failure by the school districts to submit a timely response to the application may result in the granting thereof.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.710 shall remain unchanged and in full force and effect.

SECTION 76

A. Subsection (A) of Section 18.24.760 of the Sacramento City Code is amended to read as follows:

18.24.760 Disposition of unexpended or unappropriated fee revenues.

A. Commencing with the fifth fiscal year following the first year of receipt of any revenues from the school facilities fee, and in each fiscal year thereafter, each school district shall prepare a report which sets forth the total amount of all such fee revenues that were received and deposited in the special fund established under Section 18.24.720 of this chapter in each fiscal year prior to the date of such report, but which remain unexpended or unappropriated as of the date of the report; provided, however, that no report shall be required in any year in which there were no unspent or unappropriated fee revenues in such fund which were received and deposited in the fund more than five years prior to the date of the report. Each school district preparing a report under this subsection shall provide a copy of the same to the director of director of development services as soon as practicable following its completion.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.760 shall remain unchanged and in full force and effect.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Mayor Heather Fargo

Shirley Concolino, City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO.

Adopted by the Sacramento City Council

April 15, 2008

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE SACRAMENTO CITY CODE CHANGING REFERENCES TO PUBLIC WORKS AND PUBLIC WORKS DIRECTOR TO REFLECT CURRENT CITY ORGANIZATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

A. Subsection (B) (b) (I) of Section 1.12.020 of the Sacramento City Code is amended to read as follows:

B. Annual Changes by ~~director of public works~~ city manager or the manager's designee. The ~~director of public works~~ city manager or the manager's designee is directed to at least annually make any and all changes occurring in the city metropolitan area which would affect the accuracy of the base map of the metropolitan area of the city. (~~Prior code § 1.01.090~~)

B. Except as specifically amended by the amendment noted above to Subsection (B) (b) (I), the remainder of Section 1.12.020 shall remain unchanged and in full force and effect.

SECTION 2

Section 1.24.130 of the Sacramento City Code is amended to read as follows:

1.24.130 Payment of fee or charge--Filing of appeal and payment of appeal fee--Fee appeals board.

Any person or entity desiring to assert an appeal pursuant to this article shall first tender the full amount of the disputed fee or charge to the city, which tender may, but need not, be made under protest. A written appeal including the grounds for the appeal and any written material which will be used to support the appeal, shall be filed with the city clerk, who shall serve as the clerk of the fee appeals board, not later than fifteen (15) calendar days after payment of the disputed fee or charge. The fee appeals board shall consist of the director of ~~administrative services~~ finance or the director's designee, the director of ~~public works~~ general services or the director's designee, the director of transportation or the director's designee, the director of utilities or the director's

designee, and the city manager or the manager's designee. The city manager or the manager's designee shall serve as the chair of the board. (~~Prior code § 2.08.810~~)

SECTION 3

Section 2.08.010 of the Sacramento City Code is amended to read as follows:

2.08.010 Employee fidelity bonds.

The following officers and employees of the city shall be bonded for the faithful performance of their duties in the amounts hereinafter specified with each position:

City manager \$100,000.00
City treasurer 200,000.00
Finance director 100,000.00
Revenue officer 100,000.00
City clerk 100,000.00
Assistant city clerk 100,000.00
Transportation director 100,000.00
~~Public works~~ General services director 100,000.00
Development services director 100,000.00
Utilities director 100,000.00
Planning director 100,000.00
City attorney 100,000.00
Support services division manager 100,000.00
Chief building inspector 100,000.00
Accounting officer 100,000.00
Assistant city treasurer
(with \$100,000.00 excess) 100,000.00
Investment officers 100,000.00

All other officers and employees of the city not specified above shall be bonded for the faithful performance of their duties in the amount of ten thousand dollars (\$10,000.00). (~~Prior code § 2.02.100~~)

SECTION 4

A. Subsection (A) of Section 2.100.070 of the Sacramento City Code is amended to read as follows:

A. Members of the committee shall serve without any compensation except for county department of solid waste management or city department of ~~public works~~ utilities pre-approved reimbursement for necessary travel and expenses.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 2.100.070 shall remain unchanged and in full force and effect.

SECTION 5

Section 3.68.130 of the Sacramento City Code is amended to read as follows:

3.68.130 Short-term leases of real property acquired for future city public works projects.

Real property acquired by the city for future public works projects may be leased without competitive bidding if each of the following conditions exist:

A. The prospective lessee was the occupant or tenant of the property at the time of its acquisition by the city; and

B. The tenancy will be on a month to month basis and will not exceed twenty-four (24) months.

The director of ~~public works~~ general services is hereby authorized to negotiate and execute on behalf of the city all lease agreements entered into pursuant to this section. (~~Ord. 2000-017 § 2(k)(ii) (Exh. C) (part); Ord. 2000-013 § 1 (part); prior code § 12.02.052~~)

SECTION 6

Section 3.76.020 of the Sacramento City Code is amended to read as follows:

3.76.020 Application—Director of ~~public works~~ development services to recommend approval or denial.

Applications for revocable permits shall be filed with the department of ~~public works~~ development services and shall be accompanied by a map or plat indicating the area for which the permit is sought. If any work is to be undertaken in the area subject to the permit, the application shall also be accompanied by a detailed plan or plans of such work.

The director of ~~public works~~ development services shall refer such application to the city council together with a recommendation concerning the approval, conditional approval or denial of such permit. (~~Ord. 2007-017 § 2(k)(v) (Exh. E) (part); Ord. 2000-012 § 1 (part); Prior code § 12.04.081~~)

SECTION 7

Section 3.76.030 of the Sacramento City Code is amended to read as follows:

3.76.030 Director of ~~public works~~ transportation or designee--Authority to issue revocable permits for certain uses.

The director of ~~public works~~ transportation may review applications for and approve or conditionally approve revocable permits for the following uses:

- A. Behind existing curbs and gutters:
 - 1. Paving,
 - 2. Landscaping,
 - 3. Construction of landscape planters,
 - 4. Other minor uses;
- B. Groundwater monitoring wells;
- C. Privately owned utilities within public streets and alleys.

SECTION 8

Section 3.76.050 of the Sacramento City Code is amended to read as follows:

3.76.050 Telecommunications facilities located on city-owned property.

A. Exclusive Procedure. Except as specifically otherwise stated herein, the procedures specified in this section shall be the exclusive procedure governing revocable permits for telecommunications facilities which are proposed to be located on city-owned property. Nothing in this section shall preclude the application of the following provisions, and any applicant for a revocable permit shall comply therewith:

- 1. All applicable land use regulations, including but not limited to city zoning regulations and guidelines;
- 2. Section 3.76.030 of this chapter, relating to revocable permits for use of city rights-of-way or easements;
- 3. Chapter 12.12 of this code, relating to excavation permits and street cuts;
and
- 4. Chapter 3.08 of this title, relating to business operations tax certificates.

The revocable permit application required hereunder may be filed by an applicant while land use and other applications are pending; provided, however, that no revocable permit shall be issued unless and until all other required city, state or federal permits

have been obtained by the applicant, and all other state, federal and city requirements including but not limited to subsections (A)(1) through (4) of this section, have been met.

B. Definitions. The following definitions shall apply to terms used in this section:

“City-owned property” means any property owned, rented or leased by the city, or in which the city has the right to use or occupancy by virtue of an easement, right-of-way, or other similar interest in property; provided, however, that the provisions of this section shall not apply to street easements or rights-of-way owned by the city, where the telecommunications provider will be installing wire, conduit or similar equipment within the street. For purposes of this section, “property” includes real property or improvements thereon, and personal property, fixtures or equipment. City-owned property shall also include traffic signals, city lighting or other poles or similar equipment, whether within or outside the street right-of-way, where telecommunications facilities are to be located or installed thereon.

“Co-location” means the location by the same or different telecommunication providers of telecommunication facilities together in the same location or on the same tower, pole, or other structure.

“Personal wireless services” means personal wireless services, as defined in 47 U.S. Code 332(c)(7)(C).

“Telecommunications facilities” means facilities designed for the provision of cellular telephone facilities and other personal wireless services, including but not limited to transmitters, towers and other equipment.

“Telecommunications provider” means a provider of cellular telephone or other personal wireless services.

“Utility relocation” means any required move or relocation of an existing installation or equipment owned by any provider of utility or utility-related services, whether such provider is a private or public entity, including but not limited to the city, where such move or relocation is necessitated by installation, improvement, renovation or repair of telecommunications facilities installed on city-owned property.

“Utility relocation costs” means any actually incurred cost or expense associated with a utility relocation.

C. Application.

1. A telecommunications provider proposing to locate telecommunications facilities on city-owned property shall make application to the city director of public works general services through the ~~real estate services section supervisor~~ supervising real property agent, on a form provided for that purpose.

2. The application shall clearly describe the telecommunications facilities proposed to be installed, the city property on which the facilities are proposed to be installed, and their exact proposed location thereon, including such specifications, drawings, maps and other illustrations as are required by the city director of ~~public works~~ general services, through the ~~real estate services section supervisor~~ supervising real property agent.

a. The ~~real estate services section supervisor~~ supervising real property agent shall, within thirty (30) days from the date of receipt of the application, make a determination as to whether the application is complete in all respects, and whether the applicant has applied for all other required land use entitlements and other required state, federal or city permits or licenses. If no such determination is made within the thirty (30) day period, the application shall be deemed complete. In the event that the application is determined incomplete, the applicant shall be notified in writing of the nature and extent of the deficiencies.

b. Upon a determination that the application is complete, or upon expiration of the thirty (30) day period for making that determination, the ~~real estate services section supervisor~~ supervising real property agent shall process the application and meet with the applicant as required in order to determine whether the application should be granted or denied. The application may be denied for good cause, may be conditionally approved, or may be approved, subject to required procedures for approval by the city council. No application or agreement may be approved or conditionally approved by the city council unless all required land use entitlements, including but not limited to those required by city zoning regulations and guidelines, have been obtained by the applicant.

c. In the event that the application is denied, the applicant shall be notified in writing of the denial, with a written statement of the reasons for the denial. The notice shall be sent by United States mail to the applicant at the address listed on the application.

d. An applicant whose application has been denied may appeal the denial to the city manager, whose determination shall be final. Any such appeal shall be by letter or other written communication delivered to the city manager within fifteen (15) days from the date that the notice of denial was mailed.

3. The application shall be accompanied by an estimated processing fee, established by resolution of the city council, designed to recover all city staff costs in processing the application, including but not limited to the city department of ~~public works~~ general services, the neighborhood services department, and the city attorney. The application shall contain a statement that by executing the application, the applicant agrees to pay any processing costs in excess of the estimated application fee, upon billing thereof by the city.

4. The application process shall be administered by the city in a nondiscriminatory manner, through the use of standardized procedures for establishing fair market rental, and a uniform schedule of initial, one-time fees. All negotiations and discussions shall be conducted by assigned city staff.

D. Agreement for Issuance of Revocable Permit—Issuance of Revocable Permit.

1. The city council shall, by resolution, adopt a form of agreement that shall be utilized for all applicants proposing to locate telecommunications facilities on city-owned property. The agreement form shall specify all of the terms and conditions upon which the permit is to be issued, including but not limited to the term; provisions for renewal; termination and revocation provisions; compensation to the city, including but not limited to a one-time initial fee and rental rates or provision of in-kind services as set forth in subsection G of this section; if applicable, provisions for space requirements or reservations for public use; provisions for fee escalation based upon a consumer price index procedure; use and nuisance restrictions; construction requirements and specifications; maintenance and repair responsibilities; insurance, liability limitation provisions, and indemnification obligations; provisions relating to payment of taxes including but not limited to possessory interest taxes, to the extent applicable; assignment restrictions; provisions requiring a permittee to notify before excavation (“one call” requirements); and other provisions as may be required by the city attorney.

2. Upon approval by the city director of ~~public works~~ general services through the ~~real estate services section supervisor~~ supervising real property agent of an application pursuant to subsection C of this section, the applicant shall execute a copy of the pre-approved form of agreement for issuance of a revocable permit. Upon execution of the agreement, city staff shall seek approval of the city council. Upon city council approval of the agreement, and upon approval as to form by the city attorney, the city manager or designee shall execute the agreement.

3. Upon full execution of the agreement, and subject to subsection A of this section and payment by the applicant of any further processing fees owing, the one-time initial fee and any rental due, the city director of ~~public works~~ general services through the ~~real estate services section supervisor~~ supervising real property agent shall issue the revocable permit. Each such permit shall be nonexclusive, and shall be in a form approved by the city director of ~~public works~~ general services through the ~~real estate services section supervisor~~ supervising real property agent. The permit form shall refer to the agreement for issuance of revocable permit, which agreement shall govern the permit during its entire term.

E. Relocation. Where utility relocation is required either because of the applicant’s construction or installation of its facilities, or by virtue of a subsequent city project, the entire utility relocation cost shall be payable by the permittee whose telecommunication facilities are required to be relocated. Nothing in this section shall be interpreted to affect, adversely or otherwise, a permittee’s ability to recover all or any

part of the relocation cost from another utility or provider located on or adjacent to the city-owned property.

F. Co-location. Where appropriate and feasible, telecommunication facilities located on city-owned property shall be collocated.

G. In lieu of requiring payment of fair market rental, the city may accept in-kind services as compensation, provided that such services are of equal value to the fair market rental. (~~Ord. 2000-017 § 2(k)(iv) (Exh. E) (part); Ord. 2000-013 § 1 (part); prior code § 12.04.084~~)

SECTION 9

A. The definition of "Director," in section 3.124.060 of the Sacramento City Code is amended to read as follows:

3.124.060 Definitions.

"Director" means the director of ~~public works~~ development services of the city of Sacramento, or designee.

B. Except as specifically amended by the amendment noted above to the definition of "Director," the remainder of section 3.124.060 shall remain unchanged and in full force and effect.

SECTION 10

Section 3.132.230 of the Sacramento City Code is amended to read as follows:

3.132.230 Reports--Generally.

The city manager or city manager's designee shall prepare the following reports in accordance with Sections 3.132.230 through 3.132.250 of this chapter. ~~The city manager may delegate this function to the director of the department of public works.~~
(~~Prior code § 83.04.400~~)

SECTION 11

Section 3.136.200 of the Sacramento City Code is amended to read as follows:

3.136.200 Reports--Generally.

The city manager or city manager's designee shall prepare the following reports in accordance with Sections 3.136.200 through 3.136.220 of this chapter. ~~The city manager may delegate this function to the director of the department of public works.~~
(~~Prior code § 85.04.400~~)

SECTION 12

Section 3.140.210 of the Sacramento City Code is amended to read as follows:

3.140.210 ~~Public Works~~ Planning director.

" ~~Public Works- Planning~~ director" means the director of the city of Sacramento department of ~~public works~~ planning, or designee. (~~Prior code § 86.02.230~~)

SECTION 13

Section 3.140.240 of the Sacramento City Code is amended to read as follows:

3.140.240 Reports--Generally.

The city manager shall prepare the following reports in accordance with Sections 3.140.250 through 3.140.300 of this chapter. The city manager may delegate this function to the director of the department of ~~public works~~ planning, or such other departmental director as the city manager determines appropriate under the circumstances. (~~Prior code § 86.04.400~~)

SECTION 14

A. Subsection (C) (8) of Section 3.144.010 of the Sacramento City Code is amended to read as follows:

C. Findings of Fact. The council of the city finds and declares as follows:

8. The plan entitled "Bell Avenue storm drainage and sanitary sewer facilities plan," a copy of which is on file at the city's department of ~~public works~~ utilities, is adopted as such pursuant to Section 66483(b) of the California Government Code. This plan includes a description and cost estimate of the storm drainage and sanitary sewer improvements.

B. Except as specifically amended by the amendment noted above to Subsection (C) (8), the remainder of Section 3.144.010 shall remain unchanged and in full force and effect.

SECTION 15

A. Subsection (E) of Section 3.144.030 of the Sacramento City Code is amended to read as follows:

E. Reimbursement and Fee Credit Agreement. If a collector sewer is constructed such that it will benefit properties other than those funding the construction, the city may enter into a reimbursement agreement with the party funding the construction to reimburse, or partially reimburse, said party for the pro rata cost of the portion of the construction which benefits such other nonparticipating properties. The cost of construction shall be the amount of the low bid plus a fifteen (15) percent allowance for engineering, administration, and inspection. The agreement may also provide for a credit in-lieu of payment of all or a portion of the collector sewer fee. The credit will be based on the collector sewer construction costs and will be determined by the department of ~~public works~~ utilities. The following conditions shall be contained in each reimbursement agreement:

1. The term of the agreement shall be ten (10) years from the date of approval by the city.
2. The estimated cost to the city in administering each agreement, which will be determined by resolution of the city council shall be deducted from the amount to be reimbursed.
3. A minimum of three bids must have been received for the construction being considered for reimbursement. (~~Prior code § 78.01.120~~)

B. Except as specifically amended by the amendment noted above to Subsection (E), the remainder of Section 3.144.030 shall remain unchanged and in full force and effect.

SECTION 16

Section 3.144.040 of the Sacramento City Code is amended to read as follows:

3.144.040 Variances, deviations and appeals.

A. Variances and Deviations. The director of ~~public works~~ utilities may approve and allow such variations and deviations from the participation and fee requirements of this chapter as he or she determines are made necessary by existing parcel size or conditions of developments.

B. Appeal. Any person required to participate or pay fees under the provisions of this chapter may appeal any determination made by the director of ~~public works~~ utilities within thirty (30) days after the determination is made. Such an appeal must be made to the city council in accordance with the provisions of Sections 1.24.010 to 1.24.100 of

this code. The appeal shall be in writing and shall be filed with the city clerk who shall present it to the council. The council shall set such appeal for hearing on a date not later than thirty (30) days after the date on which the appeal is presented to the council by the clerk. The council shall direct the clerk to give written notice of the hearing date to the appellants at their address given in the written appeal. (~~Prior code § 78.01.130~~)

SECTION 17

Section 8.04.040 of the Sacramento City Code is amended to read as follows:

8.04.040 Authority--"Department head" defined.

A. The responsible department director, or his or her designee, hereinafter referred to as "department head," is authorized and directed to use the provisions of this code for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which his or her department has primary enforcement responsibility.

B. As used herein the term "department head" includes the authorized representatives of such department head, and the fire chief and his or her authorized representatives as concerns Section 8.04.100(I) of this chapter, and the director of ~~public works~~ general services as concerns the enforcement of animal control, Section 8.04.100(G) of this chapter. (~~Prior code § 61.02.201~~)

SECTION 18

Section 8.68.220 of the Sacramento City Code is amended to read as follows:

8.68.220 Administration.

Except for the enforcement of Section 8.68.200 of this chapter which shall be the responsibility of the chief of police, and except for the enforcement of Section 8.68.060 of this chapter which shall be the responsibility of the director of ~~public works~~ general services and the director of utilities in addition to any other person authorized to enforce that section, the administration of this chapter is vested in the Sacramento City/county health officer. The health officer shall be responsible for:

A. Employing individuals trained in acoustical engineering or an equivalent field to assist the health officer in the administration of this chapter;

B. Training field inspectors;

C. Procuring measuring instruments and training inspectors in their calibration and operation;

D. Conducting a public education program in all aspects of noise control;

E. Coordinating the noise control program with other governmental agencies.
(Ord. 2002-004 §9, 2002: Prior code § 64.04.401)

SECTION 19

A. Subsection (C) (2) of Section 9.44.350 of the Sacramento City Code is amended to read as follows:

C. Any person aggrieved by the chief animal control officer's grant or denial of approval to keep an animal, or by the chief animal control officer's revocation of an approval, may appeal such decision to a review committee consisting of:

1. The city manager or the manager's designee;

2. The director of ~~public works~~ general services, or the director's designee;
and

3. A veterinarian designated by the city manager, by filing a notice of appeal with the city manager within ten (10) days after the chief animal control officer makes his or her written determination. The review committee shall hold an informal hearing at which interested parties may present testimony and evidence concerning the matter. The decision of the review committee shall be final; provided, however, that the city council may, by motion, assume jurisdiction of the appeal and make a final determination which shall substitute for or supersede the review committee's decision.

A. Except as specifically amended by the amendment noted above to Subsection (C) (2), the remainder of Section 9.44.350 shall remain unchanged and in full force and effect.

SECTION 20

Section 12.04.010 of the Sacramento City Code is amended to read as follows:

12.04.010 Charges for services of the department of ~~public works~~ development services--On assessment proceedings.

The charges for the services of the director of ~~public works~~ development services ~~superintendent of streets~~ for engineering services and for other services relating to public improvement work constructed or done upon the public streets, places and rights-of-way in this city under special assessment proceedings which the city council of the city conducts under the provisions of the Streets and Highways Code of the state shall be established by resolution of the city council as follows:

For special assessment proceedings, a sum equal to the direct cost of the services provided by the director of ~~public-works~~ development services and his or her office as established by resolution of the city council at the time the assessment district is formed, plus an indirect cost factor at a rate or rates adopted by resolution of the city council from time to time. Said services shall include, without limitation, any services for acquiring right-of-way or property or capacity in public improvement work and all costs and expenses of any such acquisition.

The charges determined from above shall cover the cost of the preparation of the proceedings, the cost plus administrative charges (i.e., two percent) of the field work, the cost of inspection and the cost of all office and clerical work in the proceedings. Such charges cover only normal engineering services in connection

with such work, and all other unusual or extraordinary services performed by the director of ~~public-works~~ development services in connection with any work under this section shall be charged separately by the director of ~~public-works~~ development services in relation to his or her cost of rendering such services. (~~Prior code § 38.01.006~~)

SECTION 21

Section 12.04.020 of the Sacramento City Code is amended to read as follows:

12.04.020 Charges for services of the department of ~~public-works~~ development services --Frontage improvements and improvements pursuant to subdivision proceedings--All improvements other than frontage improvements and improvements pursuant to subdivision proceedings and assessment proceedings.

A. The charges for the services of the department of ~~public-works~~ development services of the city for frontage improvements and improvements pursuant to subdivision proceedings relating to public improvement work constructed or done upon the public streets, places and rights-of-way in this city under private contract shall be established by resolution of the city council.

In connection with said charges, they shall cover only normal engineering services in connection with such work, and all other unusual or extraordinary services performed by the director of ~~public-works~~ development services or his or her designee in connection with any work under this section shall be charged separately by the director of ~~public-works~~ development services in relation to his or her cost of rendering such service.

B. Except as otherwise provided by resolution, the charges for the services of the department of ~~public-works~~ development services of the city for all services for improvements other than those covered by Section 12.04.010 of this chapter and subsection A of this section relating to public improvement work constructed or done

upon the public streets, places and rights-of-way in this city are fixed as a sum equal to the direct cost of the services provided by the department of ~~public-works~~ development services of the city plus an indirect cost factor at a rate or rates adopted by resolution of the city council from time to time. (~~Prior code § 38.01.007~~)

SECTION 22

A. The definition of "Director" in section 12.32.010 of the Sacramento City Code is amended to read as follows:

12.32.010 Definitions.

"Director" means the director of the department of ~~public-works~~ transportation, or designee; "director" shall have the same meaning as the terms "superintendent of streets" and "city engineer" as those terms are utilized in the Streets and Highways Code, Division 7, Part 3, Chapter 22, as those provisions now exist or are hereafter amended or renumbered.

B. Except as specifically amended by the amendment noted above to the definition of "Director," the remainder of Section 12.32.010 shall remain unchanged and in full force and effect.

SECTION 23

Section 12.40.040 of the Sacramento City Code is amended to read as follows:

12.40.040 Permits required for improvements in public right-of-way.

If the restriction of vehicular or pedestrian traffic authorized pursuant to Section 12.40.020 of this chapter requires construction by a private entity of improvements such as fencing, gates, or lighting in the public right-of-way, a revocable encroachment permit and an excavation permit must be obtained from the ~~public-works~~ transportation department. The revocable encroachment permit must be issued simultaneously with the authorization of such restriction by the city council. The excavation permit, if required, may be issued subsequent to city council authorization of such restriction, but must be obtained prior to the construction of any improvements in the public right-of-way. The city manager, in his or her discretion, may waive the fees required for these permits. (~~Prior code § 38.17.253~~)

SECTION 24

A. Subsection (D) of Section 12.56.060 of the Sacramento City Code is amended to read as follows:

The director of ~~public works~~ development services and the planning director shall notify the director of any applications for new subdivisions, curb, gutter, sidewalk, street light or driveway installations, or other proposed improvements which might require the removal of or cause injury to, any city street tree, or interfere with the fulfillment of the maintenance easement private street tree plantings.
(~~Prior code § 45.01.006~~)

B. Except as specifically amended by the amendment noted above to Subsection (D), the remainder of Section 12.56.060 shall remain unchanged and in full force and effect.

SECTION 25

A. Subsection (A) of Section 12.56.110 of the Sacramento City Code is amended to read as follows:

A. The director of ~~public works~~ transportation shall consult with the director prior to issuing a permit for moving any building or other structure along any city street.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 12.56.110 shall remain unchanged and in full force and effect.

SECTION 26

A. Under definitions of "Infectious wastes" in Section 13.10.010 (4) of the Sacramento City Code is amended to read as follows:

"Solid waste manager" or "manager" means the integrated waste general manager of the city ~~general services~~ utilities department.

B. Except as specifically amended by the amendment noted above to the definition of "Infectious wastes," the remainder of Section 13.10.010 (4) shall remain unchanged and in full force and effect.

SECTION 27

Section 13.10.020 of the Sacramento City Code is amended to read as follows:

13.10.020 Division of solid waste--Duty of collection.

It shall be the duty of the division of solid waste of the ~~public-works~~ utilities department to gather, collect, recycle, reconstitute, recover and dispose of by landfilling or sale all garbage, rubbish and waste matter, except as otherwise provided in this chapter, within the city. The city council may authorize and empower the city manager to dispose of the same in such manner as it may deem proper for the best interest of the city and in compliance with the rules and regulations of the health department. Except as otherwise provided in this chapter, it shall be the duty of the division of solid waste of the ~~public-works~~ utilities department to collect all garbage in the city at least once each week and at such other times as the necessities of the particular case require. (~~Ord.2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 10.01.102~~)

SECTION 28

Section 13.10.050 of the Sacramento City Code is amended to read as follows:

13.10.050 Division of solid waste--Equipment and employees.

The city manager is authorized and directed to employ all persons necessary for the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish or waste matter by the city and is further authorized and empowered to purchase or lease, or to recommend the purchase or leasing of, under the provisions of the Charter, of all necessary trucks, trailers or other vehicles, supplies or other equipment, land and real or personal property necessary for carrying into effect the provisions of this chapter relative to the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter by the division of solid waste of the ~~public-works~~ utilities department of the city. (~~Ord.2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 10.01.104~~)

SECTION 29

Section 13.10.060 of the Sacramento City Code is amended to read as follows:

13.10.060 Division of solid waste--Authority of solid waste manager.

Under direction of the director of ~~public-works~~ utilities the manager of the division of solid waste shall have authority to make and enforce, with the approval of the city manager, rules and regulations concerning the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter pursuant to the provisions of this chapter. This authority shall include, without limitation, the authority to require any person or entity receiving garbage or refuse collection service anywhere in the city, whether such service is provided by the city or by another collection service, to implement specified measures to prevent the accumulation of garbage, litter, refuse, or rubbish outside of the waste receptacle(s) used by the person or entity, or to prevent the receptacle(s) from creating a hazard or interference with the use of any public right of

way. Such measures may include, but are not limited to, requiring that the receptacle(s) be locked, and restricting or prohibiting the placement of receptacles on city streets, alleys or on sidewalks. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.105)~~)

SECTION 30

Section 13.10.140 of the Sacramento City Code is amended to read as follows:

13.10.140 Minimum service.

The minimum level of service for those residential and commercial properties, places and premises shall be as set forth in this chapter and other applicable federal, state and local laws, including, without limitation, as follows:

A. One standard size (thirty-two (32) gallon or less) can per week shall be the minimum garbage service for each dwelling unit of a duplex, triplex, or fourplex unless designated for automatic lift container service. For purposes of this section, the director of ~~public works~~ utilities may at his or her discretion, determine that a different standard size can and/or less than one standard size can per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex or fourplex. The minimum service for automatic lift container service shall be one automatic lift container as provided by the city per single-family dwelling and each dwelling unit of a duplex, triplex, or fourplex. For purposes of this section, the director of ~~public works~~ utilities may, at his or her discretion, determine that less than one automatic lift container per unit may satisfy the minimum service requirement for each unit of a particular duplex, triplex, or fourplex. For purposes of this section, the director of ~~public works~~ utilities may, at his or her discretion, exclude mobile home parks with sixty (60) or less units from the minimum garbage service conditions placed on single-family residences.

B. Service to a single-family dwelling, duplex, triplex, or fourplex shall not be more frequent than one pickup per week.

C. Except as otherwise provided under Section 13.10.080(D) of this chapter, the owners of all properties, places and premises upon which garbage is produced or accumulated shall be given the type and frequency of service, according to the rates herein set forth, that will in the opinion of the solid waste manager cause all garbage to be removed from the premises, so there will be no accumulation, collection and keeping of the same, on the premises for a period longer than one week. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.110)~~)

SECTION 31

A. Subsection (C) and (D) of Section 13.10.150 of the Sacramento City Code is amended to read as follows:

C. The service provided by a private entity under this section shall be adequate under the standards established by the director of ~~public-works~~ utilities pursuant to this chapter, including, without limitation, pursuant to Section 13.10.260 of this chapter; and

D. Each private entity shall inform the director of ~~public-works~~ utilities, of each commercial property, place or premises for which such private entity's garbage collection services has been terminated for any reason, within three days of such termination. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 10.01.111~~)

B. Except as specifically amended by the amendment noted above to Subsection (C) and (D), the remainder of Section 13.10.150 shall remain unchanged and in full force and effect.

SECTION 32

A. Subsection (C) of Section 13.10.180 of the Sacramento City Code is amended to read as follows:

C. The director of ~~public-works~~ utilities may adopt standards for the capacity and type of receptacle to be used for all property, places and premises upon which garbage, rubbish or waste matter is produced or accumulated. In establishing such standards, the director shall consider health and safety factors; the nature and extent of the activity conducted on such property, places and premises; the type of solid waste produced or accumulated; and the location, construction or other physical characteristics of such property, places and premises. The director of ~~public-works~~ utilities may adopt standards for the capacity and type of receptacle to be used to facilitate the collection of recyclable items.

B. Except as specifically amended by the amendment noted above to Subsection (C), the remainder of Section 13.10.180 shall remain unchanged and in full force and effect.

SECTION 33

Section 13.10.210 of the Sacramento City Code is amended to read as follows:

13.10.210 Designated depositories must be used--Use of waste matter to fill low areas.

It is unlawful and a misdemeanor to bury or otherwise dispose of any garbage, junk, debris, refuse, swill or rubbish within the city limits, except at a place designated by the director of ~~public works~~ utilities and approved by the city manager for the purpose of disposal. Waste matter, if not removed beyond the city limits, may be made use of upon receiving written permission from the director of ~~public works~~ utilities with approval by the city manager, for filling in of low areas within the city limits.

Nothing herein contained shall prohibit the storing of occasional excess rubbish or waste matter in barrels, boxes or other proper receptacles adjacent to the garbage container while awaiting the regular collection, subject to the prior written approval of the chief of the fire department of the city or other designated director. The minimum penalty for a first conviction of this section is a one hundred dollar (\$100.00) fine; for a second conviction within one year, the minimum penalty is a two hundred dollar (\$200.00) fine; for a third or subsequent conviction within one year, the minimum penalty is a five hundred dollar (\$500.00) fine. (~~Ord. 2001-046 § 4 (part); Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.124)~~)

SECTION 34

Section 13.10.260 of the Sacramento City Code is amended to read as follows:

13.10.260 Director of ~~public works~~ utilities to make rules and regulations.

The director of ~~public works~~ utilities shall have the power: (a) to determine minimum required and adequate garbage, refuse and waste matter collection services for any property, place or premises within the city based on the amount of waste generated and adopt rules and regulations based upon such determination, and (b) and to establish other sanitary rules and regulations governing the collection, recycling, reconstitution, recovery and disposal of garbage, rubbish and waste matter, not inconsistent with this chapter. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.129)~~)

SECTION 35

Section 13.10.270 of the Sacramento City Code is amended to read as follows:

13.10.270 Appeals.

Any person adversely and directly affected by any determination made or action taken by the director of ~~public works~~ utilities or solid waste manager pursuant to the provisions of this chapter may appeal the determination or action to the city manager by filing a notice of appeal. The notice of appeal shall set forth the name, mailing address and telephone number, if any, of the person appealing. The notice of appeal shall include or attach a statement describing the determination or action being appealed, setting forth the grounds for the appeal, and describing the action requested of the city manager. The scope of the appeal shall be limited to the grounds specified in the notice of appeal. No later than thirty (30) days after the filing of a timely notice of appeal, the city manager shall render a decision on the appeal.

The city manager's decision may affirm, reverse or modify the determination or action appealed. A copy of the city manager's decision shall be mailed to the person appealing at the address shown on the notice of appeal. Any person adversely and directly affected by the city manager's decision on an appeal may appeal the decision to the city council by filing a notice of appeal in accordance with the provisions of Section 1.24.010 and following of this code. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.130~~)

SECTION 36

Section 13.10.280 of the Sacramento City Code is amended to read as follows:

13.10.280 Appeals--Time for filing.

The notice of appeal of a determination made or action taken by the director of ~~public works~~ utilities or solid waste manager shall be filed with the city manager not later than ten (10) days after the date of the determination or action. The notice of appeal of a decision made by the city manager on an appeal shall be filed with the city clerk not later than ten (10) days after the date that the city manager's decision is mailed as set forth in Section 13.10.270 of this chapter. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.131~~)

SECTION 37

Section 13.10.360 of the Sacramento City Code is amended to read as follows:

13.10.360 "Lawn and garden service" defined.

As used in this article, the term "lawn and garden service" means the periodic collection by the department of ~~public works~~ utilities of garden refuse from city streets, the disposal of said garden refuse, and the periodic sweeping of those streets. (~~Ord. 2000-036 § 2(a) (part); Ord. 2000-017 § 3 (part); prior code § 19.01.131~~)

SECTION 38

A. Subsection B of Section 13.10.380 of the Sacramento City Code is amended to read as follows:

13.10.380 Legislative findings.

B. That depositing garden refuse in the streets in front of properties within the city for periodic collection, disposal and street sweeping by the department of ~~public works~~ utilities is a service afforded by the city which is of substantial benefit to owners of all properties within the city to which the service is extended.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 13.10.380 shall remain unchanged and in full force and effect.

SECTION 39

Section 13.10.500 of the Sacramento City Code is amended to read as follows:

13.10.500 Bare lot and multiple use property classifications—Fees—Lawn and garden service fees—Lawn and garden service fee classification board.

A. Definition. For the purpose of this section only, the term “residential property” means and refers to residential property classified for the purposes of this article in a classification established by Section 13.10.370 of this chapter excluding multiple family dwelling units having more than fifty (50) dwelling units.

B. Application. Any owner of residential property may apply for reclassification of such property according to the procedures set forth in this section. Any such application shall be filed on forms provided by the city and shall be filed with the revenue division of the city.

C. Lawn and Garden Service Fee Classification Board. The lawn and garden service fee classification board shall be composed of two city employee members, one of whom shall be from the department of finance and one of whom shall be from the department of ~~general services~~ utilities. The membership of the board shall be appointed by and shall serve at the pleasure of the city manager. The board shall process all applications under and make the classifications of property described by this section.

D. Classifications. In addition to the classifications established by Section 13.10.370(A) of this code, there shall be two additional classifications of residential property. These two classifications shall be:

Bare Lot. The bare lot classification shall include only residential property which, by virtue of the fact that it has no vegetation outside the dwelling unit, will not produce

any garden refuse. The term "outside the dwelling unit" means outside the surface of the exterior surfaces. The term "exterior surfaces" means those surfaces of the dwelling unit on the exterior perimeter through at least one of which persons customarily and reasonably enter or exit the dwelling unit.

Multiple Use Lot. The multiple use lot classification shall include only parcels of residential property on which different types of use occur (e.g., residential and commercial) such that two or more different lawn and garden service fees according to classification rather than rate are collected on the property. No property exceeding one-quarter acre shall be classified in this classification.

In no event shall classification in either of these classes qualify any property for any other classification or fee.

E. Fees. Any property classified on the bare lot classification shall pay the lawn and garden service fee imposed by this chapter of \$0.00 per month. Any property classified in the multiple use lot classification shall pay the lawn and garden service fee imposed by this chapter equal to the single highest fee which would be imposed on any one structure located on the property according to the other classifications in this chapter. Such fee shall be charged to the owner of the entire parcel of property.

F. Processing Applications and Classifications. The board shall process all applications for classification in the bare lot and multiple use lot classifications. Each application shall initially be referred to the department of ~~public works~~ utilities which shall inspect the property and report the results of such inspection to the board. The board shall evaluate each application based on the information contained in such application and the department of ~~public works~~ utilities report and shall determine the proper classification for each such property. In the event the board determines that the proper classification for such property is either the bare lot or the multiple use lot classification, regardless of the date such determination is made, the effective date of the classification shall be the date the application was submitted to the revenue division. In the event the lawn and garden service fee collected by the city after the effective date of the classification exceeds the fee prescribed by this chapter, such excess shall be refunded to the then owner of the property as shown on the records of the revenue division as of the date of the refund.

G. Notices and Hearings. In the event a property for which application for classifications is made pursuant to this section is not reclassified, notice shall be given to the applicant which shall briefly specify the reason for the decision of the board. Any applicant who receives such notice who desires to have the application reconsidered by the board may apply for a hearing before the board. Any such application must be filed with the revenue division within fifteen (15) calendar days of the date of the notice that the property was not reclassified. The board shall within thirty (30) calendar days after an application for hearing schedule a hearing upon ten (10) days written notice to the applicant. The applicant may be present at such hearing and may present any evidence relevant to the classification of the property. The board shall reevaluate the

classification and shall classify the property in the classification which it shall deem proper in light of the application, the report of the department of ~~general services~~ utilities and the evidence submitted by the applicant at the hearing. In considering the application on rehearing the board may obtain a supplemental inspection report from the department of ~~general services~~ utilities. Written notice of the action of the board shall be given to the applicant and the classification established by the board shall be final except as herein otherwise provided.

H. **Reclassification Upon Changed Circumstances.** In the event the nature of any property classified in the bare lot or multiple use lot classifications changes such that it is no longer properly classified in such classification, the board may reclassify the property into an appropriate classification after written notice to the property owner and a reasonable opportunity to the property owner to be heard on such reclassification. (~~Ord. 2004-036 § 3 (part); Ord. 2000-036 § 2(a) (part); prior code § 19.04.416~~)

SECTION 40

Section 13.10.530 of the Sacramento City Code is amended to read as follows:

13.10.530 Special requirements.

In addition to any and all requirements which apply to the collection of garbage and refuse throughout the city under this chapter, collection service received or provided in the downtown collection area shall be subject to the following additional special requirements:

A. All containers within the downtown collection area shall be equipped with locks and shall remain locked at all times, except when garbage or refuse is being deposited or collected in accordance with the provisions of this chapter.

B. All containers within the downtown collection area shall have the name, address and telephone number of the owner, and of the tenant, if different than the owner, written on the front of the bin with either paint or some form of indelible ink.

C. No container within the downtown collection area shall be placed or located in such a manner that blocks or impedes passage through the alley or through any doorway of any building adjoining the alley, notwithstanding that such building may be abandoned or otherwise out of use.

Compliance with the above requirements shall be the sole responsibility of the owner and tenant. Guidelines to implement and enforce the above requirements shall be adopted by the city department of ~~public works~~ utilities and approved by the city manager.

SECTION 41

A. Section 13.20.020 of the Sacramento City Code is amended to read as follows:

13.20.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning set forth in this section:

“City utility facility” means a facility that is operated by the city to provide public utility service.

“Director” means the director of ~~public works~~ general services or development services for the city of Sacramento, or his or her authorized representative.

“Property owner” means the owner of property that is burdened by an unused public service easement relinquished by quitclaim deed pursuant to the procedures established by this chapter.

“Public service easement” means any “public service easement” as that term is defined in Section 8306 of the Streets and Highways Code, as amended, that is owned by the city.

“Public utility facility” means a facility operated by a public agency or privately-owned company to provide public utility service, excluding a city utility facility.

“Unused public service easement” means a public service easement that has never been used by a public utility facility and is not necessary for present or future use by any city utility facility or public utility facility, and that also meets any additional criteria applicable to a “summary vacation” under Section 8333 of the Streets and Highways Code, as amended.

“Utilities director” means the director of utilities for the city of Sacramento, or his or her authorized representative. (~~Ord. 2000-017 § 2(l) (part); Ord. 2000-013 § 1 (part); prior code § 12.09.141~~)

SECTION 42

Section 15.48.020 of the Sacramento City Code is amended to read as follows:

15.48.020 Application for permit--Application fee.

The application for moving permit shall be filed with the director of ~~planning and development~~ services and shall contain a statement of the following:

- A. Name, address, and telephone number of applicant;
- B. Valid state contractor's license number and valid city business tax certificate number of the moving contractor;
- C. Type of structure to be moved;
- D. Proposed use of structure;
- E. Approximate date structure was constructed;
- F. Current location of structure to be moved;
- G. Proposed new location, including a scaled plot plan of the new site which shows any buildings located on contiguous property;
- H. Proposed route;
- I. Proposed date of moving, and anticipated duration of move;
- J. Accurate drawing or other detailed graphic representation of the structure showing length, height, and width, loaded and in transit;
- K. Hold harmless agreement and insurance certificate from moving contractor;
- L. A certification that all information provided is true, and that the applicant is familiar with, understands, and accepts all obligations and responsibilities relating to the moving of buildings as set forth in this chapter;
- M. Such other and further information as the director of ~~planning and development~~ services deems necessary.

The application shall be accompanied by a nonrefundable application fee in an amount set by resolution of the city council. The director of ~~planning and development~~ services shall cause copies of the application to be sent to the superintendent of building inspections, director of ~~public works~~ transportation, fire chief, and planning director. (Prior code § 9.11.421)

SECTION 43

Section 15.48.050 of the Sacramento City Code is amended to read as follows:

15.48.050 Review by director of ~~public-works~~ transportation and fire department.

The director of ~~public-works~~ transportation and the fire chief shall review the application and the proposed route of move and shall make recommendations for route modifications to the director of ~~planning and development~~ services. No building shall be moved except along a route approved by the director of ~~public-works~~ transportation and under time restrictions specified by the director of ~~public-works~~ transportation. The director of ~~public-works~~ transportation may require that a city representative accompany any move, to ensure compliance with all terms of the permit and this code. Where appropriate, the director of ~~public-works~~ transportation shall consult with the director of facilities maintenance and the superintendent of parks to ensure that the proposed route will not result in damage to or destruction of city facilities or trees. No moving permit shall be issued unless the proposed move complies with applicable provisions of Chapter 12.56 of this code (Trees) and all necessary tree removal permits have been granted. Tree removal permits will be issued only if consistent with Chapter 12.56. If permission to trim city trees is granted, a tree inspector must be present at the time of trimming. (~~Prior code § 9.11.424~~)

SECTION 44

Section 15.48.090 of the Sacramento City Code is amended to read as follows:

15.48.090 Issuance of permit--Appeal.

If the superintendent of building inspections, the fire chief, the director of ~~planning and development~~ services, and the director of ~~public-works~~ transportation report that the proposed move will comply with all requirements of this chapter and the Sacramento City Code, then the director of ~~planning and development~~ services shall issue the moving permit, subject to such conditions as are necessary to ensure compliance with this chapter and the Sacramento City Code and to ensure the public safety and welfare. If the permit is denied, written notice thereof shall be served in person or by mail on the applicant.

Any applicant aggrieved by denial of a permit or by conditions (other than routing or time restrictions) placed thereon may appeal the decision of the director of ~~planning and development~~ services to the housing codes advisory and appeals board by filing a written notice of appeal with the secretary of the board not later than ten (10) days after the date of the director of ~~planning and development~~ services decision; provided, however, that any matter appealable under Section 15.48.040 of this chapter shall not be appealable pursuant to this section. The decision of the housing codes advisory and appeals board shall be final. However, any denial based on the recommendation of the

planning development services director shall be appealable only as provided in Section 15.48.040 of this chapter. (~~Prior code § 9.11.428~~)

SECTION 45

Section 15.48.140 of the Sacramento City Code is amended to read as follows:

15.48.140 Restrictions on building size.

No permit shall be granted for the moving of any building, or the frame of any building, on the streets of the city, unless the directors of ~~public works~~ general services and transportation ~~certifies~~ certify that the proposed move will not unreasonably delay traffic, damage public facilities or disrupt public services. The director of ~~public works transportation~~ shall recommend to the director of ~~planning and development services~~ such conditions as are reasonably necessary to avoid unreasonable traffic delay. (~~Prior code § 9.11.433~~)

SECTION 46

Section 15.48.160 of the Sacramento City Code is amended to read as follows:

15.48.160 Maintaining barricades and lights.

Permittee shall furnish, install and maintain all traffic signs, barricades and lights as needed for traffic control or detours. If said signs, barricades and lights have not been provided or maintained, the director of ~~public works~~ transportation may do so and the costs thereof will be chargeable to the permittee. (~~Prior code § 9.11.435~~)

SECTION 47

A. The definition of "Encroachment permit" in section 15.88.050 of the Sacramento City Code is amended to read as follows:

15.88.050 Definitions.

"Encroachment permit" means a written permit issued by the department of ~~public works~~ transportation authorizing certain work within a publicly maintained right-of-way.

B. Except as specifically amended by the amendment noted above to the definition of "Encroachment permit," the remainder of section 15.88.050 shall remain unchanged and in full force and effect.

SECTION 48

Section 16.40.110 of the Sacramento City Code is amended to read as follows:

16.40.110 Curve radii.

All curves shall have sufficient length to avoid the appearance of an angle point. Reverse curves shall be connected by tangents of length approved by the director of ~~public works~~ transportation or the director's designated representative. The center line radii of curves shall be as large as possible, but not less than the following:

	Designations	Radius, ft.
1.	Local residential	200
2.	Local nonresidential	400
3.	Collector	600
4.	Arterial (4-lane)	1,000
5.	Arterial (6-lane)	1,500

~~(Ord. 2004-007 § 2 (part); Ord. 99-017 § 6; prior code § 40.10.1011)~~

SECTION 49

A. In Footnote 20, Section 17.24.050, of the Sacramento City Code is amended to read as follows:

20. Development in the M-1S and M-2S Zones. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height. No materials or supplies shall be stored within the required front or street side yard setback area, nor shall any building, parking stall, structure, fence, or wall extend into said area. All street frontages must have a twenty-five (25) foot setback which is to be developed and maintained as open landscaped area. The landscaped area shall include a combination of trees, mounded turf and/or live ground cover and shrubs. A fully automatic irrigation system shall be provided. The landscaped area must be twenty-five (25) feet clear, excluding curbs. Sidewalks are allowed in this area only when necessary for handicapped access. When vehicles overhang and no wheel stops are provided, the landscaped area must be increased to twenty-seven (27) feet. A six-inch raised concrete curb is required at the back of sidewalk; however, if turf is used and extends farther than fifteen (15) feet from the property line, this curb is not required. If there is less than fifteen (15) feet of turf, this requirement may be modified subject to the review and approval of the ~~public works~~ development services department.

B. Except as specifically amended by the amendment noted above to Footnote 20, the remainder of Section 17.24.050 shall remain unchanged and in full force and effect.

SECTION 50

A. Subsection (E) of Section 17.60.040 of the Sacramento City Code is amended to read as follows:

E. Setback Requirements for a Through Lot.

1. On a through lot with depth less than one hundred twenty-five (125) feet, one street frontage can be considered the front of the lot and the other street frontage can be considered the rear of the lot.

2. On a through lot with a depth of one hundred twenty-five (125) feet or more, each street frontage shall be considered a front yard. For R-1 zoned through lots, said lot may have two residences constructed on the lot subject to the following requirements:

a. Said lot may be assumed to be two lots with the rear lines of each approximately equal distant from the front lot lines;

b. Each such lot shall have an area of not less than two thousand five hundred (2,500) square feet;

c. All R-1 zone yard requirements must be met; and

d. Each street shall have public access approved by ~~public works~~ development services.

B. Except as specifically amended by the amendment noted above to Subsection (E), the remainder of 17.60.040 shall remain unchanged and in full force and effect.

SECTION 51

Section 17.68.020 of the Sacramento City Code is amended to read as follows:

17.68.020 Paving requirements.

Paving is required for all storage and service areas, as well as off-street parking, driveways, maneuvering areas and loading areas for vehicles, including service stations and auto sales. Unpaved areas shall not be used for storage, vehicle parking, driving or maneuvering. Unpaved areas adjacent to paved areas shall be made inaccessible by a barrier, such as concrete curbs, bollards or fencing.

A. Surface Requirements. Surfacing shall consist of asphaltic concrete or portland cement concrete paving. The proposed pavement thickness, together with supporting calculations shall be submitted to the department of ~~public works~~ development services by a qualified consultant for approval. Paving shall include driveways from facility to the edge of public right-of-way paving. Provided, however, that a maximum of two feet of any parking stall depth, as specified in the charts included in Section 17.64.030(F), may be unpaved if such area is landscaped and a six-inch-high and -thick raised front bumper curb separates the landscaped and paved portions of the parking stall.

B. Alternate Paving. Alternate paving, such as pavers, cobblestone, turfblock, or similar treatments, requires review and approval by the planning director, ~~public works~~ development services department, and fire department. Surfaces with alternate paving treatments are included as paved area.

C. Drainage. Drainage is required for all surfaced areas in accordance with specifications established by the city engineer.

SECTION 52

Section 17.68.030 of the Sacramento City Code is amended to read as follows:

17.68.030 Other site requirements.

A. Walkways. The minimum width of a walkway shall be four feet. Two feet shall be added to the minimum width of a walkway for each side that vehicles overhang the walkway.

B. Exterior Lighting. Lighting, if provided, shall reflect away from residential areas and public streets.

C. Street Frontage. No building permit may be issued for any building or structure on any parcel unless said parcel has at least twenty (20) feet of public street or approved private street frontage. Any parcel or parcels developed for industrial or commercial uses for which access has been approved by the planning commission or city council shall not be required to have street frontage.

D. Private Street Conditions. Approval of any private street shall be based on compliance with the following conditions to the city's satisfaction:

1. The private streets are developed to city street standards; plans and improvements to be approved by the ~~public works~~ development services director.

2. Adequate access shall be provided to accommodate public service and emergency vehicles.

3. Easements shall be provided as deemed necessary.

4. The entrances to private streets shall be constructed in a manner to clearly identify that the streets are private.

5. Any landscaping located in a public right-of-way as part of the project shall be maintained by a homeowners' association. Landscape plans shall be approved by the city landscape architect. (~~Ord. 99-015 § 3-3-C~~)

SECTION 53

A. Subsection (B) of Section 17.76.070 of the Sacramento City Code is amended to read as follows:

17.76.070 Special permit procedure.

B. Standards. The following standards shall be used by the planning commission in analyzing the design of gated developments. Deviation from these standards shall require a variance pursuant to Chapter 17.216 of this title in addition to the special permit.

1. Design and location of gates shall be consistent with Chapter 12.40 of this code, relating to streets and sidewalks.

2. Gated entrances shall be designed to allow vehicles to turn around within the driveway, without backing into the adjacent street (except on minor local streets).

3. Gates shall be designed to provide twenty-four (24) hour access by authorized maintenance and service providers. (~~such as public works utilities, mail and parcel delivery, and cable~~).

4. Gate designs shall include emergency hardware to ensure proper emergency access to the satisfaction of the city fire, police, ~~public works~~ development services and utilities departments.

5. One pedestrian access gate shall be provided at each gated driveway entrance.

6. "Anti-directional" devices (i.e., metal spikes that can cause tire damage) at entrances and exits are prohibited.

7. Covenants, conditions and restrictions (CC&Rs) shall be established and recorded for the gated development. The CC&Rs shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 17.76.070 shall remain unchanged and in full force and effect.

SECTION 54

A. Subsection (D) of Section 17.172.040 of the Sacramento City Code is amended to read as follows:

17.172.040 Development standards.

D. Parking Lots. Parking lots to serve businesses may not have frontage on J Street, unless the ~~public works director~~ city manager or city manager's designee makes a finding of no other feasible option. The zoning administrator or planning commission may opt to waive or reduce parking rather than have parking frontage on J Street.

B. Except as specifically amended by the amendment noted above to Subsection (D), the remainder of Section 17.172.040 shall remain unchanged and in full force and effect.

SECTION 55

A. The definition of "Traffic engineer" in section 17.184.020 of the Sacramento City Code is amended to read as follows:

"Traffic engineer" means the person designated by the director of ~~public works~~ transportation with the responsibility for the implementation of the TSM ordinance.

B. Except as specifically amended by the amendment noted above to definition of "Traffic Engineer," the remainder of Section 17.184.020 shall remain unchanged and in full force and effect.

SECTION 56

A. Subsection (B) of Section 18.04.020 of the Sacramento City Code is amended to read as follows:

B. Such dedication and improvements have been assured to the satisfaction of the director of ~~public works~~ development services.

The dedication and improvement requirements of this chapter shall also apply to the construction or alteration of all off-street parking areas, off-street loading or unloading areas, off-street pickup and delivery areas, and storage,

sale, rental or service areas which are subject to the requirements of Chapter 10.24 of this code.

The term "building permit," as used in this chapter, shall include the permit required by Chapter 10.24.

As used in this chapter, the word "lot" shall mean and include one lot or parcel of record, or more than one individual lots or parcels of record which have been combined for purposes of development, construction or improvement as a single unit of land. (~~Ord. 99-017 § 1: prior code § 38.11.121~~)

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.04.020 shall remain unchanged and in full force and effect.

SECTION 57

Section 18.04.140 of the Sacramento City Code is amended to read as follows:

18.04.140 Requirements for plans--Cost for engineering services-- Encroachment permit.

All plans for street improvements shall be approved by the director of ~~public works~~ development services/city engineer prior to the construction of the improvements. Plans shall be drawn by a licensed civil engineer or licensed architect and shall show all pertinent elevations, to city datum, together with such off-site information as necessary to demonstrate workability of drainage and conformity with existing improvements.

The owner shall furnish one set of reproducible plans of the street improvements for the department of ~~public works~~ development services file. Fees for engineering services provided by the city will be established by resolution of the city council. Additional fees will be charged for unusual or extraordinary services. The issuance of a building permit shall constitute the necessary encroachment permit for a properly licensed contractor to do street work in the public street. (~~Prior code § 12.16.140~~)

SECTION 58

A. Subsection (B) of Section 18.04.170 of the Sacramento City Code is amended to read as follows:

B. In the event of any conflict between the right-of-way width specified above and a right-of-way width which may be specified in an element of the general plan or in any applicable specific plan, the required dedication shall conform to the applicable general plan or specific plan requirement(s).

A copy of the city's current right-of-way width guidelines shall be maintained for public review in the office of the city clerk, and also shall be

included in the city of Sacramento's ~~department of public works~~ design and procedures manual.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.04.170 shall remain unchanged and in full force and effect.

SECTION 59

Section 18.04.180 of the Sacramento City Code is amended to read as follows:

18.04.180 Alternate dedication standards.

If the right-of-way width for a street has not been designated in the adopted street standards or in the right-of-way width guidelines, or in an element of the general plan, or in any applicable specific plan, the dedication required for such street under this chapter shall conform to and be governed by the right-of-way width determined by the city's director of ~~public works~~ transportation or the director's designated representative in accordance with standards that are commonly used for the design of a similar ~~public street~~. (Ord. 2004-007 § 1 (part); Ord. 99-017 § 2 (part); prior code § 38.11.137)

SECTION 60

A. Subsections (A) (B) (C) of Section 18.04.190 of the Sacramento City Code is amended to read as follows:

A. The right-of-way improvement standards applicable to the land dedicated pursuant to this chapter are as follows:

	Range of Average Daily Traffic	Sidewalk (feet)	Planter measured to face of curb (feet)	Curb Type a	Parking Lane (feet)	Bike Lane (feet)	Travel Lanes (feet)	Median (feet)	Half Street (feet)	Total Right-of-Way Dedication (feet)
Local—Residential	0—4000	5	6½	Vertical	7	0	8	N/A	26½	53
Local—Commercial	0—14000	5	6½	Vertical	7	0	11	N/A	29½	59
Local—Industrial	0—14000	5	6½	Vertical	8	0	12	N/A	31½	63
Collector Minor—No Parking	4000—7000	5	6½	Vertical	0	6	11	N/A	28½	57
Collector Minor—With Parking	4000—7000	5	6½	Vertical	7	6	11	N/A	35½	71
Collector Major—No Parking	7000—14000	5	6½	Vertical	0	6	11	12	34½	69

Collector Major—With Parking	7000— 14000	5	6½	Vertical	7	6	11	12	41½	83
4 Lane Arterial—No Parking	14000— 27000	6	8½	Vertical	0	6	11/12	12	49½	99
4 Lane Arterial—With Parking	14000— 27000	6	8½	Vertical	7	6	11/12	12	56½	113
6 Lane Arterial	27000— 48000	6	8½	Vertical	0	6	11/11/12	12	60½	121
a. Rolled curb may be constructed at street elbows and cul-del-sacs only with approval by the city manager or the designee.										
b. Planter width may be reduced or the planter removed to meet residential housing densities or to conform to existing street rights-of-way only with approval by the city manager or the designee.										

In the event that the proposed right-of-way width is not one of the widths specified above, the city’s director of ~~public works~~ transportation or the director’s designated representative shall determine the improvement standards in accordance with standards that are commonly used for the design of a similar width public street.

B. Minor deviations from the requirements set forth above may be approved by the city’s director of ~~public works~~ transportation or the director’s designated representative.

C. All improvements required to be made by the provisions of this chapter shall be constructed and completed in accordance with the applicable provisions of (i) the current standard specifications of the city, as adopted by the city council, and (ii) the street design standards of the city department of ~~public works~~ transportation current design and procedures manual.

B. Except as specifically amended by the amendment noted above to Subsections (A) (B) (C), the remainder of Section 18.04.190 shall remain unchanged and in full force and effect.

SECTION 61

A. Subsection (A) of Section 18.08.050 of the Sacramento City Code is amended to read as follows:

A. For residential driveways serving one or two family dwellings with a maximum two-car parking area, the minimum driveway width shall be ten (10) feet; the maximum driveway width to serve a single-car parking space shall be fourteen (14) feet; and the maximum for a two-car parking space shall be twenty-two (22) feet. Except as provided below, driveways shall have minimum twenty (20) foot length behind the property line.

1. Exception: For single-family and two-family units on lots of three thousand two hundred (3,200) square feet or less located in the central city, the minimum driveway length shall be eighteen (18) feet behind the property line, provided that if the driveway accesses an enclosed garage, the garage shall be equipped with a roll-up garage door and automatic garage door opener.

2. Exception: If access to the garage is provided via the side yard, and the garage is located less than six feet from the property line, a driveway of six feet or less may be provided, with approval of the public-works development services or planning director.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.08.050 shall remain unchanged and in full force and effect.

SECTION 62

A. Subsections (B) (C) (D) of Section 18.08.080 of the Sacramento City Code is amended to read as follows:

B. Variance Approval. An application for a variance shall be filed with the director of public-works development services, who shall have authority to grant or deny the variance. A variance, if approved, may be made subject to conditions as are necessary to accomplish the purposes of this chapter. Upon approval of a variance, written notice of such approval shall be sent, by mail, to owners of property abutting the property where the variance has been granted. This written notice shall include the name of the applicant, location of the subject property, nature of the variance and shall provide notice of the right to appeal the approval of the variance in accordance with Section 18.08.140 of this chapter.

C. Permits May Not Be Issued. No driveway permit may be issued for a driveway that requires a variance until a variance has been granted by the director of public-works development services, and the period to file a notice of appeal pursuant to Section 18.08.140 has expired and no appeal has been filed,

or until the variance has been approved by the city council on appeal. No driveway permit shall be issued for a driveway while an appeal of a variance granted for such driveway is pending.

D. Resubmittal of Application. If an application for a variance is denied by the director of ~~public works~~ development services, or by the city council on appeal, no new application for the same, or substantially the same variance shall be filed within one year after the date of denial by the director of ~~public works~~ development services, or by the city council on appeal, unless approval for such filing has been granted by the city council.

B. Except as specifically amended by the amendment noted above to Subsections (B) (C) (D), the remainder of Section 18.08.080 shall remain unchanged and in full force and effect.

SECTION 63

Section 18.08.140 of the Sacramento City Code is amended to read as follows:

18.08.140 Appeals.

Any person may appeal to the city council an action taken under this chapter, by the director of ~~public works~~ development services, by filing a notice of appeal with the city clerk. The notice of appeal shall comply with the provisions of Chapter 1.24 of this code. The notice of appeal shall be filed with the city clerk no later than ten (10) days after the director of ~~public works~~ development services action, except that an appeal of a variance granted pursuant to Section 18.08.080 of this chapter shall be filed no later than ten (10) days after written notice is mailed to owners of property abutting the property where the variance has been granted, as specified in Section 18.08.080(B) of this chapter. Upon receipt of a timely and complete notice of appeal, the city clerk shall schedule a date and time when said appeal will be heard by the city council. Notice of the date, time and location of such hearing shall be mailed to the person filing the notice of appeal no later than ten (10) days prior to the date of such hearing. The hearing of said appeal, and judicial review of any decision regarding said appeal, shall be subject to provisions of Chapter 1.24 of this code.

SECTION 64

A. The definition of "Traffic Engineer," in section 18.12.030 of the Sacramento City Code is amended to read as follows:

"Traffic engineer" means the person designated by the director of ~~public works~~ transportation, with the responsibility for the implementation of the TSM ordinance.

B. Except as specifically amended by the amendment noted above to the definition of "Traffic Engineer," the remainder of section 18.12.030 shall remain unchanged and in full force and effect.

SECTION 65

Section 18.24.100 of the Sacramento City Code is amended to read as follows:

18.24.100 Computation of fees.

The methodologies set forth in the nexus study shall be used as the basis to set the amount of fees pursuant to any resolution referenced under subsection B of Section 18.24.050 of this chapter. The amount of fees due from any landowner shall be calculated from the actual uses of land proposed by the landowner. Applicants for building or other development permits shall include plans and calculations prepared by the applicant or applicant's agent, specifying data necessary to calculate development impact fees, including, without limitation, each proposed land use, the square footage of each use, and other relevant data as may be required by the director of public works planning. All fees due under this chapter shall be determined and calculated by the director of public works planning. (~~Prior code § 84.02.207~~)

SECTION 66

A. Subsection (C) of Section 18.24.130 of the Sacramento City Code is amended to read as follows:

C. The landowner seeking a credit or reimbursement, or both, shall submit such documentation, including, without limitation, engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the director of public works planning, to support the request for a credit or reimbursement. The director shall determine the credit or reimbursement amount for construction of a specific public infrastructure based upon either the foregoing landowner-provided cost estimates or upon alternative engineering criteria and construction cost estimates if the director determines that such estimates submitted by the landowner are either unreliable or inaccurate. The director shall determine whether facilities or improvements are eligible for credit or reimbursement. Any decision made by the director pursuant to this section may be appealable to the city council by the filing of a notice of appeal with the city clerk. The city council shall consider the appeal at a public hearing held within sixty (60) days after the filing of the notice of appeal. The decision of the city council shall be announced at said public hearing.

B. Except as specifically amended by the amendment noted above to Subsection (C), the remainder of Section 18.24.130 shall remain unchanged and in full force and effect.

SECTION 67

A. Subsection (A) of Section 18.24.160 of the Sacramento City Code is amended to read as follows:

A. A landowner subject to a fee established by this chapter may apply to the city director of ~~public works~~ planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof, based upon the absence of a reasonable relationship or nexus between the impacts of the landowner's development project and either the amount of the fee charged or the type of public infrastructure to be financed, or both. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.160 shall remain unchanged and in full force and effect.

SECTION 68

Section 18.24.310 of the Sacramento City Code is amended to read as follows:

18.24.310 Time of payment of fee.

Except as otherwise provided in any deferral measures adopted under Section 18.24.320 of this chapter, the fees established by this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit relating to such development. With respect to development projects completed or commenced as of the effective date of this chapter, the director of ~~public works~~ planning, shall have the authority to enter into agreements with landowners concerning the amount, time and manner of payment of fees with respect to such development projects.

SECTION 69

A. Subsection (A) of Section 18.24.340 of the Sacramento City Code is amended to read as follows:

18.24.340 Protest of fees.

A. A landowner subject to a fee established by this chapter may apply to the city director of ~~public works~~ planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.340 shall remain unchanged and in full force and effect.

SECTION 70

Section 18.24.400 of the Sacramento City Code is amended to read as follows:

18.24.400 Review and adjustment of fees.

The city council, by resolution, may revise the public facilities land acquisition fee and the regional park land acquisition fee, time to time, to take into account any changes in the public land acquisition value, the average amount of public land, the net acres, the amount of public land and regional park land required under the North Natomas land acquisition program, and the actual costs of acquiring public land and regional park land. The director of ~~public works~~ planning, is authorized to retain the services of an appraiser to perform a valuation study of the North Natomas finance plan area in order to update the public land acquisition value. Any revision in the fees or other matters set forth in this section shall be consistent with the formula and methodologies set forth in the North Natomas land acquisition program. (~~Ord. 2000-017 § 2(b)(vii); Ord. 99-043 § 2(m); prior code § 84.03.315~~)

SECTION 71

A. Subsection (A) of Section 18.24.530 of the Sacramento City Code is amended to read as follows:

18.24.530 Protest of fees.

A. A landowner subject to a fee established by this chapter may apply to the ~~city~~ director of ~~public works~~ planning, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of any one or more of the fees, or any portion thereof. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.530 shall remain unchanged and in full force and effect.

SECTION 72

A. Subsection (B) of Section 18.24.630 of the Sacramento City Code is amended to read as follows:

18.24.630 Imposition of school facilities fees.

B. Except as may be expressly provided in this chapter, no permits or extension of permits relating to the activities described in subsection A of this section shall be granted unless and until evidence of the payment of the school facilities fee is presented to the city director of public-works development services pursuant to Section 18.24.670 of this chapter.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 18.24.630 shall remain unchanged and in full force and effect.

SECTION 73

Section 18.24.660 of the Sacramento City Code is amended to read as follows:

18.24.660 Computation of fees.

The methodologies set forth in the school fee analysis shall be used as the basis to set the amount of school facilities fee pursuant to any resolution referenced under subsection B of Section 18.24.600 of this chapter. The amount of the fee due from any landowner shall be calculated from the actual residential uses of land proposed by the landowner. Applicants for residential building or other development permits shall include plans and calculations prepared by the applicant or applicant's agent, specifying data necessary to calculate the fee, including, without limitation, data relevant to calculate the amount of assessable space proposed in the applicant's development project, and other relevant data as may be required by the director of public-works development services. The amount of the fee due under this chapter shall be determined and calculated by the city director of public-works development services, in the manner specified in Government Code Section 6995(b)(1). (~~Prior code § 84.05.508~~)

SECTION 74

Section 18.24.670 of the Sacramento City Code is amended to read as follows:

18.24.670 Time and manner of payment of fee.

A. The school facilities fee shall be paid for the property on which a residential development project is proposed directly to the school district within which the proposed project is to occur. The receiving school district shall issue a certificate of payment of the fee in a form acceptable to the director of public-works development services.

B. Evidence of payment of the school facilities fee shall be presented to the city director of public-works development services at the time of the issuance of any required building permit relating to such development. (~~Prior code § 84.05.509~~)

SECTION 75

A. Subsection (A) of Section 18.24.710 of the Sacramento City Code is amended to read as follows:

18.24.710 Protest of fees.

A. A landowner subject to the school facilities fee may apply to the ~~city~~ director of ~~public-works~~ development services, (for purposes of this section, the "director"), for a reduction, adjustment, or waiver of the fee, or any portion thereof, based upon the absence of a reasonable relationship or nexus between the impacts of the landowner's development project and either the amount of the fee charged or the type of public facility to be financed, or both. The application shall state in detail the factual basis for the claim of reduction, adjustment, or waiver, and shall include any and all written materials which the landowner deems appropriate in support of the application. The director shall provide a copy of the application to the school districts as soon as is practicable and the school districts, or any one or more of them, shall have an opportunity to submit responses to the same prior to the time set for the informal hearing to be held pursuant to subsection D of this section. Failure by the school districts to submit a timely response to the application may result in the granting thereof.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.710 shall remain unchanged and in full force and effect.

SECTION 76

A. Subsection (A) of Section 18.24.760 of the Sacramento City Code is amended to read as follows:

18.24.760 Disposition of unexpended or unappropriated fee revenues.

A. Commencing with the fifth fiscal year following the first year of receipt of any revenues from the school facilities fee, and in each fiscal year thereafter, each school district shall prepare a report which sets forth the total amount of all such fee revenues that were received and deposited in the special fund established under Section 18.24.720 of this chapter in each fiscal year prior to the date of such report, but which remain unexpended or unappropriated as of the date of the report; provided, however, that no report shall be required in any year in which there were no unspent or unappropriated fee revenues in such fund which were received and deposited in the fund more than five years prior to the date of the report. Each school district preparing a report under this subsection shall provide a copy of the same to the director of ~~director of public-works~~ development services as soon as practicable following its completion.

B. Except as specifically amended by the amendment noted above to Subsection (A), the remainder of Section 18.24.760 shall remain unchanged and in full force and effect.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Mayor Heather Fargo

Shirley Concolino, City Clerk

Passed for Publication:

Published:

Effective: