



REPORT TO LAW & LEGISLATION COMMITTEE

City of Sacramento
915 I Street, Sacramento, CA 95814-2671

CONSENT
May 3, 2011

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

Title: An Ordinance Changing all References to Public Works

Location/Council District: All

Recommendation: Approve and forward to City Council the attached Ordinance amending certain sections of the Sacramento City Code changing references to Public Works and the Public Works Director to reflect current City organization.

Contact: Eileen Teichert, City Attorney, (916) 808-5346; Jerry Hicks, Supervising Deputy City Attorney, (916) 808-5346

Presenters: Jerry Hicks, Supervising Deputy City Attorney, (916) 808-5346

Department: City Attorney's Office

Division: N/A

Organization No.: 09300

Description/Analysis:

Issue: Portions of the current Sacramento City Code are out of date or have been found to include various references to Public Works and Public Works Director that should be amended to reflect the current City organization and properly reflect the responsibility of each department.

The specific amendments being proposed include:

Title 1, Section 1.12.020 (B) is being amended to delete the references to the Director of Public Works and reflect the City Manager.

Title 2, Sections 2.08.010 is being amended to add the Transportation, General Services, Community Development, and Utilities directors and delete the reference to the Public Works director.

Title 3, Sections 3.68.130, 3.76.020, 3.76.030, , 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 (B) 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, 12.40.040, 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, 13.10.020, 13.10.050, 13.10.060, 13.10.140, 13.10.150 (C) and (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 (C), (F), and (G), 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, Section 17.24.050 footnote 20 is being amended to delete the references to the Public Works and reflect the appropriate department.

Title 18, Sections 18.04.140, 18.04.170, 18.04.180, 18.04.190 (A), (B), and (C), 18.08.050 (A), 18.08.080, 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.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a “project” as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

Sustainability Considerations: None.

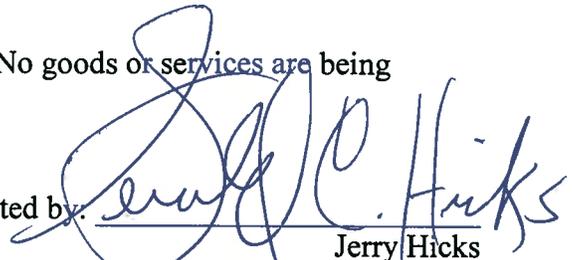
Commission/Committee Action: None.

Rationale for Recommendation: The City Code does not reflect the appropriate department responsibilities.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by:


Jerry Hicks
Supervising Deputy City Attorney

Recommendation Approved:


WILLIAM H. EDGAR
Interim City Manager

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Attachment 1

ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

**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) 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. The ~~director of public works- city manager~~ 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), the remainder of Section 1.12.020 shall remain unchanged and in full force and effect.

SECTION 2

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

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 |
| <u>Transportation director</u> | <u>100,000.00</u> |

| | |
|---|---|
| Public works <u>General services director</u> | 100,000.00 |
| <u>Community development director</u> | <u>100,000.00</u> |
| <u>Utilities director</u> | <u>100,000.00</u> |
| City attorney | 100,000.00 |
| Support services division manager | 100,000.00 |
| Chief building inspector <u>official</u> | 100,000.00 |
| Accounting officer | 100,000.00 |
| Assistant city treasurer (with \$100,000.00 excess) | 100,000.00 (<u>with \$100,000.00 excess</u>) |
| 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 3

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.

SECTION 4

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

3.76.020 Application—Director of ~~public works~~ the department of transportation to recommend approval or denial.

Applications for revocable permits shall be filed with the ~~department of public works~~ department of transportation 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 the ~~public-works~~ department of transportation shall refer such application to the city council together with a recommendation concerning the approval, conditional approval or denial of such permit.

SECTION 5

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 6

A. The definition “Director” in Section 3.124.060 of the Sacramento City Code is amended to read as follows:

“Director” means the director of the ~~public-works~~ finance department 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 7

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

3.132.230 Reports—Generally.

The city manager shall prepare the following reports ~~required by 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.~~

SECTION 8

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

3.136.200 Reports—Generally.

The city manager shall prepare the following reports ~~required by 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.~~

SECTION 9

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

~~3.140.210 Public works Finance director.~~

~~“Public works Finance director” means the director of the city of Sacramento finance department of public works, or designee.~~

SECTION 10

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 finance ~~department of public works~~, or such other departmental director as the city manager determines appropriate under the circumstances.

SECTION 11

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 finance ~~department of public works~~, 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 12

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 finance department of ~~public works~~. 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 13

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 finance ~~public works~~ 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 ~~finance public works~~ 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 14

A. Subsection (B) of Section 8.04.040 of the Sacramento City Code is amended to read as follows:

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 and his or her authorized representative as concerns the enforcement of animal control, Section 8.04.100(G) of this chapter.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 8.04.040 shall remain unchanged and in full force and effect.

SECTION 15

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.

SECTION 16

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 Animal Care Services Manager's grant or denial of approval to keep an animal, or by the Animal Care Services Manager'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 Animal Care Services Manager 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 17

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

12.04.010 Charges for services of the transportation ~~department of public works~~—On assessment proceedings.

The charges for the services of the department of transportation ~~director of public works/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 department of transportation ~~director of public works~~ 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 department of transportation ~~director of public works~~ in connection with any work under this section shall be charged separately by the director of ~~public works~~ in relation to ~~his or her~~ cost of rendering such services.

SECTION 18

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 transportation ~~public works~~—Frontage improvements and improvements pursuant to subdivision proceedings—All improvements other than frontage improvements and improvements pursuant to subdivision proceedings an

A. The charges for the services of the department of ~~public work~~ transportation 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 department of transportation ~~director of public works or his or her designee~~ in connection with any work under this section shall be charged separately by the department of transportation ~~director of public works~~ in relation to ~~his or her~~ the cost of rendering such service.

B. Except as otherwise provided by resolution, the charges for the services of the department of ~~public work~~ transportation 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 work~~ transportation 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 19

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~~ department of transportation. 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 20

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

D. The director of ~~public works~~ community development ~~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 21

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~~ shall consult with the director of community development 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 22

A. The definition of “Solid waste manager” or “manager” in Section 13.10.010 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 “Solid waste manager” or “manager,” the remainder of section 13.10.010 shall remain unchanged and in full force and effect.

SECTION 23

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~~department of utilities 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 work~~ department of utilities 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 24

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~~ department of utilities of the city.

SECTION 25

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.

SECTION 26

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 or his or her designee 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 or his or her designee 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 or his or her designee may, at his or her discretion, exclude mobilehome 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 27

A. Subsections (C) and (D) of Section 13.10.150 of the Sacramento City Code are 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, or his or her designee, 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 Subsections (C) and (D), the remainder of Section 13.10.150 shall remain unchanged and in full force and effect.

SECTION 28

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 29

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 ~~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.

SECTION 30

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.

SECTION 31

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.

SECTION 32

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.

SECTION 33

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 the garden refuse, and the periodic sweeping of those streets.

SECTION 34

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

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 35

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

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.

SECTION 36

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 37

A. The definition of "Director" in Section 13.20.020 of the Sacramento City Code is amended to read as follows:

"Director" means the director of ~~public work~~transportation for the city of Sacramento, or his or her authorized representative.

B. Except as specifically amended by the amendment noted above to the definition of "Director," the remainder of Section 13.20.020 shall remain unchanged and in full force and effect.

SECTION 38

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~~community development 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~~ community development 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~~ community development shall cause copies of the application to be sent to the superintendent of building inspections, director of ~~public work~~ transportation, and fire chief, and planning director.

SECTION 39

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

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

The director of ~~public work~~ 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~~ community development. No building shall be moved except along a route approved by the director of ~~public work~~ transportation and under time restrictions specified by the director of ~~public work~~ transportation. The director of ~~public work~~ 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 work~~ transportation shall consult with the director of ~~facilities maintenance~~ general services 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 40

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~~community development, and the director of ~~transportation public works~~ 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~~community development 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~~community development 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~~community development's 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~~community development director shall be appealable only as provided in Section 15.48.040 of this chapter.

SECTION 41

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 ~~certify~~ ~~certifies~~ 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~~community development such conditions as are reasonably necessary to avoid unreasonable traffic delay.

SECTION 42

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.

SECTION 43

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

“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 44

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

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~~ workstransportation 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 | 1,200 |
| 2. | Local nonresidential | 1,400 |
| 3. | Collector | 1,600 |
| 4. | Arterial (4-lane) | 1,000 |
| 5. | Arterial (6-lane) | 1,500 |

SECTION 45

A. Footnote 20 of 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 of community development.

SECTION 46

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/city engineer~~the department of transportation 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 transportation's ~~public works~~ 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 47

Section 18.04.170 of the Sacramento City Code is amended to read as follows:

Dedications required under this chapter shall conform to and shall be governed by the right-of-way widths established for city streets under all applicable provisions and procedures of the adopted street standards and the right-of-way width guidelines, provided that, in the event of any conflict between the adopted street standards and the right-of-way width guidelines, the required dedication shall conform to the adopted street standards then in effect; and provided further that:

A. For any streets designated as an on-street bikeway in the Sacramento bikeway master plan adopted by city council Resolution No. 76-195 or any successor resolution then in effect, an additional ten (10) feet of right-of-way width shall be dedicated, unless the adopted street standards for the subject roadway includes bike lanes.

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.

SECTION 48

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 workstransportation or the director's designated representative in accordance with standards that are commonly used for the design of a similar public street.

SECTION 49

A. Subsections (A), (B), and (C) of Section 18.04.190 of the Sacramento City Code are 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 | 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 |

| | Range of Average Daily Traffic | Sidewalk (feet) | Planter measured to face of curb (feet) | Curb Type | Parking Lane (feet) | Bike Lane (feet) | Travel Lanes (feet) | Median (feet) | Half Street (feet) | Total Right-of-Way Dedication (feet) |
|-------------------------------------|--------------------------------|-----------------|---|-----------|---------------------|------------------|---------------------|---------------|--------------------|--------------------------------------|
| 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's ~~department of public works~~ current design and procedures manual.

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

SECTION 50

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 alley, 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~~ director of the department of transportation.

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 51

Section 18.08.080 of the Sacramento City Code are amended to read as follows:

A. Variance Criteria. A variance is a waiver or modification of a requirement contained in Sections 18.08.040 through 18.08.070 of this chapter. The following criteria must be satisfied before a variance will be considered:

1. Special Conditions. A variance may be considered only if justified by special conditions that prevent strict compliance with the requirements of this chapter.

2. No Special Privilege. A variance cannot be a special privilege available to only one property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

3. Hazard Not Created. A variance will only be considered if granting the variance would not create a potential hazard or a threat to public health or safety.

B. Variance Approval. An application for a variance shall be filed with the director of the department of transportation public works, or his or her representative, 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 the department of transportation public works, or his or her representative, 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 the department of transportation public works, or his or her representative, 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 the department of transportation public works, or his or her representative, or by the city council on appeal, unless approval for such filing has been granted by the city council.

E. Fees. An application for variance shall be subject to, and accompanied by, a filing and investigation fee established by resolution of the city council.

SECTION 52

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~~community development, or his or her representative, 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~~community development's (or his or her representative's) 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. (Prior code § 38.13.172)

SECTION 53

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 54

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 city director of finance ~~public works~~, or his or her authorized designee. All fees due under this chapter shall be determined and calculated by the city director of finance ~~public works~~, or his or her authorized designee

SECTION 55

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 ~~finance public works~~ 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 56

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 ~~finance public works~~, or his or her designee (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), Section 18.24.160 shall remain unchanged and in full force and effect.

SECTION 57

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 ~~finance public works~~, or his or her designee, 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 58

A. Subsection (A) of Section 18.24.340 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 ~~finance public works~~, or his or her designee (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), Section 18.24.340 shall remain unchanged and in full force and effect.

SECTION 59

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 ~~finance public works~~, or his or her designee, 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 60

A. Subsection (A) of Section 18.24.530 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 ~~finance public works~~, or his or her designee (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), Section 18.24.530 shall remain unchanged and in full force and effect.

SECTION 61

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

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 ~~finance public works~~ pursuant to Section 18.24.670 of this chapter.

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

SECTION 62

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 city director of ~~finance public works~~, or his or her authorized designee. The amount of the fee due under this chapter shall be determined and calculated by the city director of ~~finance public works~~, or his or her authorized designee, in the manner specified in Government Code Section 6995(b)(1).

SECTION 63

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 ~~city~~ director of finance public works.

B. Evidence of payment of the school facilities fee shall be presented to the ~~city~~ director of finance public works, or his or her designee, at the time of the issuance of any required building permit relating to such development.

SECTION 64

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

A. A landowner subject to the school facilities fee may apply to the ~~city~~ director of finance public works, or his or her designee (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), Section 18.24.710 shall remain unchanged and in full force and effect.

SECTION 65

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

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
| finance ~~public works~~ as soon as practicable following its completion.

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

Attachment 2

ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

**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) of Section 1.12.020 of the Sacramento City Code is amended to read as follows:

B. Annual Changes by City Manager. The city manager 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), the remainder of Section 1.12.020 shall remain unchanged and in full force and effect.

SECTION 2

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

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 |

| | |
|-----------------------------------|--|
| Community development director | 100,000.00 |
| Utilities director | 100,000.00 |
| City attorney | 100,000.00 |
| Support services division manager | 100,000.00 |
| Chief building official | 100,000.00 |
| Accounting officer | 100,000.00 |
| Assistant city treasurer | 100,000.00 (with \$100,000.00 excess) |
| 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 3

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 4

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

3.76.020 Application—Director of the department of transportation to recommend approval or denial.

Applications for revocable permits shall be filed with the department of transportation 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 the department of transportation shall refer such application to the city council together with a recommendation concerning the approval, conditional approval or denial of such permit.

SECTION 5

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 6

A. The definition “Director” in Section 3.124.060 of the Sacramento City Code is amended to read as follows:

“Director” means the director of the finance department 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 7

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

3.132.230 Reports—Generally.

The city manager shall prepare the reports required by Sections 3.132.230 through 3.132.250 of this chapter.

SECTION 8

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

3.136.200 Reports—Generally.

The city manager shall prepare the reports required by Sections 3.136.200 through 3.136.220 of this chapter.

SECTION 9

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

3.140.210 Finance director.

“ Finance director” means the director of the city of Sacramento finance department, or designee.

SECTION 10

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 finance department, or such other departmental director as the city manager determines appropriate under the circumstances.

SECTION 11

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 finance department , 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 12

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 finance department . 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 13

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 finance 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 finance 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 14

A. Subsection (B) of Section 8.04.040 of the Sacramento City Code is amended to read as follows:

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 and his or her authorized representative as concerns the enforcement of animal control, Section 8.04.100(G) of this chapter.

B. Except as specifically amended by the amendment noted above to Subsection (B), the remainder of Section 8.04.040 shall remain unchanged and in full force and effect.

SECTION 15

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 16

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 Animal Care Services Manager's grant or denial of approval to keep an animal, or by the Animal Care Services Manager'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 Animal Care Services Manager 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 17

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

12.04.010 Charges for services of the transportation department—On assessment proceedings.

The charges for the services of the department of transportation 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 department of transportation 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 department of transportation in connection with any work under this section shall be charged separately by the director of in relation to cost of rendering such services.

SECTION 18

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 transportation—Frontage improvements and improvements pursuant to subdivision proceedings—All improvements other than frontage improvements and improvements pursuant to subdivision proceedings an

A. The charges for the services of the department of transportation 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 department of transportation in connection with any work under this section shall be charged separately by the department of transportation in relation to the cost of rendering such service.

B. Except as otherwise provided by resolution, the charges for the services of the department of transportation 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 transportation 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 19

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 department of transportation. 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 20

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

D. The director of community development 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 21

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

A. The director shall consult with the director of community development 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 22

A. The definition of "Solid waste manager" or "manager" in Section 13.10.010 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 "Solid waste manager" or "manager," the remainder of section 13.10.010 shall remain unchanged and in full force and effect.

SECTION 23

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 department of utilities 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 department of utilities 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 24

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 department of utilities of the city.

SECTION 25

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 26

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 or his or her designee 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 or his or her designee 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 or his or her designee may, at his or her discretion, exclude mobilehome 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 27

A. Subsections (C) and (D) of Section 13.10.150 of the Sacramento City Code are 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, or his or her designee, 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 Subsections (C) and (D), the remainder of Section 13.10.150 shall remain unchanged and in full force and effect.

SECTION 28

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 29

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 30

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 31

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 32

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 33

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 utilities of garden refuse from city streets, the disposal of the garden refuse, and the periodic sweeping of those streets.

SECTION 34

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

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 35

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

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 36

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 37

A. The definition of “Director” in Section 13.20.020 of the Sacramento City Code is amended to read as follows:

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

B. Except as specifically amended by the amendment noted above to the definition of “Director,” the remainder of Section 13.20.020 shall remain unchanged and in full force and effect.

SECTION 38

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 community development 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 community development 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 community development shall cause copies of the application to be sent to the superintendent of building inspections, director of transportation, and fire chief, , and planning director.

SECTION 39

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 community development. No building shall be moved except along a route approved by the director of transportation and under time restrictions specified by the director 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 general services 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 40

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 community development, 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 community development 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 community development 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 community development's 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 community development director shall be appealable only as provided in Section 15.48.040 of this chapter.

SECTION 41

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 community development such conditions as are reasonably necessary to avoid unreasonable traffic delay.

SECTION 42

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 43

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

“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 44

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

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

SECTION 45

A. Footnote 20 of 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 department of community development.

SECTION 46

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 the department of transportation 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 transportation's 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 47

Section 18.04.170 of the Sacramento City Code is amended to read as follows:

Dedications required under this chapter shall conform to and shall be governed by the right-of-way widths established for city streets under all applicable provisions and procedures of the adopted street standards and the right-of-way width guidelines, provided that, in the event of any conflict between the adopted street standards and the right-of-way width guidelines, the required dedication shall conform to the adopted street standards then in effect; and provided further that:

A. For any streets designated as an on-street bikeway in the Sacramento bikeway master plan adopted by city council Resolution No. 76-195 or any successor resolution then in effect, an additional ten (10) feet of right-of-way width shall be dedicated, unless the adopted street standards for the subject roadway includes bike lanes.

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.

SECTION 48

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 49

A. Subsections (A), (B), and (C) of Section 18.04.190 of the Sacramento City Code are 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 | 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 |

| | Range of Average Daily Traffic | Sidewalk (feet) | Planter measured to face of curb (feet) | Curb Type | Parking Lane (feet) | Bike Lane (feet) | Travel Lanes (feet) | Median (feet) | Half Street (feet) | Total Right-of-Way Dedication (feet) |
|---|--------------------------------|-----------------|---|-----------|---------------------|------------------|---------------------|---------------|--------------------|--------------------------------------|
| 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's current design and procedures manual.

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

SECTION 50

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 alley, 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 director of the department of transportation.

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 51

Section 18.08.080 of the Sacramento City Code are amended to read as follows:

A. Variance Criteria. A variance is a waiver or modification of a requirement contained in Sections 18.08.040 through 18.08.070 of this chapter. The following criteria must be satisfied before a variance will be considered:

1. Special Conditions. A variance may be considered only if justified by special conditions that prevent strict compliance with the requirements of this chapter.

2. No Special Privilege. A variance cannot be a special privilege available to only one property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

3. Hazard Not Created. A variance will only be considered if granting the variance would not create a potential hazard or a threat to public health or safety.

B. Variance Approval. An application for a variance shall be filed with the director of the department of transportation , or his or her representative, 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 the department of transportation , or his or her representative, 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 the department of transportation , or his or her representative, 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 the department of transportation , or his or her representative, or by the city council on appeal, unless approval for such filing has been granted by the city council.

E. Fees. An application for variance shall be subject to, and accompanied by, a filing and investigation fee established by resolution of the city council.

SECTION 52

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 community development, or his or her representative, 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 community development's (or his or her representative's) 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. (Prior code § 38.13.172)

SECTION 53

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 54

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 city director of finance , or his or her authorized designee. All fees due under this chapter shall be determined and calculated by the city director of finance , or his or her authorized designee

SECTION 55

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 finance 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 56

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 finance , or his or her designee (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), Section 18.24.160 shall remain unchanged and in full force and effect.

SECTION 57

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 finance , or his or her designee, 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 58

A. Subsection (A) of Section 18.24.340 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 finance , or his or her designee (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), Section 18.24.340 shall remain unchanged and in full force and effect.

SECTION 59

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 finance , or his or her designee, 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 60

A. Subsection (A) of Section 18.24.530 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 finance , or his or her designee (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), Section 18.24.530 shall remain unchanged and in full force and effect.

SECTION 61

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

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 finance pursuant to Section 18.24.670 of this chapter.

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

SECTION 62

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 finance, or his or her authorized designee. The amount of the fee due under this chapter shall be determined and calculated by the director of finance, or his or her authorized designee, in the manner specified in Government Code Section 6995(b)(1).

SECTION 63

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 finance .

B. Evidence of payment of the school facilities fee shall be presented to the director of finance, or his or her designee, at the time of the issuance of any required building permit relating to such development.

SECTION 64

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

A. A landowner subject to the school facilities fee may apply to the director of finance , or his or her designee (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), Section 18.24.710 shall remain unchanged and in full force and effect.

SECTION 65

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

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 finance as soon as practicable following its completion.

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